



Apex Town Council Special Meeting

Tuesday, August 22, 2017

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

The Special Meeting of the Apex Town Council scheduled for Tuesday, August 22, 2017, at 5:00 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Mayor Pro Tem Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PUBLIC HEARINGS

Public Hearing 01 : Shannon Cox, Senior Transportation Planner

Public Hearing and proposed amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to the future Local Connector street currently shown on the Transportation Plan as extending from North Salem Street to existing Charlion Downs Drive to the north, to connect with existing Carolina Bell Road and to upgrade the future roadway to a Minor Collector street

Staff detailed the amendments recommended by staff. The Planning Board recommended approval with the suggestion to show local connector streets from the existing stub streets in the area to the future minor collector streets. Staff stated the difference between a minor collector street and a residential street. Both Police and Fire agreed with the proposed location of the road, asking to ensure traffic calming and public safety vehicles having adequate access to the road.

Staff answered questions from Council related to traffic concerns and at what stage these concerns would be addressed in the future. Staff clarified their recommendations and those of the Planning Board.

Mayor Olive declared the Public Hearing open.

J. Charles Allard spoke in opposition on behalf of a large group of neighbors. Allard presented a petition signed by 120 residents, representing 77 of the 85 units in the area. He stated the streets are narrow and detailed the difficult issues this causes. They are concerned about safety and privacy on their property. Mr. Allard spoke about the limited mobility of seniors and how the increased traffic would affect them.

Steven Vagasky spoke in opposition to the stub street due to traffic issues and how this will negatively affect his neighborhood. He additionally spoke about lack of required sidewalks.

Troy McDaniel was opposed to any extension because of safety concerns.

Robert Shibley spoke in opposition stating that the traffic situation on Salem Street is dire. He was informed that a traffic light could not be added, and he did not understand how large equipment would have road access.

Mayor Olive declared the Public Hearing closed.

Staff clarified the pinch area of which audience members spoke, it being a traffic calming device. Staff will check into the current absence of no parking signage. Staff answered questions about stub streets and their requirements in the UDO. Large truck patterns were talked about and what could be done if there is a problem in the future.

Council expressed concern that staff recommendations would not positively affect a large number of neighbors. Staff clarified that Council needed to decide if they wanted sidewalks on one side or both sides of the street. There was discussion about the issue of neck downs being sent to the Planning Committee. Council stated this was always designed to be a minor collector. There was a request from Council for staff to look at roundabouts as a calming method.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE AMENDMENTS
WITHOUT THE PLANNING BOARD RECOMMENDATION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council stated it would be making a mistake if they did not follow through on the plan that we spent time and money developing. There was further discussion about an alternate location for a road.

COUNCIL MEMBERS JENSEN, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBERS DOZIER AND MOYER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 02 : Amanda Bunce, Planning Manager

Public Hearing and an amendment to the 2030 Land Use Map and rezoning application #17CZ13 (Crossroads Holdings, LLC). The applicant, Crossroads Holdings, LLC seeks to amend the 2030 Land Use Map classification from Right-of-Way to Mixed Use: High Density Residential/Office Employment/Commercial Services and to rezone approximately 0.36± acre located at 0 N. Salem Street from Residential Agricultural to Planned Commercial-Conditional Zoning (PC-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and staff recommended approval. Staff answered Council questions about buffers.

Mayor Olive declared the Public Hearing open.

Bill Daniel, William G. Daniel & Associates, representing the applicant, stated this was a fairly straightforward request, and he explained the acreage which would be absorbed into the parcel.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE

THE AMENDMENTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

COUNCIL MEMBERS JENSEN, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL

MEMBERS DOZIER AND MOYER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-2 VOTE.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 – Quasi-Judicial : Amanda Bunce, Planning Manager

Public Hearing and Major Site Plan for CrossRoads Ford, 21.84 acres located at 0, 1501, 1503, & 1511 N. Salem Street and 1601, 1603 & 1605 US 64 Highway West

Mayor Olive read the Statement related to the proceedings of this type of hearing.

Mayor Olive declared the Public Hearing open.

All those wishing to speak were sworn in by the Town Clerk.

Attorney LeAnn Brown, Brown & Bunch, PLLC, stated she was representing the applicant and that testimony would be given by Bill Daniel, Chris Howard, and Travis Fluitt.

There were no supporters of the request in attendance; Troy McDaniel stated he was in opposition.

Mayor Olive asked Council if any had communications with the applicant, to which all answered in the negative. Mayor Olive asked if any Council Member had any relational or financial conflicts, to which there were none. Mayor Olive asked Council if each could decide the matter impartially, to which all answered in the affirmative. Mayor Olive asked if any Council Members had viewed the sight, to which there were no viewings in the context of this case.

OPENING STATEMENT FROM STAFF: None.

OPENING STATEMENT FROM APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Amanda Bunce, Planning Manager, presented her credentials. Ms. Bunce oriented Council to the site. She stated a neighborhood meeting was held and presented what the applicant was proposing. Ms. Bunce stated staff recommended approval of the request.

CROSS EXAMINATION OF STAFF BY COUNCIL: Russell Dalton, Transportation Engineer, stated his credentials and educational background. Mr. Dalton outlined the proposed road improvements and, in particular, a roundabout. He explained the definition of amenities and what they would include.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Bill Daniel, representing CrossRoads Holdings LLC, presented his credentials, educational background, and professional history. Mr. Daniel provided an overview of the request. He asked to accept into the record a handout detailing their conformance to the Standards, to which Council was in agreement.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Daniel answered questions related to pedestrian traffic signals, issues brought up in the neighborhood meeting, and the possibility of solar community amenities.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Chris Howard, architect for the building, presented his credentials, educational background, and professional history. Mr. Howard stated how they proceeded in conforming to the surrounding area and each of the UDO requirements.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Howard answered questions about building length, type of glass to be used in the building, buffers, and the possible use of solar energy. Mr. Daniel stated the length of the building.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Travis Fluitt, Kimley-Horn, presented his credentials, educational background, and professional history. He gave highlights of the Traffic Impact Analysis.

CROSS EXAMINATION OF APPLICANT WITNESS BY STAFF: None.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Fluitt answered questions related to turning lanes. Mr. Daniel answered questions related to left or no left turning into an existing business' driveway.

Ms. Brown asked for the staff report and its attachments to be moved into evidence, which was acceptable to Council.

Troy McDaniel, audience member, wished to speak but did not as he was not considered an expert witness.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: Ms. Brown was complimentary and appreciative of the way in which Apex proceeds through its quasi-judicial hearing process. She stated the information and testimonies given demonstrated their compliance with each of the items. She believed the project would be of benefit to community.

Council asked general questions about the possible widening of a future road.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if it felt the applicant satisfied each component of the Major Site Plan Checklist. Council Members Dozier and Jensen had an issue with compatibility as did Council Member Moyer, who appreciated the effort put forth in several respects. Council Member Wilkie thought this project would have been better on the other side of 64. She noted the significant tax base this will bring to Apex which

will take some burden off citizens. She appreciated the improvements CrossRoads Ford was willing to do.

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

There was further conversation from Council regarding the request, the Town Attorney answering Council question as to what would happen if this was not approved.

COUNCIL MEMBERS JENSEN, SCHULZE, WILKIE AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive stated there was no evidence that was not allowed to be presented.

ADJOURNMENT

With there being no further business, Mayor Olive adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor