

# STAFF REPORT

## Transportation Plan Amendments

June 24, 2025 Town Council Meeting



### Purpose of the Apex Transportation Plan

The Thoroughfare and Collector Street Plan Map, Transit Plan Map, and Bicycle and Pedestrian System Plan Map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider a proposed amendment to the Thoroughfare and Collector Street Plan Map in order to make a decision.

A map of the proposed amendment to the Transportation Plan is displayed in Figure 1.

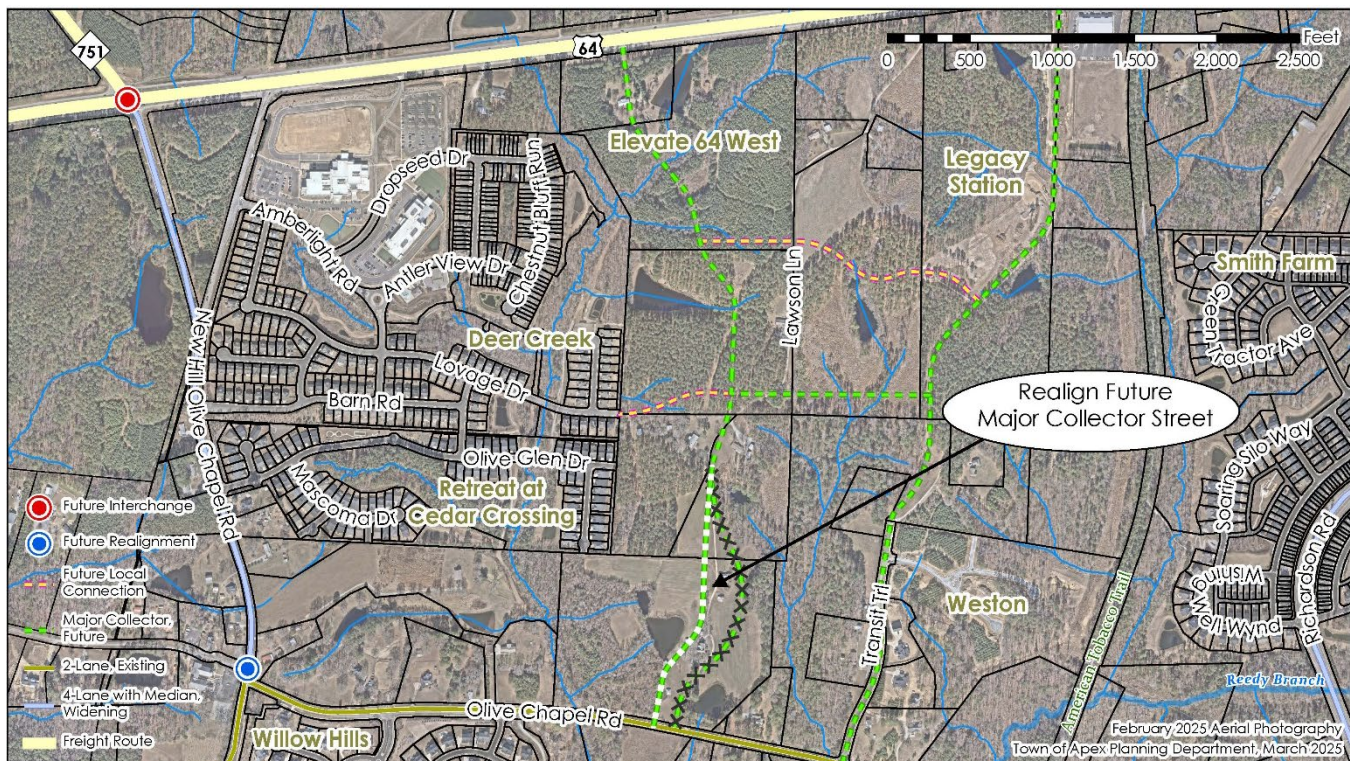


Figure 1. Proposed amendment to the Thoroughfare and Collector Street Plan Map

### Explanation of Proposed Amendment

The proposed amendment to the Thoroughfare and Collector Street Plan map is associated with the proposed rezoning, 24CZ16 Lawrence Property Planned Unit Development (PUD), which is located on both sides of Olive Chapel Road west of Transit Trail.

The amendment is to realign the future major collector street, shown approximately where existing Lawson Lane, a private street, is located. Major collector streets provide connectivity between thoroughfares. They typically require 60-feet of right of way and have pedestrian facilities and bicycle lanes on both sides. This future major collector street would extend from Olive Chapel Road to US 64. The Transportation Plan currently shows the future major collector street curving east to avoid buildings associated with the historic H.T. Lawrence Farm (WA1047). Baker Residential has proposed relocating the farmhouse and one to two outbuildings to the south side of Olive Chapel Road. This proposal has been coordinated with the State Historic Preservation Office and

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Capital Area Preservation. Documentation of this coordination has been provided as Attachment 1. This relocation allows for the proposed shift of the future major collector street to the west, an alignment proposed as part of the rezoning. The request for the amendment from the applicant is provided as Attachment 2.

### **Staff Recommendation:**

Planning Department staff recommend approval of the proposed amendment. The amendment was reviewed by staff in Transportation and Infrastructure Development; Parks, Recreation, and Cultural Resources; Police; and Fire and there were no concerns. It was also reviewed by staff in Water Resources, who indicated they had no major concerns but there could be additional wetland impacts with the proposed shift.

### **Planning Board Recommendation:**

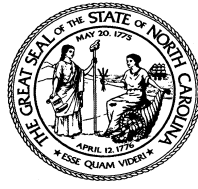
The Planning Board unanimously recommended approval of the proposed amendment at their May 12, 2025 meeting.

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**Attachment 1: Coordination with State Historic Preservation Office, provided by applicant**



## North Carolina Department of Natural and Cultural Resources State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Josh Stein  
Secretary Pamela B. Cashwell

Office of Archives and History  
Deputy Secretary, Darin J. Waters, Ph.D.

March 3, 2025

Mark Bowles  
Baker Residential  
7001 Weston Parkway, Suite 150  
Cary, NC 27513

[mbowles@bakerresidential.com](mailto:mbowles@bakerresidential.com)

Re: Construct residential development, 3228 Olive Chapel Road, Apex, Wake County, ER 24-2547

Dear Mr. Bowles:

Thank you for facilitating the meeting of February 21, 2025, which included representatives from Baker Residential, the Town of Apex, Capital Area Preservation, and the HPO. The discussions held during this meeting were productive and allowed for a deeper understanding of the project and Baker's intent to preserve elements of the historic H. T. Lawrence Farm (WA1047). We appreciate the time of all parties who were present.

The following points of discussion were addressed during the meeting and have been recorded in our project files.

### Lawrence Farm Boundary

At the time of the meeting, the historic farm property was represented by a single point on our HPOWEB platform, and was not an accurate representation of the historic property boundaries which should be considered during Section 106 review. A review of the record for WA1047, recent context studies, and aerial imagery was used to determine an appropriate boundary for the historic farm as it exists today. A boundary polygon, as shown in the image on the right, has been added to the farm's GIS data, and encompasses the main farmhouse, extant outbuildings, and the agricultural acreage necessary to retain integrity of setting; HPOWEB updated as of Feb. 28th.





## Relocation and Preservation of Farmhouse and Outbuildings

We note that Baker Residential proposes relocating the farmhouse and one to two outbuildings to a parcel on the south side of Olive Chapel Road. The intent is to donate the land and structures to Capital Area Preservation (CAP) and for it to be sold as a residential property. To effectively maintain stewardship of the historic farm elements CAP requires the execution of a preservation easement. CAP provided a sample land donation agreement for the parties to review. You confirmed that Baker Residential would formalize the execution of a donation agreement with CAP as soon as possible.

## Section 106 - Adverse Effect Mitigation

As of the meeting, it is unconfirmed as to whether a permit from the U.S. Army Corps of Engineers will be required for the development. Baker residential intends to submit documentation to the Corps once the Town of Apex has provided comment on the proposed zoning application. Should the proposed development plan require a federal permit and the issuing agency determine that the action will have an adverse effect on the historic farm property, then Section 106 would require resolution of the effect through mitigation.

The proposed donation and relocation could be considered as mitigation for Section 106 purposes. Based on the good faith effort shown by Baker Residential's consultation with CAP and your stated intent to enter into the donation agreement, HPO would not object if the current plan was proposed during the development of a memorandum of agreement (MOA) to resolve adverse effects to the Lawrence Farm. Specifics of the mitigation strategy would also include Baker's responsibility for the action of moving the structures, site work, and rehabilitation needed. All details of these requirements would be evaluated and agreed upon prior to executing the MOA.

Thank you again for providing our staff with the opportunity to discuss the project and proposed preservation of the farm's elements with the interested parties. Please reach out to Katie Harville, Environmental Review Specialist, at [katie.harville@dncr.nc.gov](mailto:katie.harville@dncr.nc.gov), with any questions, corrections, or future consultation meeting requests.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or [environmental.review@dncr.nc.gov](mailto:environmental.review@dncr.nc.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



for Ramona Bartos, Deputy  
State Historic Preservation Officer

cc June Cowles, Town of Apex  
Katie Harville, NCHPO  
Gary Roth, CAP

June.Cowles@apexnc.org  
[katie.harville@ncdcr.gov](mailto:katie.harville@ncdcr.gov)  
[groth@cappresinc.org](mailto:groth@cappresinc.org)

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**Attachment 2: Request for Transportation Plan Amendment, provided by applicant**



Jason Barron | Partner  
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Raleigh, NC 27601

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February 27, 2025

**VIA ELECTRONIC MAIL ONLY**

Shannon Cox  
Town of Apex Transportation Planning Manager  
Shannon.cox@apexnc.org

Re: Rezoning 24CZ16 Lawrence Property PUD – Request for Amendment to Comprehensive Transportation Plan

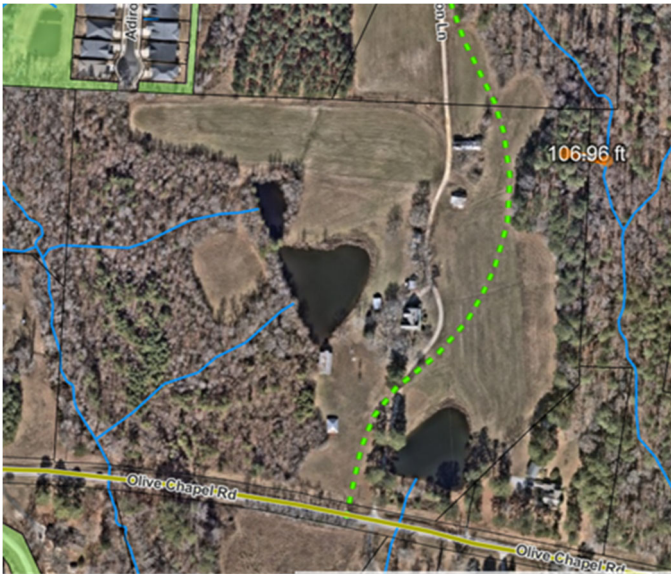
Dear Shannon,

I am contacting you on behalf of our Firm's client Baker Residential, who is the applicant for Rezoning 24CZ16 Lawrence Property PUD, (the "Applicant"). The Lawrence Property PUD is located at 3228 Olive Chapel Road, having Wake County PIN 0712810293 (the "Property"). The Property is divided by Olive Chapel Road and is situated between the intersections of New Hill Olive Chapel Road to the west and Richardson Road to the east as depicted here:

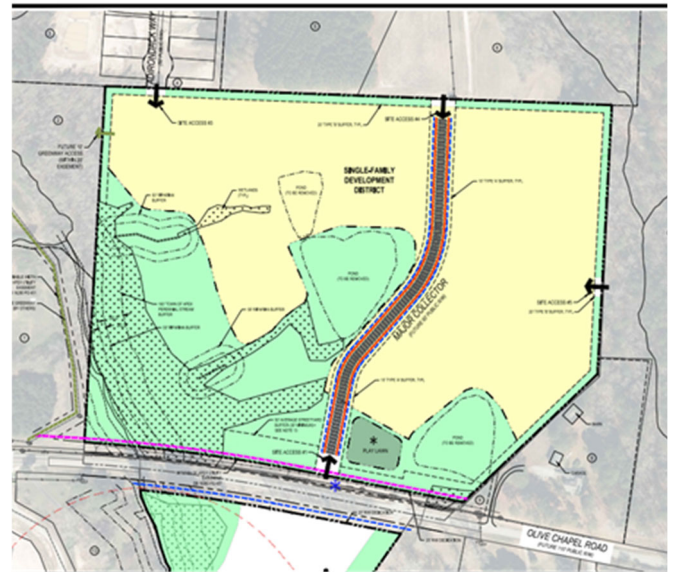


Following the Applicant's February 7, 2025, rezoning resubmittal, staff informed the Applicant that a Comprehensive Transportation Plan Amendment is necessary because the Major Collector Street shown on the PUD Plan below has shifted to the west of where it is shown on the Town's Comprehensive Transportation Plan, affecting historic resources on the property, as well as, the property to the north.

Comprehensive Transportation Plan



PUD Plan



As can be seen from the Comprehensive Transportation Plan, the location of the Major Collector is drawn to avoid the historic house located on the site and other structures. The PUD Plan includes relocating the historic structures and possibly additional outbuildings which would allow the Major Collector Street to shift to the location purposed on the PUD Plan for the following reasons:

- The PUD Plan location shows the Collector street in a less sloped area. The grade starts to slope towards the existing stream located to the east.
- The historic structures located on the property will be relocated to the portion of the property south of Olive Chapel Road.
- The stream located to the east has either a 50ft or 100ft buffer that would not allow for development off of the collector street on the eastern side.
- Lots are not allowed to front off of Major Collector Streets. As such, shifting the Collector street to the west as shown on the PUD Plan would allow for development on the eastern side of the Major Collector.

The Applicant respectfully requests that the Town amend the Comprehensive Transportation Plan allowing this Major Collector to shift to the west as shown on the PUD Plan. The Applicant believes this shift to the west makes the best use of the property given the environmental features located on the site, while effectively accommodating the future transportation needs in this area.



We appreciate you looking into this with us and welcome any questions or comments you may have. Please contact me after you have had a chance to review so that we can plan for next steps on our end.

Best regards,

**MORNINGSTAR LAW GROUP**



Jason Barron  
Partner

cc: June Cowles  
June.Cowles@apexnc.org