



TOWN OF APEX PLANNING BOARD SPECIAL MEETING MINUTES

Meeting Date: September 14, 2020

The Planning Board held a remote Special Meeting on September 14, 2020 at 4:30 p.m. Members present were, Chair Michael Marks, Board Members Reginald Skinner, Mark Steele, Tina Sherman, Tommy Pate, Tim Royal (ETJ Member) and Keith Braswell. Member absent was Vice Chair Beth Godfrey.

Chair Marks called the meeting to order at 4:30 p.m. Member Skinner gave the Invocation and Chair Marks led the Pledge of Allegiance.

PUBLIC FORUM

No comments received.

CONSENT

Item #1 – Minutes from the July 13, 2020 regular meeting. Chair Marks called for a motion. Member Steele motioned to recommend approval. Member Skinner seconded. Motion carried with a unanimous vote.

Item #2 – Minutes from the August 10, 2020 regular meeting. Chair Marks called for a motion. Member Sherman motioned to recommend approval. Member Steele seconded. Motion carried with a unanimous vote.

SPECIAL PRESENTATION

Shannon Cox, Long Range Planning Manager presented the Affordable Housing Plan Update. The Affordable Housing Plan is being developed over a span of 8 months. Staff is working with a consulting firm, HR&A. The draft recommendations will be presented to the Planning Board and Town Council. Some highlights presented were identifying issues most pressing for Apex which were losing moderate-income households and opinions and needs of several populations are not fully captured through Census data. Apex has a rental housing gap of units affordable to households earning less than \$40K and the gap is projected to nearly double over the next ten years. Several key areas of need for affordable housing have been identified. Planner Cox gave an overview of the next steps in the planning process.

PUBLIC HEARING

Item #1

Shannon Cox, Long Range Planning Manager presented the following amendments to the Southwest Area Study:

Amendment 1 - Realignment of Holland Road to intersect with Friendship Road with a round-a-bout. Planner Cox state there were hundreds of comments received by the public regarding the impacts on the church located at 3031 Holland Road. Planning staff is not recommending approval to this amendment.

Amendment 2 – Revise the alignment of the future connection between Richardson Road and Old US 1 Highway which is consistent with plans for Friendship Station PUD. Staff recommends approval of this proposed amendment.

Amendment 3 – Upgrade plans for New Hill Olive Chapel road between Old US 1 and Olive Chapel Road from 2-lanes to 4-lanes with Median. Staff has no recommendation for this proposed amendment.

Amendment 4 – Upgrade plans for Ten Ten Road from Waterford Green to Stephenson Road from future 4-lane with Median to 6-lane with Median. Staff recommends approval of this proposed amendment.

Amendment 5 – Upgrade plans for North Salem Street between Apex Peakway and US 64 from future 3-lane to future 4-lane with Median. Staff has no recommendation for this proposed amendment.

Some of the comments received were read; they were from the following individuals:

Adelle Kim	4100 Winding Oak Way, Apex	Helena Park	112 Lake Valley Ln., Durham
Alex Alberti	9240 Breckhouse St., Raleigh	Hye Joo Chang	3111 Bluff Oak Dr., Cary
Anna Kim	408 Tressa Brook Ct., Cary	Jeong Bang	3133 Beech Ln., Apex
Austin Jefferies	2308 Sherwood St., Greensboro	Jeonghwa Lee	1432 Carpenter Town Ln., Cary
Beomseok Lee	438 Berry Chase Way, Cary	Jong Eeun Ryu	3009 Sainsbury Way, Apex
Claire Kong	5002 Black Jack Oak Dr., Cary	Julia Kim	116 Vintage Hill Cir., Apex
Eileen Ryu	3009 Sainsbury Way, Apex	Jeanne Kiser	No address provided

Comments and concerns were:

- Town Council should vote against the amendment to Holland Road; it compromises the catholic church.
- The church is a spiritual support center for this area and the Triangle.
- Objection to the changes for Holland Road; it will cause physical and psychological trauma to the children of the church.
- The Holland Road plan goes against religion and the founding of the American public.
- Like the Korean School and would be sad if friends are lost because it has to close.
- Concerned with safety of the children due to the proximity of the road to the church.
- This plan will affect the septic system of the church.
- The plan will render the church unusable.
- We have 450 members at the church where we teach Korean culture and this plan harms the Korean community.
- It took two decades to build the Korean Church and this affects their 3-phased master plan for it.
- Would like roads use by cyclist to be taken into consideration; medians narrow roads and squeeze cyclist off the road causing conflicts between them and vehicles.

Some questions/comments from the Board were:

Amendment 1

- Did they look at pushing the round-about just past the church? (Yes, any further south would affect the next parcel which is also a property owned by a church.)
- Holland Road is becoming dangerous and we will need to deal with it sooner or later.
- If any widening were to occur; 4-lane with median, would the far-right lane be wider, 16 feet vs. 12 feet? (Yes, Richardson Road has a side path, Old US 1 has bike lanes. Typical sections include 6 feet where we have bike lanes, so cyclist will not get squeezed).

Amendment 2 – No comments from the Board.

Amendment 3

- It will change the area quite a bit but there are already a number of developments as you go down to Old US 1 and can understand why staff does not have a recommendation.
- 751 is a major collector; would it be extended with extra width? (Yes, staff will bring a future amendment that would add a side path to New Hill Olive Chapel Road from the south to the American Tobacco Trail and will be looking at bike facilities as well).
- 751 is wide enough to have 4-lane with a Median.
- There is a lot of traffic and growth along New Hill Olive Chapel Road.
- As Council seems to approve higher density community's in rural areas, eventually something is going to have to be done.
- A connection between US 1 and US 64 would be good. Planner Cox added that the recommendation for New Hill Olive Chapel Road is not just driven by what is happening in Apex, it identified as a regional recommendation from the Southwest Area Study because it is the future 751.

Amendment 4

- Ten Ten Road improvements are well overdue; we need it to be widened to 6 lanes.

Amendment 5

- North Salem Street widening is highly needed; one lane each way is currently insufficient; the Apex Peakway would be the diversion around the town.
- Worry about how this will change the entryway into downtown.
- Is Davis Drive going to be widened? Yes, it would support the widening recommendation.
- Concerned with some of the older homes along North Salem and how they will they be impacted. They will have to do the best fit through here. Planner Cox stated we start with 110 feet, look at the details and minimize the impacts; it would be very tight.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #2

Jenna Shouse, Long Range Planner presented the following amendments to the Bike Ped System Plan map for The Park at Jordan master subdivision plan:

- Change proposed greenway to proposed side path and add greenway connections on the eastern property line of the future park.

There will be greenway connections in the cul-de-sacs. The Parks, Recreation and Greenways Advisory Commission recommended approval. Staff has not received any public comments on this item.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #3

Jenna Shouse, Long Range Planner presented the following amendment to the Bike Ped System Plan map for the proposed Apex Friendship Elementary School:

- Add a proposed greenway connection from the proposed elementary school to the Little Beaver Creek Greenway.

Planning staff and the Parks, Recreation and Greenways Advisory Commission recommended approval. Staff has not received any public comments on this item.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #4

Shelly Mayo, Planner II stated in Rezoning Case #19CZ21 Heelan PUD, the applicant/agent Jason Barron, Morningstar Law Group/Erica Leatham, M/I Homes of Raleigh, LLC are seeking to rezone approximately ± 141.732 acres from Wake County Residential-40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road. Planner Mayo oriented those in attendance as to the location of the subject property, the surrounding existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on September 26, 2020; the report on that meeting is included in the agenda packet. Since the land use map is split between low and medium residential the applicants added a condition that says the low-density portion shall not exceed 3 units per acre or 96 units in that area and the overall density does not exceed 3.7 units per acre and because of this, the proposal is consistent with the 2045 Land Use Map. Planner Mayo stated the uses and conditions proposed by the applicant, the conditions of which are not typical to what we see were:

- A. A maximum of 520 residential units shall be permitted upon the property, no more than 260 of which may be developed as townhomes.
- B. No covenant prohibiting the accessory apartment use shall encumber the property.
- C. Richardson Road Conservation Easement Mitigation: In concert with the Town's request for release from the State of North Carolina, at the time of master subdivision approval, the developer shall dedicate or cause to be dedicated to the State of North Carolina a conservation easement area over and upon approximately 7.946 acres of land as shown on the attached Exhibit A and more particularly described therein.
- D. Energy Efficiency:
 - a. All single-family detached dwellings constructed upon the property will be designed and constructed to include pre-configuration measures for future installation of roof-mounted solar panels.
 - b. A minimum of two (2) model homes for single-family detached dwellings constructed upon the property shall include installation of solar panels and power system of at least 4 KW capacity.
 - c. Solar PV systems shall be installed upon the primary amenity building constructed upon the property. The size of such PV systems shall have a capacity of not less than 0.75 KW/1,000 HSF of building floor area.
 - d. Development of the property shall include the installation of a minimum of two (2) electric vehicle charging stations within the primary amenity area as designated on the Master Subdivision Plan.
- E. Affordable Housing: Prior to recording the plat containing the 200th lot upon the property, the developer shall record with the Wake County Register of Deeds an Option in favor of Habitat for Humanity of Wake County, Inc. ("Habitat Wake") or other non-profit affordable housing provider, granting to them an option to purchase a minimum of ten (10) finished townhome lots within the community, with the cost of such lots being the cost that the developer pays for such lots.

The applicant also proposes architectural conditions we typically see. The application was submitted prior to the UDO change that required 30% of the site to be dedicated as RCA; 25% RCA will be provided. Because they are mass grading, the applicant proposes an additional 5% RCA within the single-family detached areas. Planner Mayo summarized the greenways, sidewalks and TIA. The applicant agreed to all the TIA recommendations. The applicant proposes to dedicate 7.946 acres of land to the State of North Carolina in order to assist the Town on obtaining the release of land needed for Richardson Road. On August 17, 2020, Town staff met with the IRT and were advised that the proposed land has been evaluated and is acceptable to the IRT. Planning staff recommends approval of the PUD as proposed.

The applicant, Jason Barron of Morningstar Law Group representing M/I Homes stated this has been a long time in the making. This plan addresses all the key elements of a PUD. They have lots of neighborhood support for this project and this proposal is consistent with the land use plan. This project will provide a large amount of critical infrastructure to the area and Horton Ridge Boulevard will connect to Friendship Station. The parkland dedication condition addresses the flexibility M/I has to help the Town achieve park land. They are excited about providing an affordable housing opportunity. Every condition asked for by staff have been incorporated into this proposal. Lastly, they identified 7.946 acres to be dedicated to the State of North Carolina to facilitate the Richardson Road extension.

Chair Marks asked if there were any public comments. Planner Mayo stated there were none before the deadline; there will be two comments provided on Wednesday.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #5

Liz Loftin, Senior Planner stated in Rezoning Case #20CZ04 KOBRA Tracts PUD, the applicant/agent, Brendie Vega, WithersRavenel is seeking to rezone ± 24.63 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 7500 Green Level Church Road and 7501 Jenks Road. Planner Loftin oriented those in attendance as to the location of the subject property, the surrounding existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on February 13, 2020; the report on that meeting is included in the agenda packet. Planner Loftin stated the uses and summarized the buffers proposed. The developer will construct a 10-foot side path on the east of Green Level Church Road and on the south side of Jenks Road in Phase 2 to the intersection of Jenks and Green Level Church Road. Phase One of the development consists of residential uses and Phase Two, non-residential uses. On Friday, the applicant has worked with the adjacent property owner and offered an additional condition of a 30ft minimum cross access easement will be provided in order to provide a driveway to Jainix South. In the event the driveway extends to the main entrance of the subdivision on Jenks Road, the buffer will be reduced to no less than 15 feet to accommodate the access easement with the final alignment being worked out at the master subdivision plan phase. Planning staff recommends approval with the conditions offered by the applicant.

The applicant, Brendie Vega stated the southern parcel was used for staging for the construction of NC 540 and has been largely cleared. The short-term solution for the intersection of Jenks Road/Kelly Road/Green Level Church Road is a traffic light which has been bonded by the Westford project to the west; the long-term solution is to be a future roundabout and has been dedicated; that area will remain greenspace for the time being. They worked with Bobby Jain with the condition of an access easement to his property on the east side and they are confident he will be able to access his property with the condition they agreed to.

Question from the Board: Will the stoplight be installed during construction? Russell Dalton, Transportation Engineer stated it takes 6 months to a year to get a traffic signal and it should be installed before the first C.O. for the Kobra PUD. Chair Marks asked if there were any public comments? Current Planning Manager Amanda Bunce stated adjacent property owner Bobby Jain's comments: "We all deal with compromise and with what matters in the long term. This development will increase availability of independent townhomes and provide a much-needed force against the shooting prices in the area. The developer will spend a lot of money in public road improvements. The developer has agreed to provide an access easement and I want to ensure that water and sewer stubs are clearly marked in the master subdivision plan submitted by the developer later on." Applicant Vega stated they already received a comment from the town they are to stub sewer and water to the east which is shown in their utility plan.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #6

Lauren Staudenmaier, Planner I stated in Rezoning Case #20CZ07, the applicant/agent, Rich Levert/Jeff Roach, Peak Engineering & Design are seeking to rezone approximately ±1.60 acres from Rural Residential (RR) & Tech/Flex-Conditional Zoning (TF-CZ #15CZ25) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) located at 2309 Old US 1 Highway. Planner Staudenmaier oriented those in attendance as to the location of the subject property, the surrounding existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on June 23, 2020; the report on that meeting is included in the agenda packet. The proposed rezoning is generally consistent with the 2045 Land Use Map. Planner Staudenmaier summarized the uses and conditions proposed by the applicant. Planning staff recommends approval with the conditions as offered by the applicant.

The applicant, Jeff Roach, Peak Engineering and Design stated they wanted to match the 2045 Land Use Map, they have restricted densities and they are going to fix the non-conforming use prior to the first site plan.

Chair Marks asked if staff received any public comments? Planner Staudenmaier stated they had not.

Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

Item #7

Shelly Mayo, Planner II stated in Rezoning Case #20CZ08 Apex Friendship Elementary School, the applicant/agent Betty L. Parker, WCPSS Real Estate Services/Glenda Toppe, Glenda Toppe & Associates are seeking to rezone approximately ±5.762 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02) to Rural Residential-Conditional Zoning (RR-CZ) located at 7901 Humie Olive Road. Planner Mayo oriented those in attendance as to the location of the subject property, the surrounding existing uses, zoning and 2045 Land Use Map designations. A neighborhood meeting was held on June 9, 2020; the report on that meeting is included in the agenda packet. Planner Mayo stated the uses and conditions proposed by the applicant:

Uses:

- | | |
|---|-----------------------------------|
| 1. School, public or private | 7. Wireless support structure |
| 2. Day care facility | 8. Youth or day camps |
| 3. Communication tower, constructed stealth | 9. Church or place of worship |
| 4. Communication tower, camouflage stealth | 10. Assembly hall, for profit |
| 5. Communication tower, public safety | 11. Assembly hall, not for profit |
| 6. Wireless communication facility | 12. Government service |

Conditions:

1. The project shall preserve trees of equal to or larger than 18" DBH to the maximum extent reasonably possible.
2. In compliance with UDO Section 8.2.2.E.1.b and to optimize landscaping survival, installing the landscaping may be delayed by up to 6 months after a Certificate of Occupancy would otherwise be required.
3. To support the re-establishment of forest, this project shall utilize a reforestation seed mix on any disturbed areas which have slopes of 3:1 or less and are not located with RCA or SCMs.
4. Provide a 20' Public Greenway Easement for future connection from the Apex Friendship Elementary School campus to the Little Beaver Creek greenway, consistent with a proposed amendment to the Town of Apex Bicycle and Pedestrian System Plan Map.

Planning staff recommends approval as proposed by the applicant.

The applicant, Betty Parker, Wake County Public Schools stated the value of this property is the stream boundary, they want to utilize the reforestation of trees they disturb, they wanted to limit the uses to those of a school and activities associated with it. They need the capacity due to the continued growth in this area. They are well underway with the design and would be ready to open in 2022. The developers of Friendship Station have been great to work with and helped make this happen.

Some comment from the Board:

- This makes sense and is a smart use of the property.
- Schools are always a good idea and we can always use more greenways.

Chair Marks asked if there were any public comments. Planner Mayo stated there were none. Chair Marks stated the Board will reconvene on Wednesday, September 16, 2020 at 5:00 p.m. to allow 24 hours for the public to make comment, have further discussion by the Board if any, and the vote on this item.

NEW BUSINESS

Item #1

Amanda Bunce, Current Planning Manager presented the following UDO amendments:

Requested by Town Council:

1. Amendments to various sections of the UDO in order to replace pronouns with non-gender specific terminology and to make minor modifications to wording necessary to incorporate such changes.

Requested by Planning Staff:

2. Amendments to Sec. 6.1.11.I *Riparian Buffers, Notification on Site Plan and Subdivision Plan and Recording of Information* and Sec. 12.2 *Terms Defined* in order to change two references to "stream buffers" to "riparian buffers".

Staff recommends approval of the amendments as proposed.

Member Skinner motioned to recommend approval to Town Council. Member Sherman seconded. Motion passed with a unanimous vote.

Member Skinner motioned to adjourn. Member Pate seconded. Motion carried. There being no further business, the meeting adjourned at 7:25 p.m. The foregoing minutes are approved this the _____ day of _____, 2020.

Michael Marks
Chair

Bonnie J. Brock
Development Specialist



**TOWN OF APEX
PLANNING BOARD SPECIAL MEETING MINUTES**

Meeting Date: September 16, 2020

The Planning Board held a remote special meeting on September 16, 2020 at 4:30 p.m. Members present were, Chair Michael Marks, Board Members Reginald Skinner, Mark Steele, Tina Sherman, Tommy Pate and Tim Royal (ETJ Member). Member Keith Braswell was having technical difficulties at roll call. Member absent was Vice Chair Beth Godfrey.

PUBLIC HEARINGS-CONTINUED FROM SEPTEMBER 14, 2020

Item #1

Shannon Cox, Long Range Planning Manager - Amendments to the Southwest Area Study.

Amendment 1: Holland Road at Old Us 1 Highway, Friendship Road at Old US 1 Highway and associated collector streets. There were no additional comments from the public on this item.

Chair Marks called for the motion. Member Skinner motioned to recommend approval of staff's recommendation to Town Council. Member Steele seconded. Motion carried with a vote. 6-0*

Amendment 2: Richardson Road between Humie Olive Road and Old US 1 Highway.

Chair Marks called for the motion. There were no comments from the public on this item. Member Steele motioned to recommend approval to Town Council. Member Sherman seconded. Motion carried with a vote. 6-0*.

Amendment 3: New Hill Olive Chapel Road between Old US 1 Highway and Olive Chapel Road. There were no comments from the public on this item.

Some comments from the Board were:

- We don't want a bottleneck here.
- Would rather see this stay rural; there is so much development along this area and we have to widen it.
- Based on the projections for this area for 2045, any developments that come along, they will have to widen any frontage.
- Want to make sure the cemetery along this corridor is taken into consideration.

Chair Marks called for the motion. Member Skinner motioned to recommend approval to Town Council. Member Pate seconded. Motion carried with a vote 6:0*

Amendment 4: Ten Ten Road/Center Street between Waterford Green Drive and Stephenson Road. There were no comments from the public on this item.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council. Member Sherman seconded. Motion carried with a vote 6:0*.

Amendment 5: North Salem Street between Apex Peakway and US 64. There were no comments from the public on this item. Some comments from the Board:

- This is a tight area for widening.
- Concerned with the older homes along this road and how this will change the landscape of those properties.
- There are about six homes affected and we need to think about the greater good.
- Will the widening fit within the existing right-of-way? Planner Cox stated we would have a better answer to that question until we have a design and conduct surveys.

Chair Marks called for the motion. Member Pate motioned to recommend approval to Town Council. Member Sherman seconded. Motion carried with a vote. 6-0*

Item #2

Jenna Shouse, Long Range Planner - Amendments to the Bike Ped System Plan map for The Park at Jordan master subdivision plan. There were no comments from the public on this item.

Chair Marks called for the motion. Member Skinner motioned to recommend approval to Town Council. Member Steele seconded. Motion carried with a vote. 6-0*

Item #3

Jenna Shouse, Long Range Planner - Amendments to the Bike Ped System Plan map for the proposed Apex Friendship Elementary School. There were no comments from the public on this item.

Chair Marks called for the motion. Member Royal motioned to recommend approval to Town Council. Member Sherman seconded. Motion carried with a vote 6:0*.

Item #4

Shelly Mayo, Planner II - Rezoning Case #19CZ21 Heelan PUD, the applicant/agent Jason Barron, Morningstar Law Group/Erica Leatham, M/I Homes of Raleigh, LLC are seeking to rezone approximately ± 141.732 acres from Wake County Residential-40W (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 8824 & 8829 New Hope Farm Road; 3108 & 3120 Olive Farm Road; 0 Humie Olive Road. There were additional comments from two individuals; Stephen Castleburg of 8824 New Hope Farm Road and Debra Peart of 8829 New Hope Farm Road. They stated this project would enable the extension of Richardson Road, connector roads for emergency services, greenways to parks, and this subdivision will be on Apex will be proud of.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council as presented by staff. Member Royal seconded. Motion carried with a vote of 6:0*.

Item #5

Liz Loftin, Senior Planner - Rezoning Case #20CZ04 KOBRA Tracts PUD, the applicant/agent, Brendie Vega, WithersRavenel is seeking to rezone ± 24.63 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) located at 7500 Green Level Church Road and 7501 Jenks Road. There were two additional comments from Bobby Jain the adjacent property owner who lives at 1012 Timber Mist Court, Cary stated the sewer stub location shown on the applicant's plan will be an issue because it is at a higher elevation, it is requested to be at 370 contour instead of 380. The applicant responded they understand the concern of the sewer stub location, it is shown based on communications with utilities staff, they will re-evaluate the location shown by Mr. Jain. However, a

sewer easement of nearly 600 feet will require the removal of existing vegetation in the buffer and RCA. They will explore this prior to going to Council on October 6. Some comments from the Board were:

- If the applicant and adjacent property owner do not come to an agreement before the Council meeting, Council needs to be made aware of the disagreement.
- This Board shouldn't take a position, but Council does need to know about adverse effects.

The other comment was received by Bob Craycroft of 7616 Reams Court, Apex. He stated at the neighborhood meeting they were told the maximum height of the buildings would be 2-stories which is also shown on slide 66. At the September 14, 2020 Planning Board meeting, it was verbally described as 3-stories and up to 45 feet. He urged the Board to not approve the increased height as this is a change with what they were told at the neighborhood meeting. Planner Loftin stated they did have changes to the height and she sent an updated staff report to each Board member just before this meeting. The applicant agreed to limit the height on the residential tract to the north to 32 feet and the southern tract to 48 feet. The adjacent homeowner was only concerned with the residential tract. The applicant, Brendie Vega stated they originally submitted 2-story elevations for the residential and staff said they might want to do 3-story based on the non-residential. The residential shown in slide 66 is 2-story. The residential product is 30.5 feet tall to the pitch of the roof and is not a full 3rd story. They are working on the sewer issue with Mr. Jain, they are not ready to comment to installing sewer with wiping out that much buffer and RCA on the north side. This was just brought to our attention on Monday and they feel they can come to some sort of agreement with Bobby Jain. They just need to continue discussions with him and they would rather have a vote now and if the issues aren't worked out by Council, they would like to continue this item to the following Council meeting.

Chair Marks called for the motion. Member Steele motioned to recommend approval to Town Council with the revised conditions offered by the applicant and a note to Council that if the sewer location is not worked out to mutual satisfaction, Council should deny the rezoning. Member Sherman seconded. Motion carried with the vote 6:0*.

Item #6

Lauren Staudenmaier, Planner I - Rezoning Case #20CZ07, the applicant/agent, Rich Levert/Jeff Roach, Peak Engineering & Design are seeking to rezone approximately ±1.60 acres from Rural Residential (RR) & Tech/Flex-Conditional Zoning (TF-CZ #15CZ25) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ) located at 2309 Old US 1 Highway. There were no comments from the public on this item.

Chair Marks called for the motion. Member Steele motioned to recommend approval as presented by staff to Town Council. Member Skinner seconded. Motion carried with the vote 6:0*.

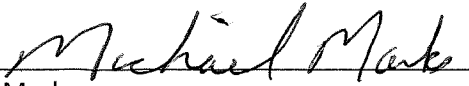
Item #7

Shelly Mayo, Planner II - Rezoning Case #20CZ08 Apex Friendship Elementary School, the applicant/agent Betty L. Parker, WCPSS Real Estate Services/Glenda Toppe, Glenda Toppe & Associates are seeking to rezone approximately ±5.762 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ02) to Rural Residential-Conditional Zoning (RR-CZ) located at 7901 Humie Olive Road. There were no comments from the public on this item.


Chair Marks called for the motion. Member Sherman motioned to recommend approval to Town Council. Member Royal seconded. Motion carried with the vote 6:0*.

*One abstention due to technical difficulties (Keith Braswell).

There being no further business, the meeting adjourned at 6:12 p.m. The foregoing minutes are approved this the 12 day of OCT, 2020.



Michael Marks
Chair



Bonnie J. Brock
Development Specialist