

# APPROVED

## TOWN OF APEX PLANNING BOARD MEETING MINUTES MONDAY, APRIL 13, 2026 4:30 P.M.

The Apex Planning Board met on Monday, April 13, 2026 at 4:30 PM in the Council Chamber at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=z0vzjlUvQ8s>.

### [ATTENDANCE]

#### Board Members

Keith Braswell, Chair  
Jeff Hastings, Vice-Chair (Wake County Representative)  
Steven Rhodes  
Sarah Soh  
Alyssa Byrd  
Daniel Khodaparast  
Mary Petersen (Apex Historical Society Representative)  
Kristy Yule  
Renita Stanley (Non-Voting Youth Member)

#### Absent

Tim Royal (ETJ Member)

#### Town Staff

Planning Director Dianne Khin  
Assistant Planning Director Amanda Bunce  
Senior Planner June Cowles  
Senior Planner Elise Bielen

### [COMMENCEMENT]

**Chair Braswell** called the meeting to order at **4:30 pm**. He offered an invocation and led the Pledge of Allegiance.

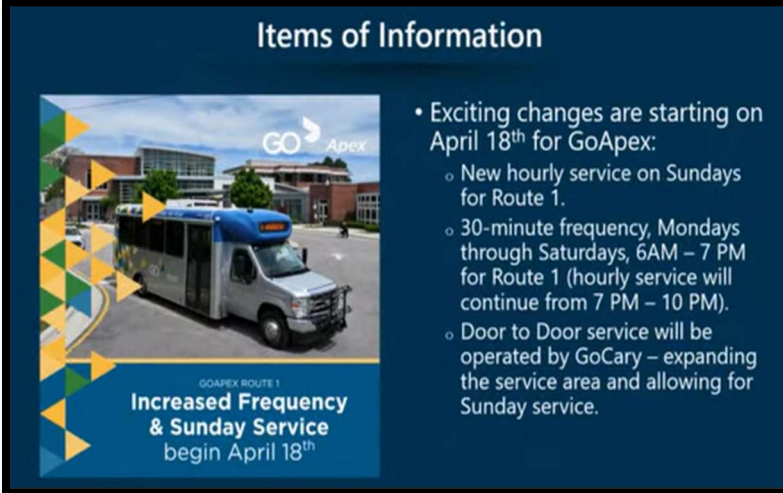
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## [ITEMS OF INFORMATION]

**Dianne Khin, Planning Director**, shared two items of information:

1. Changes in the Go Apex schedules and frequency and the addition of door-to-door service operated by GoCary.

### [SLIDE 1]



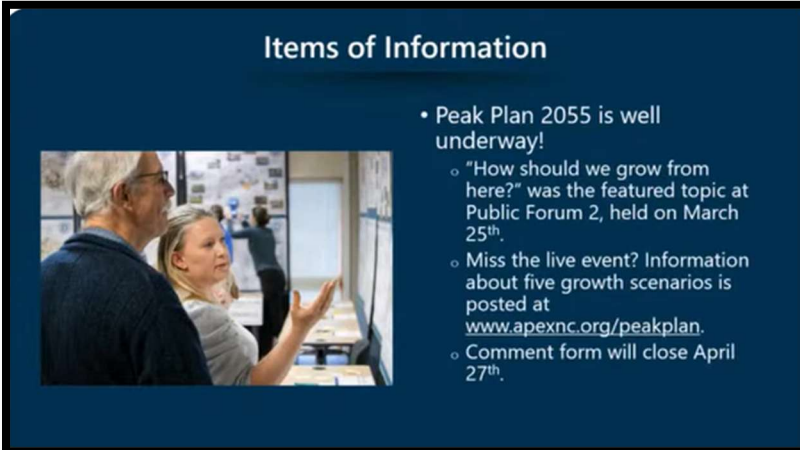
**Items of Information**

- Exciting changes are starting on April 18<sup>th</sup> for GoApex:
  - New hourly service on Sundays for Route 1.
  - 30-minute frequency, Mondays through Saturdays, 6AM – 7 PM for Route 1 (hourly service will continue from 7 PM – 10 PM).
  - Door to Door service will be operated by GoCary – expanding the service area and allowing for Sunday service.

GOAPEX ROUTE 1  
**Increased Frequency & Sunday Service**  
begin April 18<sup>th</sup>

2. There are additional opportunities to comment on Peak Plan 2055 at [www.apexnc.org/peakplan](http://www.apexnc.org/peakplan) until April 27, 2026.

### [SLIDE 1]



**Items of Information**

- Peak Plan 2055 is well underway!
  - “How should we grow from here?” was the featured topic at Public Forum 2, held on March 25<sup>th</sup>.
  - Miss the live event? Information about five growth scenarios is posted at [www.apexnc.org/peakplan](http://www.apexnc.org/peakplan).
  - Comment form will close April 27<sup>th</sup>.

## [PUBLIC COMMENT]

**Chair Braswell** opened Public Comment and invited the first speaker.

First to speak was **Jeff Roach** with Peak Engineering Design:

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"It is public forum tonight, but I am here this evening to discuss New Business Item #1. Since it's a new business item, it is not a public forum item. Specifically, I want to address item number four in the UDO amendments. It is in reference to changing the requirements or standards for the Environmental Advisory Board. At present, the Environmental Advisory Board makes a recommendation to both the Planning Board and the Town Council on zonings related to environmental warm-season grasses, invasive species, and so on. There is currently an amendment here tonight that Board not only to make a recommendation for environmental conditions they would like to see implemented, but to also make a zoning recommendation to council based on those same conditions. So, if we as engineers or attorneys stand up to present a case and the Environmental Advisory Board does not feel that the commitment from the engineer or architect is strong enough, then they can make a recommendation directly to you and the Council to deny a rezoning. At present, I do not believe that is how they operate. They are simply an advisory board to the Council and Planning Board. I think it presents a lot of problems. It usurps some of the powers that you have. You are a very technical board. You review ordinance items. I am concerned that this UDO amendment will give more power to the Environmental Advisory Board to make recommendations for approval or denial to Council. Whether I agree or disagree with their motion is, I think the ordinance is very clear on the separation of powers between the Planning Board and Environmental Advisory Board as advisory bodies. So, it is just a concern on my part. I do not know if they can do it legislatively. I do not know how it works. I just see it on the agenda tonight and it very much concerns me that the Environmental advisory Board will start making recommendations if we do not agree to 27 environmental conditions. That is all. I appreciate you listening and giving me a minute and a half to speak."

**Chair Braswell** closed the Public Comment with no one else signed up to speak.

### **[CONSENT]**

**Chair Braswell** presented the minutes from March 9, 2026, meeting and asked if there was a motion.

A **motion** was made by **Member Soh** and seconded by **Member Khodaparast** to approve the meeting minutes from the March 9, 2026 regular meeting.

**VOTE: UNANIMOUS (8-0)** with **Member Royal** absent

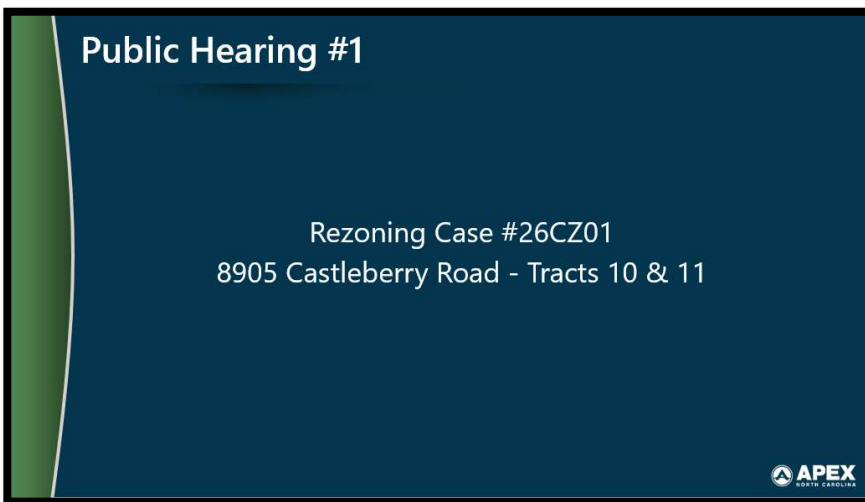
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## [PUBLIC HEARINGS]

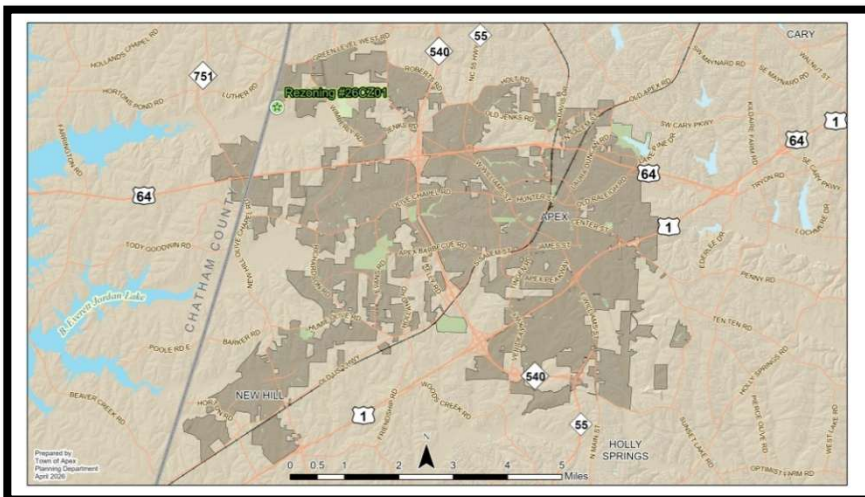
### PH1 - Rezoning Case #26CZ01 8905 Castleberry Road

**June Cowles, Senior Planner** presented Rezoning Case #26CZ01 8905 Castleberry Road Tracts 10 & 11. The applicant Silver Developers, LLC along with their agent William Norton, Jones & Crossen Engineering, PLLC seeks to rezone ± 3 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The property is located at 8905 Castleberry Road & 0 Castleberry Road. Planning staff recommended approval for this rezoning. She gave the following presentation:

#### [SLIDE 1]



#### [SLIDE 2]

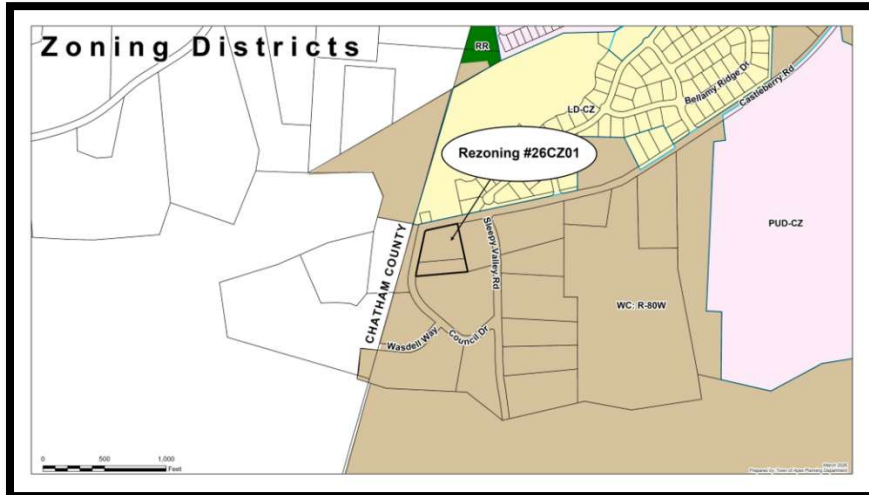


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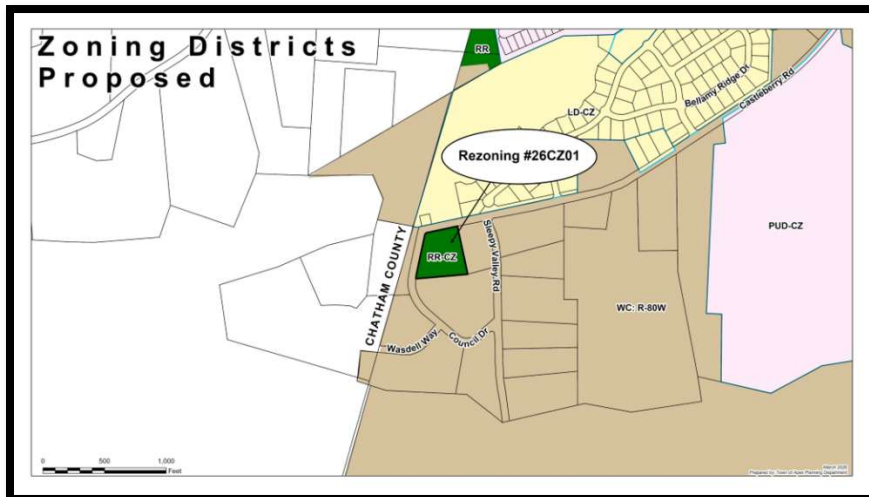
[SLIDE 3]



[SLIDE 4]

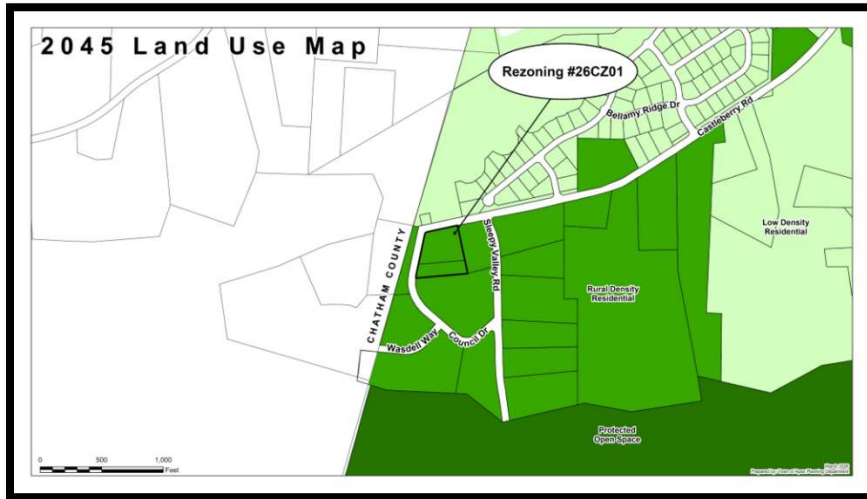


[SLIDE 5]

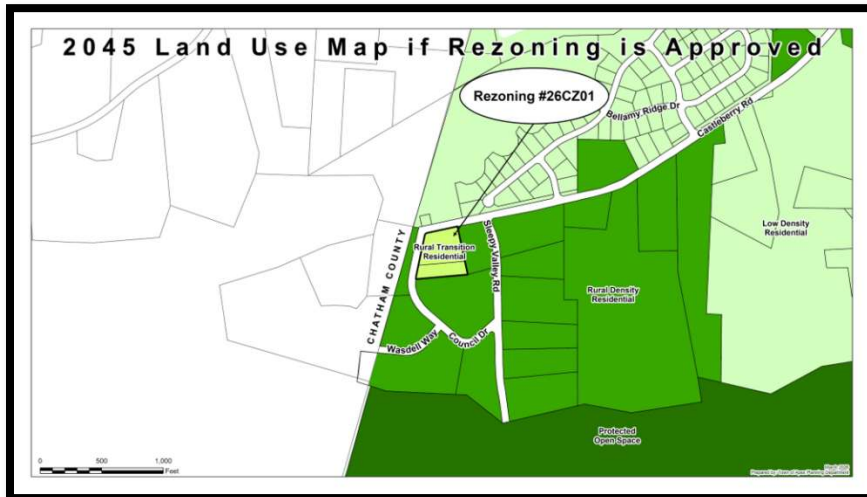


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[SLIDE 6]



[SLIDE 7]



[SLIDE 8]

## Summary of Proposed Conditions

**Design Conditions:**

1. A maximum of 3 lots.
2. Minimum lot size shall be 35,000 sf. Average lot size: 42,000 sf after the R/W dedication.
3. 40 ft undisturbed Type B Landscape Buffer (eastern and southern property line).
4. 6-ft high privacy fence outside of the required landscape buffer along the southern property line.
5. Install evergreen trees along the eastern property line adjacent to Type A buffer standards.
6. Covenants shall not restrict the construction of accessory dwelling units.
7. Any accessory dwelling unit, whether attached or detached, shall be limited to one bedroom, not exceed 1,500 square feet or 40% of the primary dwelling unit, whichever is less.

An aerial photograph of the site is shown, with a yellow boundary line indicating the rezoning area. The site is surrounded by dense trees and vegetation. Labels for "CHATHAM COUNTY" and "Rezoning" are visible on the map.

**APEX**  
NORTH CAROLINA

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[SLIDE 9]

## Summary of Proposed Conditions

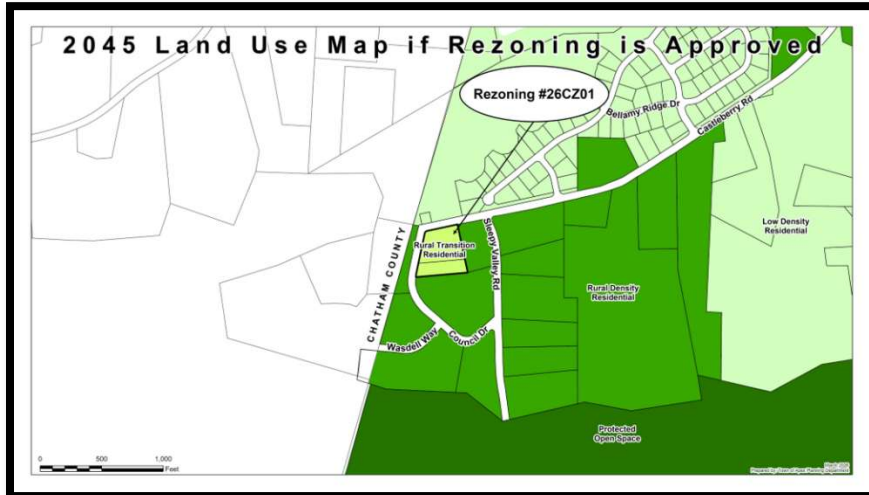
**Transportation/Infrastructure:**

8. Developer shall construct and dedicate an extension of Castleberry Road from the existing terminus of state maintenance to the western boundary frontage of Castleberry Road as a 22-foot wide public street in a minimum 50-foot-wide Right of Way based on the Town of Apex rural residential street standard and also construct a 5-foot sidewalk along the project frontage. Developer shall terminate Castleberry Road with a public cul-de-sac.
9. Each lot shall be served by a single driveway and all driveways shall exclusively access the public street extension of Castleberry Road.
10. Construction activities shall be restricted to Monday – Saturday, no later than 7 pm.
11. Construction vehicles shall not use Sleepy Valley Rd to access the properties.

**8 Environmental Conditions**  
**8 Architectural Conditions**



[SLIDE 10]



[SLIDE 11]



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**Chair Braswell** asked if there were any questions on this item.

**Member Byrd** confirmed that Rural Density Residential future land use is one dwelling unit per five acre and Rural Transition is one dwelling unit per one acre and then Low Density is up to three units per acre.

**Ms. Cowell** confirmed that was correct.

**Member Petersen** asked for the reason why this item wasn't recommended in December.

**Ms. Cowell** said that Planning Staff stated that this needed to be lower density so that this is below low density residential for the land use classification.

**Member Peterson** asked if that is because the current properties are one house per five acres or thereabouts.

**Ms. Cowell** said that was the classification and some of the properties were lower than 5 acres.

**Member Yule** asked about the concerns from the owners of a tourism business referencing the traffic and how it would impact that business been addressed.

**Ms. Cowell** gave an overview of how the traffic would be addressed and how residents would access their property. She said the applicant may be able to speak more on this.

**Member Byrd** asked if the condition was that all driveways should come off of Castleberry Drive.

**Ms. Cowell** said it was.

**Chair Braswell** asked the applicant to come up and speak.

**Will Norton**, Jones and Clossen Engineering, PLLC provided additional information. He thanked the staff for all their help and work on this project. He highlighted the low density rural residential going to one unit per acre maximum, the accessory dwelling unit standpoint from residential neighbors not wanting to have an unlimited size and unrestricted from the ADU, increasing the buffer from 20' to 40', and not building Council Drive.

**Member Petersen** asked for more information about the pump station and what was covered with residents.

**Mr. Norton** said that the pump station was put into place with the Lake Castleberry subdivision and there have been discussions with staff and there are no issue with this amount of the four lots because of the peaking factor of the pump station design being able to allow more capacity, although staff can't say exactly how much capacity there is, they have assured him there is plenty of sufficient capacity for this as proposed and into the future with no issues as far as maintenance goes.

**Chair Braswell** opened the Public Hearing and invited the first speaker.

First to speak was **Christina McAlister** of 8901 Castleberry Road:

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"In front of you, you probably all have pamphlets so you can read along as I do my three-minute spiel. You have pictures in there if you are more visual, and then you have a summary list of our conditions, as well as extended conditions that we are hoping will be considered. Good afternoon. My name is Christina McAlister. I live adjacent to the proposed rezoning application at 26CZ01 Castleberry Road. I would like my comments tonight to be understood as a request for your help in protecting our home and our farm through meaningful conditions included as part of this rezoning. I previously emailed a list of requested conditions for your consideration. I also want to be clear that we continue to support this land remaining rural residential, at approximately one house per two acres. As an adjacent property owner, I want to share what we have at 8901 Castleberry Road. It is more than a residence. It is an active farm, agritourism property, and educational space that has served Apex and Wake County families for more than 12 years. We invite the public onto our land for farm tours, youth camps, agricultural education, horse experiences, volunteer opportunities, and hands-on learning about animals and local food systems. Because of that special use, we are asking for the conditions that maintain a true rural edge between our property and future homes. We are requesting larger buffers, at a minimum of 100 feet, along with a stronger Type A buffer, double rows of evergreen trees, privacy fencing, and building orientation that places garages, driveways, lighting, and outdoor activity away from the rural property, such as our pastures and bedroom windows. We're also concerned about additional traffic and safety for our guests and animals, regarding potential future construction vehicles and neighborhood traffic using our private circular driveway. For that reason, we have requested developer participation in entrance and exit gates for our property. Most importantly, we ask that future homeowners be informed through recorded deed notices that they are moving next to an active agricultural education farm operation that includes livestock, animals, sounds, smells, farm equipment, and youth programming, and that these activities should not be considered a nuisance. A huge concern for us is not only the impact construction will have on our daily lives, but also the effect it will have on our horses, other animals, and the farm business we have worked hard to build. My request is simple: please leave the zoning as rural residential, because that is what fits this area best. However, if the zoning moves forward, I respectfully ask that meaningful conditions be incorporated to maintain the rural character of the area, protect adjacent agricultural uses, and preserve what makes this part of Apex special. I also respectfully ask Planning staff, the board, and Town Council to help guide me through the condition process and how residential protection conditions can be incorporated before any potential rezoning approval. I am trying to understand and navigate the process, and I hope you can appreciate the effort I have put into learning, participating, and advocating for my home, farm, and community. I am not a developer who works on these processes every month, so I truly appreciate your patience, guidance, and willingness to help, as well as your time in reading our emails. Thank you very much for your time and consideration."

**Vice-Chair Hastings** asked if this property was between rezoning and Sleepy Valley.

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**Ms. McAlister** said that was correct. She also gave an overview of the entrances of her property and spoke about the traffic flow and the implications for kids riding horses.

**Chair Braswell** closed the Public Hearing with no one else signed up to speak and brought the item back to the Board for discussion and a possible motion.

**Vice-Chair Hastings** asked if there was any discussion to address the light pollution and arrangement of the garages.

**Mr. Norton** said driveways would come out on Castleberry Road and the first lot there was a request for the garage to be on the western side but there were concerns for doing this because the general grade from east to west and driveways usually sits on the high side of the road for drainage so there is a 40' type B buffer and a 10-ft buffer planned now, also a row of evergreen trees at a type A buffer standard. He said this rezoning would be 3 houses and there would be standard house lighting on the outside.

**Member Soh** gave a description of this area and the farms in this community and the charm that it has and this would be something that should be kept this way. She said this had been denied because it didn't fit in that area and wasn't consistent with the land use map and was leaning towards voting no to this to keep that charm and the concerns of disturbances for the farm animals in that community.

**Member Peterson** said this was a teaching and learning farm and supported them for this community.

**Member Stanley** said she lives in Castleberry and one of her favorite things to do is to walk around in that area and the area is beautiful and would like to keep this community the same as it is.

**Member Byrd** said to be clear, this is not a vote to get rid of any farm. She asked if there were any considerations that the proposed road improvements along Castleberry would be a benefit in potentially deferring traffic from turning around on Sleepy Valley and support the agritourism traffic that's headed that way.

**Member Soh** said that there are more than a dozen homes on Sleepy Valley and it is not known if it will benefit extending the pavement a couple of feet.

**Member Rhodes** said the widening of the road will also take away from the character of the area.

**Member Petersen** said that this was denied last time it came before the Board because it wasn't keeping in with rural residential and there are so few places left like this community, and this is a special community.

**Member Soh** asked if there was information about the watershed on the property being close in vicinity to Jordan Lake.

**Member Petersen** said this was discussed at the December meeting and it was a concern and it was addressed.

**Mr. Norton** said the Corps land is roughly 900' south of southern property line so that would be where the buffer would be and this is why nothing more considered. There is not a stream onsite.

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**Member Yule** asked hypothetically if this property went from three houses down to two, would there still be a cul-de-sac and paving.

**Mr. Norton** said it would not be and that there are two lots of record currently.

**Member Yule** asked if they would just leave it as it is. She asked if the concern from the residents was about the extra house and everything that would come along with the extra house and that seemed senseless if it would still be paving and the extra things to go down one house.

**Mr. Norton** said with this being a rezoning case with Apex it would be annexed into the Town of Apex and it has to be up to a minimum standard and what is proposed this is the minimum standard for a road. He said that as for trees, Apex doesn't allow trees to be within their public right-of-way once the road is accepted for maintenance.

**Member Soh** asked if infrastructure would include street lighting because currently Castleberry Road doesn't have streetlights.

**Mr. Norton** said that would be the decision of Apex.

There was further discussion about where streetlights are on other streets in Apex and if this was not annexed this would stay in Wake County.

**Member Soh** asked if there were currently any existing houses on the other lot.

**Mr. Norton** said no, the only existing structure is on the lot to the north.

**Member Khodaparast** asked how significant the elevation change would be that was mentioned.

**Mr. Norton** said it wouldn't be significant and from a rezoning standpoint it is hard to portray but it wouldn't be clear-cut and mass graded.

**Member Rhodes** asked if this property stayed in Wake County would this perc for accessory structures.

**Mr. Norton** said that had not been explored but there is an existing septic system and with the hopes that the pump station being across the street the hope was that this would not ever have been an issue.

Someone attending the meeting asked if she could ask a question and **Chair Braswell** said that Public Hearing was closed.

**Chair Braswell** asked if the Board had any further questions.

**Member Petersen** said there were 18 conditions listed and they should be considered if the Board is going to vote to approve this. She said that the idea of trying to keep this rural residential or even if the area is moving to rural transitional residential there should be some semblance of that and it is important to note if the conditions were agreed upon by the neighbors or the developer if the Board is saying yes to approving this, but she wasn't in support of this.

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**Member Yule** said the struggle was the respect for the property owner that owns the home or land now and what it is that the Town wants to maintain for rural character. She would like to respect people who came forward and asked did the Town leave this like that because the intent was for the road to remain gravel and there may be a compromise for this.

**Chair Braswell** said that it was maybe that this was going from 5 acre lots to low density which allows three acres a lot which was the case in December, and this proposal is one step up.

**Vice-Chair Hastings** said this was a difficult decision. He said the biggest concern is the light and encouraged the developer to meet again to discuss this. He said that currently with this property being in Wake County, a 3-story building could be built 10' off Ms. McAlister's property line. He said there didn't seem to be enough consideration by the developers for the neighbors to address a fair amount of their concerns.

**Chair Braswell** said there were some concerns addressed but not exactly was agreeable. He said the lighting was a concern.

**Member Yule** said that it would be beneficial to both parties to try to come together in an agreement. She said for the right-of-way, that is an Apex requirement.

**Vice-Chair Hastings** said it would be good for there to be more communication between the neighbors and the developers.

**Member Yule** said that it has to be understood that some things may not be able to be fixed, for example ADU units. She said there may need to be more given and would be something for existing homeowners who would like to do something with their land.

A **motion** was made by **Vice-Chair Hastings** and seconded by **Member Soh** to recommend denial of Rezoning Case #26CZ01 - 8905 Castleberry Road - Tracts 10 & 11.

**VOTE: (6-2) Chair Braswell** and **Member Byrd** dissented and **Member Royal** absent.

**Ms. Bunce** went through all the Legislative Considerations stating why the Board recommended denial:

1. **Consistency with Land Use Map:** Inconsistent – does not align with the adopted land use plan.
2. **Compatibility with Surrounding Area:** Inconsistent – conflicts with the established character of the area and prior efforts to preserve it; insufficient justification for change.
3. **Supplemental Standards:** Not applicable – no specific standards apply to this type of development.
4. **Minimization of Adverse Impacts:** Inconsistent – concerns about impacts such as lighting and glare not being adequately addressed.
5. **Design Minimization of Environmental Impact:** Consistent – proposal adequately addresses environmental considerations.

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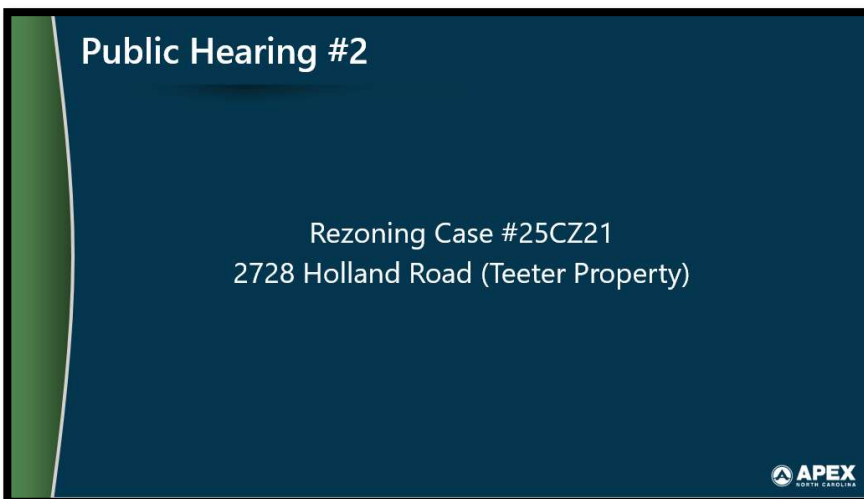
6. **Impact on Public Facilities:** Consistent – overall acceptable impact on roads and public services despite some concerns.
7. **Health, Safety, and Welfare:** Consistent – no major concerns given the scale of development.
8. **Detrimental to Adjacent Properties:** Inconsistent – potential negative impacts on neighboring properties, including road changes and existing agricultural uses.
9. **Not Constitute Nuisance or Hazard:** Inconsistent – could create nuisance or hazard conditions, particularly related to traffic.
10. **Compliance with Other Ordinance Standards:** Consistent – meets technical ordinance requirements for development.

**Member Byrd** stated for the record that it seems these are worded in a way to inhibit discussions.

### PH2 - Rezoning Case #25CZ21 2728 Holland Road

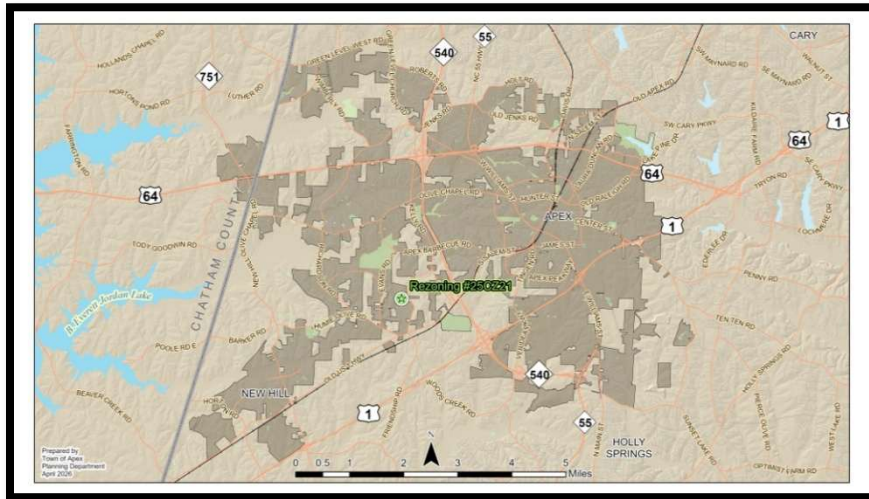
**Elise Bielen, Senior Planner** presented Rezoning Case #25CZ21 2728 Holland Road. The applicant Ardent Building, LLC along with their agent Patrick Kiernan, Jones and Cossen Engineering, PLLC seeks to rezone ± 10.35 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ). The property is located at 2728 Holland Road. Planning staff recommended approval for this rezoning. She gave the following presentation:

**[SLIDE 1]**

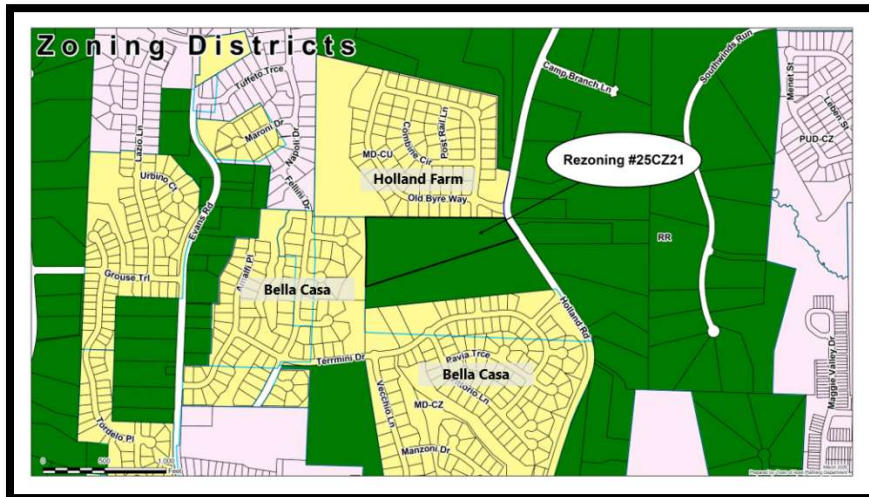


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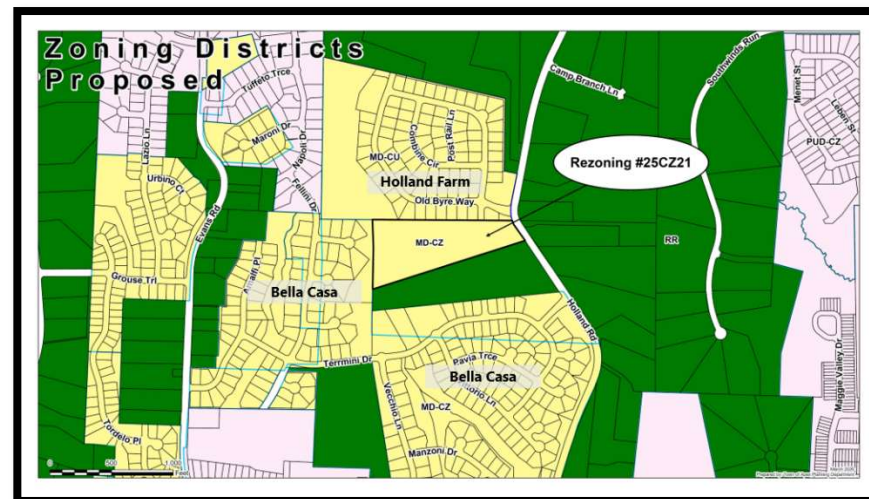
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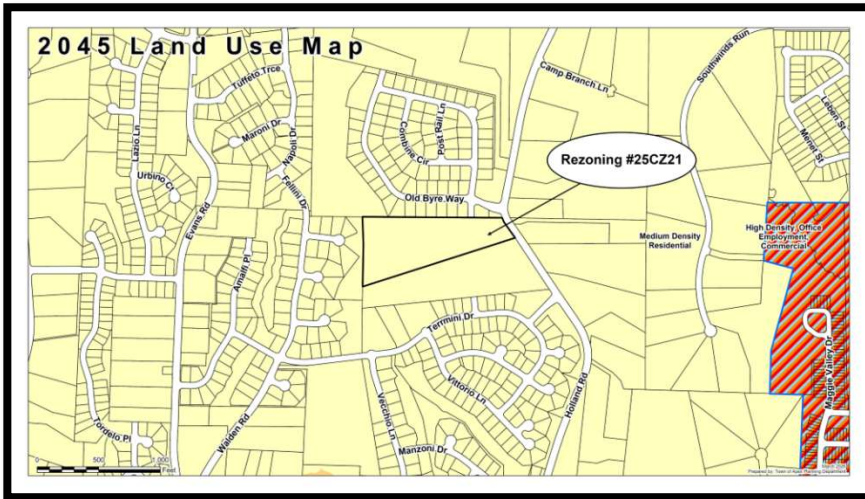
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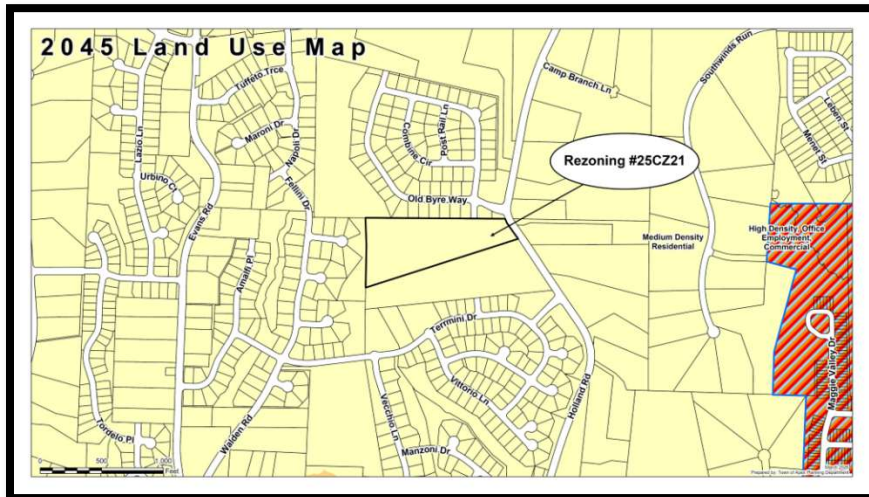
[SLIDE 4]



[SLIDE 5]



[SLIDE 6]



[SLIDE 7]

### Summary of Selected Proposed Conditions

1. Number of lots limited to 13
2. Minimum 65' lot width for all residences not on a cul-de-sac
3. 35% RCA (+5% if mass-graded)
17. Two new street stubs to parcel to the south (Hartley Property)
20. Secondary access point not required at time of build-out, due to inability to add an access to Holland Road
22. Off-site sidewalk connection to avoid sidewalk gap along Holland Road

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[SLIDE 8]



**Chair Braswell** thanked Ms. Bielen for the presentation and asked if there were any questions from the Board.

**Member Soh** asked if there was any communication from the Hartley family about this proposed rezoning case.

**Ms. Bielen** said that the applicant would speak on that.

**Member Petersen** asked if the street stubs were placed for future development if the Hartley's agree.

**Ms. Bielen** said that was correct.

**Member Peterson** asked what the timeline was for the Teeter property development to be built.

**Ms. Bielen** said that the Hartley property would have to go through the same process as the Teeter property.

**Ms. Bunce** said that once all of the process is completed it would be around 2 years.

**Ms. Bielen** stated that the Hartley property would have to go through the same process.

**Ms. Petersen** asked what happens to the affordable housing contribution since Planners gave recommendations for approval, specifically if the \$50,000.00 offer would be accepted are there be other options.

**Ms. Bielen** said Planning staff make recommendations based on established criteria and discussions with the applicant but the final decision on affordable housing contributions is ultimately up to Council.

**Chair Braswell** asked if the applicant would like to speak.

**Nil Ghosh** with Morningstar Law Group introduced Corey Schmidt with Ardent Building and Patrick Kiernan, with Jones and Crossen Engineering who would be presenting.

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**Mr. Kiernan** highlighted some of the issues that possibly would have questions, starting with the affordability and the compatibility with the surrounding area. He said that they were thoughtful about laying out the subdivision making sure the home sizes would match the surrounding area and gave details on how this was decided. He also gave information about how affordable housing was addressed. He said that the EAB made 7 additional conditions other than the 8 that were brought and 4 of the 7 conditions were met. He said that this property equates more to low density and is on the lower end of a low density and this is as minimal as it could be while still meeting the intent of the land use map and meeting all of the environmental concerns and one being increasing on storm water control, RCA with the HOA covenants not restricting clover lawns or dormant leaf piles as some examples. He said this might look on the surface as a negative but given the recommendations on conditions it is the best that could happen with the property.

**Members Byrd** thanked them for speaking with neighbors.

**Vice-Chair Hastings** asked about the conversations about the Hartley property.

**Mr. Kiernan** said there were multiple conversations with the owners. He said that discussions about the 50-lot ordinance to address future environmental concerns which they addressed and the second two options were to buy the Hartley property or half of the property which there were discussions with the owners but ultimately their decision was not to sell.

**Chair Braswell** opened Public Hearing and with no one signed up to speak the Public Hearing was closed and brought the item back to the Board for discussion and a possible motion.

**Member Byrd** said these are some of the most challenging pieces of land for rezonings being brought before the Board in the most recent months which is an indication of where Apex is and approaching these little infill sites in already developed areas.

**Chair Braswell** thanked the developer for working with the neighbors. He said that with the 13 lots with the 1.3 units per acre it is equal to low density and hard to argue. He said that after discussing the affordable housing issue it should be kept consistent and the street connections are also extremely important and something to consider.

**Member Soh** said that more connectivity between Holland Farm and the Manors to the west would have been better but understood all the RCA area and the challenges.

**Mr. Kiernan** said that there would be multiple stream crossings that would have had to be made and valid reasons this wasn't done.

**Member Soh** said that on the other hand it was nice not to disturb the area for environmental reasons.

**Member Yule** said that if there were concerns from the neighbors, they can reach out to let the Board or developer know.

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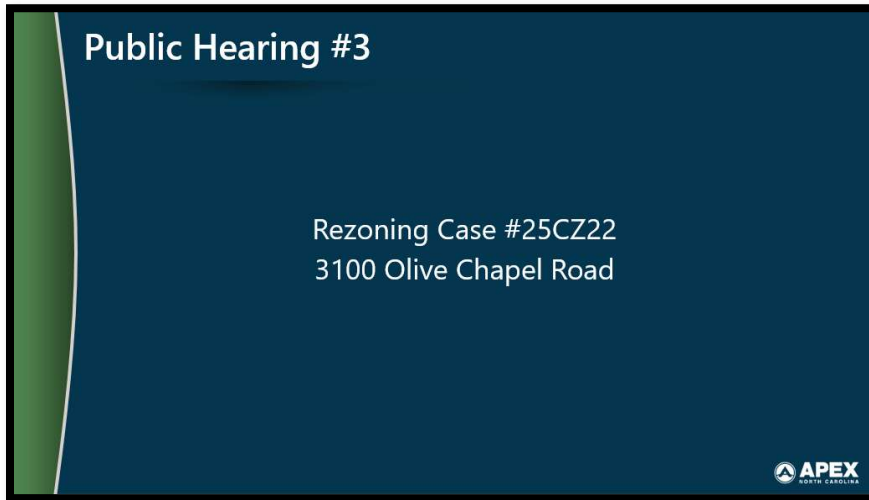
A **motion** was made by **Member Petersen** and seconded by **Member Yule** to recommend approval of Rezoning Case #25CZ21.

**VOTE: (8-0) UNANIMOUS** with **Member Royal** absent

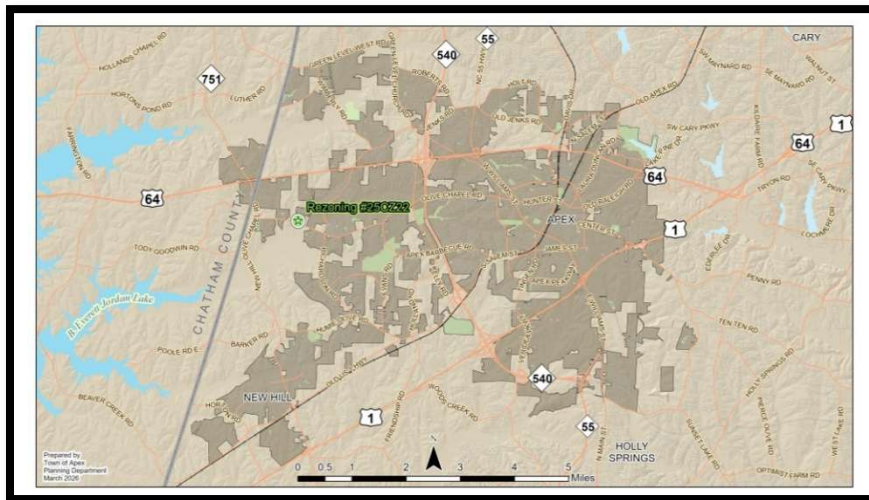
## PH3 - Rezoning Case #25CZ22 - 3100 Olive Chapel Road

**June Cowles, Senior Planner** presented Rezoning Case #25CZ22 3100 Olive Chapel Road. The applicant, Joey Iannone, along with this agent William Norton, Jones & Crossen Engineering, PLLC seeks to rezone ± 4.58 acres from Wake County Residential-80W (R-80W) & Rural Residential-Conditional Zoning (RR-CZ #23CZ09) to Office & Institutional-Conditional Zoning (O&I-CZ) and Rural Residential-Conditional Zoning (RR-CZ). The properties are located at 3100 Olive Chapel Road and 1911 Transit Trail (portion of). Planning Staff recommends approval of the rezoning. She gave the following presentation:

[SLIDE 1]



[SLIDE 2]

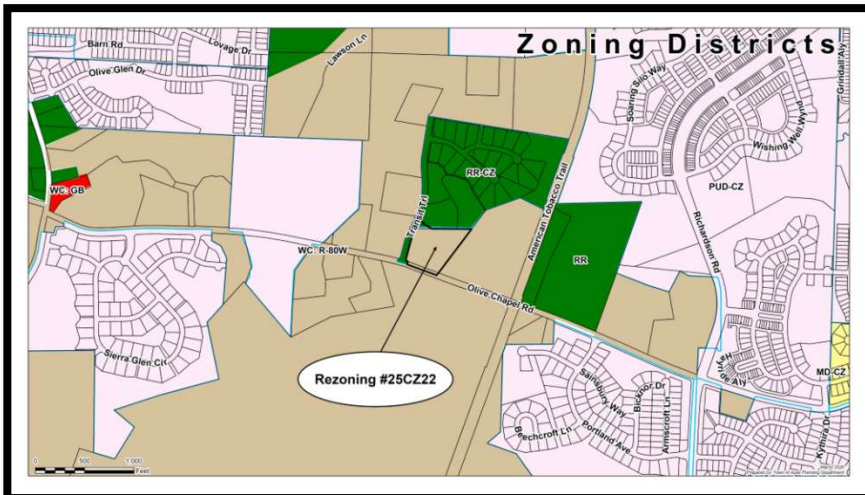


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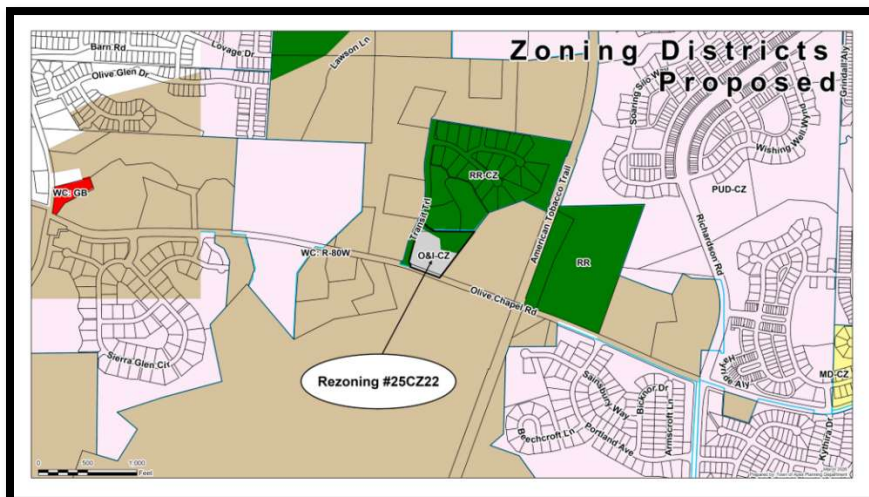
[SLIDE 3]



[SLIDE 4]

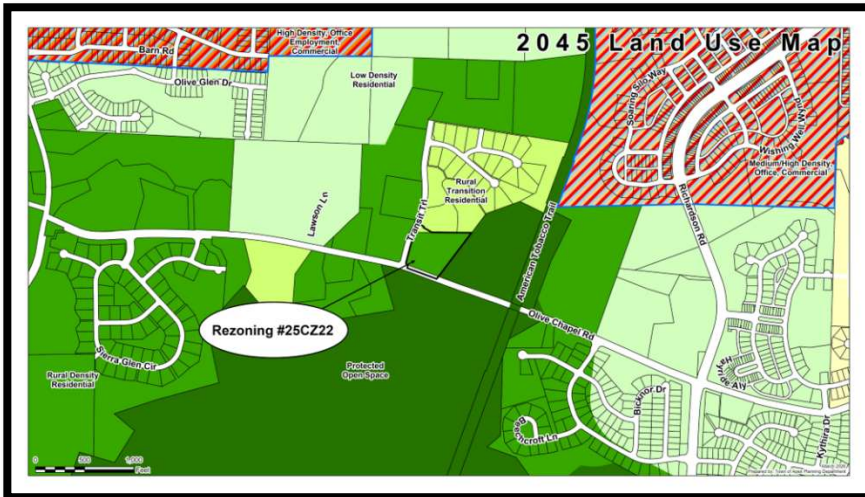


[SLIDE 5]



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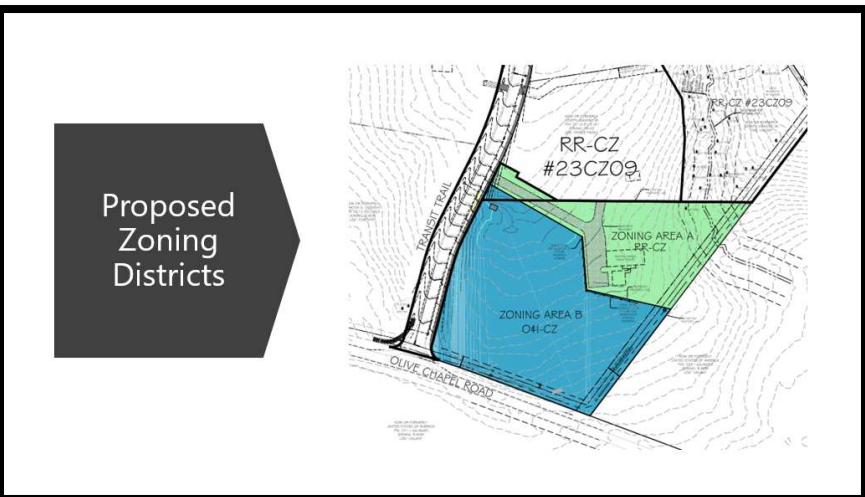
[SLIDE 6]



[SLIDE 7]



[SLIDE 8]




**[SLIDE 9]**

### Zoning O&I-CZ: Government Services Use

Buffer Location	Proposed Buffer
Along Olive Chapel Road	10' Type B
Along Transit Trail	20' Type B
Along Area A (RR-CZ)	10' Type A*
Along Eastern Public Utility Easement	0'

1. Buffer areas are allowed to be graded and replanted to the Buffer Type
2. Only emergency service vehicles shall be allowed direct ingress and egress driveway onto Olive Chapel Road. A full access driveway shall be required on Transit Trail.
3. RCA dedication shall be 20% of Zone B gross site area.




**[SLIDE 10]**

### Zoning O&I-CZ: Non-Residential Uses other than Government Services

Buffer Location	Proposed Buffer
Along Olive Chapel Road	20' Type E
Along Transit Trail	20' Type B
Along Area A (RR-CZ)	20' Type B
Along Eastern Public Utility Easement	0'

1. Buffer areas are allowed to be graded and replanted to the Buffer Type
2. There shall be a limit of one access point onto Olive Chapel Rd and that point of access shall be a Right-in Right-out access point at least 250 ft east of Transit Trail & Olive Chapel Road intersection. A full access point shall be allowed on to Transit Trail.
3. RCA dedication shall be 25% of Zone B gross site area.




**[SLIDE 11]**

### Summary of Transportation Condition for O&I CZ Development

Construct roadway frontage widening on Olive Chapel Road based on Rural Thoroughfare typical section (12-ft travel lanes and 6 ft paved shoulders on 110 ft ROW) and provide a 5 ft sidewalk for the extent of the project frontage east of Transit Trail.

A Variable road frontage widening in addition to the typical section for lane transitions going from 3-lane to 2-lane cross section east of Transit Trail. (this would allow for future addition of an eastbound left turn lane by others on Olive Chapel Rd and Transit Trail).



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[SLIDE 12]



**Member Yule** asked if this property is approved would the 2045 plan update only affect this parcel or would it affect other parcels around this.

**Ms. Cowles** said it would affect only this parcel but would take a little section of another parcel and would change to office and institutional and it would be a recombination and include the zone area A the same as it is to the north.

**Member Petersen** asked to see the maps to show how close this property is to the American Tobacco Trail.

**Ms. Cowles** showed it on the map.

**Chair Braswell** asked if there were any other questions and Mr. Norton came up to speak.

**Will Norton**, Jones and Crossen Engineering, PLLC spoke on behalf of the applicant. He gave an overview of where the property is located, how this rezoning came about and overview of the project including the proposal for the 3 acres for the new Apex Fire Department station.

**Chair Braswell** asked if the Fire Department would also include Police and Ambulance services or just fire.

**Mr. Norton** said that it was believed to be just a Fire Department, possibly the same as the Fire Department off Kelly Road.

**Member Soh** asked if the fire station would face Olive Chapel Road or Transit Trail.

**Mr. Norton** said the garages and the bays would egress out to Olive Chapel Road.

**Member Peterson** asked if the property behind this parcel was sold by the homeowners.

**Mr. Norton** said that JVI purchased the property from the Clement family when Weston Reserve was developed.

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**Chair Braswell** brought the item back to the Board for discussion. There were thoughts and discussions about the property.

**Vice-Chair Hastings** said that the neighbors being impacted are the owners of the property in this case and it's a great location. He said that from the noise and light issue there isn't much around for this to be an impact.

**Member Byrd** said that there isn't anything intense uses proposed for the area.

A **motion** was made by **Member Byrd** and seconded by **Member Peterson** to recommend approval Rezoning Case #25CZ22 - 3100 Olive Chapel Road.

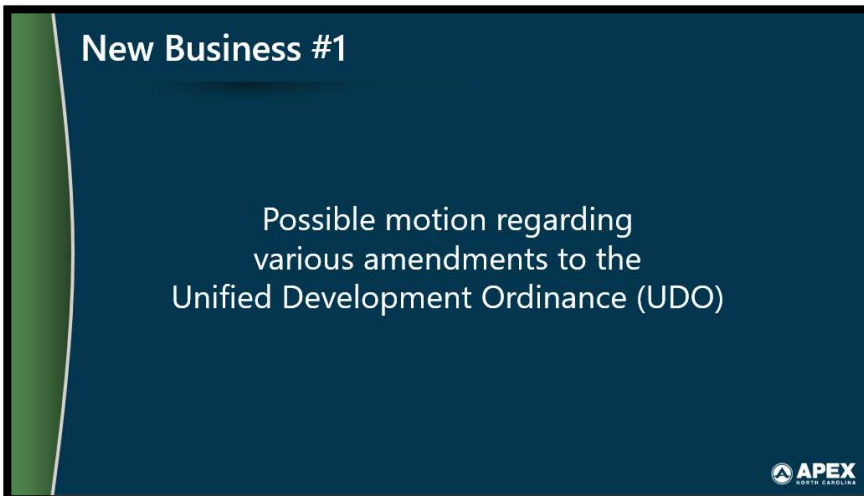
**VOTE: (8-0) UNANIMOUS** with Member Royal absent

### **[NEW BUSINESS]**

#### **NB1 - Possible motion regarding various amendments to the Unified Development Ordinance (UDO)**

**Amanda Bunce, Assistant Planning Director**, presented several amendments to the Unified Development Ordinance for approval. She gave the following presentation.

**[SLIDE 1]**




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[SLIDE 2]

**Amendment #1**  
Requested by Environmental Advisory Board

1) Amendments to Secs. 8.2.2.B.1 *General Landscaping Design Standards, Plant Materials, Use of Native or Adaptive Plant Materials* and 12.2 *Definitions, Terms Defined* in order to create a definition for native plants and to clarify that landscaping for all Town property shall only use native plants and seeds that are listed within in the Town's *Development and Design Manual*.




[SLIDE 3]

**Amendment #1**  
Requested by Environmental Advisory Board

8.2.2 General Landscaping Design Standards

B) *Plant Materials*  
...  
a) *Landscaping on Town-Owned Property*  
All new or replacement landscaping installed on property owned by or dedicated to the Town of Apex, including public rights-of-way, parks, open space, and other publicly maintained areas shall utilize native plant materials, as defined in Sec. 12.2 Terms Defined. Preference shall be given to species native to North Carolina where practicable. Plant selections shall be consistent with the Town of Apex Design and Development Manual. Final plant selections shall be subject to review and approval by the Technical Review Committee (TRC) to ensure consistency with local ecological conditions, maintenance practices, and adopted long-term sustainability goals.

The following non-native plants shall be exempted from this policy:




[SLIDE 4]

**Amendment #1**  
Requested by Environmental Advisory Board

8.2.2 General Landscaping Design Standards

B) *Plant Materials*  
...  
a) *Landscaping on Town-Owned Property*  
All new or replacement landscaping installed on property owned by or dedicated to the Town of Apex, including public rights-of-way, parks, open space, and other publicly maintained areas shall utilize native plant materials, as defined in Sec. 12.2 Terms Defined. Preference shall be given to species native to North Carolina where practicable. Plant selections shall be consistent with the Town of Apex Design and Development Manual. Final plant selections shall be subject to review and approval by the Technical Review Committee (TRC) to ensure consistency with local ecological conditions, maintenance practices, and adopted long-term sustainability goals.

The following non-native plants shall be exempted from this policy:



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[SLIDE 5]

**Amendment #1**  
Requested by Environmental Advisory Board

12.2 Terms Defined  
...

**Adaptive Plants**  
Adaptive plants are plant species, or cultivars, that are not native to the local ecosystem but have demonstrated the ability to thrive in regional climate and soil conditions without invasive tendencies, excessive irrigation, chemical inputs, or extraordinary maintenance, and that do not pose a threat to native plant communities or local ecosystems.

...

**Native Plants**  
Native plants are plant species that the United States Department of Agriculture (USDA) has classified as native to a state or county in the Southeastern United States. For the purpose of this list, Southeastern USA includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.

...

**Member Yule** asked if the amendments would be approved individually.

**Ms. Bunce** said if there were issues with one of them, they could be separated but they didn't have to have individual votes.

**Member Byrd** asked why there are exceptions in certain Florida counties.

**Ms. Kihn** said they are based on the climate zones.

[SLIDE 6]

**Amendment #2**  
Requested by Planning Staff

2) **Amendments to Sec. 4.3.5.D.2 Use Classifications, Commercial Uses, Office and Research** in order to clarify that overnight stays shall be permitted only when associated with a physician ordered sleep study.

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[SLIDE 7]

**Amendment #2**  
Requested by Planning Staff

4.3.5 Use Classifications, Commercial Uses

...  
D) *Office and Research*

...  
2) *Medical or dental clinic or office.* An establishment where patients, who are not lodged overnight except for emergency treatment, are admitted for examination and treatment by one (1) person or group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, optometrists, dentists, orthodontists, naturopaths, homeopaths, nutritionists, licensed therapeutic massage therapists, psychologists, psychiatrists, rehabilitation therapists, speech and language therapists, occupational therapists, acupuncturists or any such profession, the practice of which is lawful in the State of North Carolina.

Overnight stays shall be permitted only when associated with a physician ordered sleep study. Such stays shall not include inpatient care; the routine provision of emergency services; surgical procedures requiring general anesthesia; or medical observation exceeding 10 hours, except as necessary to complete the sleep study or to stabilize a patient pending transfer to emergency medical services.

**Member Soh** asked if the businesses would need to file for a CON (Certificate of Need).

**Ms. Bunce** said this is just a standard sleep doctor like that is in most medical office parks, it's not a hospital doing surgery and is just for observation.

**Member Soh** asked if it would allow 24 hours of operation.

**Ms. Bunce** said they aren't always open for 24 hours but would allow staff and function for observing overnight.

[SLIDE 8]

**Amendment #3**  
Requested by Planning Staff


3) **Amendments to Sec. 7.2.1.B Subdivisions, Design Standards, Streets, Street Rights-of-Way** in order to prohibit the installation or use of artificial turf within the right-of-way of any new subdivision or site plan approved after April 28, 2026.

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[SLIDE 9]

**Amendment #3**  
Requested by Planning Staff

7.2.1 Streets  
...  
B) Street Rights-of-Way  
...  
3) **Artificial turf shall be prohibited within public street rights-of-way associated with new subdivisions or site plans approved after April 28, 2026. This prohibition shall apply to all areas within the right-of-way, including but not limited to planting strips, medians, and other landscaped or unimproved areas. Artificial turf shall not be permitted as a substitute for required landscaping, groundcover, or open space within the right-of-way. This Section shall not apply to the repair or replacement of existing artificial turf installed prior to April 28, 2026.**




[SLIDE 10]

**Amendment #4**  
Requested Planning Staff

4) **Amendments to Sec. 2.1.9.A Review and Decision-making Bodies, Apex Environmental Advisory Board, Powers and Duties, to formalize the Board's authority to review and provide recommendations regarding a project's compliance with the Town's adopted legislative considerations in Sec. 2.3.3.F.5 Developmental Review, Conditional Zoning Districts, Legislative Considerations, including an evaluation of how effectively the project design minimizes environmental impact.**

**Background:** Planning Staff propose an amendment to Sec. 2.1.9.A *Review and Decision-making Bodies, Apex Environmental Advisory Board (EAB), Powers and Duties* to clarify and formalize the Board's role in the review of certain Conditional Rezoning applications. Currently, the UDO authorizes the EAB to review conditional rezoning applications and provide suggested zoning conditions to applicants based on the Board's adopted list of recommendations. However, Town Council has expressed its intent for the EAB to more directly evaluate an application's ability to comply with Sec. 2.3.3.F.5 *Legislative Considerations, Design minimizes environmental impact*, and to provide a formal recommendation to Town Council based on that evaluation...



[SLIDE 11]


**Amendment #4**  
Requested Planning Staff

**Background cont.:**

Sec. 2.3.3.F.5 reads as follows:

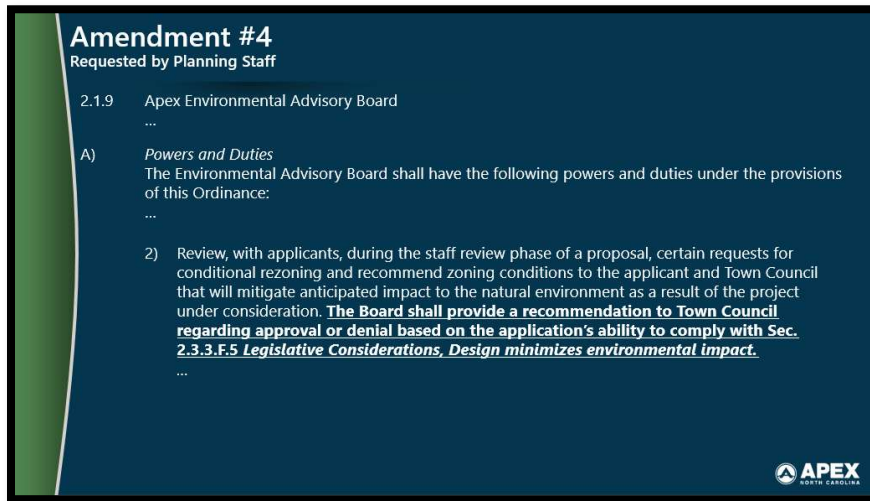
5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

In practice, while the EAB is often engaged early in the review process, the absence of a defined review framework has resulted in limited transparency and continuity between the Board's recommendations and the final rezoning application. Specifically, the EAB frequently provides recommended zoning conditions but does not receive follow-up regarding which recommendations are ultimately incorporated, nor does it currently provide a formal recommendation on the merits of the rezoning request.



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[SLIDE 12]



**Member Byrd** asked when the EAB meets and makes the recommendation from a timing perspective and does Planning then get it back. She said there is potential opportunities for there to be the continued information gap where the developer makes the change prior to the request going to the Council and Planning Board.

**Ms. Bunce** said there is the possibility that the EAB will end up reviewing rezonings twice unless the applicant comes to the EAB with a list of environmental conditions that fully meets the EAB's expectations or they are able to add recommended conditions on the spot. If the developer is not ready to add all requested conditions at that time, they may have to come back for another meeting or receive a recommendation from EAB that the rezoning doesn't meet legislative condition #5. The EAB meets monthly.

There was further discussion on the EAB and their processes for recommendations within the scope of that Board.

**Member Soh** asked if the EAB is a group of volunteers.

**Ms. Bunce** stated the EAB is an appointed board just like the Planning Board.

**Member Rhodes** asked if the EAB doesn't recommend a rezoning and it comes to Planning Board, will it be highlighted that way and can the Planning Board still recommend approval and can the Town Council still approve it.

**Ms. Bunce** confirmed that this will remain similar to the process now where the EAB recommended conditions and whether the applicant added those conditions are provided in the staff report. You just receiving a recommendation indicating whether that legislative condition is met. What we see is that the developer is often working on which recommended conditions they can add after the EAB meeting.

**Member Yule** said that being clear of what the developer is being asked to do from the EAB and to be cognizant of the developer's time by not making them appear multiple times before the EAB since that adds costs to the project.

**Member Khodaparast** asked if there were any additional legal requirements for the EAB like what had to be done at this current meeting with going through denials and explanations.

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**Ms. Bunce** said no, not to the level of involvement if there was a recommendation for denial like the Planning Board has to because this board has to look at each legislative consideration and there are requirements in state law specifically for the Planning Board and Town Council. She said that the EAB should be focused on environmental impacts of the development.

**Member Byrd** said there are UDO requirements and then additional condition requests that are above and beyond that can hold up from achieving a positive recommendation.

**Member Rhodes** asked why the EAB is being treated any different than other boards like for affordability.

**Ms. Bunce** said that there's not a housing advisory board any longer and there isn't another board that a rezoning has to go before. They go to EAB and then the Planning Board and then to Council. She said the intent is that the EAB would give a recommendation and then it comes to the Planning Board.

Board members asked if the applicant was required to make the changes.

**Ms. Bunce** said the applicant may or may not make the changes and it's up to the Planning Board to look at the legislative considerations as well as the Town Council to weigh everything together and whether the rezoning should be approved or denied.

**Member Petersen** asked if there was a conversation with the EAB members to see if they wanted to do this.

**Ms. Bunce** said there was a conversation at an EAB meeting and there is a Town Council liaison at the meeting.

**Member Petersen** asked if the EAB meetings were open to the public.

**Ms. Bunce** said they are open to the public.

**Member Soh** asked if the Planning Board had a Town Council liaison.

**Ms. Bunce** said no that the Planning Board acts completely separate from Town Council.

**Member Soh** asked if the EAB process has streamlined the Planning Department reviews.

**Ms. Bunce** said that the EAB has existed since 2020 and the processes have been refined with some improvements made and they have adopted a standardized list of suggested zoning conditions that are offered. She said that wording has been worked through so that it's legally enforceable.

**Member Petersen** asked how the EAB would need to get rezonings twice for their approval.

**Ms. Bunce** said that if there are recommendations at that meeting and the applicant wants the approval on that legislation condition, they would work on the issue and bring it back to the EAB.

**Member Yule** said that no one wants to come back because of time and the concern is that would the applicant feel like they must come back, this seems like some of the other things that we are suggesting and we can't require. She said they should be thoughtful if there is going to be a change to the process.

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**Member Byrd** said with all the legislation considerations at this current meeting, some of them were subjective. She said the timing piece of it, and with Planning doing a lot of work between meetings, this would be the other part of this if they have to go back to Planning and address staff and they've been recommended denial prior to the Planning Board meeting.

**Ms. Bunce** said this could be reflected in staff reports and worked out as how staff would represent this.

**Vice-Chair Hastings** said that the concern is the authority is being given to a board that has a liaison and they have a Council member that has an active part in the EAB meetings.

**Ms. Bunce** said the Council member does not vote.

**Vice-Chair Hastings** said that they can discuss and 20% of the Council is present to influence potentially, maybe not the current Council member but a future Council member could.

**Ms. Bunce** said as a reminder rezonings are legislative decisions and applicants can meet and talk with Council members before the public hearing, outside of the meeting.

**Member Soh** asked should item #5 be voted on separately.

**Ms. Bunce** said this one can be removed. She moved to #5 at the direction of the Board.

## [SLIDE 13]

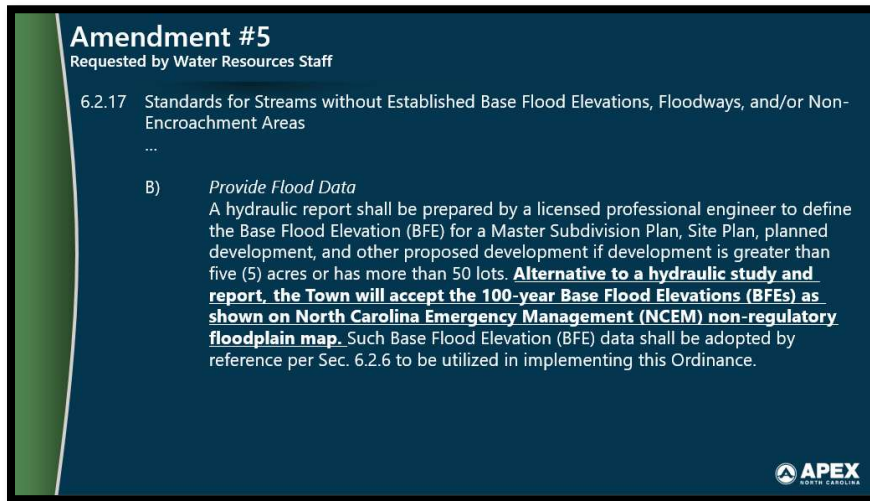
**Amendment #5**  
Requested by Water Resources Staff

5) Amendments to Sec. 6.2.17.B *Flood Damage Prevention Overlay District, Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas, Provide Flood Data*, to update the requirements for providing flood data. The amendment would allow applicants the option to use base flood elevations (BFEs) shown on the North Carolina Emergency Management (NCEM) non-regulatory floodplain map as an alternative to commissioning a hydraulic study and report.

**APEX**  
NORTH CAROLINA

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[SLIDE 14]



**Member Peterson** recommended pulling item #4 out for voting.

A **motion** was by **Member Soh** and seconded by **Vice-Chair Hastings** to recommend approval of the UDO Amendment item numbers 1, 2, 3 and 5.

**VOTE: UNANIMOUS (8-0)** with **Member Royal** absent

**Ms. Khin** asked **Ms. Bunce** if she had enough information on the denial of Amendment #4 for Council.

**Ms. Bunce** said that she planned to go back and watch the video and document. She said that it is important as the Board members are summarizing their vote to note the concerns of timing that the process would extend the process for applicants.

**Member Yule** added that ambiguity of process is a concern.

**Member Byrd** said that it was also a concern about the influence of a future Council member liaison, not a current member.

A **motion** was made by **Chair Braswell** and seconded by **Member Petersen** to recommend denial of UDO Amendment #4 as presented and request that the Planning Board minutes from the Public Forum and New Business discussion be included with the staff report to Town Council.

**VOTE: UNANIMOUS (8-0)** with **Member Royal** absent

A **motion** was made by **Member Soh** and seconded by **Vice-Chair Hastings** to adjourn the Planning Board meeting at **6:46 PM**.

**VOTE: UNANIMOUS (8-0)** with **Member Royal** absent.

# **APPROVED | APRIL 6, 2026 PLANNING BOARD MEETING MINUTES**

Keith Braswell  
Planning Board Chair

Jeri Pederson  
Lead Planning Technician

Submitted for approval by Jeri Pederson and approved on May 11, 2026.