

## DRAFT MINUTES

### TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, SEPTEMBER 24, 2024 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 24th, 2024 at 6:00 p.m. in the Council Chambers 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 recordings of this meeting can be viewed here:

Part 1: <https://www.youtube.com/watch?v=kV6gcdH2byQ>

Part 2 (Work Session): <https://www.youtube.com/watch?v=m6cLDOKdVxk&t=11s>

#### [ATTENDANCE]

##### Elected Body

Mayor Jacques K. Gilbert (presiding)  
Mayor Pro Tempore Ed Gray  
Councilmember Audra Killingsworth  
Councilmember Arno Zegerman  
Councilmember Terry Mahaffey  
Councilmember Brett Gantt

##### Town Staff

Town Manager Randy Vosburg  
Assistant Town Manager Marty Stone  
Assistant Town Manager Demetria John  
Town Attorney Laurie Hohe  
Town Clerk Allen Coleman  
All other staff members will be identified appropriately below

#### [COMMECEMENT]

**Mayor Gilbert** thanked everyone in attendance and welcomed those who joined by live stream. He said it was great to see so many people in the Council Chambers.

**Mayor Gilbert** called the meeting to order at 6:00 pm.

1       **Mayor Gilbert** read a diversity statement. He invited Benit Shastri to deliver the  
2 invocation on behalf of the Radha Krishna Temple of North Carolina.

3       **Mayor Gilbert** then led those in attendance in the reciting of the Pledge of  
4 Allegiance. He then explained that interpreters were present to assist with language access  
5 services.

6  
7 **[CONSENT AGENDA]**  
8

9       **Councilmember Zegerman** asked that an amendment to Consent Item 3 be made, to  
10 adjust the Revenues and Expenditures on the proposed Budget Ordinance Amendment No.  
11 2 to read \$592,500 instead of \$542,500.

12  
13       A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**  
14 **Killingsworth**, to approve the Consent Agenda, with the proposed amendment by  
15 **Councilmember Zegerman**.

16  
17 **VOTE: UNANIMOUS (5-0)**  
18

19 **CN1 Appointments - Transit Advisory Committee - Ex-Officio Replacement**

20 Council voted to appoint Lauren Staudenmaier, Planner II, to the Ex-Officio seat previously  
21 held by Amanda Bunce on the Apex Transit Advisory Committee (TAC) effective September 1,  
22 2024.

23 **CN2 Contract - Developmental Associates, LLC - Appointed Officials Evaluation**  
24 **Facilitation (REF: CONT-2024-274)**

25 Council voted to approve a Standard Services Contract between Developmental Associates,  
26 LLC and the Town of Apex, for the facilitation of the Town Manager's performance evaluation  
27 to include short term feedback and one-year evaluation goals and objectives, effective  
28 September 24, 2024 through November 30, 2024.

29 **CN3 Contract Multi-Year - Rebuilding Together of the Triangle - Apex Cares**  
30 **Rehabilitation Program Administration - October 1, 2024 through September 30, 2027,**  
31 **and Budget Ordinance Amendment No. 2 (REF: CONT-2024-275 and ORD-2024-075)**

32 Council voted to approve a Multi-Year Contract with Rebuilding Together of the Triangle, to  
33 administer the Apex Cares Rehabilitation Program, effective October 1, 2024 through  
34 September 30, 2027, and to authorize the Town Manager, or their designee, to execute on  
35 behalf of the Town, and approve the corresponding Budget Ordinance Amendment No. 2.

36 **CN4 Council Meeting Minutes - August 27, 2024**

37 Council voted to approve, as submitted or amended, Meeting Minutes from the following  
38 meetings:

39 August 27, 2024 - Regular Town Council Meeting

40 **CN5 Revisions to Standard Specifications and Standard Details (REF: OTHER-2024-**  
41 **099 and OTHER-2024-100)**

1 Council voted to approve revisions to the Town Standard Specifications and Standard  
2 Details.

3  
4 **[PRESENTATIONS]**

5  
6 **PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards - 4<sup>th</sup> Quarter**

7  
8 **Councilmember Mahaffey** said that Apex partners with the Apex Public School  
9 Foundation. He said that they would like to talk about the program and honor educators for  
10 their hard work in educating our children. He then invited the Barbara Conroy, Co-Founder  
11 and President of Apex Public School Foundation to talk more about the Apex Public School  
12 Foundation and the Honoree and to accept the award and take a picture.

13  
14 **Ms. Conroy** thanked Councilmember Mahaffey for creating the program. She said The  
15 Apex Public School Foundation supports the 19 Wake County public schools with an Apex  
16 mailing address. She said that's 3 High Schools, 5 Middle Schools and 11 Elementary Schools  
17 currently in the Town of Apex. She said that the primary program, the teacher grant program,  
18 funds teacher proposals that promote student engagement through Innovative, creative, and  
19 collaborative programs. She said that the 2024-25 grant window just opened and they are  
20 currently accepting applications. She said that applications will be accepted through October  
21 15th, and they will be awarded funds in early 2025. She said that each Tuesday the foundation  
22 celebrates exceptional Educators, administrators, and staff members through the weekly  
23 shout out program. The weekly honorees are then eligible for this quarterly award. She said  
24 that it is her pleasure to introduce this quarter's Peak Star Award recipient Miss Lucretia  
25 Weber of Scotts Ridge Elementary School. She said that Miss Weber serves the Sailor  
26 Community as a music teacher and regularly goes above and beyond her job description to  
27 engage her students in meaningful musical experiences. She said that these include a student  
28 course that meets before the school day begins, so again, before she's even expected to be  
29 teaching Miss Weber is working with students on her course. She said that Ms. Weber also  
30 does grade level performance concerts for first, third and fifth grade students at Scotts Rich  
31 Elementary School, leading the school's Steam Night Event, which is no small task, and DJing  
32 other school events. She said that Scott Ridge's Principal Derek Evans shared "Mrs. Weber is  
33 an incredible music teacher who gets students excited about all that music has to offer, her  
34 love for our students and school is always a parent and everyone in the school loves her right  
35 back." She thanked her for all she does and congratulated her for being recognized as a Peak  
36 Star. She asked Ms. Weber to come up and said she's joined tonight by assistant principal  
37 Angela Griffin.

38 **Ms. Griffin** said that she would like to add that Ms. Weber is such a huge asset to the  
39 community, and she gives every day with a servant's heart. She said that she also teaches  
40 students the ukelele along with the recorder. She said that they loved her so much and were  
41 so proud that she was getting this recognition tonight.

**PR2 Proclamation - Domestic Violence Awareness Month - October 2024 (REF: PRO-2024-027)**

**Mayor Gilbert** invited the Council to read the Domestic Violence Awareness Month Proclamation.

**Mayor Gilbert** said that the Hunter Street water tower would be illuminated purple on Friday October 4<sup>th</sup>, 2024 following the Glow of Grace event in honor of victims and survivors of domestic violence. He then invited Florida DeVaul-Dudley and Ed Dudley, Co-Founders of Shining Light in Darkness, Rada Mills, Board President, Dr. Felicia Tittle, Board Vice President and Dr. Ebony Dill, Strategic Advisor, as well as Danica Coleman, Victim Advocate at Apex Police Department to receive the Proclamation and take a picture.

**Mrs. DeVaul-Dudley** said that this was a surprise for the hard work that they do with Shining Light in Darkness. She said she was upset with her husband because she had already had a long day. She was elated for the honor. She said that Light in Darkness has been in existence for 10 years, she said it was 95% volunteer led and funded by her and her husband. She said those they serve are seen, supported, and empowered. She said that it was good to see that her labor and work is not in vain. She thanked everyone.

**PR3 Proclamation - Hindu Heritage Awareness Month - October 2024 (REF: PRO-2024-028)**

**Mayor Gilbert** invited the Council in reading the Hindu Heritage Month Proclamation.

**Mayor Gilbert** invited Hindu Swayamsevak Sangh, Ashutosh, Arati and Vaibhav to receive the proclamation and take a picture.

**Mr. Sangh** said that they were thankful to the Apex Town Council for the proclamation for Hindu Heritage. He said that they are celebrating the Festival of Lights and other events in October. He thanked everyone for the opportunity.

**PR4 Proclamation - Public Power Week 2024 - October 6 through 12, 2024 (REF: PRO-2024-029)**

**Mayor Gilbert** invited the Council in the reading of the Public Power Week Proclamation

**Mayor Gilbert** invited Eric Neumann, Director of Apex Electric, Emily Woody, Caitlyn Skotnicki, Philip Barnes, Ben Lannon, Mark Risby, Ken Weatherman and Jon Rose to receive the proclamation and take a picture. He also invited Assistant Town Manager, Marty Stone.

1  
2 **Mr. Neumann** said he wanted to thank his entire staff. He said that Apex has extremely  
3 good reliability. He said that they had been recognized throughout the entire State and  
4 County as being one of the top performers. He said that they outperform the other 70  
5 municipalities, and thanked the Council.

6  
7 **[REGULAR MEETING AGENDA]**  
8

9 A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore**  
10 **Gray** to approve the Regular Agenda.

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12 **VOTE: UNANIMOUS (5-0)**  
13

14  
15 **[PUBLIC FORUM] (NOTE: to view Public Forum and Public Hearing Sign in Sheets, see**  
16 **OTHER-2024-101)**  
17

18 **Mayor Gilbert** opened up Public Forum and invited the first speaker up.  
19

20 First speaker was **Beth Bordeaux** of 1044 Branch Line Lane:  
21

22 "My family and I have lived here for nearly 30 years I've spent my career in Human  
23 Services as a Social Worker and a nonprofit leader. I served on the Steering Committee for  
24 the development of the Town of Apex's Affordable Housing plan which was adopted in  
25 February of '21. There was agreement that the market alone cannot adequately address the  
26 affordable housing issues that Apex residents face and that the town has a central role and  
27 responsibility to address the housing market through both regulation and public investment.  
28 Apex manufactured housing communities and the residents who live there are particularly  
29 vulnerable. By design, mobile home parks, a misconception in naming, disadvantages  
30 homeowners and there's very little policy in place to protect them. Most residents own their  
31 homes, however because of the high cost to move their home, homeowners are at the mercy  
32 of landlords who own the land, set the rent rates, set the rules for the community and  
33 ultimately have the power to sell the property and displace residents. This is not just about  
34 finding a new affordable place to live because manufactured homeowners who are displaced  
35 often have to forfeit the home that they purchased even if they continue to have payments.  
36 One of the recommendations from the affordable housing plan is to include special  
37 requirements for discretionary development in areas particularly sensitive to redevelopment,  
38 such as mobile home parks, to minimize displacement. Informed by our research, I and others  
39 here today believe that there are viable Sustainable Solutions within the town's authority to  
40 prevent displacement of residents from our manufactured home communities. Therefore, we  
41 are specifically asking that the Town Council, one commit to non-displacement of the  
42 residents of Apex's three manufactured home communities and two, keep manufactured

1 housing as the future intended land use for these areas, unless it is affordable housing that is  
2 financially and practically accessible to the current residents. I'm joined here today by  
3 residents who live in these communities, by faith leaders representing their congregations  
4 and by other advocates, and we're asking you as our elected leaders to lead with innovation,  
5 to lead with our values, and to commit your support for affordable housing preservation  
6 through regulation and public investment and you can begin with your commitment. Thank  
7 you."

8  
9 **Mayor Gilbert** said thank you and invited the next speaker.

10  
11 Next speaker was **Lina Junco** of Apex Mobile Estates:  
12

13 "I live on Markham Street, and I've been there for the last 16 years. I've lived in Apex  
14 for 20 years. I raised my children here, they went to school here, and I would like to continue  
15 living here in Apex. So, I would ask the Council to support us so that we do not have to move  
16 our homes, and I'm here to speak in the name of the community, it's a Latino community, and  
17 so, most of us have lived there for many years and we are very happy living here in Apex, so I  
18 would ask for your support. Thank you."

19  
20 **Mayor Gilbert** said thank you and invited the next speaker.

21  
22 Next speaker was **Lizeth Cortez** of Apex Mobile Estates:  
23

24 "Hello, good evening, my name is Liset, I'm 34 years old and I live in a trailer home  
25 community here and for the last nine years since we got here, this has been our home I have  
26 two children, they are four years old and 13 years old, and so I ask for your support, that you  
27 not remove our homes. These are the homes that we have, the places that we know and love,  
28 and so I'm speaking on behalf of my community here today and I would really like your  
29 support. Thank you."

30  
31 **Mayor Gilbert** said thank you and invited the next speaker.

32  
33 Next speaker was **Reverend Jose Luis Villasenor** of Greenbrier Subdivision:  
34

35 "I live at the Greenbrier Subdivision on Brickston Drive in Apex. I'm the senior pastor  
36 of Iglesia Fiesta Cristiana, a United Methodist Mission congregation that serves individuals  
37 and families in Apex and surrounding areas with a focus on serving historically marginalized  
38 communities and tonight I want to present a letter signed by 14 faith leaders, many of whom  
39 are here tonight, representing over 24,000 congregates, many of who are here tonight as  
40 well. Faith leaders have signed on this letter out of concern for Apex residents who live in  
41 manufactured home communities, concerned that they are facing the potential of  
42 displacement. We also want to speak on defending diversity and inclusion in our community,

1 as the majority of these residents have a Hispanic Latino heritage. We feel as faith leaders that  
2 we have an obligation to find solutions to prevent the displacement of these families due to  
3 socioeconomic factors that are out of their control. As a town, we have an Affordable Housing  
4 Plan, as we've already heard. I was part of the team that worked on that plan, and this plan  
5 calls for Apex to identify and eliminate potential barriers to attracting our diverse population  
6 and to adopt a racial equity lens to evaluate all housing policies and investments. Protecting  
7 residents in mobile home parks is a real opportunity to do this so that Apex can live into the  
8 values of a community that welcomes people from all walks of life. So tonight, Mayor, Council,  
9 I ask you to join 24,000 voices to prevent displacements of residents of mobile home parks,  
10 to protect affordable housing in Apex, and to live into the values of diversity and inclusion. I'd  
11 like to end with a quote from Dr. Martin Luther King Jr.: "There's nothing new about poverty.  
12 What is new, however, is that we have the resources to get rid of it." We can do this. As faith  
13 leaders, as people of faith, as people of goodwill, let's stand together with our neighbors to  
14 build a more loving and diverse community. Thank you."

15  
16 **Mayor Gilbert** thanked Mr. Villasenor and invited the next speaker:

17  
18 Next to speak was **Reverend Dr. Tirzah Turner** of South Point Drive:

19  
20 "I'm a resident of Apex and I'm the Community Pastor at Cross Point Church in Cary  
21 who many of our congregants live and work in Apex. Cross Point signed the pastoral letter  
22 that you received a moment ago, but we also heard from our individual congregants that they  
23 wanted their voices to be heard directly, and they knew of others who wanted to be a part of  
24 this as well. So, what's being presented to you is with another 1,000 individual signatures  
25 from the Apex area, 17 of which are from Cross Point directly. And they are many other  
26 concerned citizens, many that are, as you've heard, here today. I encouraged my congregants  
27 to sign this letter because our faith calls for and compels us to look outside of ourselves and  
28 to care for one another, particularly those who are most vulnerable among us. As a mother, as  
29 a resident, and as a pastor representing my congregation, we recognize that when something  
30 affects one of us, it affects all of us and many of these individuals and families in these mobile  
31 home parks are long-term residents, as you've heard. They are our neighbors, they are our co-  
32 workers, they are our co-residents, they are fellow students in our children's classrooms, and  
33 their future hopes mirror our own. Their fear of displacement should be our own fears. The  
34 decisions we make regarding this community will speak loudly about the type of community  
35 we are and the type of community that we want to be. So, I ask you on behalf of myself and  
36 my family and on my congregation to work to find an alternative to displacement of our  
37 cherished neighbors. These residents matter, as you know. They are a part of the fabric of our  
38 community, and they have helped to make Apex the great place that it is. Their homes should  
39 be protected so that they might continue to be a part of Apex's future. Thank you so much for  
40 your time."

41  
42 **Mayor Gilbert** thanked Ms. Turner and invited the next speaker.



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2 Next speaker was **Carolyn Wilson**, Director of Pastoral Services at St. Michael the  
3 Archangel Catholic Church of Cary:

4  
5 "We currently have 5,350 families or households within our Parish. St. Michael Church  
6 signed onto the pastoral letter because our Parish cares about and stands with the residents  
7 in our community who are being affected by the potential sale of the land on which they are  
8 living. We have seen residents of manufactured housing communities be displaced across  
9 Wake County, like the Wellington Mobile Home Park residents in Wake Forest and soon  
10 residents from Chatham Estates in Cary. We call on you to use your local government  
11 authority to stop the displacement trend in Wake County here in Apex. People of faith are  
12 called to love our neighbor and stand with those who are vulnerable, and those who live in  
13 manufactured housing are particularly vulnerable. The value of land has increased immensely  
14 since 2020, putting naturally occurring affordable housing like these communities at risk of  
15 unaffordable redevelopment. It is prohibitively expensive to move a manufactured home,  
16 which can cost up to \$14,000 and can also cause damage to the home. Many of the residents  
17 of Apex's manufactured houses communities have low incomes and do not have the  
18 resources to move their homes. On behalf of Father Scott McHugh, pastor at St. Michael, and I  
19 quote, "One of the seven themes of Catholic social teaching is a preferential option for the  
20 poor and vulnerable. A basic moral test is how our most vulnerable members are faring in a  
21 society marred by deepening divisions between rich and poor. Our tradition recalls the story  
22 of the last judgment in Matthew 25 when we are reminded, 'Lord, when did we see you  
23 hungry and feed you, or thirsty and give you drink? When did we see you a stranger and  
24 welcome you, or naked and clothe you? When did we see you ill or in prison and visit you?'  
25 And the King will say to them in reply, 'Amen, I say to you, whatever you did for one of these  
26 least brothers of mine, you did for me.' We are instructed to always put the needs of the poor  
27 and the vulnerable first." Thank you."

28  
29 **Mayor Gilbert** said thank you and invited the next speaker.

30  
31 Next speaker was **Father Bill John** of Fuquay Varina:

32  
33 "I am the pastor of St. Bernard Catholic Parish there in Fuquay Varina and I'm honored  
34 to sign on this letter because since the foundation of our Parish, there has been great work  
35 done by the bishop, priest, and faithful members to provide the Eucharist, sacraments, faith  
36 formation, and our rich ministry, especially to the Hispanics. I am glad to see that 45% of our  
37 registered members, who are 2,000, are Hispanic or of Hispanic descent. Many of the  
38 residents of Apex mobile home parks are Hispanics, you already heard that, and many of  
39 them are Catholics as well and attend our local Catholic parishes and missions and some of  
40 them, thanks to the Opportunity Scholarship Program offered by the State, are attending also  
41 our Catholic schools. This also speaks of the sacrifices some of these families are making to  
42 raise their children with the hope of a brighter future for them, our community, and our



country. Many are longtime residents who have raised families, built strong community, and serve key roles in our congregations. To give a few examples, 21 of our catechists are Hispanics. Some of the Hispanic families have become so close friends with the elderly parishioners that it is difficult for me to imagine that there is no family celebration in which they are not invited to have some tacos and some tamales. When someone needs immediate assistance to replace or fix something in their homes, they call the Church and we can recommend a Hispanic parishioner to help them. Another beautiful thing is to see a good number of Hispanic youth going to serve our country in the armed forces and the police. It is devastating for priests, pastors, and leaders of the congregations to see community members being forced to move when children must break friendships, support structures, and transfer schools because of economic issues. It is heartbreaking and I question if that is able even to be justified. It is painful to picture losing a good number of parishioners, especially when you know they are doing so much good work here and are needed here. Together, we must ensure that they can bring food to the table and be able to join us every Sunday at the prefiguration of the Heavenly banquet and worship. If they are displaced, their families and our community will be disrupted, causing potential financial, emotional, and spiritual harm. Apex rental costs are too high to support these families. Residents will have virtually no choices within the Apex community if they are forced to move. Please support these residents by protecting the land they live on and they learn how to love."

**Mayor Gilbert** said thank you and called the next speaker.

Next to speak was **Margie Ward** of 3116 Pleasant Plain Road:

"I've lived on Pleasant Plains Road for almost 30 years. Many of my neighbors have lived there longer. Our neighborhood has always been a quiet rural place with some of us owning horses or other livestock. Until Apex built Pleasant Plains Park, no one even knew our neighborhood was there. The park has brought noise, traffic, and crime to our dead-end street neighborhood. It has made getting to and from our homes difficult. It has put our livestock and pets in danger with the additional traffic, and these concerns we communicated to the town before the park was even built. We knew a separate entrance was needed for the park, but we were ignored, and all our concerns have become reality. I never used to lock my car in my driveway, but I do now. Sometimes I would forget to lock our doors, but I double-check them these days. I've added security cameras to my property as well and there are too many unwelcome visitors in our neighborhood now, and there have been multiple property damage incidents and trespassers. We've had to adjust our lives to the park, but we do not want to have to adjust to commercial property designations to any lots on the street or multi-unit zoning changes. This would only add to the issues we currently have because of the park. We want our neighborhood to remain a rural residential area as it always has been. It is one of the last few green spaces developers have not clear-cut and put in multiple unit or zero lot housing along the old US-1 Corridor. The green spaces were what made Apex such a charming little town. Our neighborhood is an example of what Apex could have been if not

1 for all the mismanagement and greed. The Town Council should want to protect us like a  
2 museum piece instead of changing us. I have petitions signed by 90% of our neighbors to  
3 oppose any such zoning changes. We are going to become the squeaky wheel on this issue.  
4 We love our homes and our neighborhood, and we are not going to let you destroy it for  
5 money. And let's face it, that is what this is all about, money. Our neighborhood is not within  
6 the City Limits of the Town of Apex, and we like it that way, but it also means we have no  
7 voting power, but we are going to continue to make our opinions heard and you may get all  
8 the other green spaces around us, but we're going to continue to fight to keep our little  
9 piece, to keep some of the charm that made Apex wonderful. And you should let us keep it.  
10 Thank you."

11  
12 **Mayor Gilbert** said thank you and invited the next speaker.

13  
14 Next speaker was **Dawn Cozzolino** of 3632 Bosco Road:

15  
16 "Good evening. Apex August development report came out, 78,000 people live in  
17 Apex and projections are in less than six years, 100,000 people and growth rate 4.9% okay,  
18 June of 2022 through June of 2023. It's a big number, so let's face it this is not a town  
19 anymore it's a City and you're sitting in a hot seat because you're governing and steering a  
20 City. It's very big responsibility. Return on investment should be front and center to maximize  
21 every single tax dollar and create a desirable place for us to call home whether you received  
22 our vote or not, the community deserves fiscal responsibility and safety that is the paramount  
23 pillar of government. So, let's do a traffic study. We need a traffic study for the Peak  
24 Development. I'm asking you tonight this Peak Development is in a rural Wake County, it's on  
25 Old US1. They're planning 73 homes to dump out right into Old US1. This is a simple map I  
26 did from Google and it shows the street view because I think when you look on a map you  
27 can't really tell the dimensions and the feel of the environment and what you can see here is  
28 there's a couple secondary roads and I talked about that last time all the crashes on the  
29 secondary roads but I want you to see this area and how narrow the road is, and for those of  
30 you that don't know US1 it's a 22-foot wide narrow no shoulder old age hilly road, shady road,  
31 sunny road and it's very dangerous to drive on it. So, we already have the dangers from  
32 adding, I think we have 3,200 homes that you're constructing right now, and they're not  
33 affordable by the way, just so everybody knows that they're in the you know 700 plus range.  
34 You're constructing all those homes and allowing that development that's just going to  
35 increase the traffic flow, and I don't know if there you know whether there's a policy or State  
36 law I've heard this before it doesn't matter. People are stressed out driving, people are hurt in  
37 crashes. This is something we can do for safety. It's not much to ask for the New Hill  
38 Friendship Community to really just get the whole picture and prioritize road safety and make  
39 it safe and enjoyable for everyone. Thank you very much."

40  
41 **Mayor Gilbert** said thank you and invited the next speaker.  
42

1 Next speaker was **Elizabeth Stitt** of 3113 Friendship Road:

2  
3 "Mayor, Town Council good evening. On September 10th, there was a Public Hearing  
4 for Apex in front of the Wake County Agricultural Board in regard to three properties, which  
5 mine was one of the three. I had asked for the hearing to be delayed the Friday before, for  
6 two reasons. I had submitted questions to the town about the force main that I needed  
7 answers to in order to prepare for the hearing. I had not received the answers, so for 20 days,  
8 no answers, but yet the Town would not agree to delay the hearing. So, I had to go into the  
9 hearing without answers to any of my questions. I also asked for a delay because Ricky Stone,  
10 one of the other property owners, was sick with COVID. He knows I'm sharing this, so it's not  
11 anything confidential, but Ricky Stone is a retired Wake County Sheriff. He put his life on the  
12 line for us daily, year after year after year after year after year, but yet the town would not  
13 allow a delay in the hearing for him to be able to come and speak about his concerns about  
14 the force main on his agricultural property. So, we did the best thing possible. He wrote a  
15 statement, and I read it for him. This was not okay, we deserved better treatment from the  
16 Town. Now I understand that the statute says, "Hey, the Town can request a Public Hearing  
17 and you hold it within 30 days," and everybody's stuck to the rules. So, we are going to  
18 advocate after the election to get the statute updated. If a property owner is sick, there  
19 should be a provision to allow that hearing to be delayed. If the Town has withheld  
20 information from property owners where we can't properly advocate for our concerns, the  
21 hearing should be delayed because the whole purpose of having the hearing is for our  
22 concerns to be addressed. So, I don't know if you have seen the letter, but the town received  
23 a letter on September 13th where the Wake County Agricultural Board found that the town  
24 had not met the requirements, had not established the need for the Big Branch force main to  
25 go through our properties. So, the letter, if you haven't seen it, please take the time to read it  
26 because it is very important. What I don't understand is this has been on the Town's radar now  
27 for two plus years. What's the rush? Can we not get it right? Can we not be treated fairly in the  
28 process? Do we really have to be treated this way? You hear about everybody tonight talking  
29 about inclusion and displacement. Well, what you're doing in your decisions on the force  
30 main is causing displacement for some of us. Thank you."

31  
32 **Mayor Gilbert** thanked the speaker. He thanked all of those that came out to speak.  
33 He said he also thanked Julie Von Haefen, Representative from the North Carolina General  
34 Assembly for attending. He also wanted to thank the Apex Youth Council for attending. He  
35 said they closed the Public Forum.

36  
37 **Mayor Gilbert** called for a 10-minute recess at **7:01** p.m.

38  
39 **Mayor Gilbert** reconvened the meeting at **7:10** p.m.  
40  
41  
42

**[PUBLIC HEARINGS]**

**\*CLERK'S NOTE:** The public hearing resolutions associated with each of the below items were approved on September 10 and scheduled for September 24, 2024. Proper public notice was not provided for the corresponding Annexation in sufficient time in accordance with North Carolina General Statutes § 160A-58.2. The Town does not have authority to rezone property not within their jurisdiction, therefore, these items are scheduled for consideration on October 08, 2024. Only the items denoted below in a red asterisk are being delayed to October 08, 2024.

**PH1\* Annexation No. 788 - Oliver Property - Humie Olive Road - 15.9428 acres**

*Joshua Killian, Planner I, Planning Department*

**AND**

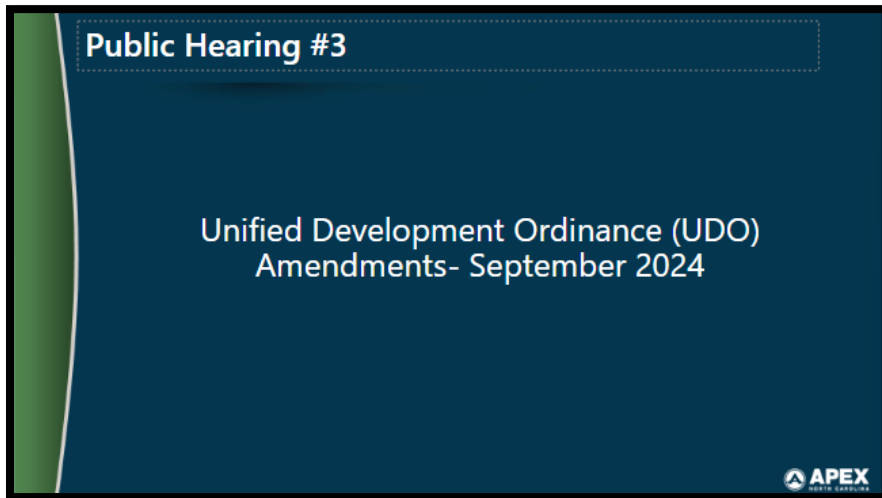
**PH2\* Rezoning Case No. 24CZ12 - Oliver Property**

*Joshua Killian, Planner I, Planning Department*

**PH3 Unified Development Ordinance (UDO) Amendments-September 2024 (REF: ORD-2024-076)**

**Amanda Bunce**, Current Planning Manager, Planning Department gave the following presentation to amend various sections of the ordinance.

**[SLIDE 1]**



1 [SLIDE 2]

### Amendment #1

Requested by Planning Staff

1. Amendments to various sections of the UDO in order to remove all references to "condominium" given it is not a specific use and that State law does not require municipal review of condominium plats. Affected sections include the following: 3.3.1.F, 3.3.1.G, 4.2.2, 4.3.1.B, 4.4.1.A, 5.1.1, 5.1.5, 5.2.2.F, 6.3.1.G, 6.3.1.H, 7.1.6, 7.2.5.D, 7.5.9.C.2, 8.2.4.A, 8.2.6.B.4, 8.6.3, and 12.2

3.3.1 Residential Districts

...

F) *High Density Multi-Family Residential District*  
The purpose and intent of the HDMF High Density Multi-Family Residential District is to provide lands for high-density multi-family residential uses, (townhouses, ~~condominiums~~, apartments, duplexes, triplexes, and quadplexes) at densities up to 14 units an acre.

G) *MH Manufactured Housing Residential District*  
The purpose and intent of the MH Manufactured Housing Residential District is to provide lands for manufactured housing along with other multi-family (townhouse, ~~condominium~~, duplex, and multi-family dwellings) and single-family housing at densities of six (6) units an acre.

...

**APEX**  
NORTH CAROLINA

2  
3 [SLIDE 3]

### Amendment #1

Requested by Planning Staff

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																Standards				
		Residential								Business				Planned Development		Other						
		R A	R R	L D	M D	H S	H F	M H	M P	M O	O & I	B 1	B 2	P C	P I	M T	T P		P U	C D	S B	S T
Residential Uses																						
Condominium	4-3-3-B																					

...

**APEX**  
NORTH CAROLINA

4  
5 [SLIDE 4]

### Amendment #1

Requested by Planning Staff

4.3.1 Residential Uses

...

B) *Condominium ~~Reserved~~*  
A residential development of two or more units in one or more buildings designed and constructed for unit ownership as permitted by the North Carolina Unit-Ownership Act.

...

4.4.1 Residential Uses

...

A) *Condominium ~~Reserved~~*

1) All condominium developments with one or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure;

2) The overall enclosure design must comply with the standards found in the Town of Apex Standard Specifications and Standard Details.

**APEX**  
NORTH CAROLINA

6

1 [SLIDE 5]

5.1.1 Residential Districts

Use	Average Lot Size	Minimum Lot Width (feet)	Minimum Setbacks (feet)				Max. Height (feet)	Max. Bulk-Open Area (%)	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
<b>HDMF</b>										
Condominiums, Multi-family or Apartments	---	---	50**	50**	50**	50**	40	85	14	Sec. 5.2.2.F
<b>MORF</b>										
Condominiums, Duplex, Multi-family, or Apartments	---	---	25** (max.)	5**	10**	15**	30	70	12	Sec. 5.2.2.F

\* See Sec. 6.1 Watershed Protection Overlay Districts.  
 \*\* These setbacks are for the perimeter of entire project only.  
 \*\*\* Projects submitted prior to April 6, 2009 shall be governed by the Minimum Front Setbacks in place at the time of submittal.

5.1.5 Small Town Character Overlay District Intensity and Dimensional Standards Table

Use	Average Lot Size	Minimum Lot Width (feet)	Minimum Setbacks (feet)				Max. Height (feet)	Max. Bulk-Open Area (%)	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
Multi-family/Condominiums	---	60	20*	10*	15*	10*	35	60	14	---

\* See Sec. 6.1 Watershed Protection Overlay Districts.  
 \* Building height may be increased to 3 stories and 30 feet if the following conditions are met:  
 a. The existing structure is not contributing to the historic district.  
 b. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.  
 c. The existing or proposed building is located on the corner of 2 public streets or a public street and a public alley.  
 d. The 3rd story shall be set back at least 18 feet from the property line along the front facade.  
 e. Open air rooftop dining shall be exempt from the height calculation.  
 \* These setbacks are for the perimeter of the entire project only, not setbacks between units or buildings.

**APEX**  
NORTH CAROLINA

2  
3 [SLIDE 6]

**Amendment #1**  
Requested by Planning Staff

5.2.2 General Measurement Requirements

...  
 F) *Internal Building Setbacks*  
 Except in Sustainable Development Conditional Zoning District (SD-CZ), internal building setbacks for ~~condominium~~, multi-family and apartment, congregate living facilities and nursing and convalescent facilities shall comply with the following spacing standards:  
 ...

6.3.1 Small Town Character Overlay District

...  
 G) *Residential Building Standards*  
 ...  
 2) *Accessory Buildings*  
 Accessory buildings such as garages shall be placed in the rear or side yard. Whenever possible, side loading garages shall be located in the rear of the property. For ~~condominium~~, multi-family or apartment uses, garages and driveways which dominate the front of the lot area are not permitted.  
 ...  
 H) *Residential Architectural Character*  
 The following standards shall apply to any ~~condominium~~, multi-family or apartment use. It is strongly recommended that single-family and townhouse dwellings follow the architectural guidelines in the *Town of Apex Design and Development Manual*.

**APEX**  
NORTH CAROLINA

4  
5 [SLIDE 7]

**Amendment #1**  
Requested by Planning Staff

7.1.6 Condominium and **Requirements for** Townhouse Developments

A) *Requirements for Condominium Developments*

1) Before a declaration establishing a condominium development may be recorded in the office of the Wake County Register of Deeds, as prescribed in the North Carolina Unit Ownership Act, the Site Plan or Master Subdivision Plan shall be approved as provided in this Ordinance. Such declaration and Site Plan or Master Subdivision Plan shall conform to applicable subdivision requirements as set forth in this Article and to the zoning requirements of this Ordinance.

2) In addition, the following requirements shall be complied with:

a) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act.

b) The plans of the buildings to be attached to the above declaration and recorded shall be prepared in accordance with the North Carolina Unit Ownership Act.

c) If any streets or utility easements are to be dedicated for public use and maintenance, a separate plat shall be submitted and recorded in accordance with requirements of this Ordinance.

d) The declaration shall contain a statement that common expenses include ad valorem taxes, public assessments, or governmental liens levied on common areas, if any.

B) *Requirements for Townhouse Developments*

**APEX**  
NORTH CAROLINA



1 **[SLIDE 8]**

**Amendment #1**  
Requested by Planning Staff

7.2.5 Single-Family Residential Grading  
...  
D) *Exemptions*  
1) The following shall be exempt from the provisions of Sec. 7.2.5 *Single-Family Residential Grading*:  
...  
e) Attached and detached townhomes, multi-family/apartments, ~~condominiums~~, and non-residential developments.

7.5.9 Schedule of Installation  
...  
C) ...  
...  
2) *Residential development*  
a) All road improvements required per the Advance Apex: The 2045 Transportation Plan, all proposed roadways to be constructed within existing or proposed public right-of-way as part of the approved development plan and all additional offsite road improvements required to mitigate development traffic impacts to existing facilities must be completed prior to the first plat approval for single family residential and townhomes and prior to the first CO for multi-family, ~~and/or~~ apartments ~~and/or~~ ~~condominiums~~. For phased multi-family, ~~and/or~~ apartment ~~and/or~~ ~~condominium~~ developments, all the improvements applicable to a phase must be completed before the first CO is issued for the phase.

**APEX**  
NORTH CAROLINA

2  
3 **[SLIDE 9]**

**Amendment #1**  
Requested by Planning Staff

8.2.4 Building Landscaping Requirements  
A) *General Landscaping Standards*  
All non-residential, multi-family/apartment, ~~condominium~~ and townhome developments, and all single-family residential subdivisions shall install landscaping pursuant to the requirements of this Section. This landscaping shall be in addition to any other landscaping required by Article 8: *General Development Standards*, unless otherwise specified.  
...

8.2.6.B *Buffering, Landscape Buffers Between Land Uses*  
...  
4) *Land Use Classes*  
...  
a) *Class 3:*  
~~Condominium~~  
Duplex  
Manufactured home-detached, lots less than 6,000 square feet  
Multi-family or apartment  
Single-family detached, lots less than 6,000 square feet  
Townhouse  
Townhouse, detached  
Triplex or Quadplex

**APEX**  
NORTH CAROLINA

4  
5 **[SLIDE 10]**

**Amendment #1**  
Requested by Planning Staff

8.6.3 Illumination Standards  
...  
Table 8.6.1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

Use	Horizontal Illuminance	
	Avg	Uniformity Ratio
- Multi-family residential <del>or condominium (stacked flat)</del>	4.0	8/1
- Retail	4.0	4/1
- Office	2.0	4/1
- Industrial		
- Educational		
- Cultural, civic, and recreational		
- Church or place of worship		
- Townhomes and other attached residential		

...  
12.2 Terms Defined  
...  
Grading  
The movement of earth by mechanical means to alter the gross topographic features of a development site, including elevation and slope, in preparation for construction of single-family, multi-family/apartment, ~~condominium~~, and attached and detached townhome residential development and non-residential development.  
...

**APEX**  
NORTH CAROLINA



1       **Ms. Bunce** asked if there were any questions.

2       **Mayor Gilbert** asked if there were any questions. He opened the Public Hearing and  
3 closed Public Hearing with nobody signed up to speak.  
4

5       A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember**  
6 **Zegerman** to approve the Unified Development Ordinance (UDO) Amendments of  
7 September 2024 related to Condominiums.  
8

9       **VOTE: UNANIMOUS (5-0)**

10  
11 **[UPDATES BY TOWN MANAGER]**  
12

13       **Mr. Stone** gave an update on the Utility billing. He said that they were working very  
14 diligently to get it on its normal billing cycle schedule. He said that cycle two, August bill  
15 would be on its normal billing cycle. He said that the draft for the cycle 2 August draft will  
16 occur on the 26<sup>th</sup> of September. He said that the website has been updated to include this  
17 information. He said that the Cycle 1 September bill is three months and includes  
18 approximately 100 days. He said that they have worked hard along with Finance to make this  
19 clear. He said that there will be a 4 page insert to explain the bill. This 4-page insert will also  
20 be emailed to the customers that they have email on file for. He said it will also be a handout  
21 for walk in customers so that they can explain this. He said it will also go in the October  
22 newsletter that goes out and, on their website, as well. The October bill will be back on its  
23 normal 30-day billing cycle. He said that Finance renovation of the old Inspections area is  
24 getting started and Lomax is the contractor. He said that they are mobilizing tomorrow  
25 afternoon and demo will start in a few weeks and they will let everyone know when it starts.  
26 He said the plan is that it will be finished the renovation and occupancy will be late  
27 Winter/early Spring. He said the Hunter Street logo project for the Hunter Street Water Tank is  
28 complete and looks great. He said that plans are to start Mason Street this week. He said they  
29 would be taking the parking to put a containment system in place. He said this would open  
30 up mid-October and remain open during voting, and then close again after the election. He  
31 said the tank should be completed in late December. He said that the tank on Tingen Street  
32 will not be done until there is a new tank. He said this is due to capacity issues and they don't  
33 want to take this tank offline. He said on the Saunders Lot they were unable to open bids  
34 because there were only 2 bidders. He said they plan on re-opening on October 8<sup>th</sup> and if  
35 they receive a bid, they will be able to meet the requirements. He said the job is scheduled to  
36 begin in January.  
37

38       **Mayor Gilbert** asked if there were any questions.  
39  
40  
41  
42

**[CLOSED SESSION]**

A **motion** was made by **Councilmember Zegerman** and seconded by **Mayor Pro Tempore Gray** to enter into Closed Session Pursuant to: NCGS § 143-318.11(a)(5).

**VOTE: UNANIMOUS (5-0)**

Council entered into Closed Session at **7:19** p.m.

**CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist  
NCGS §143-318.11(a)(5):**

*"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease."*

Council returned to open session at **8:11** p.m.

**\*RECESS AND RECONVENE\***

**Mayor Gilbert** called for a 10-minute recess at **8:11** p.m.

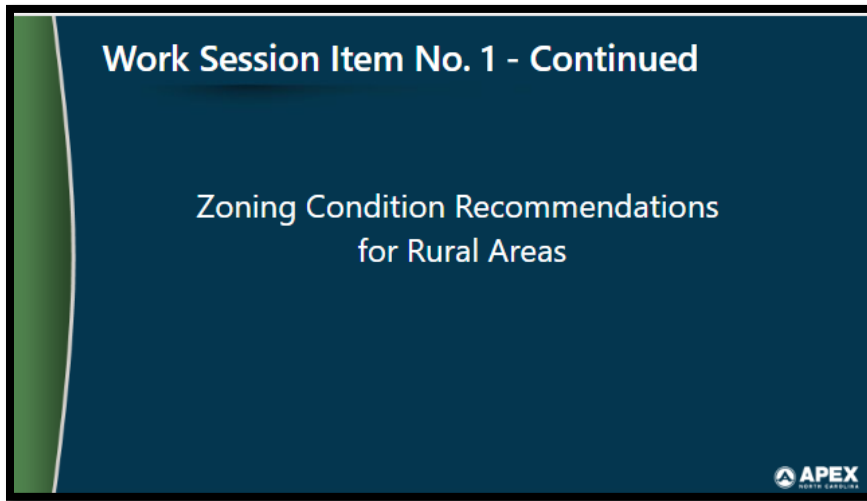
**Mayor Gilbert** reconvened at **8:19** p.m.

**[WORK SESSION CONTINUED]**

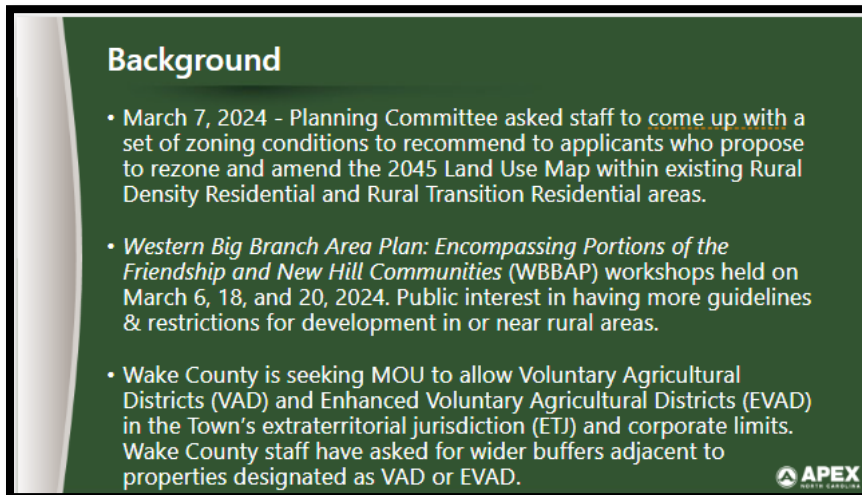
**WS1 Zoning Condition Recommendations for Rural Areas** *(deferred from September 17, 2024 Town Council Work Session)*

**Dianne Khin**, Director, Planning Department, and **Amanda Bunce**, Current Planning Manager, Planning Department gave the following presentation on Zoning Condition Recommendations for Rural Areas.

1 [SLIDE 1]



2  
3 [SLIDE 2]



4  
5 **Councilmember Gantt** asked what the difference between rural density and rural  
6 transition.

7 **Director Khin** said that the rural density residential allows rezoning to the residential  
8 agriculture district, which is one unit per five acres, and the rural transition residential area  
9 allows rezoning to rural residential, which is one unite per acre.

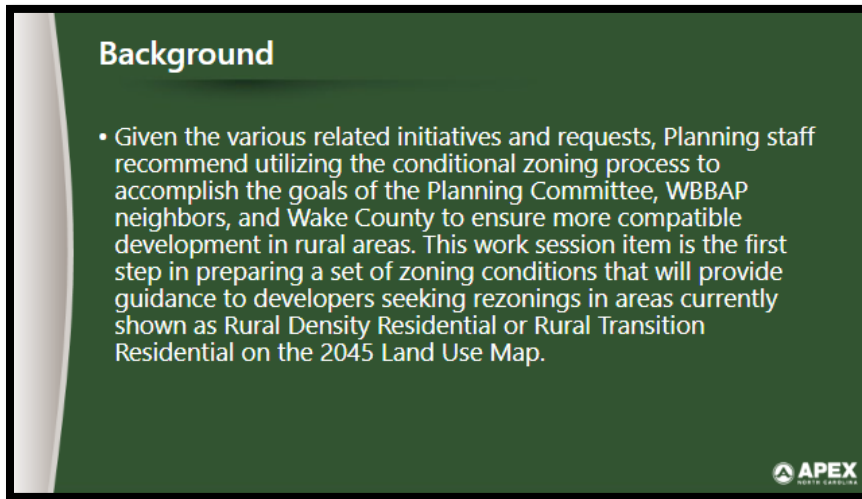
10 **Councilmember Gantt** asked if there had been any rural residential rezoning requests  
11 lately.

12 **Director Khin** said no, she said they would be going from rural density to rural  
13 transition or rural transition to low density.

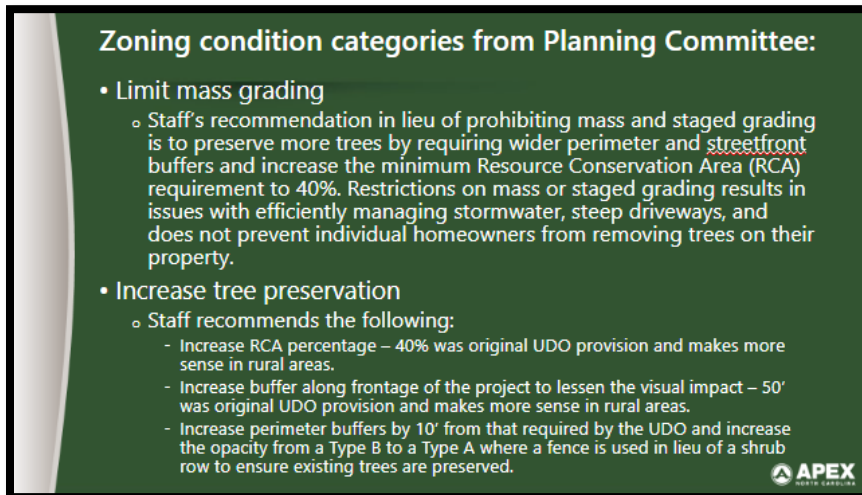
14 **Councilmember Gantt** asked if Wake County staff differentiate in terms of the request  
15 of the VAD vs EVAD.

16 **Director Khin** said no. She said that they consider it the same for the same as the  
17 buffer request that they made to Apex.  
18

1 [SLIDE 3]



2  
3 [SLIDE 4]



4  
5 **Councilmember Gantt** asked if when the RCA switched from 40% if this was prior to  
6 Stormwater.

7 **Director Khin** said yes. She said that when the Stormwater program came in you  
8 could plant the stormwater ponds and so it counted as the RCA and then the State said that  
9 there had to be grass around the stormwater ponds, so then it was mostly no longer counted.

10 **Councilmember Gantt** asked if geographic RCA in the UDO based on certain roads,  
11 is west to 540 considered the boundary.

12 **Director Khin** said no that it's the rural density and rural transition land use  
13 classifications. She said it's not a road, it's the current classifications.

14 **Councilmember Gantt** said that there were some properties in that category. He said  
15 they are much closer to town than others.

16 **Ms. Bunce** said most rural transition properties are in the western edge in Apex  
17 jurisdiction, however there are some that are closer to town because the neighbors ask for  
18 low density such as Capital and Buckingham.

**Councilmember Mahaffey** suggested that if property was in this geographic area, you are a certain density.

**Director Khin** said that this wasn't the UDO that it is zoning conditions.

**Councilmember Zegerman** asked if this is just from rezoning how much land would be zoned this way. He asked would this apply to these properties.

**Director Khin** said yes, because this is land use not zoning.

**Ms. Bunce** said that if they request to come into our jurisdiction, which is if they need water and sewage services, then that's when they would do it.

**Councilmember Mahaffey** said that the effective change here is because most of the land for residential is in the park currently is 30 and the 5% mass grading increase.

**Director Khin** said that sounds right.

**Councilmember Gantt** said that it would be a zoning issue so there would be a mass grade.

**Director Khin** said that it would be a flat 40%.

**Councilmember Zegerman** asked how staff would interact with developers with these recommendations. He asked if they would be denied.

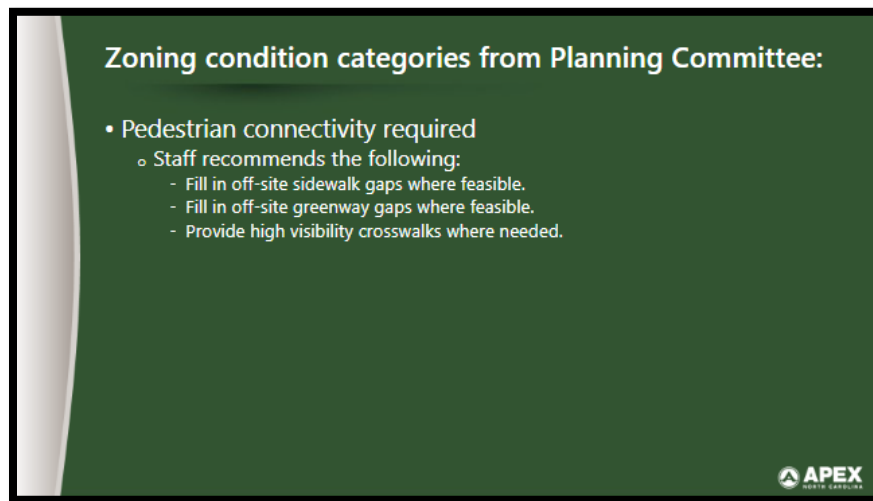
**Director Khin** said they would be denied if they didn't feel like they did not do what they could do. She said that they would make recommendations.

**Councilmember Mahaffey** said sometimes it makes more sense to have the conservation mesh with the other areas like RCAs or Game Lands around it.

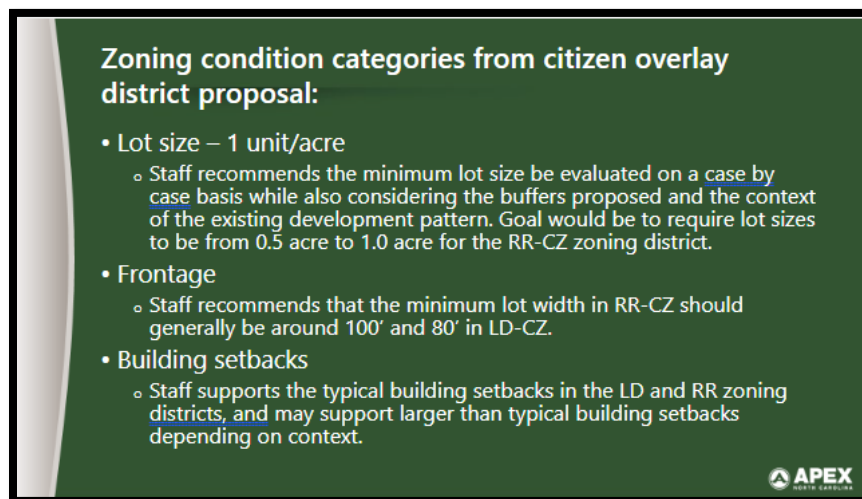
**Councilmember Gantt** asked if they could make a denial recommendation even if it's not against a part of the UDO.

**Director Khin** said they spend months making recommendations, and they can make denial recommendations based on their professional opinions. She said most of the time staff and developers come to an agreement before it reaches Council.

**[SLIDE 5]**



1 **[SLIDE 6]**



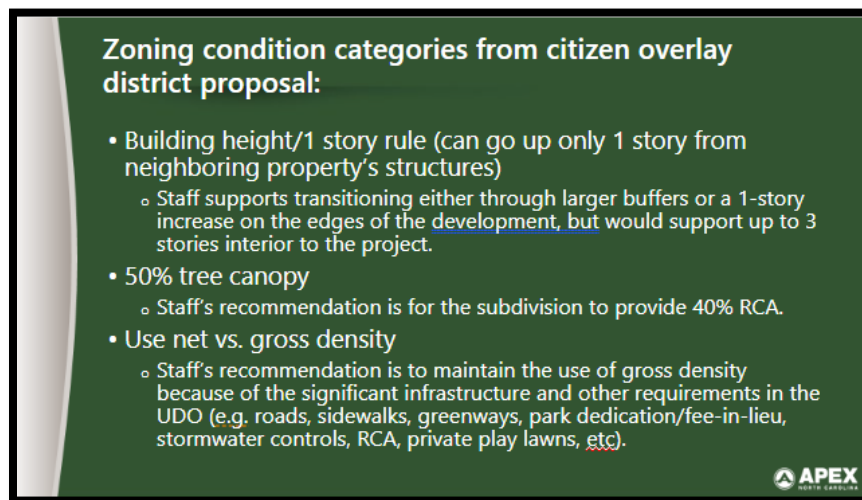
2  
3 **Councilmember Gantt** asked how places like close to Jordan Lake were but still in  
4 Wake County being looked at.

5 **Director Khin** said that they looked at properties and thought about how it would  
6 work in this context, but that this is why there must be flexibility. She said that they can have  
7 goals and targets, but every project is different.

8 **Councilmember Gantt** asked if this was Town wide.

9 **Director Khin** said yes, land-use is Town wide.

10 **[SLIDE 7]**



11  
12 **Councilmember Gantt** asked if there was a level of detail to know it's a rezoning and  
13 not a PUD.

14 **Director Khin** said that it would be the zoning condition that the first layer of homes  
15 can only be how many stories and what the height.

16 **Director Khin** said that it had been asked for a 50% tree canopy, but 40% tree canopy  
17 is still recommended in the UDO, but it would be up to the Council to decide.

18 **Councilmember Zegerman** asked if this was subject to the UDO.

**Director Khin** said no, this is a zoning condition.

**Councilmember Mahaffey** said that the gross density had been discussed in the past. He said that the current values for the density designation is set on the assumption of gross density and if you change that density then you recalculate the value, and nothing really changes.

**Director Khin** said yes.

**[SLIDE 8]**

**Zoning condition categories from citizen overlay district proposal:**

- **Require fencing**
  - Staff's recommendation is for fences to be required when projects are adjacent to a bona fide farm, VAD or EVAD, or when the shrub layer would not likely survive when planted within a Type A buffer with high percentage of tree canopy.
- **Greater buffers**
  - Staff recommends the following:
    - Increase buffer along frontage of the project to lessen the visual impact – 50' was original UDO provision and makes more sense in rural areas versus suburban areas.
    - Increase perimeter buffers by 10' from that required by the UDO and increase the opacity from a Type B to a Type A where a fence is used in lieu of a shrub row to ensure existing trees are preserved.



**[SLIDE 9]**

**Zoning condition categories from citizen overlay district proposal:**

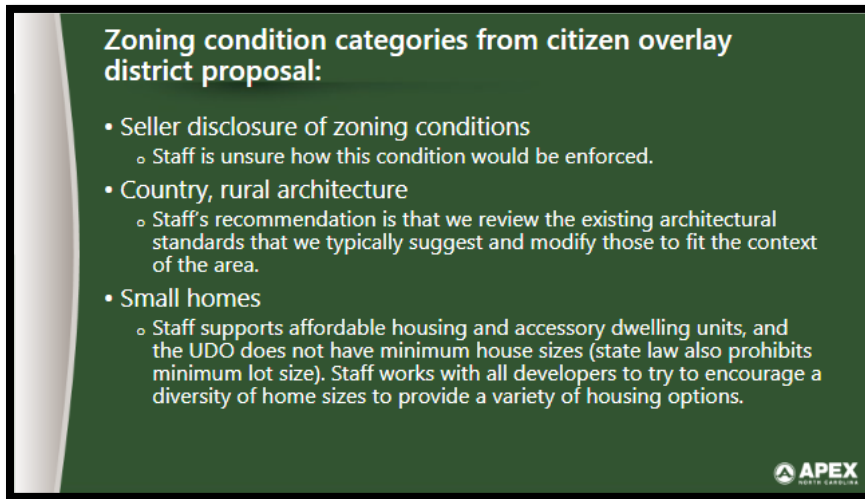
- **Stormwater protections for farm ponds**
  - Additional condition included in Environmental Zoning Conditions.
- **Clear cutting and mass grading prohibited**
  - Staff's recommendation in lieu of prohibiting mass and staged grading is to preserve more trees by requiring wider perimeter and streetfront buffers and increase the minimum RCA requirement to 40%. Restrictions on mass or staged grading results in issues with managing stormwater efficiently, steep driveways, and does not prevent individual homeowners from removing trees on their property. See Attachment #3 for discussion from September 2023 Planning Committee meeting.
  - Staff does not consider mass grading to be the same as clear cutting since staff recommends that 40% of the subdivision be preserved as RCA.



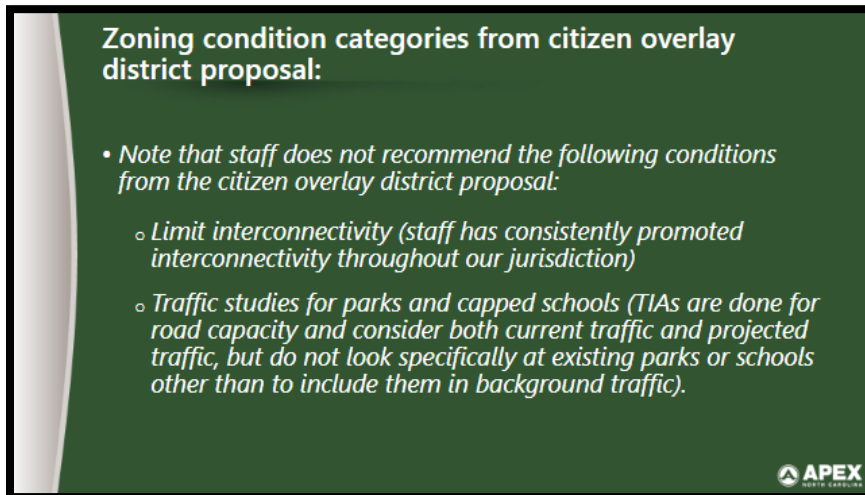
**Councilmember Killingsworth** said that it is noticed that in the subdivision areas where they didn't have the mass grading that they have more stormwater issues and flooding areas. She said that when you have a house built on a hill and you don't have any stormwater guides to control it there is flooding.



1 **[SLIDE 10]**



2  
3 **[SLIDE 11]**



4  
5 **Councilmember Mahaffey** asked if there was a request for a traffic study to be done  
6 for the school or asked to ensure that the school and parks are included.

7 **Director Khin** said that it is in the background traffic.

8 **Councilmember Zegerman** said that the challenge is when a school is coming, and  
9 they are excluded from the traffic study because of the improvements.

10 **Councilmember Gantt** said that things can change.

11 **Councilmember Killingsworth** said there are professional standards.

12 **Councilmember Mahaffey** said that there are objective determination.

13 **Director Khin** said that there are a bunch of assumptions and projections based on  
14 data that the engineers that have been collected, and they are more of an art than a science.

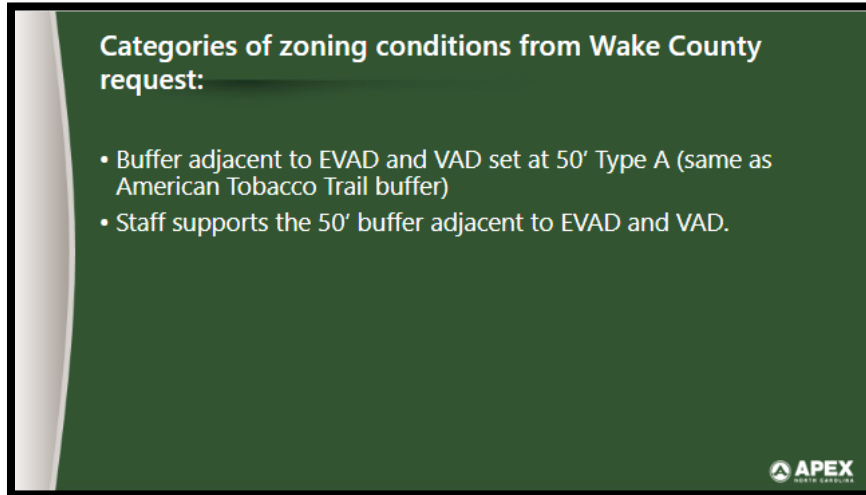
15 **Councilmember Mahaffey** said that there are negotiations, but he is not sure who  
16 should be mandating the negotiations.

17 **Director Khin** asked how far away to look at this.

18 **Councilmember Mahaffey** said the farther you go the more the traffic.

**Ms. Stitt** said that this is a conversation with NC Department of Transportation. She said that if you are going to put development in an area where schools are located then you need the pipeline that school that's not going to have the capacity in 5 or 10 years. She said they are tackling it from both sides and ending up with more traffic from development in an area where schools are capped with no relief for 5 or 10 years.

**[SLIDE 12]**



**Councilmember Gantt** asked what the difference of EVAD and VAD.

**Director Khin** said that one is more permanent.

**Councilmember Mahaffey** said VAD's are not as big of a commitment to him for Type A, and EVADs are 10-year commitments. He said there is some work that needs to be done with them.

**Director Khin** said that agricultural easements had issues with easements and roads. She said that with the environmental easement and agricultural easements would work the same way. She said if it was in the wrong area, it would cause issues.

**Councilmember Zegerman** said that this may take more discussion.

**Director Khin** said the Memorandum of Understanding may be where this could be worked out to ensure they aren't placed where roads are planned. She said that it may be an Administrative and Legal issue.


**Councilmember Gantt** said that they should work with Wake County staff and Legal as well.

**Director Khin** said that the zoning conditions from Wake County could be discussed later and add it later.

1 **[SLIDE 13]**

**Categories of zoning conditions from earlier rural area rezonings:**

- Game lands buffer – 450' is the NC Wildlife Commission's recommended buffer.
  - Staff's recommendation is to provide 450' or as much as is reasonably possible since requiring the full buffer width could render some properties undevelopable.
- Affordable Housing proffer.
- Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
- Historic structures shall be put into historic preservation easement with Capital Area Preservation or similar non-profit.
- Cemeteries shall be preserved in place. Prior to Master Subdivision Plan approval, a survey of any cemetery shall be completed to establish its exact dimensions and the location of grave sites.




- 2
- 3 **Councilmember Zegerman** asked if it was in the UDO.
- 4 **Director Khin** said that it's not in the UDO that it was a zoning condition on others.
- 5 **Ms. Bunce** said that it was a recommendation from the Wildlife Commission.

6 **[SLIDE 14]**

**Categories of zoning conditions from earlier rural area rezonings:**

- Limit permitted uses to the following for RR-CZ and LD-CZ rezonings:
  - Single-family
  - Accessory apartment
  - Farm residence (RR-CZ only)
  - Utility, minor
  - Greenway
  - Horse boarding and riding stable (RR-CZ only)
  - Park, passive
  - Park, active
  - Recreation facility, private
  - Cemetery (RR-CZ only)
- See Appendix G: Review of Allowable Agricultural Business and Agritourism Uses for possible agritourism land uses allowed within RR-CZ, and PUD-CZ (see Attachment #4).




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- 8
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- 18

1 **[SLIDE 15]**

**Categories of zoning conditions from earlier rural area rezonings:**


- Development shall provide a maximum gross density of 1.0 units per acre.
- The minimum lot size shall be 0.5 acre.
- The maximum built-upon area per lot shall be 50%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
  - Front – 40 ft;
  - Side – 15 ft. min;
  - Corner side – 15 ft;
  - Rear – 25 ft.



2  
3 **[SLIDE 16]**

**Architectural Zoning Conditions:**


- Staff recommends both standard and enhanced architectural zoning conditions addressing siding materials, color palette, roof pitch, eave projection, garage door details & location, corner side decorative elements, covered porch/stoop, porch depth, and trimmed windows on visible sides.



4  
5 **[SLIDE 17]**

**Environmental Zoning Conditions:**

- For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
- Implement a stormwater management plan that results in nitrogen and phosphorous loading rates of 4.4 lbs/ac/yr and 0.78 lbs/ac/yr, respectively, or provides "runoff volume matching" as defined in 15A NCAC 02H .1002.
- As part of the sediment & erosion control plan, include the use of NC DWR Approved PAMS/Flocculants in accordance with Sec. 6.86 of the NC Erosion & Sediment Control Planning and Design Manual. (NC DWR Approved PAMS/Flocculants: <https://www.deq.nc.gov/water-resources/north-carolina-dwr-list-approved-pamsflocculants>.)



6

**Director Khin** said that the second bullet is to implement a stormwater management rule and it may be related to the Jordan Lake rules that have been suspended.

Town **Manager Vosburg** confirmed that's what it was.

**Director Khin** said that the zoning conditions to have the mimic the Jordan Lake rules.

**Councilmember Gantt** asked if this was done by reporting or do the current control do this by design.

**Councilmember Gantt** asked if the link between the year storm and the nutrients is not one to one.

**Mr. Patterson** said no.

**Director Khin** said that the last item was written to address the neighbors concern about stormwater protections for farm pond and she asked Mr. Patterson to speak on this.

**Mr. Patterson** said it was recommended for control devices.

**Director Khin** said that it was to keep the turbidity out of the farm pond, so it doesn't turn into a brown mess.

**[SLIDE 18]**

#### Environmental Zoning Conditions:

- Developer shall install pollinator-friendly and native flora within SCM planting areas.
- At least 75% of the plant species used in the landscape design shall be native species.
- Perimeter buffers, SCMs, and other HOA maintained areas shall be planted with clover or warm season grasses for drought resistance.
- In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
- A minimum of xx pet waste station shall be installed in HOA common area.



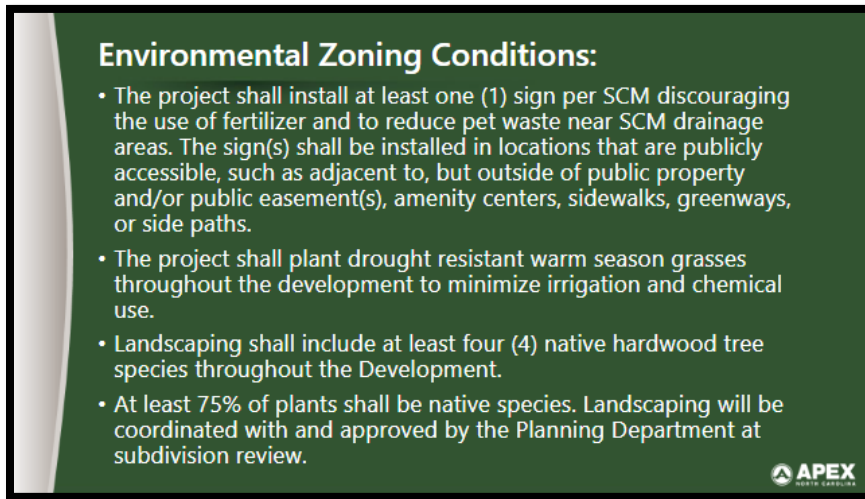
**[SLIDE 19]**

#### Environmental Zoning Conditions:

- All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
- A split-rail wooden fence shall be provided along the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.
- All dwelling units shall be pre-configured with conduit for a solar energy system. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations.
- A solar PV system shall be installed on at least ## homes within the development. A solar PV system shall be installed on a minimum of one (1) model home. All solar installation required by this condition shall be completed or under construction prior to 75-90% of the building permits being issued for the development. The lot on which this home is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.



1 [SLIDE 20]

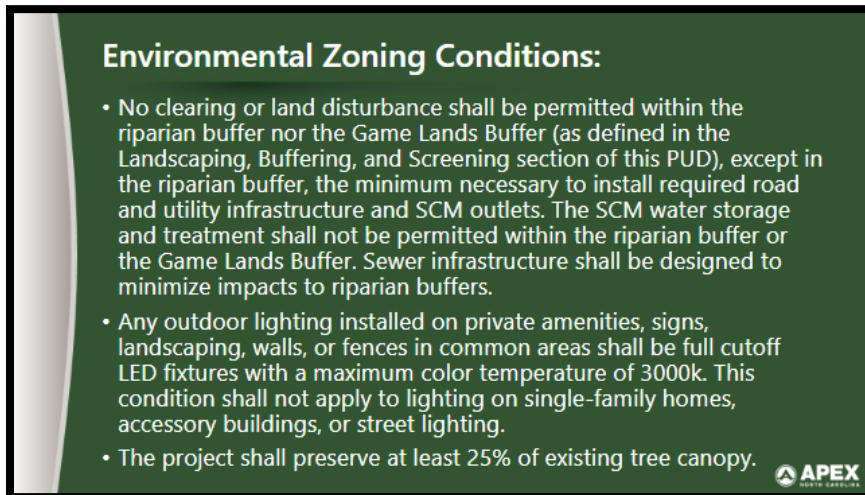


**Environmental Zoning Conditions:**

- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at subdivision review.

**APEX**  
NORTH CAROLINA

2  
3 [SLIDE 21]



**Environmental Zoning Conditions:**

- No clearing or land disturbance shall be permitted within the riparian buffer nor the Game Lands Buffer (as defined in the Landscaping, Buffering, and Screening section of this PUD), except in the riparian buffer, the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer or the Game Lands Buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- The project shall preserve at least 25% of existing tree canopy.

**APEX**  
NORTH CAROLINA

4  
5 **Director Khin** said that they may want to keep a tree canopy.  
6 **Councilmember Mahaffey** said that the goal would be to preserve or restore 100%  
7 of the canopy possibly by offsite improvements or donations.  
8 **Councilmember Zegerman** said that he would like the 25 closer to 40.  
9 **Councilmember Mahaffey** said that there had been discussions about having  
10 inventory of offsite locations and planting thing every year.  
11 **Councilmember Zegerman** asked if it was an addition about restoration, 25% - 40%  
12 onsite and restoration offsite.  
13 **Councilmember Mahaffey** said yes. He said finding creative ways to replace tree  
14 canopy was important.  
15 **Director Khin** asked to clarify that the existing trick canopy on site should be  
16 preserved between 25% and 40% and it could be overall offsite restoration or onsite  
17 preservation for 100%.

1           **Councilmember Mahaffey** said yes, restored by developer or restored by someone  
2 else. He said they work with tree planting charities.

3           **Director Khin** said that they could offer this, but it could not be added to the list. She  
4 said that they may be able to say that the offsite preservation or onsite restoration needs to  
5 100%.

6           **Ms. Bunce** said the properties in the area are agricultural and have been cleared for  
7 farmland. She said that this would be considered at the time of development.

8           **Councilmember Gantt** said that this could incentive people to clear cut their land.  
9 He asked if it was year for them that they have to wait.

10          **Ms. Bunce** said that by State law there is a 3 - 5 years and for single family there is not  
11 a time restriction.

12          **Director Khin** said that there is the use code for Forestry and that they can clearcut  
13 their land.

14          **Councilmember Gantt** asked if this was only for undeveloped land.

15          **Councilmember Mahaffey** said that property owners have certain rights, so they can't  
16 control tree removal on single family properties.

17          **Councilmember Gantt** said that they could cut the trees if they decided to.

18          **Ms. Bunce** said that you could clear everything except what is for the RCA for your  
19 subdivision, because you would have to replant that.

20          **Councilmember Mahaffey** asked what happens if it is a single-family property owner  
21 that has a large property, and they are under contract with a buyer who wants to rezone.

22          **Councilmember Gantt** asked if this is 40% instead of 25% and they are required to do  
23 RCA for 30% then they will cut more so that they don't have to follow this process. He said  
24 that they will try to find ways around this rule.

25          **Councilmember Mahaffey** asked if they didn't require a tree canopy restoration.

26          **Councilmember Gantt** said it was not a requirement it is a zoning condition.

27          **Councilmember Mahaffey** said yes it a zoning condition.

28          **Councilmember Gantt** said that a condition is different than the UDO.

29          **Councilmember Mahaffey** asked if they tree conditions as they were a few years ago.  
30 He said you can't go back.

31          **Director Khin** said that the developer doesn't want the trees cut down. She said that  
32 the rezoning must be approved, and they wouldn't want Council to be upset that they were  
33 cutting down all of the trees.

34          **Councilmember Gantt** asked how the RCA react with the canopy.

35          **Director Khin** said that other things could be RCA and RCA may be 40% total but at  
36 least 25% would be trees. She said 15% could be other things, like a cemetery or a historic  
37 home, or other things. She said this is just to make sure that there are some trees. She  
38 thanked the Council and said they would work on this some more and come back.



**[ADJOURNMENT]**

**Mayor Gilbert** adjourned the meeting at **9:09** p.m.

Jacques K. Gilbert  
Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on \_\_\_\_\_.