



APEX TOWN COUNCIL MEETING

TUESDAY, JULY 19, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. Donnelly, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council
scheduled for Tuesday, July 19, 2016, at 7:00 p.m.
was held in the Council Chamber of Apex Town
Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members
William S. Jensen, Eugene J. Schulze, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Tim Donnelly,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the June 21, 2016 Regular Meeting and the June 28, 2016 Special Meeting
- Consent 02 Apex Tax Report dated 06/13/2016
- Consent 03 Appoint the following individuals to the Parks, Recreation, and Cultural Resources Advisory Commission: James "Buzzy" Correll, Term Ending 6/30/2019, and Jeff Roach, Term Ending 6/30/2019, and to reappoint Greg Coley to serve as Chairman of the Commission, one year appointment 7/1/16 – 6/30/17, and James "Buzzy" Correll to serve as Vice-Chairman of the Commission, one year appointment 7/1/16 – 6/30/17
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ14, Meritage Homes of the Carolinas, LLC/Wayne Abbott, petitioners for the property located at 3917 US 64 Highway West

- Consent 05 Budget ordinance amendment to transfer an additional \$389,062 from the Recreation Reserve Fund to the General Fund to fund debt service in accordance with the loan agreement with The Conservation Fund for the purchase of land for Pleasant Park
- Consent 06 Various amendments to the Town's Cross Connection Control Ordinance
- Consent 07 Declare non-NFPA complainant Personal Protective Equipment surplus and donate the Equipment to the REDS team for the Guatemala project in which the team is involved
- Consent 08 Waterline contract notice of award to Sullivan Eastern, Inc. and allowing the Town Manager to execute the contract
- Consent 09 Amend existing ordinances to clarify that terms of the Parks, Recreation, and Cultural Resources Commission shall end at the conclusion of their June meeting each year to coincide with the end of the Town's fiscal year
- Consent 10 Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance (UDO)
- Consent 11 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex BPC Lufkin, LLC (Summit Church) property containing 8.310 acres located at 3000 Lufkin Road plus adjacent right-of-way containing 6.899 acres, Annexation #574 into the Town's corporate limits
- Consent 12 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Classic Road Partners, LLC (Pinnacle Park Center) property containing 25.352 acres located at 0 Ten Ten Road, Annexation #579, into the Town's corporate limits
- Consent 13 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 21, 2016
- Consent 14 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of May 17, 2016
- Consent 15 Set Public Hearing for the August 2, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 16 Developer agreement with ExperienceOne Homes, LLC for Sweetwater subdivision
- Consent 17 Policy providing guidelines for public participation in public forum and public hearings

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called attention to the public comment policy which was enacted on the Consent Agenda. The procedures have been taking place loosely over the years and Council now wished to put them in writing. Because the Agendas are becoming full of a record-setting number of items, Council wished to strike a good balance between valuable input and filibustering. Mayor Olive stated the policy would take affect with this evening's meeting.

REGULAR MEETING AGENDA

Mayor Olive directed attention to Public Hearings 10 through 17. Advance planning would move these items to a continued meeting to be held July 26, 2016 at 7:00 p.m. if approved by Council. In addition, for Public Hearing 03, the applicant requested this item to be heard on July 26th. The applicant, Stewart Jones, was in attendance and was in agreement. The applicant withdrew Public Hearing 05. Unfinished Business 01 would be heard on July 26th.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE A MOTION TO APPROVE THE ABOVE MODIFICATIONS TO THE REGULAR AGENDA; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

An audience member stated that the items being continued could have been better communicated seeing as he came prepared to hear one of the items on this evening. The Mayor acknowledged his statement.

PUBLIC FORUM

Steve Swamp addressed Council about West Village and West Woods. In May, Council asked the residents to work with the developer to find common ground. They took the matters seriously and spent a lot of time with the developer. They are still attempting to get some concessions, but the developer is not willing to give up any of his flexibility. They have another round of concessions to go, they are asking for less than previously, and they are waiting for response from the developer.

Mr. Swamp stated it was approved by Council that this matter would not be heard this evening, now being pushed to August 2nd. However, several members of the community will be out of town on that date. Mr. Swamp stated he understood the community could not ask for an extension, but he felt they have pertinent information that should be presented at the same time. He asked Council for consideration to delay. Mayor Olive stated that possibilities could be talked about with the applicant.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #15CZ34 (Empire Estate, LLC) to rezone 1.47± acres located on E. Williams Street approximately 500 feet south of its intersection with NC 55 Bypass from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)

Staff oriented Council to the site. Staff recommended approval as did the Planning Board.

The applicant, Tony Tate, stated this rezoning would be the same as the piece last year. The Right of Way was abandoned and the property went back to the property owner. It now makes sense to extend.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Liz Loftin, Planner

This public hearing was continued from the June 21, 2016 Town Council meeting.

Public Hearing and Rezone #16CZ13, James Street PUD Plan 2.49 acres located at 210 James Street, from Residential Agricultural (RA) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the applicant proposed a privacy fence and additional landscaping. The Planning Board and staff recommended approval.

The applicant, Jeff Roach, Peak Engineering, stated they are trying to provide workforce housing close to downtown. Architectural standards that could have been pulled out of the project were left in place to keep the small town character feel. Responding to Council, Mr. Roach talked about depth of lots, explained the fencing and landscaping, lot layout, and probable cost of the housing. Council was concerned about this being small and piecemealed together. Mr. Roach stated the owners around this property were not interested in selling more of their land to them.

Mayor Olive declared the Public Hearing open.

Helen Davenport stated it gave her great sadness to have medium density housing backing up to her land. The sellers are foolhardy heirs. This development would cause an increase in noise, lights, and traffic. The wildlife would shrink. We should be conservators of the land. Ms. Davenport talked about a structural buffer which would lend respect. Responding to Council, Ms. Davenport stated she was not heard at the meeting with the applicant; her words fell on deaf ears. She did not understand the fencing layout.

Mr. Roach stated the fence adjacent to Ms. Davenport's property has a horse fence in disrepair. The owner has agreed to replace it. They addressed Ms. Davenport's concerns as best they could and thought they were being reasonable.

Mayor Olive declared the Public Hearing closed.

Council stated if Ms. Davenport did not feel like she was heard, she wanted to see more one on one discussion before entertaining this. Council stated he wanted to see more properties joined together before this was approved. Council stated this would help fill the need of workforce housing. If the applicant asked for more property and the owners did not want to sell, they can't be forced to sell. This is what the property is zoned for. Council was also concerned about this being an awkward piece of property, and he wanted it to better fit the neighborhood.

Mayor Olive reminded Council what they needed to consider. It would be a better time at the site plan to express these concerns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN, MOYER, AND DOZIER VOTED IN THE NEGATIVE. THE MOTION FAILED BY A 2-3 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO DENY. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Discussion ensued about giving both sides more time to meet and discuss, the possibility of there not being a common ground, and the possibility of this going back to the table.

COUNCIL MEMBER DOZIER WITHDREW HER MOTION TO DENY.

Council expressed concern about lot sizes and wanting this to be quality housing just like everything else that's being done. The Town Attorney explained the rezoning failed, and that this matter could not be continued. It could come back at a later date with the motion to reconsider by someone who voted in the negative.

Public Hearing 03 : Brendie Vega, Principal Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and proposed 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential; and Commercial Services and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Council continued this item to July 26, 2016.

Public Hearing 04 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ08 (Meridian at Nichols Plaza PUD) to rezone 15.37± acres located on the north side of Pine Plaza Drive from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The applicant added a zoning condition on this day. Staff and the Planning Board recommended approval.

Responding to Council, staff stated there was no progress on the traffic signal at this point. We are waiting for the traffic to increase before doing a study. One person on the Planning Board voted against the rezoning but did not give a reason. There is no consideration of the widening of Lake Pine Drive, but staff talked about traffic signals that would go in. Staff stated how Council could help in dealings with DOT. Plans for this and other areas were briefly touched on.

Jason Barron representing the applicant stated this project would be modeled after another successfully completed project by them. He talked about the highlights of the plan and how this would be a high quality development with workforce housing. They will implement solar if they can. Mr. Barron talked about them being good stewards and that they have responded to the issues of parking.

Mayor Olive declared the Public Hearing open.

Speaking in favor were Sarah Fowler, Thomas Fowler, Anne Dennis, Tommy Drake, Terry Slate, Peter Carter, Jacob Rogers, and Jim Moody with the following types of comments: one property owner stated this would be a perfect project for this location; it will put infrastructure in place and building upwards is efficient; have enjoyed walking to the Community Park, there is a need to protect the space, concerned that when something built the runoff will trash the lake, and wanting to see something in writing that affirms controls are in place to protect the water quality and wildlife; met with the owners to determine if this was the right time to put his land into service, this consistent with the Land Use Plan, will be a high-quality development, and have confidence in the developers; another property owner stated there is now a way for plans for the land to come to fruition and he would like to see this done; another property owner stated they have been paying property taxes on land they were not able to use and asked for support to get this done; habits of millennials were talked about, there should be a limit on the number of stories, and communities draw businesses; member of the Triangle Apartment Association provided rental data, spoke about multi-family housing which is underserved, and stated the area is growing fast; Apex has a great environmental plan, will increase traffic but have people coming into the area who can't afford \$3-4-500,000 homes, and this will build up Apex.

Speaking in opposition were Liz Valdmetz, Heather Kempfer, Dylan Ennis, and Karen Haywood who had the following types of comments: one resident stated she was representing hundreds of opposers, couples may have two cars and parking spaces were talked about, spoke to the Planning Board about stormwater runoff on Nichols Plaza, protect the land and their quality of life, stream on the property and a buffer that should be there, and classification of the land and the lower tax value because of it; from Ellington Place HOA, concerned about development because of reasons already heard, concern about traffic, dangerous intersection, won't be a small town much longer if this type of development keeps happening, will be disastrous and constant chaos; sees a trend in development companies trying to pack many people in a small space, encroachment on the parks, traffic and quality of life concerns, didn't feel the majority of people were informed about what's going on; concerns about two lane roads and stormwater runoff, showing pictures after an exceptional amount of rain on the weekend.

Mayor Olive declared the Public Hearing closed.

Mr. Baron, in response, stated his client in Cary has had no complaints about parking.

Council talked about her children not being able to afford to move to Apex and her possibly not being able to move to a more convenient place later on because people think the project would crowd the parks. Council was concerned that if there was a petition signed by hundreds, why only 11 people showed for this meeting. Most don't live in Apex, and he wanted to know what percentage do live here. Council stated our water quality goes above and beyond what is required. We can't put stock in pictures that were taken after a five foot storm. A traffic study was done by experts, and the level of traffic doesn't warrant any real road improvements. As there is more build out, then we can look at this. Council felt this an appropriate place for an apartment.

Council stated he spent time last month with the partners and went on a tour of the facility in Cary. It was top notch and environmentally favorable. They increased the pond size for runoff, reduced density, and they are a local developer. He was in support, stating this would be a great place for the development and it was responsible.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE A MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council stated he had a hiccup about the four stories. But it was the right place to put the building because of location and mixed use. We are still missing, however, office opportunities in this area. The

Planning Committee wants to adjust the map, and this may be the last residential-type project to go in. Council stated she would like to connect with the Parks and Recreation staff to make sure the park is what it should be. She also wanted to address any environmental issues through committee meetings. She was concerned about traffic and wanted to work with staff and DOT on what she sees as valid concerns.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Shelly Mayo, Planner

The Public Hearing on Rezoning #16CZ09 and associated 2030 Land Use Map Amendment will not be heard because the applicant has withdrawn their application which sought to rezone approximately 0.92 acres located at Upchurch Street and Harwood Street from High Density Single Family Residential (HDSF) to Neighborhood Business Conditional Zoning (B1-CZ) and to change the 2030 Land Use Map Designation from Medium Density Residential to Office Employment and Commercial Services

The applicant withdrew this request.

Public Hearing 06 : Mike Clark, Senior Planner

Public Hearing and Rezoning Application #16CZ15. The applicant, Jason Barron representing North View Partners, seeks to rezone approximately 10.00 acres located at 2030 Laura Duncan Road from Rural Residential to High Density Multi-Family Conditional Zoning (HDMF-CZ).

Staff oriented Council to the site. One structure on the property has been deemed historic, and an easement has been agreed to by the applicant as a condition for its preservation. The Planning Board and staff recommended approval.

Jason Barron, representing the applicant, stated he was excited to bring this project forward as it addresses the senior community. He talked about the greenway connection, the use being consistent with the Land Use Plan, market factors, and benefits of such a project. Responding to Council, he explained the structure at the top of the building and their committing to explore the 25 year storm water plan.

Mayor Olive declared the Public Hearing open.

Speaking in favor were Thomas Fowler, Sarah Fowler, Jeremy Bradham, and Jim Moody with the following types of comments: drainage behind his property is not considered wet, excited to hear this was coming because we need a senior center, and complies with the 30 year plan; devastated she needed to sell her property but hoped Council would approve; the Historical Society endorses the house being saved, developer amiable to relocating the house, and Capital Area Preservation behind this also; will be an

increase in traffic but low impact on the school system, retired folks need a place to live also, and rezoning signs have been up a long time.

Speaking in opposition were Kara Haywood and Sandra Webb with the following types of comments: wonderful idea that Apex needs but questioned retail being walkable without sidewalks, would be a last and great opportunity to expand the park, and developers have had a lot of time to spend with the staff but the public has had little time to learn about issues and come to the meetings; not notified because she is not within 300 feet, want to see the property stay as it is even though she understood the property owner's position, and in support of development but concerned about traffic in the area.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council commented on the property owner nicely maintaining the property, wanting to see the park expanded but we just bought Pleasant Park and have only a finite amount of money to spend, need to concentrate on areas that don't have parks, being glad the house will be saved, hoping the developers can do a 25 year storm pond, this being a great legacy of taking care of the property and hoping the developers would do the same, will bring in employment opportunities and possible work places to live, the opportunity for more doctors, the right thing to do for the residents of Apex.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a seven minute recess.

Public Hearing 07 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ19 to rezone 6.68± acres located at 0 Ramblewood Road at the terminus of Bay Bouquet Lane from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the Planning Board and staff recommended approval.

Larry Witek, representing the applicant, stated this would be for an extension for a stub street. It would be designed to be the least offensive to neighbors.

The Mayor stated he received a letter from the Ellington Place HOA requesting the HOA be a part of the proposal. Council asked about the homes along the railroad track, the applicant stating there would be a buffer to which buyers do not seem to object; there is no switching station in this area so there would be no noise of this kind.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Shannon Cox, Transportation Planner

Public hearing and a proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by Peak Engineering and the Planning Department

Staff oriented Council to the amendment. Given was the history of this being presented to Council originally in 2015 and it not being voted on at that time. Staff took another look at the proposal and the land use, and there are now sufficient connections to make this a minor collector. Wake County and Town emergency services provided their input, the latter having several concerns. The Planning Board and staff recommended approval independent of the planned Reunion Point subdivision.

Council expressed concern about driveways and how they can affect traffic. Staff stated the biggest concern of a major to a minor collector is the road being wide enough to accommodate parking. There was also concern that a long stretch of roadway without calming would become a speedway. Staff clarified that speed bumps are not allowed on a minor collector but roundabouts would be.

The applicant did not wish to speak.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

Council spoke about this being problematic for a long time and wanting to know the urgency to make a decision now. We need to let this play out a little more. Council stated there might be a development coming up that might want to put in driveways. Conversation ensued about traffic, future road connections, calming devices, the landfill, and school bus stops. Staff explained why this was being considered at this point – a development wanting to come in with driveways out to the road. Staff

clarified that if Council denied the request and an applicant came in asking for a minor collector due to a hardship of a development, this would need to go before the Board of Adjustment for a variance.

Council talked about leaving this as a major collector and then rerouting the road. Council stated he was willing to postpone a decision, the only con he had being the driveways. Council asked if we could downgrade this now and then hold the developer to a limited number of driveways, staff stating it would need to check further the length of the street.

Applicant Jeff Roach, Peak Engineering, stated this came before Council last November. At the time, they agreed that this road needed to be there and they were proposing for it to go from a major to a minor collector. At the time, they didn't know the school was coming. The school is not planning to connect from the west, and he didn't know if a road would go across the landfill. There are a lot of engineering impracticalities, and Mr. Roach talked about possible future development in the area.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council was concerned that we would be setting a precedent if there is a development at some point; there would be no connections. Council was concerned about making sure emergency services would get through the area. Perhaps we could ask the developer later on to put in traffic calming devices.

COUNCIL MEMBERS WILKIE AND SCHULZE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN, MOYER, AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 3-2 VOTE.

Public Hearing 09 : Tim Donnelly, Assistant Town Manager

Public Hearing to close a portion of Walden Road (SR1148 Wake County)

Staff reminded Council of its previous actions on this matter. Part of the road would be Fillini and part would be Walden. Staff spoke a bit about locking in the Walden name.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the public hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE CLOSING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council took action earlier in this meeting to continue the following public hearings to July 26, 2016 except for Public Hearing 16, which the applicant requested to be heard on August 2, 2016:

Public Hearing 10

Michael Clark, Senior Planner

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Bristol-Tingen Properties (Bristol PUD) property containing 149.995 acres located at 2433, 2505, 2513, 2517, 2521 and 2701 New Hill Olive Chapel Road, Annexation #571 into the Town's corporate limits

and

Public Hearing 11

Michael Clark, Senior Planner

Public Hearing and possible motion for rezoning application #16CZ01 Bristol Assemblage PUD and Ordinance. The applicant, the Pulte Group representing the property owners, seeks to rezone +/-149.95 acres located near the intersections of New Hill Olive Chapel Road and Old US 1 Hwy from Wake County R-40W to Planned Unit Development-Conditional Zoning

and

Public Hearing 12

Michael Clark, Senior Planner

Public Hearing and possible motion regarding proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Pulte Group

Public Hearing 13

Shelly Mayo, Planner

Continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 into the Town's corporate limits

and

Public Hearing 14

Shelly Mayo, Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion regarding Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential (RR) and Wake Co R-80W to Medium Density - Conditional Zoning (MD-CZ)

Public Hearing 15

Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion on a 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Public Hearing 16

Michael Clark, Senior Planner

This public hearing was continued from the May 17, 2016 Town Council meeting.

The applicant has requested this item be continued to the August 2nd Town Council meeting.

Public Hearing and possible motion regarding Rezone #15CZ33, West Village PUD, 163.34 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

Public Hearing 17

Michael Clark, Senior Planner

Public Hearing and possible motion Public hearing and possible motion regarding Rezoning Application #16CZ16. The applicant, Joseph V. Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Council took action earlier in this meeting to continue the following Unfinished Business item to July 26, 2016:

Unfinished Business 01

Shelly Mayo, Planner

Possible motion to approve Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Abbey Run Master Subdivision Plan for the properties located at 1112-1116 Olive Chapel Road containing 6.81 acres and 19 single-family lots

Staff oriented Council to the site. The Parks and Rec Commission recommended a fee in lieu, and the Planning Board and staff recommended approval. Responding to Council, staff stated the applicant could upgrade the buffer.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Liz Loftin, Planner

Reunion Pointe Master Subdivision located at 0 Reunion Creek Parkway containing 12.07 acres and 45 single-family lots

Staff oriented Council to the site. The use was consistent with the Land Use Map. The Planning Board approved the request with the minor collector. Staff, however, could not recommend approval based on the previous decision of Council this evening regarding the minor collector.

Council asked the Town Attorney was it possible to go back and change the decision from earlier this evening, and she explained the process. The applicant stated, responding to Council, that if this were a major collector, only townhomes could be built on the property. The developer was going to build a greenway section. After further conversation, the Mayor asked if a Council Member who was opposed to the minor collector wished to revisit that decision. Council stated he wished to think about this further.

MAYOR OLIVE STATED THIS ITEM WOULD BE HELD UNTIL THE JULY 26TH MEETING WHEN IT WOULD BE REVISITED WITH A POSSIBLE DECISION BEING MADE AT THAT TIME. COUNCIL WAS IN AGREEMENT.

New Business 03 : Liz Loftin, Planner

Peak Landing Master Subdivision for the properties located at 2904 Old US 1 Hwy Road containing 28.15 acres and 60 single-family lots

Staff oriented Council to the site. A neighborhood meeting was held, and the Parks and Rec Commission recommended a fee in lieu. Staff recommended approval based on the condition that the Town will not approve construction plans until the sewer design is complete. Staff, responding to Council, talked about getting Richardson Road across the conservation easement. If Richardson Road cannot be worked out, then this would affect how all the roads would be connected.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no objection from Council,

MAYOR OLIVE DECLARED THE MEETING CONTINUED TO JULY 26, 2016 AT 7:00 P.M.

Tuesday, July 26, 2016
Continued from the Regular Meeting of Tuesday, July 19, 2016

All Council Members present at the July 19th meeting were present for this Continued Meeting.

COMMENCEMENT

Mayor Olive called the meeting to order.

Mayor Olive stated there were items of adjustment. Public Hearing 02 heard on July 19th might have been up for reconsideration.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO RECONSIDER PUBLIC HEARING 02; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 02 TO AUGUST 16; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated there might have been a desire to continue Public Hearing 03.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE PUBLIC HEARING 03 TO AUGUST 16TH; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated there might have been a desire to reconsider Public Hearing 08.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO RECONSIDER PUBLIC HEARING 08; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 08 TO AUGUST 16TH; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive stated there might have been a desire to continue Public Hearing 15 to August 2nd. Council stated he wished the applicant to consider continuing the public hearing, to which the applicant was agreeable. Council stated he felt more time was needed to evaluate the request and to find a better solution.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 15 TO AUGUST 2ND; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, DOZIER, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

The Mayor stated the applicant requested to continue Public Hearing 16 to August 2nd.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 16 TO AUGUST 2ND; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated New Business 02 would need to be continued because of its connection to Public Hearing 08.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE NEW BUSINESS 02 TO AUGUST 16TH; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 03 : Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential, Commercial Services, and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Council took action earlier in this meeting to continue the Public Hearing to August 16th.

Public Hearing 10 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Bristol-Tingen Properties (Bristol PUD) property containing 149.995 acres located at 2433, 2505, 2513, 2517, 2521 and 2701 New Hill Olive Chapel Road, Annexation #571 into the Town’s corporate limits

and

Public Hearing 11 : Michael Clark, Senior Planner

Public Hearing and rezoning application #16CZ01 Bristol Assemblage PUD and Ordinance. The applicant, the Pulte Group representing the property owners, seeks to rezone +/-149.95 acres located near the intersections of New Hill Olive Chapel Road and Old US 1 Hwy from Wake County R-40W to Planned Unit Development-Conditional Zoning

and

Public Hearing 12 : Michael Clark, Senior Planner

Public Hearing and amendment to the Transportation Plan’s Thoroughfare and Collector Street Plan map as requested by the Pulte Group

Staff oriented Council to the site. A neighborhood meeting was held, the applicant additionally holding several follow up meetings. Staff detailed amendments from the applicant which were distributed to Council this evening. The Parks and Recreation Commission recommended a fee in lieu, and there are negotiations with the developer about more land for which there would be a credit for fee in lieu. The Planning Board and staff recommended approval with the conditions. Staff stated the Planning Board had not heard the amendments distributed this evening.

Bob Anderson, applicant from Pulte, outlined what they wished to incorporate in this multi-generational community. There would be an affordable component. Mr. Anderson spoke about the neighborhood concerns and how they were resolved. They believed this would be a quality product.

Mayor Olive declared the Public Hearing open.

Speaking in favor, David Bristol, property owner, stated they have tried to do something special on the property. He talked about how beneficial the infrastructure will be in the community. In considering selling the property, Pulte promised a product much better than what they expected. He asked Council to approve this project.

Mayor Olive declared the Public Hearing closed.

Council asked staff about the allowance for slab on grade, to which staff stated it was because these were one-story ranch houses. Mr. Anderson stated the slab on grade related only to the ranch homes with a master downstairs and a loft space. Staff explained how this option would be more inclusive than developments in Apex in the past. Randy King, Pulte, clarified that the fee in lieu was not part of the original condition, but they wanted it to be a part of the record.

Council spoke about there not being a non-residential component and asked the applicant how this development would benefit the people of Apex. Mr. Anderson explained they are a residential builder and that this project was not suited for commercial development. There was also a study done which supported this. Council argued it is the responsibility of developers like Pulte to seek out commercial space. Council stated there is going to be a need for non-residential, especially on the property on the corner. Council talked about the developer having an amenity area. Council stated she liked the ranch-style homes and so did a lot of others in Apex. Council stated she appreciated a lot of things the applicant offered and the diversity of the project. There is already an issue with traffic, there is a lot going on in one area, and the folks living outside the 300 foot range might possibly have a problem with this. She felt this was the wrong location and time for this project.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, WILKIE, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-2 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONING WITH ADDITIONAL CONDITIONS PRESENTED ON THIS EVENING AND THE DECREASE IN TOTAL UNITS; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, WILKIE, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-2 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE TRANSPORTATION PLAN AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 13 : Shelly Mayo, Planner

Continued from the June 21, 2016 Town Council Meeting.

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 into the Town's corporate limits

and

Public Hearing 14 : Shelly Mayo, Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential (RR) and Wake Co R-80W to Medium Density - Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the Planning Board and staff recommended approval. Staff clarified questions from Council regarding density, the pond, and traffic.

Stewart Jones, Jones and Crossen Engineering, representing the applicant, stated the owners have purchased land elsewhere in Apex for non-residential development. He explained how this ties in with Smith Farms. The developers have been willing to work together to solve issues in the area. Smith Farms will have a recreation site, to which the applicant is working to gain access for this development. The pond, responding to Council, will probably be taken down and a storm water pond built in the same location. Also, if Smith Farms does not go through, then this parcel would need to find another way as far as the access road is concerned. Council stated this needed to be made a condition, that this development would not have driveway access onto Olive Chapel Road. The applicant was in agreement.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REQUEST WITH THE CONDITION THAT THE SUBDIVISION WILL NOT DIRECTLY ACCESS
OLIVE CHAPEL ROAD; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 15 : Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Council took action earlier in this meeting to continue the Public Hearing to August 2nd.

Public Hearing 17 : Michael Clark, Senior Planner

Public Hearing and possible motion Public hearing and possible motion regarding Rezoning Application #16CZ16. The applicant, Joseph V. Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)

Staff oriented Council to the site. A neighborhood meeting was held and the Planning Board and staff recommended approval. Staff, responding to Council, spoke to the height of the building and architectural standards.

Representing the applicant, Stewart Jones, Jones and Crossen Engineering, provided a bit of history on the site and the road improvements made by Joey Iannone. There is infrastructure in place. Mr. Jones explained why the applicant has limited the building to three stories. After some conversation, the applicant and staff agreed to remove condition 3 and the first sentence in condition 5.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST WITH THE STATED CONDITIONS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

Unfinished Business 01 : Shelly Mayo, Planner

Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

Staff explained corrections to the materials previously distributed and oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation fees were grandfathered, and the request met the Transportation Plan and UDO. The Planning Board and staff recommended approval. Council spoke on the buffer along the Peakway, upon which the applicant stated they would switch to an evergreen buffer. They will try to save what Crepe Myrtles they can.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN SUBJECT TO THE CONDITIONS OF THE BUFFER; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

[New Business 02](#)

Liz Loftin, Planner

The applicant is requesting that this item be heard at the August 2, 2016 meeting.

Possible motion approving Reunion Pointe Master Subdivision located at 0 Reunion Creek Parkway containing 12.07 acres and 45 single-family lots

Council took action earlier in this meeting to continue the Public Hearing to August 2nd.

ADJOURNMENT

With there being no further business and with no objection from Council,

MAYOR OLIVE ADJOURNED THE MEETING.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

THIS PAGE INTENTIONALLY LEFT BLANK