

# PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 24CZ15 Green Level Towns PUD

Planning Board Meeting Date: January 13, 2025



## 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:** ±6.035 acres

**PIN(s):** 0723935235

**Current Zoning:** Rural Residential (RR)

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

**2045 Land Use Map:** Medium Density Residential

**Town Limits:** 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: \_\_\_\_\_

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Apex Transportation Plan  
 Consistent       Inconsistent      Reason: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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

Consistent                       Inconsistent                      Reason: \_\_\_\_\_

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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: \_\_\_\_\_

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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: \_\_\_\_\_

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**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Steven Rhodes

*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:

Conditions as presented.

*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 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached from Tina Sherman, Sarah Soh, Tim Royal

This report reflects the recommendation of the Planning Board, this the 13th day of January 2025.

Attest:

  
\_\_\_\_\_  
Tina Sherman, Planning Board Chair

**Dianne Khin**

Digitally signed by Dianne Khin  
Date: 2025.01.13 17:45:21  
-05'00'

\_\_\_\_\_  
Dianne Khin, Planning Director

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Dissenting Member Comments



**Planning Board Member Name:** Sarah Soh

**Meeting Date:** 1/13/2025

Rezoning # 24CZ15 Green Level Town Homes PUD

Long Range Plan amendment(s) \_\_\_\_\_

Other \_\_\_\_\_

Reason(s) for dissenting vote:

Although the case follows the 2045 LAND USE MAP and the developer proposes the widening of Green Level Church and connectivity of Hillmen Bend, the scale of homes of both adjacent communities to the north and south of the project site are single detached homes, which is different from the proposed higher density town homes.

Current problems of traffic during school peak rush hours and insufficient space in schools will remain, and may worsen since timeline for widening the full length of Green Level may be 20 + years.

I also believe not having any affordable housing is a missed opportunity.

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
Dissenting Member Comments



**Planning Board Member Name:** Tim Royal

**Meeting Date:** 01/13/2025

Rezoning # 24CZ15 Green Level Townes

Long Range Plan amendment(s) \_\_\_\_\_

Other \_\_\_\_\_

Reason(s) for dissenting vote:

1. Compatibility - The density and appearance of town homes is incompatible with the surrounding neighborhoods. Single family infill would fit the area. Possible custom homes.

2. The Right-in Right-out access on Green level should be full access but due to existing neighborhood entrances, this is the only option. I believe most traffic from this PUD will not go northbound, but will travel southbound towards HWY 64. This will create more cut through traffic into the Greenmoor neighborhood routing onto Hillman Bend, then to Greenmoor Path to ultimately turn left onto Green Level Church Rd.

This rezoning is not in the best interest of the surrounding communities.

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Dissenting Member Comments**



**Planning Board Member Name:** Tina Sherman

**Meeting Date:** 1/13/2015

Rezoning # #24CZ15

Long Range Plan amendment(s) \_\_\_\_\_

Other \_\_\_\_\_

Reason(s) for dissenting vote:

Not compatible with the area.

A lot of units for the space

Short space for the exit on Green Level