

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ13 Seymour Mixed Use PUD

Planning Board Meeting Date: January 8, 2024



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: ±81.9 acres

PIN(s): 0741142574, 0741152543, 0741155913

Current Zoning: Residential Agricultural (RA) and High Density Single-Family Residential (HDSF)

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

Current 2045 Land Use Map: Medium Density Residential; Medium/High Density Residential; Medium/High Density Residential, High Density Residential; Medium/High Density Residential, Office Employment

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Medium Density Residential; Medium/High Density Residential; High Density Residential; Office Employment, Commercial Services

Town Limits: In the 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: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

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Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

Per state law, the Land Use Map will be updated automatically if rezoning is approved.

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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Planning Board Recommendation:

Motion: To recommend approval with conditions as presented with an additional condition to address Apex Peakway issue

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith Braswell

- 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:

Additional condition: Applicant to work with staff to resolve Apex Peakway fee-in-lieu vs. full construction issue.

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

With 5 Planning Board Member(s) voting "aye"

With 4 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Dissenting votes Tina Sherman, Daniel Khodaparast, Tim Royal, and Sarah Soh. See attached.

This report reflects the recommendation of the Planning Board, this the 8th day of January 2024.

Attest:



 Reginald Skinner, Planning Board Chair

Digitally signed by Dianne F. Khin
 Khin
 Date: 2024.01.08 20:49:04 -05'00'

 Dianne F. Khin
 Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Daniel Khodaparast

Meeting Date: 01/08/2024

Rezoning # 23CZ14

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

I do not feel that there has been adequate follow up to ensure that the necessary concerns of staff for the Peakway ultimate option and the neighborhood have been met. The proposed zoning adjacent to the western parcel does not complement the existing neighborhood aesthetic. The increase in density and uncertainty around sewer capacity are also concerning, given that the property has not been developed for quite some time. In addition I would have liked to have seen more clarification on addressing green space for residents.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 1/8/2024

Rezoning # 23CZ13 Seymour Mixed-Use PUD

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

Reasons being Staff does not recommend, and traffic study does not include Grace Christian School expansion/ extension. Although the school is in conversation with the developer, that information is not public yet. The infrastructure is priority and with the vast growth around the Apex Peakway and Salem St, we need to be more cognizant of what is needed Day 1. Rezoning conversations needs polishing with neighboring residents that shared their concerns with storm drainage, density of units. 800 units is significant in this area esp. with insufficient school space in all levels. I believe this is a good beginning but just needs tightening up and come to agreement between Planning Staff, residents and developer.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tim Royal

Meeting Date: 1/8/2024

Rezoning # 23CZ13 Seymour PUD

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

1. Tingen road downgrade from a future 4 lane to 3 lane causes serious concern given the proposed Grace Christian School TIA was not included and they currently have approximately 1,200 students enrolled. Buses will not be an option so parent and student must drive themselves.
2. Apex Peakway - no commitment from the developer to add language per staff requests.
3. Stub streets from Salem Village need to continue the same lot size and remain detached single family residential with .25 acre lots further into the proposed Seymour PUD.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 1/8/2024

Rezoning # 2 & 3

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

not aligned with the land use map & issues with staff alignment