



TOWN OF APEX PLANNING BOARD MEETING MINUTES

Meeting Date: April 8, 2024

The Planning Board held their regular meeting on April 8, 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, Chair Tina Sherman, Vice Chair Tim Royal (ETJ Member), Board Members, Sarah Soh, Jeff Hastings (Historical Society Member), Ryan Akers (Wake County Member), Steven Rhodes, Alyssa Byrd, Daniel Khodaparast and Preston Mitchell. Member absent was Keith Braswell.

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

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

ITEMS OF INFORMATION

Dianne Khin, Planning Director let everyone know that there is an online survey for GoApex Transit Service that will be available through May 15, 2024.

PUBLIC FORUM

Chair Sherman opened the floor for citizens to speak on non-agenda items; no one came forward.

CONSENT

Item #1 – Minutes from the March 11, 2024, regular meeting. Chair Sherman called for a motion. Member Akers motioned to recommend approval. Member Royal seconded. Motion carried with a unanimous vote.

PUBLIC HEARING

Item #1

Joshua Killian, Planner I, presented Rezoning Case #23CZ22 1013 Olive Chapel Rd- The applicants, Ashwini Kumar Reddy Yalala, Srikanth Nalla, Rajanikanth Chippa and Gurudath Munimakula seek to rezone approximately ±2 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1013 Olive Chapel Road. Staff recommends approval of the rezoning with the requested conditions.

Leticia Shapiro, Morningstar Law Group on behalf of the applicants, added additional information about the zoning conditions offered by the applicants.

Member Hastings asked about the proposed right-in, right-out access to the parcel.

Don Curry, Curry Engineering offered additional information about the design of the access to Olive Chapel Road. The intent is not to affect the neighbors with whatever channelization is ultimately designed for this property.

Member Akers confirmed that the cul-de-sac would be public right-of-way (ROW). Also, was there consideration of putting the ROW on the common property line with the parcel to the east. Since some

of the neighbors to the south expressed concern about flooding Member Akers asked if the proposed storm water controls would be enough.

Mr. Curry answered that the intent would be that the ROW would abut the property on the east side so there would not be a "spite strip" on the east side of the public road. There would be connectivity and cross access through the public ROW to the property to the east for future development. Regarding stormwater, this is not a super intense development in terms of impervious surface. They have the room to provide adequate storm water management as well as nutrient reduction at the low end of the property next to the cul-de sac.

Current Planning Manager, Amanda Bunce said the zoning condition requested by staff was for the street to be 350-400 feet from the Caley Rd intersection; that is why the public street ended up towards the western side of the parcel. This condition was proposed by Traffic Engineering staff to prevent conflict from the property across the street.

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

Charles King, 2525 York Rd. Raleigh, owner of the properties to the east, spoke to the vision he has for those properties. The properties are currently zoned Office & Institutional (O&I). His plans are for some type of commercial development, either a wedding venue or a non-invasive type development. He is concerned about the larger trees that will need to be removed for the road as part of this development. The right-in, right-out is a concern. In addition, he is concerned that the costs of the proposed road and stormwater controls may cause a problem as they are being spread out among only four homeowners.

Ken Ulrich, 1004 Alba Trail, spoke to concerns about the current state of the drainage before development. They are concerned that the drainage system is not going to be able to handle the amount of water that is going to come off that development.

Joe Hucks, 1100 Rosabella Lane, echoed the concerns about the drainage. He also is concerned that the right-in, right-out will cause people to make use of their neighborhood of Dogwood Ridge as a turnaround and increase the traffic in their neighborhood.

Rob Wellman, 1100 Purple Glory Drive, said he is concerned that the entrance to the neighborhood is going to be the turnaround for all the traffic including Amazon trucks, UPS trucks and similar. They have many children who walk to the pool and recreation center.

Leticia Shapiro came up again to state that there will be an HOA and one of the restrictions will be no on street parking. Mr. Curry also spoke about access and drainage. Dogwood Ridge was developed with existing drainage patterns. There are inlets at the back of those lots meant to pick up the drainage from these properties. Additional stormwater controls should eliminate downstream impacts.

Member Akers asked if the developers would be willing to put in additional erosion controls like double silt fence, or similar to reduce the turbidity in the runoff due to established hardscaping and landscaping of existing properties.

Robert Patterson, Senior Stormwater Engineer Town of Apex confirmed that additional erosion controls are a reasonable request.

Member Mitchell asked about the justification for the right-in, right-out access and where the request came from. Mr. Curry shared that typically this would be a temporary measure until the road was widened and a permanent median is put in place. The ROW dedication will be done regardless of the timeline to improve Olive Chapel Road.

Member Royal asked about the existing stormwater and how it is determined to be adequate for additional development. Mr. Curry shared that the stormwater control measures that are being installed as part of the new development should reduce runoff to pre-development rates. Mr. Royal asked if you could have a full access movement, would it change the location of the proposed road. Mr. Curry said full access would not necessarily change the location of the road. They would have to work with the Transportation department for the best solution in that case.

Member Mitchell asked about the timeline for the applicants. Did they need a recommendation today? If there is not a real danger to a full access street, then he is struggling with limiting the access.

Chair Sherman feels like there are workable concerns with the project that have not be fully addressed.

Member Royal feels like limiting the access is also determining where the road will go, which will then determine where stormwater controls will go.

Member Akers reminded everyone that voting on the rezoning is not based on a layout of the property but whether it fits the future land use plan. He does not object to the four homes and feels a driveway to the east makes more sense given the surrounding areas.

Additional discussion of the zoning condition related to traffic prompted Planning Director Khin to offer a suggestion of removing the transportation condition you don't agree with and make a recommendation to approve with all the conditions except the transportation condition.

Member Akers reminded the board that this would be further vetted by the NCDOT as they would have to grant that encroachment and driveway permit.

Member Byrd recommended approval with the removal of the distance between the entrance to this parcel and Caley Road and the entrance being located on the western side of the parcel in condition #12. Member Soh seconded. The motion passed unanimously.

Member Byrd motioned for a short break. Member Soh seconded. Motion passed unanimously.

Item #2

Shelly Mayo, Planner II presented Rezoning Case #24CZ02 5836 Old Smithfield Rd.-The applicants, Natalie Hinton-Brooks and Inetta L. Hinton seek to rezone approximately ±2.22 acres from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ). The proposed rezoning is located at 5836 Old Smithfield Road. Planner Mayo gave an overview of the history of the site and building. The building was constructed by the applicant's father in 1975 and operated as a bar and event venue there for several decades. When the property came into Apex's jurisdiction in 2007 neither Wake County staff or the property owners were able to give any approvals for the business. Due to the absence of permits at that time, the parcel was zoned RR in our Extraterritorial Jurisdiction (ETJ). They are requesting to rezone the property to PC-CZ in order to bring the zoning into compliance for that use and obtain an ABC Permit for beer and wine at events. This is consistent with the 2045 LUM and Planning Staff recommends approval as proposed by the applicant.

The applicants Natalie Hinton Brooks and Inetta Hinton spoke to the history of the site and their desire to continue to serve the community with this needed venue.

Member Mitchell was curious as to why they were limiting themselves to just the three uses when there are several other uses that would be consistent with the zoning and future development. Planner Mayo explained that was a future possibility to bring in additional uses when there were funds available to bring the site up to meet more of the other sections of the UDO and site requirements. The idea was to make it easier for them to become compliant with little or no upfront costs.

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

Member Akers made the motion to approve. Member Mitchell seconded. Motion carried with a unanimous vote.

NEW BUSINESS

Item #1

Robert Patterson, Senior Stormwater Engineer presented the following amendments to the Unified Development Ordinance (UDO):

- Amendments to Sec. 6.1 *Watershed Protection Overlay Districts* including amendments to 8.2.7 *Fences, Walls and Berms*; Sec. 11.4.4 *Civil Penalties*; and Sec 12.2 *Terms Defined* to update references from the changes in Section 6.1.

The proposed amendments were requested by Water Resources Staff to be consistent with State of North Carolina Neuse River Basin Nutrient Management regulations. Currently there are no nutrient requirements with the Jordan/Cape Fear basin.

Neuse River Basin Nutrient Management regulations implementation is no later than July 1, 2024 so staff is proposing that projects with the 1st site plan submittal after July 1, 2024 be required to follow the new guidelines.

Chair Sherman called for the motion. Member Soh motioned to recommend approval to Town Council. Member Akers seconded. Motion carried with a unanimous vote.

Member Royal motioned to adjourn. Member Akers seconded. Motion carried with a unanimous vote. There being no further business, the meeting adjourned at 6:32 p.m. The foregoing minutes are approved this the 11th day of May, 2024.



Tim Royal
Vice-Chair



Jeri Pederson
Lead Planning Technician