

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 25CZ24 N. Salem Street Mixed Use PUD

Planning Board Meeting Date: September 14, 2026



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +32.35 acres

PIN(s): 0742367712, 0742368697, 0742365731, 0742366583, 0742369479, 0742369278, 0742350909, 0742362432, 0742366306, 0742268387, 0742360631, 0742363169, 0742358857, 0742353848, 0742362719, & 0742363799

Current Zoning: Residential Agricultural (RA), Rural Residential (RR), & Planned Commercial-Conditional Zoning (PC-CZ #15CZ02)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

Current 2045 Land Use Map: Mixed Use: High Den Residential/Office Employment/Commercial Services (+/-4.92 acres) & Mixed Use: Medium Den Residential/Office Employment/Commercial Services (+/-27.38 acres)

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Mix Use: HD Residential/Office Employment/Comm Services (+/-8.27 acres) & Mix Use: MD Residential/Office Employment/Comm Services (+/-24.03 acres)

Town Limits: Inside Corporate Limits and ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

☒ 2045 Land Use Map
☐ Consistent ☒ Inconsistent Reason: _____

If the rezoning is approved, the Land Use Map will be automatically updated per State law.

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

☒ Parks, Recreation, Open Space, and Greenways Plan
☒ Consistent ☐ Inconsistent Reason: _____

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Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

☐ Consistent ☒ Inconsistent Reason: _____

If the rezoning is approved, the Land Use Map will be automatically updated per State law.

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

☒ Consistent ☐ Inconsistent Reason: _____

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

☒ Consistent ☐ Inconsistent Reason: _____

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

☒ Consistent ☐ Inconsistent Reason: _____

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.

☒ Consistent ☐ Inconsistent Reason: _____

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6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

☒ Consistent

☐ Inconsistent

Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

☒ Consistent

☐ Inconsistent

Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

☒ Consistent

☐ Inconsistent

Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

☒ Consistent

☐ Inconsistent

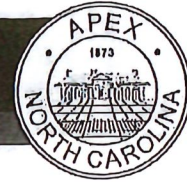
Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

☒ Consistent

☐ Inconsistent

Reason: _____



Planning Board Recommendation:

Motion: Recommend approval with conditions

Introduced by Planning Board member: Kristy Yule

Seconded by Planning Board member: Mark Spanioli

- ☐ *Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- ☒ *Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

With condition that the applicant consider a wider buffer along the southern property boundary and Transportation condition 9c be revised to "At site access #3 on N. Salem Street align with Thales outbound driveway, with an exclusive northbound left turn lane on N. Salem Street and a channelized concrete median between them to prohibit left turns from both sides of N. Salem Street."

- ☐ *Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 2 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached forms

This report reflects the recommendation of the Planning Board, this the 14th day of September 2026.

Attest:

Kelth Braswell, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda
Bunce
Date: 2026.09.14 19:11:13
-04'00'

Amanda Bunce, Assistant Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL

Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 9/14/2026

☒ Rezoning # 25CZ24

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

I dissent due to several reasons, mainly due to some unknowns and necessity for further decision between the parties, with the understanding that this is a rezone case, not quite a project. I don't oppose to this but feel a further review may assist.

The concern for the current drainage situation was raised by the residents and with the extra proposed impervious surfaces, how will keeping the existing dam and existing pond #1 help? If in the fact that the dam and the existing pond is drained, and two new, modernized ponds are designed with the proper pump/culvert, etc. the footprint of the ponds do change the proposed buildable areas within the area noted as "TH-2." I believe this what-if scenario should be shared with the neighboring residents, in conceptual form in addition to the history and analysis of the dam and ponds.

Per the residents, if the existing traffic congestion has worsen over the years, how will the proposed extra lane constructed only in front of the site area, and connectivities to the existing stubs help with through traffic? If the proposal was a continuous 3-lane street beyond the site area, down the street, perhaps that would solve the congestion? Although the rendering of the proposed parking area in MU-1 parallels Salem Street is attractive, there is a possibility that cars would intentionally use this as a shortcut Salem which poses unsafe situations for those who will be parked and visiting the proposed commercial area. (Just for the record, I am not against the connectivity for Charlion and Street B, for safety reasons, mainly access for emergency vehicles is important for overall planning.) The developer is going beyond the site to propose Salem's widening, hoping to ameliorate the congestion, but will it just push the bottleneck down the street? In my opinion this is a bigger issue.

Lastly, my concern lays with the proposed design of the townhome structure blocks that will be perpendicular to the boundary of Haddon Hall community, esp along the south areas of TH-1 and TH-2. I believe further discussions on privacy should be addressed. Even though the minimum buffer of 20 feet + 10 feet structure setback is met, perpendicular streets will visually open to the rear of these homes at those points.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Mary Petersen

Meeting Date: 9/14/26

☒ Rezoning # 25CZ24

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

I have concerns with the traffic that will be generated, not only along Salem St., but also within Haddon Hall. This section/neighborhood is already congested with Brittley Way being used as a cut through from the Peakway. I don't feel that an increase in traffic protects the citizens of Apex who live in this neighborhood. Traffic calming measures within the neighborhood were not discussed in enough detail for me to be comfortable with this proposal.

Additionally, I feel that a larger buffer is needed between the single-family homes on Brittley and the townhomes that will be constructed in TH1 and TH2. This mixed use development is clearly different than the nature of Haddon Hall and I feel that the residents of Haddon Hall need to have their concerns considered in more detail and their privacy protected.

Of further concern, the proposed mixed-use development, while beautiful, does not fully match the vibe of downtown Apex. If we are presenting this as a gateway to the town, it would be better to match it more to the buildings/character of what already exists in downtown.

I am not opposed to this development, but I do want further considerations made to residential traffic beyond what will certainly increase on Salem St. And larger buffers between the already established neighborhood and the new mixed-use development are needed as noted in the approval of #25CZ24.