



APEX TOWN COUNCIL MEETING

TUESDAY, AUGUST 16, 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, August 16, 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, 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
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

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

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the August 2, 2016 Regular Council Meeting
- Consent 02 Apex Tax Report dated 7/1/2016
- Consent 03 Statement of the Town Council for Rezoning Case #16CZ01 Bristol Assemblage PUD, Pulte Group/ Craig Duerr petitioners for the properties located at 2513 New Hill Olive Chapel Road; 2517 New Hill Olive Chapel Road; 2701 Old US 1 Hwy; 2505 New Hill Olive Chapel Road; 2521 New Hill Olive Chapel Road; and 2433 New Hill Olive Chapel Road
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ11, Stuart Jones, Jones & Cnossen Engineering/John & Elizabeth Gasiorowski, William & Kathryn Gasiorowski, petitioners for the properties located at 1409 and 1429 Chapel Ridge Road

- Consent 05 Award of construction contract and authorization for the Town Manager to execute same for Traffic Signal Improvements at Apex Peakway & Center Street
- Consent 06 Findings of Fact, Conclusions of Law, and Decision approving the Apex Friendship Middle School Major Site Plan
- Consent 07 Findings of Fact, Conclusions of Law, and Decision approving the Security Self Storage Major Site Plan
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #16CZ16, Joseph V Iannone Jr, petitioners for the property located 1109 Markham Street
- Consent 09 Approval of a new position of Code Enforcement Officer II, and to change the Planning Department's fulltime Administrative Specialist to a part-time (20 hours per week) position, and reclassify the remaining 20 hours to a part-time Planning Technician

Mayor Olive called Council's attention to a handout making minor language revision to Consent 09, the Town Manager clarifying the revision. Because the current administrative specialist chose to retire, the request was to change this position to a full time planning technician.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE CHANGE MENTIONED ABOVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the Town Attorney requested three Closed Sessions. He also noted that it was asked for Public Hearing 01 to be pulled and readvertised for a later date. Public Hearings 09 and 10 were continued in the Planning Board; therefore, they would need to be continued this evening by Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUESTED CLOSED SESSIONS AND CHANGES TO THE PUBLIC HEARINGS; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE PUBLIC HEARING 09 TO SEPTEMBER 20, 2016; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 10 TO SEPTEMBER 20, 2016; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 01 : Liz Loftin, Planner

Town Council voted to reconsider this item at their July 19, 2016 meeting. The applicant has requested this item be heard at a later date. This public hearing will be re-noticed for a future date.

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)

In an earlier motion, Council approved the request for this to be heard at a later date.

Public Hearing 02 : Brendie Vega, Principal Planner

This item was continued from the July 19, 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 proposed 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).

Staff oriented Council to the site. The Planning Board heard a different phasing plan, and staff outlined the modifications which were made since being heard by the Planning Board. Three neighborhood meetings were held, and the Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval but made note to Council that they were troubled about traffic conditions. The Planning staff recommended approval.

Staff talked about the zoning conditions for this site, detailing those and answering questions from Council.

Stuart Jones, Jones and Clossen Engineering on behalf of the owners and developer, spoke about the three parcels which they've combined into one PUD application. They have made significant roadway improvements to help the current traffic situation; they will not make anything worse. Mr. Jones detailed their traffic plan. DOT is onboard with the road plans and also feels the current situation will be made better. Mr. Jones stated they have support of staff, even though this was not favorable to everyone. Mr. Jones answered questions from Council on buffers and density. He will speak to the owners about a possible change to a Type A buffer on a portion of the PUD.

Mayor Olive declared the Public Hearing open.

Brian Griffith, property owner, stated he purchased his property about a year ago as an investment for the future. He appreciated the assistance of the developer in rezoning this land and helping to improve the intersection and the traffic situation.

Don D'Ambrosi, business owner, stated he came late to the game and apologized for this. They are concerned for the businesses on the property. He spoke about the past realignment of business driveways.

Connie Hoyes, owner of the nursery, talked about connections onto Holt Road and her trucks coming in and out. For safety reasons, she was not in agreement with the traffic pattern proposed by Mr. Jones. She has hired help to try to come up with a better traffic solution.

Mayor Olive declared the Public Hearing closed.

Staff responded to Council questions regarding the traffic network and the safety of the proposed roadway. There would be no problem for any type of truck using the proposed roads, and staff explained the dog leg of the road would help with drivers not speeding through the neighborhood.

Mayor Olive declared the Public Hearing reopened to hear from Mr. D'Ambrosi.

Mr. D'Ambrosi spoke about the grinding noise from stopping trucks, traffic continuing to increase, changing Holt Road, and how this could have been fixed previously by DOT.

Mr. Jones addressed the traffic plans through the neighborhood and how he would have flexibility to change access points at a future time. He noted, however, he could not build a major thoroughfare on such a small tract of land. They would be willing to do a Type A buffer as asked by Council earlier.

Mayor Olive declared the Public Hearing closed.

Staff talked about changes in the Land Use Map which would provide more flexibility for roadways.

MAYOR OLIVE CALLED FOR A MOTION FOR APPROVAL OF THE LAND USE MAP AMENDMENT TO MEDIUM DENSITY,
HIGH DENSITY, AND COMMERCIAL ACROSS SECTIONS 2 AND 3 AND RECOMMENDATION TO APPROVE
THE PUD PLAN AS SUBMITTED WITH THE ADDITION OF A TYPE A BUFFER AS AGREED TO BY THE APPLICANT.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council stated he would like to see more options for turning onto Holt Road. Staff reminded Council that DOT could at any point make changes to the access points.

Public Hearing 03 : Michael Clark, Senior Planner

Public hearing and Rezoning Application #16CZ20. The applicant, Jeff Roach of Peak Engineering, sought to rezone approximately 1.8 acres located at 740 S. Salem Street from Office & Institutional – Conditional Zoning (O&I-CZ) to Office & Institutional – Conditional Zoning (O&I-CZ) with amended uses

Staff oriented Council to the site. The applicant was simply asking for an additional use. A neighborhood meeting was held. Staff and the Planning Board recommended approval.

Jeff Roach, Peak Engineering Design, further detailed the requested additional use.

The business owner, Lori McKinnish, clarified for Council questions regarding her business.

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; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public hearing and 2030 Land Use Map amendment as recommended by the Town Council Planning Committee on the Gazenbeek property located on Pine Plaza Drive and on three properties in the vicinity of Kelly Road south of Olive Chapel Road

Staff stated this request came out of the Planning Committee and detailed the requested amendments. The Planning Board recommended approval. Staff clarified a stub street could be continued in the amendment.

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 JENSEN MADE THE MOTION TO APPROVE THE AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex C.H. Jewly Partnership (Peachtree Landing) property containing 16.02 acres located at 1725 US 64 Hwy, Annexation #570 into the Town’s corporate limits

Staff oriented Council to the site, stating that it recommended approval of the Ordinance.

Council stated he’d heard from neighbors at Haddon Hall regarding traffic mitigation.

Mayor Olive declared the Public Hearing open.

Bill Davis, representing the applicant, outlined their proposal for a school. There had been discussion with neighbors, who were not present, indicating they were satisfied with solutions from the applicant. Mr. Davis stated they would be happy to address any issues which arose.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Michael Clark, Senior Planner

Public hearing and annual report of the Town of Apex Hazard Mitigation Plan Action Plan

Staff stated this plan had integrated into the Wake County plan. The action plan would be more of a policy, and staff outlined the changes made to the previous plan to bring it current. Staff noted there have been changes to the 911 and Emergency Management systems in order to improve widespread communications. The Planning Board and staff recommended approval.

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 PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 07 : Brendie Vega, Principal Planner

Town Council voted to reconsider this item at their July 19, 2016 meeting.

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

Staff stated the motion failed on this issue at the July 19th Council meeting. Later in that meeting, it was made clear the purpose of this amendment. Council expressed concern about the road possibly being connected in the future and notification of the neighbors of such. Staff clarified that signage would be required to notify the neighborhood of such a connection.

Jeff Roach, Peak Engineering Design, stated they would be happy to add the signs referred to by staff. This will also be noted on the plans as well as on the plats.

Mike Whitehead, contract holder for the land, stated he would interface with the builder regarding the above signage as well as disclosures. He would wish for a roundabout later on in the process. He also spoke about the future high school and how this would/would not affect roadways.

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 AMENDMENT WITH THAT PORTION EAST OF MIDDLE CREEK BEING A MAJOR COLLECTOR AND THAT PORTION WEST OF MIDDLE CREEK BEING A MINOR COLLECTOR; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Brendie Vega, Principal Planner

Public hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by Wake County and the Planning Department

Staff outlined the amendment and recommended approval independent of an associated project. Questions from Council were answered regarding the landfill.

Brian Starkey, on behalf of Wake County, was present to answer any questions. Holly Springs has seen this and approved it. The new alignment will allow the recycling center to continue.

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 JENSEN MADE THE MOTION TO APPROVE THE AMENDMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 09 : _Brendie Vega, Principal Planner

Engineering and Planning staff request a continuance to the September 20, 2016 meeting in order to complete the review of the applicant's TIA. The Planning Board has continued their Public Hearing to September 12, 2016.

Public Hearing and possible motion regarding Rezoning Application #16CZ20 (Villages of Apex). The applicant, Peter Crossen, Jones & Crossen Engineering, on behalf of NC II LP LTD Partnership, True Homes, and North Carolina Office I LP seeks to rezone approximately 50.42 acres located at 1960 Apex Peakway & 56 Hunter Street from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions

In an earlier motion, Council approved the request for continuance.

Public Hearing 10 : Brendie Vega, Principal Planner

The applicant requests a continuance to the September 20, 2016 meeting in order to be heard at the same meeting as 16CZ17 (Old Mill Village). The Planning Board has continued their Public Hearing to September 12, 2016.

Public Hearing and possible motion regarding Rezoning Application #16CZ18 (Old Mill Village). The applicant, Peter Crossen, Jones & Crossen Engineering, on behalf of Apex First Development, LLC seeks to rezone approximately 2.84 acres located at 400 & 450 N Mason Street from Planned Unit Development- Conditional Zoning to Planned Unit Development - Conditional Zoning

In an earlier motion, Council approved the request for continuance.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Liz Loftin, Planner

This item was tabled by the Council at the July 19, 2016 meeting to permit additional consideration of a related Transportation Plan Amendment.

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

Staff refreshed Council's memory of the request. A neighborhood meeting was held. The Parks and Recreation Commission recommended construction of the Middle Creek Greenway as shown on the master plan. Planning staff recommended approval now that the minor collector has been approved.

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

Council reminded that Pulte previously agreed to provide for solar installation, which the applicant was willing to take back to the builder.

THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Brendie Vega, Principal Planner

Ada Street Master Subdivision Plan for the property located at 616 S. Salem Street containing 1.46 acres and 5 single-family lots

Staff oriented Council to the project. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board and staff recommended approval. Staff, responding to Council, stated there is future potential to make Ada a through street. The house will remain on the property, which is not a part of the divided property.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session 01 : to give instructions to the Town Attorney concerning the possible settlement of a claim.

Closed Session 02 : to instruct the Town Manager concerning the Town's negotiating position with regard to acquisition of real property

Closed Session 03 : to instruct the Town Manager concerning the Town's negotiating position with regard to acquisition of real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSES STATED ABOVE.
COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor