



AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, August 04, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

[PR1](#) Jessica Bolin, Environmental Engineering Manager
Introduction of newly hired Sustainability staff.

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items

- [CN1](#) Amanda Bunce, Current Planning Manager
Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of July 21, 2020.
- [CN2](#) Amanda Bunce, Current Planning Manager
Motion to set the Public Hearing for the August 18, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.
- [CN3](#) Amanda Bunce, Current Planning Manager
Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ01 Depot 499 PUD, Stephen Dorn, Lennar, petitioner for the property located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road.
- [CN4](#) Sarah Van Every, Senior Planner

Motion to approve Statement of the Town Council and Ordinance for Rezoning Application #20CZ05 West Village PUD Amendment. Josh Decker, McAdams Company, petitioner for the property located at 2412 Kelly Road (PIN 0731331798).

[CN5](#) Liz Loffin, Senior Planner

Motion to set Public Hearing for the August 18, 2020 Town Council meeting regarding Rezoning Application #20CZ06 204 & 206 Lynch Street. The applicant, Trinity Henderson, seeks to rezone approximately .45 acres for the properties located at 204 & 206 Lynch Street from High Density Single-Family Residential (HDSF) to High Density Single-Family Residential -Conditional Zoning (HDSF-CZ).

[CN6](#) Shelly Mayo, Planner II

Motion to approve Findings of Fact, Conclusions of Law and Decision approving the 540 Flex and Business Park Major Site Plan located at 1600 Olive Chapel Road.

[CN7](#) Dianne Khin, Director of Planning and Community Development

Motion to approve amendments to the Town of Apex Address Policy, originally approved on August 5, 2003, to clarify authority and update street naming processes.

[CN8](#) Dianne Khin, Director of Planning and Community Development

Motion to approve an amendment to Chapter 18 of the Apex Town Code to correspond to the Town's Address Policy.

[CN9](#) Marty Stone, Assistant Town Manager

Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Rahul Govindan and Divya Sushma Nair, husband and wife regarding Wake County, NC PIN#0723-70-0306, 2678 Tunstall Grove Drive, as recorded in Book of Maps 2018, Page 01500, Wake County Register of Deeds.

[CN10](#) Eric Neumann

Motion to approve, and authorize the Town Manager to execute, an Encroachment Agreement between the Town of Apex and Town of Cary to relocate an underground primary electric line in a Town of Cary right-of-way on Westhigh Street.

[CN11](#) Shawn Purvis, Assistant Town Manager

Motion to approve a lease agreement between the Town and the Apex Chamber of Commerce for use of space in The Apex Depot

[CN12](#) Jessica Bolin, Environmental Engineering Manager

Motion to approve and authorize the Town Manager to execute the same, a Master Services Agreement between the Town and Aqualis Stormwater Management for monthly maintenance of all Town-owned Stormwater Control Measures (SCMs) for a 3-year period (ending 06/30/2023) with the option to approve two one-year contract extensions after that date.

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

- [PH1](#) Dianne Khin, Director of Planning and Community Development
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Charles and Annette Herndon and J Dallas Herndon Heirs (Tullamore) property containing 10.1869 acres located at 1745 and 1805 Holt Road, Annexation #686 into the Town's corporate limits.
- [PH2](#) Dianne Khin, Director of Planning and Community Development
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Faithwill Homes, LLC (Ananda at Bella Casa) property containing 2.0058 acres located at 2708 Blazing Trail Drive, Annexation #691 into the Town's corporate limits.
- [PH3](#) Dianne Khin, Director of Planning and Community Development
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Construction Masters, LLC (Humie Olive Place) property containing 2 acres located at 7904 Humie Olive Road, Annexation #694 into the Town's corporate limits.

OLD BUSINESS

- [OB1](#) Tom Colwell, Chairman, Public Art Committee
Possible Motion to approve public mural to be located on a wall of the public works warehouse building facing NC 55 and update on other public art initiatives being undertaken by the Apex Public Art Committee.

UNFINISHED BUSINESS

NEW BUSINESS

- [NB1](#) Terry Mahaffey, Council Member
Discussion and possible motion to amend Section 14-33 of the Apex Code of Ordinances related to prohibited noises.

CLOSED SESSION

- [CS1](#) Laurie Hohe, Town Attorney

Possible motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege; pursuant to N.C.G.S. §143-318.11(a)(3) related to the matter of AB Goodrich Contracting, LLC v. Town of Apex and Stewart Cooper Newell, Architects, P.A.; and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e)

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: August 04, 2020

Item Details

Presenter(s): Jessica Bolin, Environmental Engineering Manager
Department(s): Water Resources

Requested Motion

Introduction of newly hired Sustainability staff.

Approval Recommended?

N/A

Item Details

Megan Pendell is the Town's new Sustainability Program Coordinator and is a full-time employee. Valeria Mera is the Town's new Sustainability Analyst and is a fellow with the Town for a period of one year through the Lead for North Carolina program. Both employees started work on July 13, 2020.

Attachments

- Sustainability staff_bios.pdf



Town of Apex Sustainability Position Bios

Megan Pendell, Sustainability Program Coordinator

Megan Pendell is the new Sustainability Program Coordinator for the Town of Apex. Growing up in Apex, Megan worked her first job at the Wake Zone Coffee House and graduated from Apex High School. Megan attended Wake Technical Community College and transferred to NC State University, where she pursued a Bachelor's degree in Environmental Sciences, Minor in Applied Ecology, and Focal Area in Climate Change and Water Resources.

During her college career, Megan interned at the Environmental Protection Agency, NC Museum of Natural Sciences, and travelled to South Africa where she conducted research and experienced the rural villages of HaMakuya. The local people invigorated and inspired Megan to devote her skills and energy to environmental activism and thus she joined the Climate Reality Project on campus. Megan became the Sustainability Grassroots Coordinator for the organization, leading the team to achieve over 7,000 student signatures in support of the *100% Renewables by 2050* petition delivered to and approved by Chancellor Woodson. Megan continued her activism upon graduation from NC State and was hired as the Sustainability Program Manager for the campus Public Interest chapter.

Collectively, Megan earned core skills and experiences that she decided to bring back to her hometown and work with the Apex Parks and Recreation department. Keeping a watchful eye on the ambitious and impressive sustainability goals set by Apex leadership, Megan recognized the need for a sustainability officer to spearhead the initiatives. Beginning in January 2019, Megan began the mission of creating the Sustainability Program Coordinator position and pursued the goal with the Town in mind and without self-interest; she met with over thirty Town and statewide leaders, interviewed and established qualitative relationships that she maintains today. Megan developed the proposal to incentivize a Sustainability Coordinator position with the goal of gaining understanding and approval from Apex Town Council members. On June 2nd, 2020, Megan watched the live YouTube broadcast of the Council members officially adopting the Sustainability Program Coordinator and Sustainability Analyst positions in the FY 2020-2021 Budget.

Today, Megan is honored and thrilled to be the Apex Sustainability Program Coordinator: designer of the Town's first sustainability program, mentor to the Sustainability Analyst, consultant to our Town employees, representative of our community, and ambassador to regional allies. Megan is here to Perform at the highest efficiency, to Empower all to make sustainable choices while holding ourselves Accountable to reach Town sustainability goals and continuously pursue Knowledge for a sustainable and resilient Town of Apex.

Valeria Mera, Sustainability Analyst

Valeria Mera is the new Sustainability Analyst for the Town of Apex. This position is supported through the Lead for North Carolina Fellowship. Valeria (Val) was born and raised in Raleigh, and has made supporting the local community a priority in her personal life for many years.

Valeria graduated from NC State University with a BA in Political Science and minors in French and History. She graduated having finished the Political Science Honors Program, in which she completed an independent research project. Valeria also completed the Global Perspective Certificate Program and studied abroad, a decision inspired by her Peruvian background and desire to further understand and appreciate different cultures from around the world. Valeria's dedication to leadership is reflected in her completion of the Leadership Development program as well as through her on-campus leadership roles. Valeria's time serving with the Food Pantry, French Club, the College Ambassador program, and as Director of Sustainability for Student Government are exemplary of the various commitments Valeria balanced while at NC State.

Valeria's research assistant position, campaign internship experience, and community engagement internship are examples of previous work experience that compliment her leadership skills and have prepared her to be a Fellow and serve her community. Valeria's purpose in working for the Town of Apex comes from serving others and creating a more just and sustainable world. The Fellowship encapsulates the importance of community and allows Valeria to apply what she's learned from college in a meaningful way.

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of July 21, 2020.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council



STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF JULY 21, 2020

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 26th day of June 2020.

The Apex Town Council held a public hearing on the 21st day of July 2020. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 6-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of July 21, 2020 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Sec. 2.3.4.F *Planned Development Districts, Standards* increase the amount of reduction to the Resource Conservation Area standard the Town Council can approve and adds additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning and Traditional Neighborhood Development-Conditional Zoning districts in an effort to encourage developers to offer more environmental-focused zoning conditions.
2. The amendments to UDO Sec. 8.1.2.A *Resource Conservation Area, Establishment of RCA* remove the requirement for Town Council to approve the use of off-site RCA and instead allows off-site RCA to be used by-right if all of the criteria in the UDO are met.
3. The amendments to UDO Sec. 8.1.2.C *Resource Conservation Area, Size of the RCA* increase the amount of RCA required for single-family and townhomes developments south and west of NC 540 and decrease the amount of RCA required for any development inside existing and future Apex Peakway. The amendment to Sec. 8.2.6 updates a section reference based on changes to Sec. 8.1.2.C.
4. The amendment to UDO Sec. 4.2.1 *Use Table, General* creates a subsection to specify prohibited uses in residential districts with the purpose of prohibiting parking on residential property that is not accessory to the residential use.
5. The amendments to UDO Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* exempt multi-family dwellings containing over four (4) units from the prohibition on slab on grade foundations in order to provide more flexibility in design.
6. The amendments to UDO Sec. 9.1.2.B *Design Standards, Applicability* expand the applicability of the design standards for residential development to all zoning districts while maintaining the exemption for one- and two-family dwellings.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the August 18, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

UDO Amendments Summary

Requested by Planning Staff:

1. Amendments to Sec. 6.3.1.D *Small Town Character Overlay District, Approval Criteria* in order to eliminate the requirement for building landscaping requirements for all development and eliminate the vehicular use area screening and shading requirements for public parking lots within the Central Business District.
2. Amendments to Sec. 10.3 *Nonconforming Structures* in order to correct a typographical error in Sec. 10.3.2 and to change a word in Sec. 10.3.4 in order to clarify the intent of a sentence.
3. Amendments to Sec. 14.1.3 *Parks, Recreation, and Open Space Sites; Standards for Dedication* in order to verify the usability of land proposed for dedication by requiring a Phase 1 site assessment prior to land dedication to the Town.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning & Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ01 Depot 499 PUD, Stephen Dorn, Lennar, petitioner for the property located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #20CZ01 Depot 499 PUD was approved at the July 21, 2020 Town Council meeting.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #20CZ01**

Stephen Dorn, Lennar, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of January 2020 (the "Application"). The proposed conditional zoning is designated #20CZ01.

The Planning & Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ01 before the Planning Board held on the 13th day of July 2020.

The Apex Planning Board held a public hearing on the 13th day of July 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ01. A motion was made at the Apex Planning Board to recommend denial; the motion passed unanimously for the application for #20CZ01.

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #20CZ01 before the Town Council on the 21st day of July 2020.

The Apex Town Council held a public hearing on the 21st day of July 2020. Amanda Bunce, Current Planning Manager presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ01 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 to 0 approved Application #20CZ01 rezoning the subject tract located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue from Residential Agricultural (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Mixed Use: High Density Residential/Office Employment/Commercial Services; Medium/High Density Residential; High Density Residential; Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that approval of the rezoning is reasonable and in the public interest in that the rezoning provides for the following:

1. A commitment to provide a certain number of affordable housing units or a monetary donation to the Town of Apex or non-profit affordable housing developer;
2. Tree canopy preservation and replanting through the provision of street trees along certain roadways and a monetary donation to a local non-profit organization with a mission towards tree preservation and tree replacement;
3. A layout that accommodates an elementary school; and
4. A design that fulfills the intent of the 540/S. Salem Street Small Area Plan.

The rezoning will also encourage compatible development of the property and increase the tax base.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 200.8 ACRES LOCATED ON 0 KELLY ROAD; 1216, 1300, 1330, 1420, 1525, AND 1604 S. SALEM STREET; 0 AND 6401 APEX BARBECUE ROAD FROM RESIDENTIAL AGRICULTURAL (RA) AND NEIGHBORHOOD BUSINESS-CONDITIONAL ZONING (B1-CZ #09CZ01) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#20CZ01

WHEREAS, the application of Stephen Dorn, Lennar, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 13th day of July 2020 before the Planning Board. Thereafter, the Planning Board submitted its final report to the Town Council recommending denial of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 21st day of July 2020, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Residential Agricultural (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The “Rezoned Lands” are subject to the conditions in Attachment “B” Depot 499 PUD which are imposed as part of this rezoning.

Section 5: The “Rezoned Lands” shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Ordinance Amending the Official Zoning District Map #20CZ01
Page Two

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2020.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A

BEGINNING AT AN EXISTING IRON PIPE IN THE SOUTHERN RIGHT OF WAY OF APEX BARBECUE ROAD(VARIABLE WIDTH PUBLIC RIGHT OF WAY) SAID PIPE BEING LOCATED SOUTH 34°04'17" WEST 11,877.46 FEET; FROM N.C. GEODETIC MONUMENT STALEY HAVING N.C. GRID COORDINATES OF NORTHING: 727,821.36; EASTING: 2,043,644.97; THENCE SOUTH 63°42'39" EAST 79.06 FEET TO A POINT; THENCE SOUTH 63°12'07" EAST 19.19 FEET TO A POINT; THENCE SOUTH 63°00'53" EAST 34.65 FEET TO A POINT; THENCE SOUTH 62°42'06" EAST 52.19 FEET TO A POINT; THENCE SOUTH 62°33'45" EAST 52.13 FEET TO A POINT; THENCE SOUTH 62°32'40" EAST 50.30 FEET TO A POINT; THENCE SOUTH 62°30'00" EAST 52.14 FEET TO A POINT; THENCE SOUTH 62°39'57" EAST 54.29 FEET TO A POINT; THENCE SOUTH 63°11'12" EAST 53.70 FEET TO A POINT; THENCE SOUTH 63°46'39" EAST 36.41 FEET TO A POINT; THENCE SOUTH 63°46'39" EAST 16.74 FEET TO A POINT; THENCE SOUTH 64°11'19" EAST 51.77 FEET TO A POINT; THENCE SOUTH 64°51'59" EAST 50.37 FEET TO A POINT; THENCE SOUTH 65°24'56" EAST 50.92 FEET TO A POINT; THENCE SOUTH 66°04'17" EAST 49.04 FEET TO A POINT; THENCE SOUTH 66°24'39" EAST 50.52 FEET TO A POINT; THENCE SOUTH 66°41'39" EAST 50.24 FEET TO A POINT; THENCE SOUTH 65°48'34" EAST 13.86 FEET TO AN IRON PIPE; THENCE SOUTH 66°32'39" EAST 82.52 FEET TO AN IRON PIPE; THENCE SOUTH 67°35'05" EAST 51.21 FEET TO AN IRON PIPE; THENCE SOUTH 69°12'49" EAST 51.50 FEET TO AN IRON PIPE; THENCE SOUTH 71°04'07" EAST 51.54 FEET TO AN IRON PIPE; THENCE SOUTH 73°20'50" EAST 101.55 FEET TO AN IRON PIPE; THENCE SOUTH 74°24'52" EAST 161.15 FEET TO AN IRON PIPE; THENCE SOUTH 02°10'02" WEST 7.75 FEET TO A POINT; THENCE SOUTH 88°43'28" EAST 27.86 FEET TO A POINT; THENCE SOUTH 72°42'27" EAST 113.73 FEET TO A POINT; THENCE SOUTH 68°36'15" EAST 83.47 FEET TO A POINT; THENCE SOUTH 58°59'14" EAST 72.35 FEET TO A POINT; THENCE SOUTH 47°32'47" EAST 78.45 FEET TO A POINT; THENCE SOUTH 39°07'25" EAST 73.73 FEET TO A POINT; THENCE SOUTH 33°40'07" EAST 2.16 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 13.47 FEET, WITH A RADIUS OF 3109.27 FEET, WITH A CHORD BEARING OF SOUTH 62°03'14" WEST, WITH A CHORD LENGTH OF 13.47 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 231.61 FEET, WITH A RADIUS OF 3099.28 FEET, WITH A CHORD BEARING OF SOUTH 59°42'22" WEST, WITH A CHORD LENGTH OF 231.55 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 227.89 FEET, WITH A RADIUS OF 2801.54 FEET, WITH A CHORD BEARING OF SOUTH 55°26'30" WEST, WITH A CHORD LENGTH OF 227.83 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 235.06 FEET, WITH A RADIUS OF 3224.08 FEET, WITH A CHORD BEARING OF SOUTH 51°04'54" WEST, WITH A CHORD LENGTH OF 235.00 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 111.80 FEET, WITH A RADIUS OF 4420.37 FEET, WITH A CHORD BEARING OF SOUTH 48°00'18" WEST, WITH A CHORD LENGTH OF 111.80 FEET TO A POINT; THENCE SOUTH 46°03'02" WEST 88.19 FEET TO A POINT; THENCE SOUTH 44°07'53" WEST 105.44 FEET TO A POINT; THENCE SOUTH 42°07'43" WEST 105.85 FEET TO A POINT; THENCE SOUTH 40°06'18" WEST 105.01 FEET TO A POINT; THENCE SOUTH 38°00'20" WEST 106.03 FEET TO A POINT; THENCE SOUTH 36°10'22" WEST 105.24 FEET TO A POINT; THENCE SOUTH 34°13'40" WEST 105.56 FEET TO A POINT; THENCE SOUTH 32°20'31" WEST 104.61 FEET TO A POINT; THENCE SOUTH 30°52'45" WEST 104.13 FEET TO A POINT; THENCE SOUTH 29°32'30" WEST 103.50 FEET TO A POINT; THENCE SOUTH 28°00'14" WEST 104.45 FEET TO A POINT; THENCE SOUTH 26°31'43" WEST 104.64 FEET TO A POINT; THENCE SOUTH 24°59'56" WEST 104.89 FEET TO A POINT; THENCE SOUTH 23°14'59" WEST 39.96 FEET TO A POINT; THENCE SOUTH 23°13'26" WEST 64.95 FEET TO A POINT; THENCE SOUTH 21°18'46" WEST 106.39 FEET TO A POINT; THENCE SOUTH 19°14'15" WEST 106.20 FEET TO A POINT; THENCE SOUTH 17°17'15" WEST 103.90 FEET TO A POINT; THENCE SOUTH 16°16'37" WEST 101.68 FEET TO A POINT; THENCE SOUTH 16°30'48" WEST 98.45 FEET TO A POINT; THENCE SOUTH 17°33'06" WEST 96.04 FEET TO A POINT; THENCE SOUTH 19°12'54" WEST 94.73 FEET TO A POINT; THENCE SOUTH 21°07'08" WEST 95.97 FEET TO A POINT; THENCE SOUTH 23°11'04" WEST 94.28 FEET TO A POINT; THENCE SOUTH 24°54'47" WEST 36.07 FEET TO A POINT; THENCE SOUTH 25°36'27" WEST 21.28 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT

WITH AN ARC LENGTH OF 75.27 FEET, WITH A RADIUS OF 4719.43 FEET, WITH A CHORD BEARING OF SOUTH 26°43'54" WEST, WITH A CHORD LENGTH OF 75.27 FEET TO A POINT; THENCE SOUTH 27°24'30" WEST 54.11 FEET TO A POINT; THENCE SOUTH 29°06'08" WEST 50.34 FEET TO A POINT; THENCE SOUTH 30°10'37" WEST 48.21 FEET TO A POINT; THENCE SOUTH 31°14'39" WEST 49.26 FEET TO A POINT; THENCE SOUTH 32°10'05" WEST 46.54 FEET TO A POINT; THENCE SOUTH 33°12'31" WEST 49.52 FEET TO A POINT; THENCE SOUTH 34°15'48" WEST 48.00 FEET TO A POINT; THENCE SOUTH 35°13'24" WEST 44.88 FEET TO A POINT; THENCE SOUTH 36°06'22" WEST 46.73 FEET TO A POINT; THENCE SOUTH 37°02'59" WEST 45.18 FEET TO A POINT; THENCE SOUTH 37°48'49" WEST 54.89 FEET TO A POINT; THENCE SOUTH 38°28'27" WEST 48.54 FEET TO A POINT; THENCE SOUTH 38°58'15" WEST 15.35 FEET TO A POINT; THENCE NORTH 50°51'23" WEST 1.07 FEET TO A POINT; THENCE SOUTH 39°37'29" WEST 397.38 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF NC HIGHWAY 540(VARIABLE WIDTH RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY NORTH 39°05'29" WEST 390.87 FEET TO A POINT; THENCE NORTH 44°55'16" WEST 172.15 FEET TO A POINT; THENCE NORTH 61°55'05" WEST 301.58 FEET TO A POINT; THENCE NORTH 45°07'57" WEST 238.80 FEET TO A POINT; THENCE NORTH 52°17'53" WEST 532.13 FEET TO A POINT; THENCE NORTH 18°23'28" WEST 529.06 FEET TO A POINT; THENCE NORTH 14°12'08" WEST 264.95 TO A REBAR; THENCE NORTH 14°10'11" WEST 25.98 FEET TO A CONCRETE MONUMENT; THENCE NORTH 29°27'03" WEST 279.28 FEET TO A CONCRETE MONUMENT; THENCE NORTH 10°30'20" WEST 258.11 FEET TO A CONCRETE MONUMENT; THENCE NORTH 31°49'46" WEST 302.09 FEET TO A CONCRETE MONUMENT; THENCE NORTH 19°25'27" WEST 348.05 FEET TO A REBAR; THENCE NORTH 01°06'22" EAST 289.07 FEET TO A POINT IN THE CENTERLINE OF FISH BRANCH; THENCE WITH THE CENTERLINE OF SAID BRANCH SOUTH 62°05'16" EAST 8.68 FEET TO A POINT; THENCE SOUTH 75°58'33" EAST 23.59 FEET TO A POINT; THENCE SOUTH 54°32'13" EAST 16.14 FEET TO A POINT; THENCE SOUTH 28°27'52" EAST 21.06 FEET TO A POINT; THENCE SOUTH 52°11'00" EAST 19.37 FEET TO A POINT; THENCE NORTH 80°16'49" EAST 16.94 FEET TO A POINT; THENCE NORTH 27°19'34" EAST 14.43 FEET TO A POINT; THENCE NORTH 74°27'19" EAST 9.44 FEET TO A POINT; THENCE SOUTH 50°24'04" EAST 7.19 FEET TO A POINT; THENCE SOUTH 36°21'02" EAST 23.88 FEET TO A POINT; THENCE NORTH 39°19'42" EAST 12.17 FEET TO A POINT; THENCE NORTH 05°51'07" WEST 17.89 FEET TO A POINT; THENCE NORTH 50°03'59" EAST 8.76 FEET TO A POINT; THENCE SOUTH 73°12'41" EAST 16.32 FEET TO A POINT; THENCE SOUTH 21°18'53" EAST 18.47 FEET TO A POINT; THENCE SOUTH 72°13'16" EAST 13.54 FEET TO A POINT; THENCE NORTH 61°51'46" EAST 21.65 FEET TO A POINT; THENCE NORTH 74°00'24" EAST 50.54 FEET TO A POINT; THENCE NORTH 19°57'12" EAST 44.74 FEET TO A POINT; THENCE NORTH 06°03'59" WEST 20.11 FEET TO A POINT; THENCE NORTH 35°44'44" EAST 23.04 FEET TO A POINT; THENCE NORTH 69°35'37" EAST 22.30 FEET TO A POINT; THENCE SOUTH 84°36'00" EAST 31.56 FEET TO A POINT; THENCE NORTH 68°46'46" EAST 23.80 FEET TO A POINT; THENCE NORTH 88°42'18" EAST 17.10 FEET TO A POINT; THENCE SOUTH 54°50'03" EAST 18.40 FEET TO A POINT; THENCE NORTH 80°46'03" EAST 40.56 FEET TO A POINT; THENCE NORTH 58°20'09" EAST 25.29 FEET TO A POINT; THENCE NORTH 44°32'26" EAST 24.34 FEET TO A POINT; THENCE NORTH 71°02'31" EAST 19.10 FEET TO A POINT; THENCE NORTH 47°24'16" EAST 37.55 FEET TO A POINT; THENCE NORTH 81°51'36" EAST 25.80 FEET TO A POINT; THENCE NORTH 36°15'39" EAST 27.41 FEET TO A POINT; THENCE NORTH 20°21'02" WEST 17.38 FEET TO A POINT; THENCE NORTH 11°59'13" EAST 2.08 FEET TO A POINT; THENCE NORTH 58°12'58" EAST 29.12 FEET TO A POINT; THENCE NORTH 82°43'32" EAST 21.16 FEET TO A POINT; THENCE NORTH 05°01'51" WEST 12.48 FEET TO A POINT; THENCE NORTH 77°16'23" WEST 12.42 FEET TO A POINT; THENCE NORTH 37°17'58" EAST 22.50 FEET TO A POINT; THENCE NORTH 73°27'07" EAST 34.86 FEET TO A POINT; THENCE NORTH 03°15'44" EAST 13.46 FEET TO A POINT; THENCE NORTH 45°09'32" WEST 11.24 FEET TO A POINT; THENCE NORTH 53°48'21" EAST 6.23 FEET TO A POINT; THENCE SOUTH 68°53'55" EAST 13.88 FEET TO A POINT; THENCE NORTH 60°34'12" EAST 52.94 FEET TO A POINT; THENCE NORTH 78°46'01" EAST 46.77 FEET TO A POINT; THENCE NORTH 67°46'44" EAST 48.56 FEET TO A POINT; THENCE NORTH 74°58'45" EAST 43.00 FEET TO A POINT; THENCE SOUTH

89°36'23" EAST 38.18 FEET TO A POINT; THENCE SOUTH 79°42'51" EAST 22.68 FEET TO A POINT; THENCE SOUTH 29°26'17" EAST 17.84 FEET TO A POINT; THENCE NORTH 69°48'36" EAST 16.45 FEET TO A POINT; THENCE SOUTH 68°17'51" EAST 51.96 FEET TO A POINT; THENCE NORTH 73°12'05" EAST 27.64 FEET TO A POINT; THENCE SOUTH 79°24'02" EAST 15.42 FEET TO A POINT; THENCE SOUTH 74°12'31" EAST 45.28 FEET TO A POINT; THENCE SOUTH 39°16'28" EAST 36.13 FEET TO A POINT; THENCE SOUTH 08°43'30" WEST 18.30 FEET TO A POINT; THENCE SOUTH 50°53'39" EAST 18.00 FEET TO A POINT; THENCE NORTH 88°17'02" EAST 36.36 FEET TO A POINT; THENCE SOUTH 13°58'03" EAST 21.80 FEET TO A POINT; THENCE SOUTH 81°03'00" EAST 42.96 FEET TO A POINT; THENCE SOUTH 30°57'25" EAST 26.88 FEET TO A POINT; THENCE SOUTH 75°54'58" EAST 40.54 FEET TO A POINT; THENCE SOUTH 70°25'00" EAST 15.28 FEET TO A POINT; THENCE NORTH 84°19'40" EAST 27.52 FEET TO A POINT; THENCE SOUTH 80°36'18" EAST 37.25 FEET TO A POINT; THENCE SOUTH 42°44'12" WEST 13.86 FEET TO A POINT; THENCE SOUTH 64°51'55" WEST 13.95 FEET TO A POINT; THENCE SOUTH 64°16'15" EAST 26.38 FEET TO A POINT; THENCE SOUTH 51°02'50" EAST 20.28 FEET TO A POINT; THENCE SOUTH 76°30'27" EAST 49.09 FEET TO A POINT; THENCE SOUTH 02°56'27" WEST 22.78 FEET TO A POINT; THENCE SOUTH 68°53'00" EAST 39.44 FEET TO A POINT; THENCE SOUTH 74°05'57" EAST 21.64 FEET TO A POINT; THENCE NORTH 54°46'33" EAST 12.67 FEET TO A POINT; THENCE SOUTH 78°44'03" EAST 50.69 FEET TO A POINT; THENCE SOUTH 17°24'42" EAST 10.77 FEET TO A POINT; THENCE NORTH 81°02'40" EAST 18.57 FEET TO A POINT; THENCE NORTH 57°30'16" EAST 25.96 FEET TO A POINT; THENCE SOUTH 49°12'49" EAST 22.49 FEET TO A POINT; THENCE SOUTH 75°13'50" EAST 36.68 FEET TO A POINT; THENCE NORTH 43°03'04" EAST 18.03 FEET TO A POINT; THENCE SOUTH 43°29'16" EAST 25.33 FEET TO A POINT; THENCE NORTH 84°54'55" EAST 33.14 FEET TO A POINT; THENCE SOUTH 49°52'36" EAST 29.02 FEET TO A POINT; THENCE NORTH 47°30'27" EAST 22.64 FEET TO A POINT; THENCE SOUTH 44°10'50" EAST 48.34 FEET TO A POINT; THENCE NORTH 77°35'58" EAST 27.83 FEET TO A POINT; THENCE SOUTH 44°55'44" EAST 20.62 FEET TO A POINT; THENCE NORTH 67°39'06" EAST 23.64 FEET TO A POINT; THENCE NORTH 09°17'48" WEST 14.71 FEET TO A POINT; THENCE NORTH 56°08'00" EAST 16.99 FEET TO A POINT; THENCE SOUTH 84°08'50" EAST 9.11 FEET TO A POINT; THENCE SOUTH 21°28'59" EAST 19.37 FEET TO A POINT; THENCE NORTH 77°01'03" EAST 25.20 FEET TO A POINT; THENCE NORTH 52°22'39" EAST 13.09 FEET TO A POINT; THENCE NORTH 34°19'37" EAST 31.41 FEET TO A POINT; THENCE SOUTH 83°30'24" EAST 9.86 FEET TO A POINT; THENCE SOUTH 73°18'34" EAST 60.44 FEET TO A POINT; THENCE NORTH 25°37'49" EAST 32.53 FEET TO A POINT; THENCE SOUTH 40°49'03" EAST 28.47 FEET TO A POINT; THENCE NORTH 36°58'17" EAST 21.69 FEET TO A POINT; THENCE SOUTH 76°44'46" EAST 21.44 FEET TO A POINT; THENCE SOUTH 14°26'49" WEST 27.21 FEET TO A POINT; THENCE SOUTH 86°41'52" EAST 6.78 FEET TO A POINT; THENCE NORTH 87°14'33" EAST 24.64 FEET TO A POINT; THENCE SOUTH 40°22'08" EAST 36.29 FEET TO A POINT; THENCE SOUTH 13°37'04" EAST 24.06 FEET TO A POINT; THENCE SOUTH 82°58'59" EAST 35.03 FEET TO A POINT; THENCE SOUTH 73°33'17" EAST 23.68 FEET TO A POINT; THENCE SOUTH 25°37'21" EAST 34.01 FEET TO A POINT; THENCE SOUTH 06°57'32" EAST 21.00 FEET TO A POINT; THENCE SOUTH 53°23'42" EAST 38.38 FEET TO A POINT; THENCE SOUTH 83°14'09" EAST 8.53 FEET TO A POINT; THENCE NORTH 33°23'35" EAST 11.26 FEET TO A POINT; THENCE SOUTH 68°50'30" EAST 18.96 FEET TO A POINT; THENCE NORTH 81°37'03" EAST 18.18 FEET TO A POINT; THENCE SOUTH 39°21'14" EAST 5.22 FEET TO A POINT; THENCE LEAVING SAID BRANCH NORTH 00°20'56" EAST 1168.68 FEET TO AN IRON PIPE; THENCE SOUTH 88°15'40" EAST 294.44 FEET TO A POINT; THENCE SOUTH 72°25'22" EAST 125.09 FEET TO AN IRON PIPE; THENCE SOUTH 70°34'38" EAST 47.93 FEET TO AN IRON PIPE; THENCE SOUTH 67°51'29" EAST 47.60 FEET TO AN IRON PIPE; THENCE SOUTH 65°15'32" EAST 50.49 FEET TO AN IRON PIPE; THENCE NORTH 22°59'56" EAST 19.98 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 8746939 SQUARE FEET, 200.802 ACRES.

DEPOT 499 PLANNED UNIT DEVELOPMENT

South Salem Street and Apex Barbecue Road
Apex, North Carolina | PD PLAN
Case # 20CZ01

LAND PLANNING,
LANDSCAPE ARCHITECTURE +
CIVIL ENGINEER



DEVELOPER



DEPOT 499

Planned Unit Development Prepared for The Town of Apex, North Carolina

Submittal Dates

First Submittal:	January 2, 2020
Second Submittal:	February 14, 2020
Third Submittal:	March 13, 2020
Fourth Submittal:	May 14, 2020
Fifth Submittal:	June 5, 2020
Sixth Submittal:	June 29, 2020
Seventh Submittal:	July 15, 2020
Town Council Approval:	July 21, 2020

Developer

Lennar Corporation
1100 Perimeter Park Drive Suite 112
Morrisville NC 27560

Planner, Engineer, Landscape Architect

McAdams
2905 Meridian Parkway
Durham NC 27113

Traffic Engineer

Ramey Kemp & Associates
5808 Faringdon Place, #100
Raleigh NC 27609



MCADAMS

LENNAR®

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VICINITY MAP



PROJECT DATA

Name of Project:	Depot 499
Applicant Owner/Developer:	Lennar 1100 Perimeter Park Drive, Suite 112 Morrisville, NC 27560 919-337-9420
Prepared By:	McAdams 2905 Meridian Parkway Durham, NC 27713 919-361-5000
Current Zoning Designation:	RA and B1-CZ (#09CZ01)
Proposed Zoning Designation:	PUD-CZ
Current 2045 Land Use Map Designation:	Community Mixed Use (High Density Residential/ Commercial Services/ Office Employment); Medium/High Density Residential, Office Employment; and Office Employment/ Commercial Services
Proposed 2045 Land Use Map Designation:	A change is requested for approximately 5.41 acres of land in the northeast corner of PIN 0731761944 from Office Employment to High Density Residential.
Proposed Use:	Mixed-used development with office/institutional, retail, restaurant single-family, townhomes, and multi-family units
Size of Project:	200.80 acres
Area Designated as Mixed Use on 2045 LUM:	171.90 acres
Area of Mixed Use Proposed as Non-residential:	51.57 acres (30% of mixed-used area)
Property Identification Numbers:	731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657166, 731676714, 0984, 731761944, 731766588, 731873224

PURPOSE STATEMENT

The Depot 499 PUD will consist of residential and nonresidential uses including multi-family units, townhomes, single-family homes, retail, restaurant, and office/institutional space. The proposed development will set aside required resource conservation areas throughout the 200-acre property. Depot 499's concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. The concept is also consistent with the concepts and recommendations of the South Salem Street Small Area Plan. This development will comply with the PUD Development Parameters outlined in §2.3.4.F.1.a.i-vii of the Town of Apex Unified Development Ordinance. The Depot 499 PUD is in accordance with the Development Parameters as follows:

- *The uses to be developed in the PD Plan for the PUD-CZ are those uses permitted in Section 4.2.2, Use Table.*
 - » **The uses permitted within the Depot 499 PUD are permitted per §4.2.2 of the Town of Apex UDO.**
- *The uses proposed in the PD Plan for the PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of the non-residential land area is included in certain mixed-use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown on the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.*
 - » **Depot 499 is a mixed-used development containing a maximum of:**
 - 850 apartment units
 - 650 townhomes / single-family homes (50 single-family maximum)
 - 650,000 square feet of non-residential floor area, including retail, restaurant, civic, and office space

This mix of uses provides a minimum of 30% non-residential land uses measured by ground floor and supporting parking or infrastructure consistent with Town policy.

- *The dimensional standards in §5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts, may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.*
 - » **The proposed dimensional standards are in compliance with the Town of Apex UDO. Development of the parcel will be in compliance with all other requirements of the UDO, North Carolina Building Code, and North Carolina Fire Code.**
- *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways, and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the Town of Apex Standard Specifications and Details, and greenway improvements as required by the Town of Apex Parks, Recreation, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*

- » Public sidewalks will be constructed along the both sides of all streets, going above the Town of Apex UDO standards. To encourage a healthy lifestyle and establish a walkable community, pedestrian greenways will also be incorporated throughout the development connecting all uses and open space amenities. Additionally, the provision of sidepaths along South Salem Street frontage, Apex Barbecue Road frontage, and the main collector through the development will benefit the residents of the neighborhood and surrounding areas by creating complete pedestrian connections along major corridors to the north, east, and west of the property. See conditions 12 and 13 on C2.00.
- *The design of development in the PD Plan for the PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing proposed or proposed street system in the surrounding area indicated that a through street is not essential in the location of the proposed cul-de-sacs, or where sensitive environmental features such as streams, floodplains, or wetlands would be substantially disturbed by making road connections.*
 - » Depot 499 will create a walkable urban grid of residential and non-residential uses connected by sidewalks, tree-lined streets, and greenways. Cul-de-sacs will be avoided to enhance the connectivity of the development.
- *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.*
 - » Depot 499 PUD-CZ is consistent with The Town of Apex's Future Land Use Map and compatible with the surrounding land uses. Current zoning surrounding the development includes varying residential densities of HDSF-CZ, MD, and RA as well as PUD-CZ zoning. The Future Land Use Map designates the property as well as its immediate surroundings as Community Mixed Use and Medium/High Density Residential. The 5.41 acres of land designated as Office Employment is requested to change to High Density Residential (see **Consistency with Land Use Plan**).
- *The development proposed in the PD Plan for the PUD-CZ has architectural and design standards that are exceptional and provide a higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.*
 - » All multi-family buildings, townhomes, single-family homes, and commercial buildings will be of a higher quality construction than the typical residential or commercial development. Architectural controls for non-residential uses as well as sample elevations illustrating the high-quality appearance of the multi-family units, townhomes, and single-family homes are included with the PUD-CZ application.

All site-specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, Conditional Zoning Districts. The proposed PUD will provide a development density consistent with the 2045 Land Use Plan designation of High Density Residential, Medium/High Density Residential, Office Employment, and Commercial Services in their respective areas. The Advance Apex Plan describes high density residential as "townhomes, triplexes, quadplexes, and apartments no less than 14 dwelling units per acre...located in close proximity to major commercial areas and transportation corridors" and describes medium/high residential use as "single family homes, duplexes, triplexes, quadplexes, townhomes, and apartments no less than 7 and no more than 14 units per acre...providing a variety of housing options located in close proximity to major transportation corridors." Proposed densities are listed in the Design Controls section of this document.

The proposed development incorporates a village commercial core surrounded by high-density residential living. Multi-family units transition to townhomes and single-family homes adjacent to Scott's Ridge Elementary School and the existing single-family development to its east. Retail, restaurant, civic, and office space exist at the southwestern portion of the property along NC 540 providing separation of residential areas from the highway. Riparian buffers and forested land encompass the residential areas to the north and west, and green spaces are incorporated throughout.

PERMITTED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

P = Permitted Use

* = Subject to limitations - see descriptions following chart.

Permitted Residential Area uses are allowed in Pods A-J and Pod P on PUD Plan Sheet C2.00

Permitted Non-Residential Area uses are allowed in Pods M-O and Q-T on PUD Plan Sheet C2.00

Permitted Mixed-Use Area uses are allowed in Pods K and L on PUD Plan Sheet C2.00

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Residential			
Single-Family	P (pod G only)		
Accessory Apartment	P*		
Townhouse	P		
Multi-family or Apartment Units	P (Pods H, I, J, and east of proposed public road in Pod G only)		
Multi-family or Apartment Units (2nd story and above only)		P	P
Condominium (2nd story and above only)		P	P
Congregate living facility	P	P (Pods R, S, T only)	
Family care home	P		
Nursing or convalescent facility		P (Pods R, S, T only)	
Utilities			
Utility, minor	P	P	P
Recreational Uses			
Greenway	P	P	P
Park, Active	P	P	P
Park, Passive	P	P	P
Recreation Facility, private	P		
Entertainment, Indoor		P	P

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Public and Civic Uses			
Ambulatory Health-care Facility with Emergency Dept.		P (Pods R, S, T only)	
Assembly Hall, non-profit/for-profit		P (Pods R, S, T only)	
Church or place of worship		P (Pods R, S, T only)	
Day Care Facility		P (Pods R, S, T only)	
Drop-in or short-term day care		P	P
Government Services		P (Pods R, S, T only)	
Hospital		P (Pods R, S, T only)	
Veterinary Clinic or Hospital		P (Pods R, S, T only)	
School, Public or Private		P (Pods R, S, T only)	
Transportation facility		P* (Pods R, S, T only)	
Vocational School		P (Pods R, S, T only)	
Food and Beverage Service			
Restaurant, general		P	P
Restaurant, drive-through		P*	P*
Bar, nightclub, wine bar, taproom		P*	P*
Office and Research			
Medical or dental clinic or office		P	P
Office, business or professional		P	P
Publishing Office		P	P
Public Accommodation			
Hotel or Motel		P	P*
Retail Sales and Services			
Artisan Studio		P	P
Barber and Beauty Shop		P	P
Book Store		P	P
Building supplies, retail		P*	
Convenience store, with gas sales		P (excluding Pod O)	
Convenience store, without gas sales		P	P
Dry cleaners and laundry service		P	P
Farmer's market		P	P
Financial Institution, with or without drive-through		P*	P*
Floral Shop		P	P

	Residential Areas	Non-Residential Areas	Mixed-Use Areas
Retail Sales and Services (continued)			
Funeral Home		P (Pods R, S, T only)	
Gas and fuel, retail			
Greenhouse or nursery, retail		P	
Grocery, general or specialty		P	P
Health/fitness center or spa		P	P
Newsstand or gift shop		P	P
Personal Service		P	P
Pharmacy, with or without drive-through		P*	P*
Printing and copying services, limited		P	P
Repair services, limited		P	P
Retail sales, general		P	P
Studio for art		P	P
Tailor shop		P	P
Theater		P	
Pet services		P	P
Production			
Microbrewery		P	P
Microdistillery		P	P

***Permitted Uses Subject to Limitations:**

Accessory Apartment - Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

Transportation facility - Such use shall only be allowed for vehicles serving the use "School, public or private", but is permitted as either a principal or accessory use on a lot.

Drive-through facilities - Any drive-through facility (e.g. restaurant, financial institution, pharmacy) must be located within a multi-tenant building; No free standing drive-through facilities shall be allowed.

Bar, nightclub, wine bar, taproom - Hours of operation Sunday through Thursday shall close by 12 AM and hours of operation Friday through Saturday shall close by 2 AM.

A hotel restaurant or bar with a patio or deck open to the street, shall qualify as vertical integration in mixed-use pods.

Building supplies, retail - The maximum square footage of a building supplies retail store shall be limited to 20,000 square feet.

AFFORDABLE HOUSING

Wake County Public School System has expressed an interest in pursuing affordable housing on surplus property should the School Alternative be pursued. The affordable housing use is permitted in any pod, and the community has expressed interest in pursuing these projects in Apex.

If no such affordable housing project(s) containing at least 45 units has been approved by January 1, 2025, and the Town of Apex has a fund or other mechanism in place by January 1, 2025 to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute \$300,000 to this Fund. This contribution represents the approximate value of a 2.0 acre dedication at market value. In the event the Fund has not been established by the Town of Apex by January 1, 2025, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

Affordable housing units may be provided in any development pod within the project. Regardless of development pod, affordable housing area may be counted as non-residential for the purpose of calculating the 30% non-residential threshold within the mixed-use land designation. Affordable housing units shall only be required to comply with Residential Design Guidelines 1 and 12. For purposes of this condition, affordable housing is defined as housing that on average is affordable to a household with an annual income that is no greater than 60% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD).

DESIGN CONTROLS

Total Project Area: 200.80 acres

Apex 2045 Land Use Plan - Community Mixed-Use Calculation

- Total Project Area within Community Mixed-Use Designation: 171.90 acres
 - » Required Non-Residential Land Area: 51.57 acres (30%)
 - » Proposed Gross Non-Residential Land Area: 51.57 acres (30%)

Overall Density Limitations (across 200.80-acre site)

- Maximum number of apartments: 850
- Maximum number of Townhomes/Single-family: 650 (50 Single-Family Maximum)
- Maximum Non-Residential Floor Area: 650,000 SF

Overall Land Use Breakdown

- Mixed-Use PODS ~1.88 acres
- Non-Residential PODS ~41.08 acres
- Residential PODS ~93.99 acres
- Area within RCA/Buffers/Right-of-Way ~63.85 acres

- **Total** **200.8 acres**

Mixed-Use Land Area (PODs K/L)

- Proposed Land Area ~1.88 acres
- Minimum Vertical Integration:
 - » Residential - 24 units (over retail/office) or;
 - » Office - 10,000 SF (over retail)
 - » Maximum Residential Density 120 units

Non-Residential Land Area (PODs M/N/O/Q/R/S/T)

- Proposed Land Area ~ 41.08 acres
- Maximum SF 650,000 SF

Residential Land Area (PODs A-J/P)

- Proposed Land Area ~93.99 acres
- Maximum Density 1,500 units

Note: Acreage and configuration of PODS is approximate. Final size and configuration will be determined at the time of Master Subdivision Plan or Site Plan based on actual field survey and final design.

Residential Design Controls

Single-Family

- Minimum Lot Size: 2,550 square feet
- Minimum Lot Width: 36 feet
- Minimum Lot Depth: 85 feet
- Maximum Building Height: 45 feet (In Pod G, the first row of lots immediately adjacent to the Woodall subdivision shall not exceed 2 stories unless buffer is increased to a 50' Type A buffer)
- Building Setbacks
 - » Front: 20 feet to garage; 8 feet to building façade
 - » Side: 5 feet
 - » Rear: 15 feet
 - » Alley: 5 feet
 - » Corner: 8 feet

Townhomes

- Minimum Lot Width: 16 feet (alley loaded); 18 feet (front loaded)
- Minimum Lot Depth: 65 feet
- Maximum Building Height: 45 feet (In Pod G, the first row of lots immediately adjacent to the Woodall subdivision shall not exceed 2 stories, unless buffer is increased to a 50' Type A buffer)
- Minimum Building Setbacks - Front Loaded
 - » Front: 5 feet from building façade, 20 feet from garage
 - » Rear: 10 feet
 - » Corner: 8 feet
 - » Building separation: 10 feet
- Minimum Building Setbacks - Alley Loaded
 - » Front: 5 feet
 - » Rear: 5 feet
 - » Corner: 8 feet
 - » Alley: 5 feet
 - » Building separation: 10 feet

Apartments/Condominiums

- Maximum Building Height: South Salem Street – 6 stories or 90 ft
Apex Barbecue Road – 6 stories or 90 ft; The first row of buildings along this frontage shall not exceed 4 stories.
- Minimum Building Height: South Salem Street – 4 stories; a maximum of 25% of buildings along this frontage may be 3 stories
Apex Barbecue Road – 4 stories; a maximum of 25% of buildings along this frontage may be 3 stories
- Minimum Building Setbacks
 - » Front: 10 feet
 - » Rear: 10 feet
 - » Corner: 10 feet
 - » Building separation: 30 feet

Non-Residential Design Controls

- Maximum Building Height: 100 feet
- Minimum Building Height: 1 story
- Minimum Building Setbacks:
 - » Front: 10 feet
 - » Side: 10 feet
 - » Rear: 10 feet
 - » Corner: 15 feet

Mixed-Use Design Controls

- Minimum Building Height: 3 stories (Rooftop terraces that include a minimum of 1,500 sf of enclosed space for event, amenity, or other use such as a bar or restaurant shall qualify as a 3rd floor)
- Maximum Building Height: 80 feet
- Minimum Building Setbacks:
 - » Front: 10 feet
 - » Side: 10 feet
 - » Rear: 10 feet
 - » Corner: 15 feet

Landscaping, Buffering, and Screening

Refer to PUD Preliminary Layout Plan for perimeter and streetscape buffers.

The 10' Type D Streetfront Buffer shall not be required along minor or major collectors where street trees are provided at a rate equivalent to 1 tree per 1,000 sf of the area that would otherwise be provided as buffer.

ARCHITECTURAL STANDARDS

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. The elevations included are a condition of approval. Elevations included are limited examples of multiple options available. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Residential Master Subdivision Plan or Site Plan submittal.

Residential areas envisioned for Depot 499 will be comprised of single-family homes, attached townhomes, and multi-family units. In order to create a variety of architectural character along the streetscapes, the project will offer a variety of distinct residential elevations - see examples on the following pages. These elevations will incorporate a natural material selection and earth tone color palette with wood, brick or stone accents, which will help to add diversity to the streetscape.

While each of the architectural offerings proposed will have their own identity, a number of common threads will link the different neighborhoods within Depot 499 including color palettes, materials, roofing, and decorative garage doors. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Additional features used as focal points or key terminus points shall be located within or around the development (i.e. gazebos, fountains, and public art) in order to meet the Community Amenities requirement of the UDO. Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines (all product types):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
3. All townhomes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 6 inches from average grade across the front of the house to the finished floor level at the front door.
4. Front-facing garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch, measured from roof of porch.
6. On single-family homes, the roof shall be pitched at 5:12 or greater (not to include porches, bay windows, etc.).

7. On townhomes, roof line cannot be a single mass; it must be broken up either horizontally and/or vertically between, at minimum, every other unit.
8. House entrances for units with front-facing single-car garages must have a covered porch/stoop area leading to the front door.
9. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
10. Four of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
11. A varied color palette shall be utilized on single family and townhome units throughout the subdivision and shall include siding, trim, shutter, and accent colors complementing the siding colors.
12. All apartment buildings along S. Salem Street shall have interior corridors.
13. Recesses and projections shall be provided for at least 50% of each façade on each apartment building.
14. A solar PV system shall be installed on at least 15% of the single-family homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the approved number of single-family lots. The lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended.
15. Solar conduit will be provided on all single-family homes to accommodate the future installation of solar panels.

Proposed Residential Materials

Proposed materials will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap siding
- Board and batten siding
- Shake and shingle siding
- Wood siding
- Stone or synthetic stone
- Brick

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Planning Director to be substantially similar.

Representative Residential Building Elevations

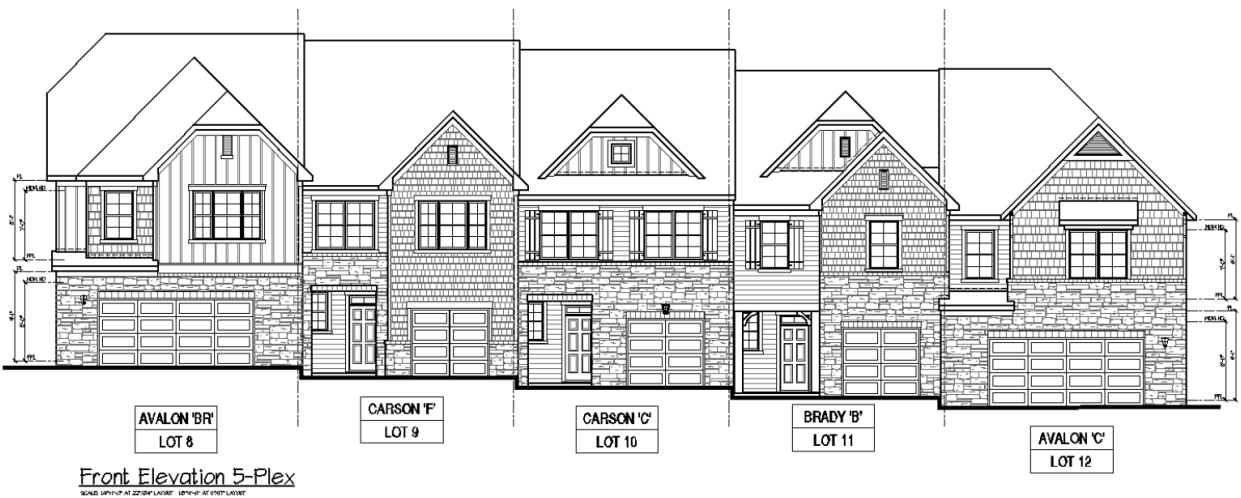
Single-Family Home Elevations



Townhouse Elevations



Townhouse Elevations



Townhouse Elevations



Townhouse Elevations



Affordable Housing Elevation

Elevation represents the minimum standard for affordable units. At the time of Master Subdivision or Site Plan, alternate elevations may be proposed and approved by staff as long as they are substantially similar.



Multi-Family Elevations



Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public places. They shall be situated to address the street and provide massing that looks to define the street realm for pedestrians as well as automobiles.
- Every effort shall be made to locate service and loading areas in the rear of structures. Where these features are located on the side of the building along a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Elevations of buildings facing a street shall incorporate detailing in keeping with the character and style of the architectural features on adjacent buildings.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest. Large expanses of blank walls, greater than 25' in length or height, shall be broken up with windows or other architectural features to reduce visual impacts.
- Differences of roof height, pitch, ridgelines and materials shall be used to create visual interest and avoid repetition.
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material.
- Solar conduit shall be provided on every non-residential building that has a flat roof, not to include public or private schools.

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade and other façades located along a public right-of-way may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
- Precast concrete
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Non-residential buildings visible from public view shall be constructed with compatible materials to other uses in the PUD. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

Exterior materials not allowable as part of the residential or non-residential development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal Walls

Public Art

Refer to PUD Preliminary Layout Plan for potential locations dedicated to public art. Two location options are provided and a minimum of one location will be implemented.

PARKING AND LOADING

As part of the review and approval of a Master Subdivision Plan or Site Plan, the Planning Director may approve a parking reduction per UDO Section 8.3.9 *or* a reduction up to fifteen (15) percent in the number of required parking spaces (excluding single-family and townhomes), whichever is greater. The latter may be approved if the reduced number of parking spaces will be sufficient to satisfy the demand for parking, based on evidence provided by a licensed traffic engineer in the form of a parking study or other supporting evidence deemed appropriate by the Planning Director.

Guest parking shall be distributed so that there is at least one guest parking space within 200' of each townhome lot. On-street parallel parking stalls may be used to satisfy guest parking requirements.

SIGNAGE

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO.

LANDSCAPING

All landscaping for this PUD shall comply with Section 8.2 Landscaping, of the Town of Apex UDO, except for the following provision regarding building landscaping requirements for townhomes (Section 8.2.4 A.3):

- Street trees located within street right-of-way shall count toward landscaping requirements. Additionally, shrubs may be located either on the townhome lot or within HOA owned common areas to meet UDO requirements.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

River Basins and Watershed Protection Overlay Districts

This project is located within the Beaver Creek Drainage Basin, which is within the Cape Fear River Basin. Almost all of the project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map, and the northeast corner of the property falls under the Secondary Watershed Protection Overlay District. Accordingly, this PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of Section 6.1.7.

Resource Conservation Areas (RCA) - Required and Provided

This PUD will be subject to, and meet the requirements of, Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The PUD will provide a minimum of 20% of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and streetfront buffers, stormwater management areas (as permitted by the UDO), and greenway trails.

Floodplain

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

Tree Canopy

The Apex 2045 Land Use Plan designates the majority of this property as Community Mixed-Use. This land use designation prescribes a mix of High Density Residential (over 14 units/acre), Office Employment and Commercial uses. In order to implement this mix of uses in compliance with the land use plan, it will be necessary to remove some tree canopy outside of environmentally protected areas.

As part of the implementation of this community, the project will re-establish a new tree canopy by creating a new urban street grid containing canopy trees within the public rights-of-way, along with vegetated perimeter buffers, pocket parks, community gathering spaces and other open space areas.

To further illustrate the project's commitment to preserving and re-establishing tree canopy in our region, at the time of first subdivision or site plan submittal, the developer will provide a donation of \$10,000 to a local non-profit organization with a mission towards tree preservation and tree replacement. We estimate the project will retain or replace almost 70% of existing canopy on the residential portion, and preserve or replant an additional 27% on the non-residential portion of the development, bringing replacement amount close to 97%. As such, this donation represents an assigned per-tree value in substitute canopy for the remaining 3%. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds. Developer is responsible for providing documentation for qualifying organizations.

Historic Structures

As confirmed by the North Carolina State Historic Preservation Office and Capital Areas Preservation, Inc. there are no historic structures present within the project boundary.

STORMWATER MANAGEMENT

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 24-hour storm events.
- Treatment for the first 1 inch of runoff will provide 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

The project was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on February 26, 2020 and fee-in-lieu of dedication was recommended and unanimously approved.

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
50	Single-Family	\$3446.98	\$172,349.00
600	Townhomes	\$2321.54	\$1,392,924.00
850	Apartments	\$2044.05	\$1,737,442.50
Total	-	-	\$3,302,715.50

*Final unit mix will be determined at the time of Master Subdivision.

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1) (f) and be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

General Roadway Infrastructure

All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex UDO and Transportation Plan if the requested Transportation Plan amendments are approved.

The minor collector street extending from the major collector street at South Salem Street to Apex Barbecue Road will not be directly accessed by residential driveways.

The location of the major collector street connection to South Salem Street is subject to change based on the ultimate layout and will be determined in coordination with staff during master subdivision plan review.

Water and Sanitary Sewer

All lots within the project will be served by Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of master subdivision plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

Developer may seek a developer agreement with the Town for the oversized waterline sizing along the site frontage and waterline connection under 540 for reimbursement per the Town's Policy Regarding Town Participation in Utility Projects.

Transit

At least two bus stops shall be provided at locations to be determined at the time of subdivision or site plan approval. In accordance with Apex standards, stops will provide a concrete landing pad between sidewalk and curb, an amenity pad behind the sidewalk to accommodate future shelter, lighting at bus stop location, and a sign post for a future sign.

Walkability

The following facilities will be provided to contribute to a walkable community within and surrounding the Depot 499 development:

- Five-foot wide public sidewalks along both sides of all streets unless otherwise noted
- Six-foot wide private walking trails throughout the development
- A greenway connection to Scott's Ridge Elementary School (subject to WCPSS approval)
- Ten-foot wide sidepaths along South Salem Street frontage, Apex Barbecue Road frontage, and the main collector through the development as shown on Sheet C2.00.
- Construction or payment-in-lieu of approximately 910 linear feet of off-site sidewalks and side paths to complete missing pedestrian connections to the project from adjoining communities as shown on Sheet C2.00.
- Up to two high visibility crosswalks constructed along Apex Barbecue Road (subject to NCDOT and the Town of Apex approval)
- Bicycle and pedestrian facilities along existing road frontage along the boundaries of the PUD shall be installed as each pod is developed, and no later than the completion of Phase 2 as described in the zoning conditions related to traffic impacts.

Future Pedestrian Bridge:

- At the time of Major Site Plan for any development in Pods I and J, developer agrees to dedicate an approximately 25'x25' area along the South Salem Street frontage to serve as a connection point for a future grade separated pedestrian connection across South Salem Street and the railroad, to be constructed by others. This area may overlap the 15' streetscape buffer along South Salem Street. If the Bicycle and Pedestrian System Plan Map has not been amended to reflect a grade-separated crossing of S. Salem St and the railroad in this vicinity, the area for a connection point shall not be required.

Other Utilities and Facilities

Electricity will be provided by Apex Electric. Phone, cable, and gas will provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include street trees within the public right-of-way, benches, trash receptacles, and street and/or pedestrian lights compatible with their context. Other features may include markers, bollards, and unique paving patterns.

SCHOOL ALTERNATIVE

If a school use is pursued on Pods R-T on Land Use Option 1, an alternative transportation alignment is permitted as shown on the plan set. This alignment includes roundabouts to facilitate movements along the collector and out to S. Salem Street at site drive #7 to minimize mixing with school bus movements. School buses will access site drive #7 which Wake County Public School System requires to be an at-grade intersection. If a school use is not pursued on Pods R-T, the original collector alignment will be maintained as shown on Land Use Option 2. This intersection will also be at grade to provide needed access to the commercial and office uses on these high-visibility pods.

If a school is pursued on Pods R-T, the transportation commitments on PUD Plan Sheet C2.00 may be modified by the Town Council at site plan to adjust or reduce commensurate with reduced trip generation and/or modified movements. Traffic improvements may be modified based on a revised TIA with the inclusion of the school.

PHASING PLAN

This PUD will be completed in up to 10 phases. Location of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019 if the requested Land Use Map amendment is approved.

The Future Land Use Map designates a majority of the property as Community Mixed Use, which encompasses High Density Residential, Office Employment, and Commercial Services. The remaining northern portion of the property is divided into three classifications - Medium/High Density Residential, Office Employment, and Commercial Services. A Future Land Use Map Amendment is requested for approximately 5.41 acres of land in the northeast corner of PIN 0731761944 from Office Employment to High Density Residential.

The proposed development will align with these uses and include single-family homes, townhomes, apartments, and non-residential uses accordingly. Thirty percent of the Community Mixed Use designated area will be non-residential uses.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO).

TRANSPORTATION IMPROVEMENTS

The following zoning conditions represent the recommendations by Apex staff based on a review of the TIA prepared for the Depot 499 development plan. Reported lane lengths represent storage length and do not include full width deceleration or taper length unless stated otherwise. While not all staff recommendations match what was recommended in the TIA or otherwise recommended by NCDOT, they represent the findings of Apex staff based on an interpretation of the requirements of the UDO to mitigate traffic impacts of the proposed development.

All recommendations are subject to consideration by Town Council, and on state-maintained roadways are ultimately subject to review and approval by NCDOT. NCDOT may reject and/or require alternative improvements compared to zoning conditions approved by Apex on state-maintained roadways. If offsite right of way or easements cannot be acquired by the developer through private negotiation, developer shall request legal assistance from the Town in the interest of obtaining such property for the purposes of satisfying the zoning conditions. If ROW is unable to be obtained, a fee-in-lieu may be accepted per UDO 7.1.7. During buildout, if the subdivision or site plan submittals exceed the trip generation potential that was studied in the original TIA, a revised analysis can be prepared, if requested by staff.

“Phase 1” in the following conditions represents improvements required prior to platting no more than 450 townhomes and/or single family homes, and/or certificate of occupancy for no more than 400 apartment dwelling units, and/or certificate of occupancy for no more than 150,000 square feet of commercial development. If a school is pursued on Pods R-T, the transportation commitments on PUD Plan Sheet C2.00 may be modified by the Town Council at site plan pursuant a modified TIA to adjust or reduce commensurate with reduced trip generation and/or modified movements. Addition of a school site in Phase 1 will require an updated TIA to reevaluate Phase 1 improvements which may result in modified and additional required improvements during that phase, subject to Apex and NCDOT approval.

Improvements to be constructed in Phase 1 as defined above:

- Apex Barbecue Road and Kelly Road
 - » Construct a 200-foot westbound left-turn lane on Apex Barbecue Road.
 - » Construct a 200-foot eastbound left-turn lane on Apex Barbecue Road.

“Phase 2” in the following conditions represents improvements required prior to platting no more than 600 townhomes and/or single family homes, and/or certificate of occupancy for no more than 600 apartment dwelling units, and/or certificate of occupancy for no more than 300,000 square feet of commercial development.

Improvements to be constructed in Phase 2 as defined above:

- **S. Salem Street and Southbound NC-540 Ramps (Signalized)**
 - » Extend the southbound right turn lane on the ramp to provide 375 feet of storage and place it under signalized control rather than free-flow.
 - » Construct an additional westbound through lane on S. Salem Street prior to the interchange, extending through the intersection of NC-540 Northbound Ramps across the bridge and through the intersection of NC-540 Southbound Ramps in order to provide two contiguous westbound through lanes (see alternative below)*.
- **S. Salem Street and Northbound NC-540 Ramps (Signalized)**
 - » Construct two contiguous westbound through lanes carried from the site frontage across the bridge and through the intersection of Southbound NC-540 Ramps (see alternative below)*.
- ***Alternative recommendations for NC 540 Interchange Ramps, Phase 2**
 - » *Developer shall construct an additional westbound through lane on S. Salem Street at Southbound NC-540 Ramps starting immediately west of the bridge for a minimum of 200 feet and construct a 200-foot westbound right turn lane on S. Salem Street.
 - » *Developer shall construct an additional 150-foot southbound left turn lane on the Northbound NC-540 Exit Ramp, and begin an additional eastbound/northbound receiving through lane on S. Salem Street, carrying that additional (second) through lane across the development frontage and terminating in a left turn lane at Apex Barbecue Road.
 - » *Developer shall terminate the additional westbound/southbound through lane on S. Salem Street as a right turn lane at the NC 540 Northbound Ramps.
- **S. Salem Street and Site Drive 7 (full movement access nearest NC 540)**
 - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
 - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
 - » Install a traffic signal once warranted and permitted by NCDOT. If not warranted, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirements to install a traffic signal.
- **S. Salem Street and Site Drive 4 (between Site Drive 7 and Site Drive 1)**
 - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
 - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.

- **S. Salem Street and Site Drive 1 (main access for townhomes & commercial buildings)**
 - » Construct an additional southbound through lane on S. Salem Street, converting the right turn lane to a through-right lane.
 - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
 - » Install a traffic signal once warranted and permitted by NCDOT. If not warranted in Phase 2, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirement to install a traffic signal.
- **S. Salem Street and Site Drive 3 (limited-movement access for commercial buildings north of Site Drive 1)**
 - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
 - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
- **S. Salem Street and Site Drive 6 (right-in/right-out access nearest Apex Barbecue Road)**
 - » Construct an additional southbound through lane on S. Salem Street providing two southbound through lanes with a shared through-right lane.
 - » *For alternative NC 540 Interchange improvements, also construct an additional northbound through lane on S. Salem Street providing two northbound through lanes.
- **S. Salem Street and Apex Barbecue Road**
 - » Convert the existing southbound right turn lane on S. Salem Street to a through lane in order to provide two southbound through lanes carried southward across the site frontage.
 - » Construct a 200-foot southbound right turn lane.
 - » Extend the northbound left turn lane on S. Salem Street to provide 300 feet of storage (*or for alternative NC 540 Interchange improvements, terminate the additional northbound through lane as a left turn lane).
 - » Extend the eastbound left turn lane on Apex Barbecue Road to provide 375 feet of storage.
- **Apex Barbecue Road and Kelly Road**
 - » Construct a second northbound through lane on Kelly Road that starts 800 feet south of the intersection and continues for approximately 1,000 feet north, dropping off with a 45:1 merge taper beyond the intersection of Grand Kelly Way.
 - » Widen the southbound approach of Kelly Road to provide a two-way left turn lane from Apex Barbecue Road to Karawind Lane.
 - » Construct a 200-foot southbound right turn lane on Kelly Road.

Improvements required with construction of Site Drives:

- **S. Salem Street and Site Drive 7 (full movement access nearest NC 540)**
 - » With construction of Site Drive 7, developer shall:
 - › Provide a 150-foot eastbound left turn lane on the driveway.
 - › Construct a 250-foot northbound left turn lane on S. Salem Street.
 - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 7 is constructed prior to Phase 2.

- **S. Salem Street and Site Drive 4 (between Site Drive 7 and Site Drive 1)**
 - » With construction of Site Drive 4, developer shall:
 - › Provide a minimum of 600 feet of separation between Site Drive 4 and both of the adjacent intersections, Site Drive 7 and Site Drive 1, in order to construct northbound left-over access with 150 feet of storage at Site Drive 4. Otherwise, Site Drive 4 shall be constructed as a right-in/right-out access.
 - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 4 is constructed prior to Phase 2.

- **S. Salem Street and Site Drive 1 (main access for townhomes & commercial buildings)**
 - » With construction of Site Drive 1, developer shall:
 - › Provide a 150-foot eastbound left turn lane on the driveway.
 - › Construct a 200-foot northbound left turn lane on S. Salem Street.
 - › Construct a 100-foot southbound right turn lane on S. Salem Street.

- **S. Salem Street and Site Drive 3 (limited-movement access for commercial buildings north of Site Drive 1)**
 - » With construction of Site Drive 3, developer shall:
 - › Construct Site Drive 3 as a right-in/right-out, left-over access.
 - › Construct a 150-foot northbound left turn lane on S. Salem Street.
 - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 3 is constructed prior to Phase 2.

- **S. Salem Street and Site Drive 6 (right-in/right-out access nearest Apex Barbecue Road)**
 - » With construction of Site Drive 6, developer shall:
 - › Provide right-in/right-out access with a minimum offset of 250 feet from Apex Barbecue Road.
 - › Construct a 100-foot southbound right turn lane to later be converted to a through lane if Site Drive 6 is constructed prior to Phase 2.

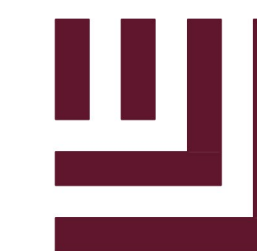
- **Apex Barbecue Road and Site Drive 5 (right-in/right-out access nearest S. Salem Street)**
 - » With construction of Site Drive 5, developer shall:
 - > Provide right-in/right-out access with a minimum offset of 250 feet from S. Salem Street.
 - > Construct a 100-foot eastbound right turn lane on Apex Barbecue Road.
- **Apex Barbecue Road and Site Drive 2 / St. Mary Magdalene**
 - » With construction of Site Drive 2, developer shall:
 - > Provide a full movement intersection aligned with the St. Mary Magdalene driveway.
 - > Provide a 150-foot northbound left turn lane on the driveway.
 - > Construct a 100-foot westbound left turn lane on Apex Barbecue Road.
 - > Construct a 100-foot eastbound right turn lane on Apex Barbecue Road.
- **Apex Barbecue Road and Scotts Ridge Trail / Woodall Crest Drive**
 - » Upon opening access to Aspen River Lane, developer shall:
 - > Install a double yellow centerline and edge line pavement markings per the Town of Apex major collector street typical section along Aspen River Lane and Woodall Crest Drive to Apex Barbecue Road.
 - » Developer shall install a traffic signal once warranted and permitted by NCDOT. If not warranted in Phase 2, developer shall pay a fee in lieu for estimated design and construction cost of a traffic signal. If not permitted by NCDOT upon build-out of Phase 2, developer shall be released from the requirement to install a traffic signal.

LAND PLANNING,
LANDSCAPE ARCHITECTURE +
CIVIL ENGINEER



DEVELOPER





McADAMS

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2905 Meridian Parkway
Durham, NC 27713

phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187

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PHONE: 919.361.5000

CLIENT

LENNAR OF THE CAROLINAS
1100 PERIMETER PARK DRIVE SUITE 112
MORRISVILLE, NORTH CAROLINA
PHONE: 919.465.5900



PROJECT DIRECTORY

LENNAR OF THE CAROLINAS
1100 PERIMETER PARK DRIVE SUITE 112
MORRISVILLE, NORTH CAROLINA
PHONE: 919.465.5900

DEPOT 499

SOUTH SALEM STREET & APEX BARBECUE ROAD APEX, NC, 27502

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

PROJECT NUMBER: LEN-19090

DATE: JANUARY 02, 2020

SHEET INDEX

- C1.00 EXISTING CONDITIONS
- C2.00 PRELIMINARY LAYOUT PLAN
- C3.00 PRELIMINARY UTILITY AND STORMWATER PLAN

OWNERS

- MEKA, NARENDRA
PIN: 731459383
0 KELLY RD
APEX, NC 27502
- VARYA LLC
PIN: 731554102
1604 SALEM ST
APEX, NC 27502
- POE ACRES FAMILY FARM LLC
PIN: 731564395
0 APEX BARBECUE RD
APEX, NC 27502
- HUNTER, CAREY B
PIN: 731641147
1525 S SALEM ST
APEX, NC 27502
- SZYMKIEWICZ, PAUL M JIN, WEI
PIN: 731645370
1420 S SALEM ST
APEX, NC 27502
- UTLEY, PAMELA
PIN: 731646532
1420 S SALEM ST
APEX, NC 27502
- POE ACRES FAMILY FARMS LLC
PIN: 731657116
1330 S SALEM ST
APEX, NC 27502
- POE, DARYL POE, JEANNE
PIN: 731676714
6401 APEX BARBECUE RD
APEX, NC 27502
- POE ACRES FAMILY FARMS LLC
PIN: 731750984
1300 S SALEM ST
APEX, NC 27502
- POE ACRES FAMILY FARMS LLC
PIN: 731761944
0 APEX BARBECUE RD
APEX, NC 27502
- POE, WILLIAM DOUGLAS POE, JEAN S
PIN: 731766588
1216 S SALEM ST
APEX, NC 27502
- REGENCY INTERNATIONAL INVESTMENTS LLC
PIN: 731873224
0 APEX BARBECUE RD
APEX, NC 27502

SITE DATA

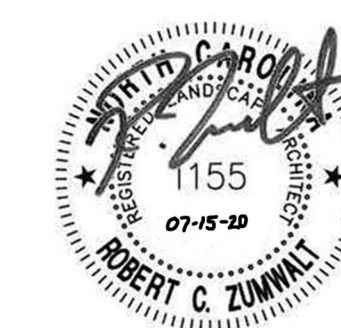
DEVELOPER	LENNAR 1100 PERIMETER PARK DRIVE, SUITE 112 MORRISVILLE, NC 27560
PARCELS	731459383, 731554102, 731564395, 731641147, 731645370, 731646532, 731657116, 731676714, 731750984, 731761944, 731766588, 731873224 (SEE TABLE ON COVER SHEET FOR OWNER INFORMATION)
SITE AREA	GROSS AREA: 200.80 AC
EXISTING ZONING	RA AND B1-CZ
PROPOSED ZONING	PUD-CZ
RIVER BASIN	CAPE FEAR
WATERSHED OVERLAY	PRIMARY WATERSHED OVERLAY
MAX BUILT UPON AREA (IMPERVIOUS)	70%
2045 LAND USE MAP DESIGNATION	CURRENT 2045 LAND USE MAP DESIGNATION: COMMUNITY MIXED USE (HIGH DENSITY RESIDENTIAL, COMMERCIAL SERVICES, AND OFFICE EMPLOYMENT), MEDIUM/HIGH DENSITY RESIDENTIAL, COMMERCIAL SERVICES, AND OFFICE EMPLOYMENT PROPOSED 2045 LAND USE MAP DESIGNATION: A CHANGE IS REQUESTED FOR APPROXIMATELY 5.41 ACRES OF LAND IN THE NORTHEAST CORNER OF PIN 731761944 FROM OFFICE EMPLOYMENT TO HIGH DENSITY RESIDENTIAL.
PROPOSED USE	MIXED-USE DEVELOPMENT WITH OFFICE, RETAIL, SINGLE-FAMILY, TOWNHOMES, AND MULTI-FAMILY UNITS
MAXIMUM DENSITY	APARTMENTS: 850 TOWNHOMES/SINGLE-FAMILY: 650 (50 SINGLE-FAMILY MAXIMUM) NON-RESIDENTIAL: 650,000 SF
AREA DESIGNATED AS MIXED USE ON 2045 LUM	171.90 AC
AREA OF MIXED USE PROPOSED AS NON-RESIDENTIAL	51.57 AC
MAXIMUM SF OF NON-RESIDENTIAL LAND AREA	650,000 SF
PERCENT OF MIXED USE AREAS PROPOSED AS NON-RESIDENTIAL	30%
BUFFER CALL IDENTIFICATION NUMBER	APEX 17-004



AERIAL AND VICINITY MAP
1"=1000' SCALE



SINGLE-FAMILY		
LOT WIDTH	MINIMUM 36'	
LOT DEPTH	MINIMUM 85'	
LOT SIZE	MINIMUM 2,550 SF	
BUILDING HEIGHT	MAXIMUM 45' (IN POD G, THE FIRST ROW OF LOTS IMMEDIATELY ADJACENT TO THE WOODALL SUBDIVISION SHALL NOT EXCEED 2 STORIES UNLESS BUFFER IS INCREASE TO A 50' TYPE A BUFFER)	
SETBACKS	SIDE	5'
	FRONT	8' (HOUSE-BUILDING FACADE) 20' (GARAGE)
	CORNER SIDE	8'
	REAR ALLEY	15' 5'
TOWNHOMES		
LOT WIDTH	MINIMUM 16' ALLEY-LOADED / 18' FRONT-LOADED	
LOT DEPTH	MINIMUM 65'	
BUILDING HEIGHT	MAXIMUM 45' (IN POD G, THE FIRST ROW OF LOTS IMMEDIATELY ADJACENT TO THE WOODALL SUBDIVISION SHALL NOT EXCEED 2 STORIES, UNLESS BUFFER IS INCREASE TO A 50' TYPE A BUFFER).	
SETBACKS	SIDE	5'
	FRONT	FRONT-LOADED 5' (HOUSE-BUILDING FACADE) 20' (GARAGE)
	CORNER SIDE	8'
	REAR	FRONT-LOADED 10' ALLEY-LOADED 5' (HOUSE-BUILDING FACADE)
ALLEY BUILDING SEPARATION	5' 10'	
APARTMENTS		
BUILDING HEIGHT	MINIMUM	SOUTH SALEM STREET: 4 STORIES; A MAXIMUM OF 25% OF BUILDINGS ALONG THIS FRONTAGE MAY BE 3 STORIES APEX BARBECUE ROAD: 4 STORIES; A MAXIMUM OF 25% OF BUILDINGS ALONG THIS FRONTAGE MAY BE 3 STORIES
	MAXIMUM	SOUTH SALEM STREET: 6 STORIES OR 90' APEX BARBECUE ROAD: 6 STORIES OR 90'; THE FIRST ROW OF BUILDINGS ALONG THIS FRONTAGE SHALL NOT EXCEED 4 STORIES
SETBACKS	FRONT	10'
	CORNER SIDE	10'
	REAR	10'
	BUILDING SEPARATION	30'
FEMA FIRM PANEL	3720073100	
RESOURCE CONSERVATION AREA (RCA)	THE PUD WILL PROVIDE A MINIMUM OF 20% OF THE GROSS PROJECT AREA AS RCA.	
MIXED-USE DESIGN CONTROLS		
MAX BUILDING HEIGHT	80'	
MIN BUILDING HEIGHT	3 STORIES (ROOFTOP TERRACES THAT INCLUDE A MINIMUM OF 1,500 SF OF ENCLOSED SPACE FOR EVENT, AMENITY, OR OTHER USE SUCH AS A BAR OR RESTAURANT SHALL QUALIFY AS A 3RD FLOOR)	
MIN BUILDINGS SETBACKS	SIDE	10'
	FRONT	10'
	CORNER SIDE	15'
	REAR	10'
NON-RESIDENTIAL DESIGN CONTROLS		
MAX BUILDING HEIGHT	100'	
MIN BUILDINGS SETBACKS	SIDE	10'
	FRONT	10'
	CORNER SIDE	15'
	REAR	10'



REVISIONS

NO.	DATE	REVISION
1	02.14.2020	RESPONSE TO COMMENTS
2	03.13.2020	RESPONSE TO COMMENTS
3	05.14.2020	RESPONSE TO COMMENTS
4	06.05.2020	RESPONSE TO COMMENTS
5	06.29.2020	RESPONSE TO COMMENTS
5	07.15.2020	COVERSHEET REVISIONS

PUD-CZ
DRAWINGS FOR:
DEPOT 499
APEX, NC, 27502
PROJECT NUMBER: LEN-19090



ADJACENT PROPERTY INFORMATION:

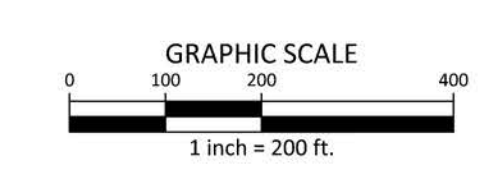
- | | |
|---|--|
| 1. WAKE COUNTY BOARD OF EDUCATION
P.I.N.: 0731477650 | 13. BRITT, MARJORIE TINGEN
P.I.N.: 0731873793 |
| 2. WOODALL ESTATES OWNERS ASSOCIATION
P.I.N.: 0731575313 | 14. MCKINNISS, LORI
P.I.N.: 0731877367 |
| 3. WOODALL ESTATES OWNERS ASSOCIATION
P.I.N.: 0731670122 | 15. CIS APEX ASSEMBLAGE LLC
P.I.N.: 0731863120 |
| 4. POON, KENNETH RONG, MENGQI
P.I.N.: 0731673262 | 16. POE ACRES FAMILY FARM LLC
P.I.N.: 0731756252 |
| 5. PETERSON, CEARA AMELIA, LAURA
P.I.N.: 0731673490 | 17. CIS APEX ASSEMBLAGE LLC
P.I.N.: 0731731163 |
| 6. WOODALL, ANN C.
P.I.N.: 0731672786 | 18. HUNTER, CAREY B.
P.I.N.: 0731641147 |
| 7. ROMAN CATHOLIC DIOCESES OF RAL NC
P.I.N.: 0731782553 | 19. FAHEY FAMILY FARM LLC
P.I.N.: 0731434504 |
| 8. POE, BOBBY W., POE, ELIZABETH A.
P.I.N.: 0731776915 | 20. FAHEY FAMILY FARM LLC
P.I.N.: 0731435707 |
| 9. POE, BOBBY W., POE, ELIZABETH A.
P.I.N.: 0731776890 | 21. SM RALEIGH LLC
P.I.N.: 0731441619 |
| 10. CANTRELL, DONALD T., CANTRELL, MARY E.
P.I.N.: 0731779802 | 22. NC DEPT OF TRANSPORTATION TURNPIKE AUTHORITY
P.I.N.: 0731452647 |
| 11. CANTRELL, DARYL S., CANTRELL, JESSICA
P.I.N.: 0731870820 | 23. MILLS, DOROTHY M., MILLS, DAVID G., TRUSTEE
P.I.N.: 0731366481 |
| 12. CANTRELL, DANIEL T., CANTRELL, COURTNEY
P.I.N.: 0731871830 | 24. NC DEPARTMENT OF TRANSPORTATION TURNPIKE AUTHORITY
P.I.N.: 0731457553 |

GENERAL NOTES

1. TOPOGRAPHIC AND SURROUNDING PARCEL INFORMATION TAKEN FROM TOWN OF APEX LIDAR DATA.
2. PORTION OF BOUNDARY BY SURVEY FROM MCADAMS ALTA SURVEY DATED 11-22-2019, ADDITIONAL BOUNDARY FROM WAKE COUNTY GIS.
3. THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL 37200731001 DATED MAY 2, 2006.
4. THERE ARE NO HISTORIC STRUCTURES ON THE SUBJECT PROPERTY.
5. A DEMOLITION PERMIT WILL NEED TO BE ISSUED PRIOR TO TAKING DOWN THE EXISTING STRUCTURES. A LETTER OF ASBESTOS ABATEMENT WILL NEED TO ACCOMPANY THE APPLICATION FOR PERMIT.
6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.
7. BUFFER CALL IDENTIFICATION NUMBER - APEX 17-004.

LEGEND

- AIR CONDITIONING
- LIGHT POLE
- SEWER MANHOLE
- TELEPHONE BOX
- TELEPHONE PEDESTAL
- TRANSFORMER
- UTILITY POLE
- WELL
- OVERHEAD UTILITY
- RIGHT OF WAY
- SEWER EASEMENT
- SEWER
- STORM DRAINAGE



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

McADAMS
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PHONE: 919.465.5900

DEPOT 499
PUD-CZ SET
S. SALEM STREET
APEX, NORTH CAROLINA



REVISIONS

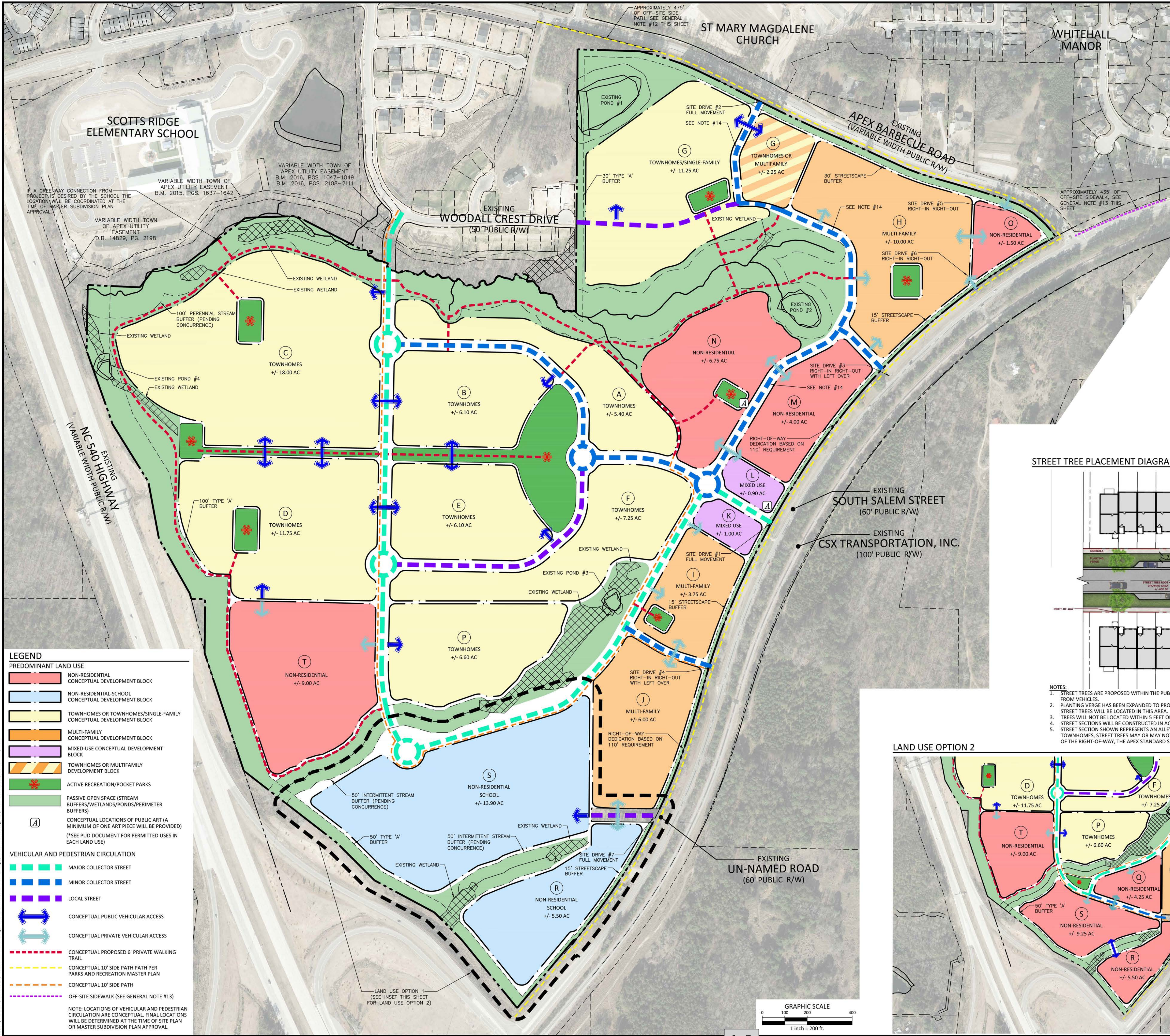
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4	06.05.2020	RESPONSE TO COMMENTS
5	06.29.2020	RESPONSE TO COMMENTS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-XC1
CHECKED BY	RCZ
DRAWN BY	SMV
SCALE	1"=200'
DATE	03.13.2020

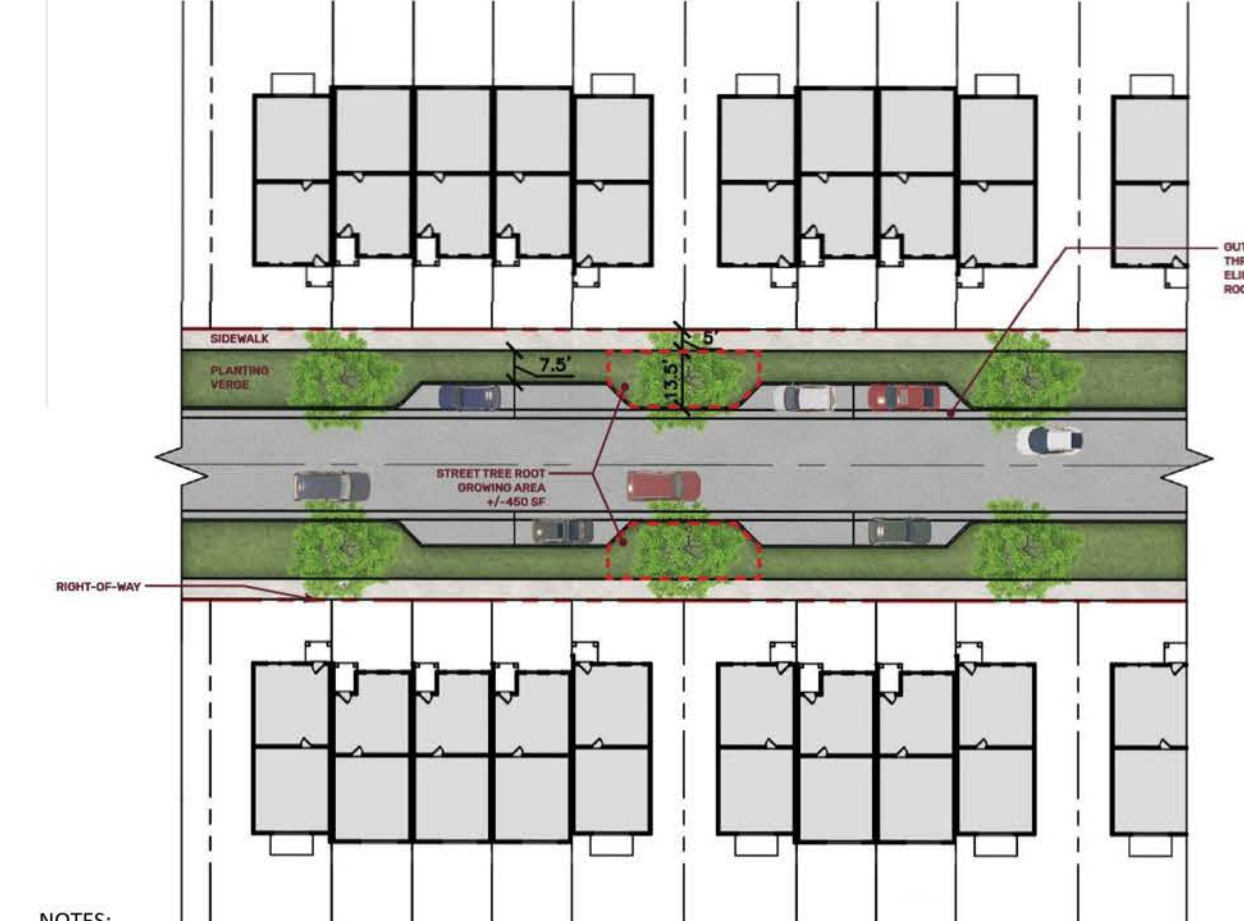
EXISTING CONDITIONS
C1.00

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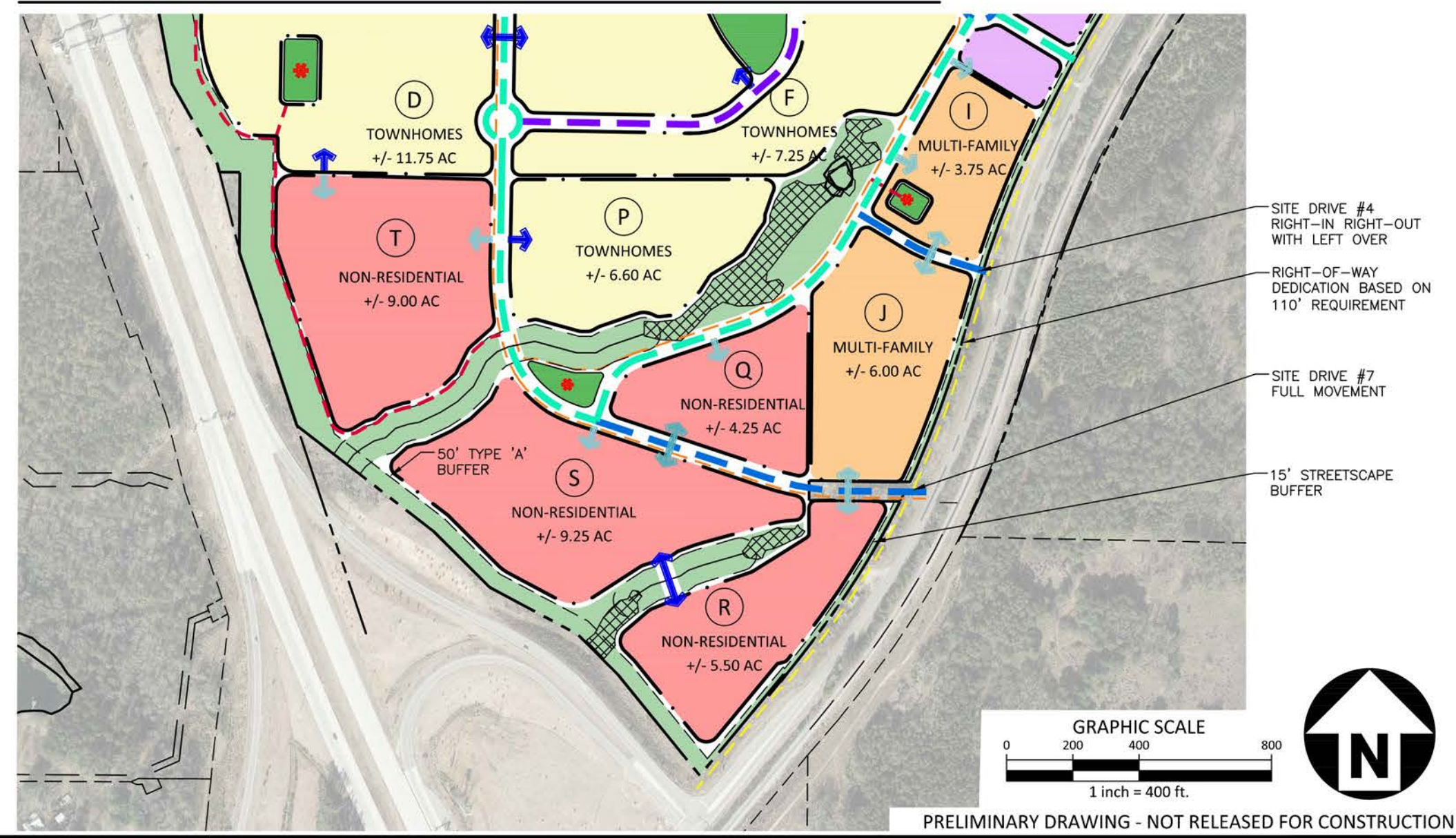


- ### GENERAL NOTES
- REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
 - SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT
 - SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (I.E.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PAVING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
 - NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
 - EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - INTERNAL PUBLIC STREETS SHALL BE DEDICATED TO THE TOWN OF APEX. ROAD STUPOUTS SHALL BE PROVIDED PER THE TOWN OF APEX REQUIREMENTS.
 - ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
 - PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
 - PUBLIC AND PRIVATE VEHICULAR ACCESS AND WALKING TRAILS ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY AND ARE SUBJECT TO CHANGE AT TIME OF SITE PLAN OR MASTER SUBDIVISION PLAN APPROVAL.
 - ACREAGE AND CONFIGURATION OF PODS IS APPROXIMATE. FINAL SIZE AND CONFIGURATION WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION OR SITE PLAN BASED ON ACTUAL FIELD SURVEY AND FINAL DESIGN.
 - OFF-SITE SIDE PATH - SUBJECT TO RIGHT-OF-WAY OR EASEMENT ACQUISITION, THE PROJECT WILL CONSTRUCT APPROXIMATELY 475 LF OF OFF-SITE SIDE PATH (10' WIDE) ALONG THE SOUTH SIDE OF APEX BARBECUE ROAD ON WAKE COUNTY PIN 0731-67-6734 PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY IN PODS G AND H. IN THE EVENT RIGHT-OF-WAY OR EASEMENT ACQUISITION IS NOT POSSIBLE, THE PROJECT WILL MAKE A PAYMENT-IN-LIEU FOR CONSTRUCTION OF THIS FACILITY IN ACCORDANCE WITH SECTION 7.1.7 OF THE APEX UDO.
 - OFF-SITE SIDEWALK - SUBJECT TO RIGHT-OF-WAY OR EASEMENT ACQUISITION, THE PROJECT WILL CONSTRUCT APPROXIMATELY 435 LF OF OFF-SITE SIDEWALK (5' WIDE) ALONG THE NORTH SIDE OF SOUTH SALEM STREET ON WAKE COUNTY PIN 0731-87-7367 PRIOR TO THE COMPLETION OF PHASE 2 AS DESCRIBED IN THE ZONING CONDITIONS RELATED TO TRAFFIC IMPACTS. IN THE EVENT RIGHT-OF-WAY OR EASEMENT ACQUISITION IS NOT POSSIBLE, THE PROJECT WILL MAKE A PAYMENT-IN-LIEU FOR CONSTRUCTION OF THIS FACILITY IN ACCORDANCE WITH SECTION 7.1.7 OF THE APEX UDO.
 - THE MINOR COLLECTOR STREET EXTENDING FROM THE MAJOR COLLECTOR STREET AT SOUTH SALEM STREET TO APEX BARBECUE ROAD WILL NOT BE DIRECTLY ACCESSED BY RESIDENTIAL DRIVEWAYS.
 - THE LOCATION OF THE MAJOR COLLECTOR STREET CONNECTION TO SOUTH SALEM STREET IS SUBJECT TO CHANGE BASED ON THE ULTIMATE LAYOUT AND WILL BE DETERMINED IN COORDINATION WITH STAFF DURING MASTER SUBDIVISION REVIEW.

STREET TREE PLACEMENT DIAGRAM



LAND USE OPTION 2



McADAMS

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APEX, NORTH CAROLINA



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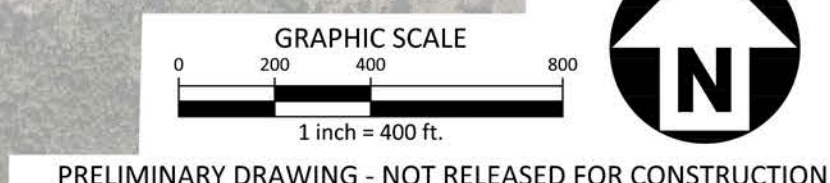
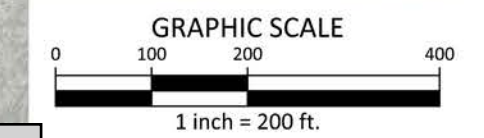
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4	06.05.2020	RESPONSE TO COMMENTS
5	06.29.2020	RESPONSE TO COMMENTS

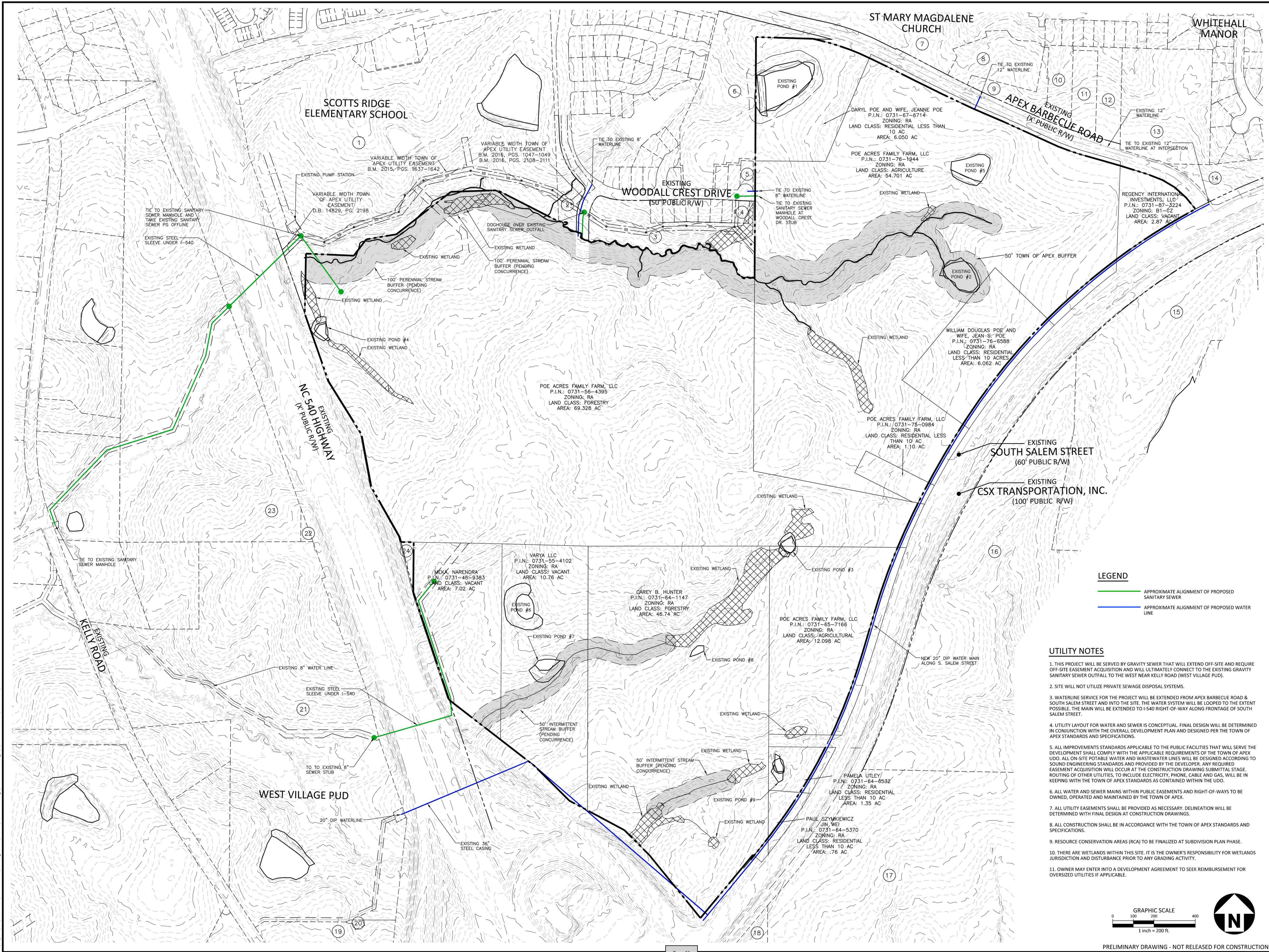
PLAN INFORMATION

PROJECT NO. LEN-19090
FILENAME LEN19090-S1
CHECKED BY RCZ
DRAWN BY SMV
SCALE 1"=200'
DATE 03.13.2020

PRELIMINARY LAYOUT PLAN

C2.00





DEPOT 499
 PUD-CZ SET
 S. SALEM STREET
 APEX, NORTH CAROLINA

LEGEND

- APPROXIMATE ALIGNMENT OF PROPOSED SANITARY SEWER
- APPROXIMATE ALIGNMENT OF PROPOSED WATER LINE

- UTILITY NOTES**
- THIS PROJECT WILL BE SERVED BY GRAVITY SEWER THAT WILL EXTEND OFF-SITE AND REQUIRE OFF-SITE EASEMENT ACQUISITION AND WILL ULTIMATELY CONNECT TO THE EXISTING GRAVITY SANITARY SEWER OUTFALL TO THE WEST NEAR KELLY ROAD (WEST VILLAGE PUD).
 - SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.
 - WATERLINE SERVICE FOR THE PROJECT WILL BE EXTENDED FROM APEX BARBECUE ROAD & SOUTH SALEM STREET AND INTO THE SITE. THE WATER SYSTEM WILL BE LOOPE TO THE EXTENT POSSIBLE. THE MAIN WILL BE EXTENDED TO I-540 RIGHT-OF-WAY ALONG FRONTAGE OF SOUTH SALEM STREET.
 - UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 - ALL IMPROVEMENTS STANDARDS APPLICABLE TO THE PUBLIC FACILITIES THAT WILL SERVE THE DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF APEX UDO. ALL ON-SITE POTABLE WATER AND WASTEWATER LINES WILL BE DESIGNED ACCORDING TO SOUND ENGINEERING STANDARDS AND PROVIDED BY THE DEVELOPER. ANY REQUIRED EASEMENT ACQUISITION WILL OCCUR AT THE CONSTRUCTION DRAWING SUBMITTAL STAGE. ROUTING OF OTHER UTILITIES, TO INCLUDE ELECTRICITY, PHONE, CABLE AND GAS, WILL BE IN KEEPING WITH THE TOWN OF APEX STANDARDS AS CONTAINED WITHIN THE UDO.
 - ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF APEX.
 - ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT CONSTRUCTION DRAWINGS.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 - RESOURCE CONSERVATION AREAS (RCA) TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 - THERE ARE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND DISTURBANCE PRIOR TO ANY GRADING ACTIVITY.
 - OWNER MAY ENTER INTO A DEVELOPMENT AGREEMENT TO SEEK REIMBURSEMENT FOR OVERSIZED UTILITIES IF APPLICABLE.



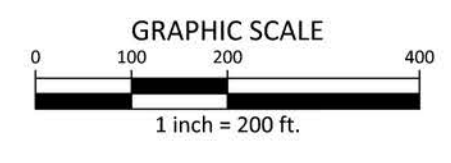
REVISIONS

NO.	DATE	RESPONSE TO COMMENTS
1	02.14.2020	RESPONSE TO COMMENTS
2	03.13.2020	RESPONSE TO COMMENTS
3	05.14.2020	RESPONSE TO COMMENTS
4	06.05.2020	RESPONSE TO COMMENTS
5	06.29.2020	RESPONSE TO COMMENTS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-U1
CHECKED BY	RCZ
DRAWN BY	SMV
SCALE	1"=200'
DATE	03.13.2020

PRELIMINARY UTILITY AND STORMWATER PLAN
C3.00



X:\Projects\LEN\LEN-19090\04-Production\Planning and Design\DWG-C3\Current Drawings\LEN19090-U1.dwg, 7/16/2020 4:24:30 PM, Vanderlicke, Sean

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Application #20CZ05 West Village PUD Amendment. Josh Decker, McAdams Company, petitioner for the property located at 2412 Kelly Road (PIN 0731331798).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Rezoning Case #20CZ05 West Village PUD Amendment was approved at the July 21, 2020 Town Council meeting.

Item Details

Attachments

- Statement of Town Council
- Ordinance to Amend the Official Zoning District Map



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #20CZ05**

Josh Decker, McAdams Company, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of May 2020 (the "Application"). The proposed conditional zoning is designated #20CZ05.

The Planning & Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ05 before the Planning Board held on the 13th day of July, 2020.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning & Community Development Director caused proper notice to be given (by publication and posting), of a public hearing on #20CZ05 before the Town Council on the 21st day of July 2020.

The Apex Planning Board held a public hearing on the 13th day of July 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #20CZ05. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ05.

The Apex Town Council held a public hearing on the 21st day of July 2020. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ05 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 to 0 approved Application #20CZ05 rezoning the subject tract located at 2412 Kelly Road from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium Density Residential and Mixed Use: High Density Residential/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

STATEMENT OF THE APEX TOWN COUNCIL ZONING PETITION #20CZ05
PAGE 2

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the amendment to the existing PUD condition will allow for disturbance within a buffer in order to reduce the height of a retaining wall as requested by the adjacent property owner. The buffer will be replanted to meet the UDO planting requirements. The rezoning will encourage compatible development of the property and increase the tax base.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 2.7832 ACRES LOCATED ON 2412 KELLY ROAD FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #15CZ33) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ).

#20CZ05

WHEREAS, the application of Josh Decker, McAdams Company, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 13th day of July, 2020 before the Planning Board. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 21st day of July, 2020, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The “Rezoned Lands” are subject to the conditions in Attachment “B” West Village PUD which are imposed as part of this rezoning.

Section 5: The “Rezoned Lands” shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Ordinance Amending the Official Zoning District Map #20CZ05
Page Two

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2020.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ05

Submittal Date: 5/1/2020

Insert legal description below.

Beginning at an existing iron pipe located on the northern right-of-way line of Old US Highway 1 and also being the southeastern property corner of lot 2 as shown in Book of Maps 2014, Page 703, Wake County Registry; thence leaving said right-of-way along and with said eastern property line North 39° 04' 21" West a distance of 271.27 feet to a newly set iron pipe; thence North 22° 19' 03" West a distance of 201.88 feet to a newly set iron pipe; thence North 82° 14' 22" East a distance of 280.68 feet to an existing iron pipe; thence South 38° 29' 14" East a distance of 84.36 feet to a newly set iron pipe; thence South 48° 51' 39" East a distance of 234.31 feet to a newly set iron pipe located on said northern right-of-way line; thence along and with said right-of-way South 48° 51' 39" East a distance of 4.98 feet to an existing iron pipe; thence South 47° 56' 55" West a distance of 40.75 feet to a point; thence South 48° 37' 10" West a distance of 50.54 feet to a point; thence South 50° 43' 16" West a distance of 84.89 feet to a point; thence South 51° 56' 36" West a distance of 53.06 feet to a point; thence South 52° 56' 35" West a distance of 52.31 feet to a point; thence South 54° 05' 42" West a distance of 56.50 feet to the point of beginning, containing 2.7832 acres more or less.

WEST VILLAGE PUD

PD PLAN FOR PUD CZ

APEX, NORTH CAROLINA

Dated November 2, 2015

Revised: December 4, 2015

Revised: January 15, 2016

Revised: April 15, 2016

Revised: May 2, 2016

Revised: July 1, 2016

Revised: July 26, 2016

Revised: August 3, 2016

Revised: May 1, 2020

Revised: June 12, 2020

Revised: June 24, 2020

PREPARED FOR:

Town of Apex

C/O Stanley Martin Homes

4020 Westchase Blvd

Suite 470

Raleigh, NC 27607

PREPARED BY:

THE JOHN R. MCADAMS COMPANY

BOB ZUMWALT, RLA

JOSH DECKER, RLA



Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Proposed Design Controls

Section 7: Proposed Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

Section 14: Phasing Plan

Section 15: Consistency with Land Use Plan

Section 16: Compliance with UDO

Section 2: Vicinity Map



Section 3: Project Data

A. Name of Project: West Village PUD

B. Applicant

Owner/Developer: Stanley Martin Homes
4020 Westchase Blvd
Suite 470
Raleigh, NC 27607

Prepared By: The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

C. Current Zoning Designation:

PUD-CZ (#15CZ33)

D. Proposed Zoning Designation:

PUD-CZ

E. Current 2045 Land Use Map Designation:

High Density Residential, Office Employment, Commercial Services, and Medium Density Residential.

Acres below are approximate as the line separating Land Use Map uses isn't surveyed. Acres and ratios below based upon total project acreage of 163.34 acres.

Medium Density Residential Acreage – 33.47 Acres (20.75% of Project Total)

Mixed-Use Acreage – 129.87 Acres (79.25% of Project Total, 38.96 acres required to be non-residential based on minimum 30% requirement

F. Proposed 2045 Land Use Map Designation:

The proposed PUD includes a mix of residential (maximum of 380 units) and non-residential uses (500,000 square feet maximum) which is consistent with the current land use designation of High Density Residential, Office Employment, Commercial Services, and Medium Density Residential. Acres and ratios below based upon total project acreage of 163.34 acres.

Proposed Residential – maximum of 380 units (up to 6 units/acre allowable)

- 3.55 units/residential use acre

Proposed Non-Residential – up to 55.99 acres, up to 500,000 SF

- 43.11% of Mixed-Use designation

G. Area of Tracts and Property Ownership

Total Gross Acreage within PUD: 163.34 Acres

Net Acreage following Right-of-Way Dedication: 161.34

Property Identification Number (PIN):

0731331798

0731441619

0731329405

0731311773

0731318157

0731422153

0731434504

0731441619

0731338590

0731435707

0731434767

Section 4: Purpose Statement

The West Village PUD development concept intends to provide a mix of residential housing opportunities and non-residential uses that are consistent with the Town’s stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. It is the intent of this development to comply with the PUD development parameters and design controls set forth in the Town’s UDO (Section 2.3.4 (F) (1)(a)(i)-(vi)). More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO.
- Offer a mix of non-residential and residential uses, including single-family detached lots, detached townhomes and attached townhomes. The maximum development density for each uses is provided for in this PUD Plan.
- Demonstrate dimensional standards that are consistent with the UDO, and where variances occur, said variances will be included herein and subject to Council approval.

- Provide a variety of residential and non-residential uses that are linked by a network of connected streets and pedestrian sidewalk and trail networks in a way that promotes connectivity, walkability and healthy lifestyles.
- Provide distinctive style architecture and housing which is compatible with the Land Use Plan and value expectations of surrounding properties.
- The Developer shall provide two locations for public art located within the proposed roundabouts and/or commercial areas, to be coordinated with the Town of Apex.

All site specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts*. The proposed PUD, with a maximum density of 380 units per acre and 500,000 square feet of non-residential uses will provide a development density that is consistent with the 2045 Land Use Plan designations of High Density Residential, Office Employment, Commercial Services, and Medium Density Residential. The Advance Apex 2045 Plan describes medium density residential use as primarily single-family, duplexes, and townhomes between 3 and 7 dwelling units per acre, a density that will act as a transition between more urbanized areas of Apex to lower density neighborhoods in the western part of the study area. Not only is the proposed PUD consistent with the future land use plan, it provides an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhood to the north and west. The project will transition from non-residential uses at intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the west. Road improvements, meeting Town of Apex standards, will allow connectivity within the development and to adjoining infrastructure, while a sidewalk network will offer pedestrian linkages as an alternative transportation modality.

Section 5: Permitted Uses

The development will include residential and non-residential uses. Specifically, the permitted uses shall include:

Residential

Housing (front loaded or alley loaded)

- Single-Family
- Townhouse
- Townhouse, detached

Utilities

- Utility, minor

Recreational Uses

- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Non-Residential**Public and Civic Uses**

- Assembly Hall, Non-profit/for-profit
- Church
- Cemetery
- Day Care Facility
- School, Public or Private
- Veterinary Clinic or Hospital
- Vocational School
- Drop-in or Short-Term Child Care

Utilities

- Communication Tower, Commercial (limited to the existing tower)
- Utility, minor

Recreational Uses

- Entertainment, Indoor
- Greenway
- Park, Active
- Park, Passive
- Recreation facility, private

Food and Beverage Service

- Restaurant, drive-through
- Restaurant, general

Office and Research

- Medical or dental clinic or office
- Office, business or professional

Public Accommodation

- Hotel or motel

Retail Sales and Service

- Barber and beauty shop
- Book store
- Building supplies, retail
- Convenience store
- Convenience store with gas sales
- Dry cleaners and laundry service
- Farmer's market
- Financial institution
- Floral shop
- Funeral home
- Gas and fuel, retail
- Greenhouse or nursery, retail
- Grocery, general
- Grocery, specialty
- Health/fitness center or spa
- Laundromat
- Newsstand or gift shop
- Personal service
- Pharmacy
- Printing and copying services, limited
- Retail sales, bulky goods
- Retail sales, general
- Studio for art
- Tailor shop
- Theatre
- Pet services
- Artisan studio

Section 6: Proposed Design Controls

A. Residential Densities and Design Controls Density

- Maximum Units: 380 units
- Maximum built upon area: 70% (impervious)

Single-Family

- Minimum lot size: 7,000 square feet (8,000 SF average, minimum of 10,000 SF within 100' of Westwinds neighborhood off of Southwinds Run)
- Minimum lot width: 55 feet
- Front setback: 20 feet
- Side setback: 5 feet
- Corner side setback: 10 feet
- Rear setback: 15 feet
- Maximum building height: 36 feet (front façade, basements could increase height of floor to roof on rear façade)

Townhomes

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
18 feet (garage front units)
- Side setback: 0 feet
- Building separation: 16 feet
- Rear setback: 5 feet (alley loaded units)
10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

Townhomes (Detached)

- Minimum lot size: Not applicable
- Minimum lot width: 22 feet
- Front setback: 10 feet (alley loaded units)
18 feet (garage front units)
- Side setback: 3 feet
- Corner side setback: 10 feet
- Rear setback: 5 feet (alley loaded units)
10 feet (garage front units)
- Maximum building height: 45 feet; 3 story

B. Non-Residential Densities and Design Controls

- Maximum Density: 500,000 square feet
- Minimum lot size: 5,000 square feet
- Minimum lot width: None
- Front setback: 5 feet
- Side setback: 5 feet
- Corner side setback: 5 feet
- Rear setback: 5 feet
- Maximum building height: 75 feet; 5 story
- Maximum built upon area: 70% (impervious)

C. Landscaping, Buffering, and Screening

All landscape, buffering and screening standards shall comply with buffer types and widths, shown on sheet C-2 of the PUD plans. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street. The 30' Type E Buffer along Old US HWY 1 frontage shall apply to residential and non-residential uses as shown on sheet C-2. Additionally, a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, as shown on sheet C-2. This is to allow grading within the buffer and reduce retaining wall height to minimize adverse visual impacts for the neighbouring property.

Section 7: Proposed Architectural Controls

The proposed development will exhibit quality architectural aesthetics to establish a neighborhood theme while allowing architectural diversity. Basic architectural controls are included to ensure a consistency of character throughout the development while providing flexibility for variety, thus avoiding monotony.

Three (3) distinct residential areas are envisioned for West Village and will be comprised of attached townhomes, detached townhomes and detached single family homes. While the majority of the homes are likely to have front load garages, it is anticipated a portion of the project will also integrate alley-loaded detached townhomes within at least one or possibly both of the townhome sections. The prevailing architecture scheme proposed is designed to promote a mix of “Americana” and “New Urbanism”. There are 2 distinct townhome designs proposed, one is a Lake Cottage series utilizing a more natural material selection and earth tone color palette with wood and stone accents. The second townhome series is identified as an Urban American

design series with emphasis on clean lines and alternating materials to provide horizontal relief and additional interest. The color palate will be a soft series of brighter colors to incorporate diversity and vibrancy to the streetscape.

The single family detached homes will involve several different architectural styles including, but not only, Craftsman and Colonial melded into a diverse, eclectic and non-monotonous streetscape. Elevations will include gables, dormers and varying roof pitches to establish variation amongst facades. Colors used in the single family collection are expected to span a broad spectrum but generally softer in nature.

While each of the architectural series proposed will have their own identity, a number of common threads will link the different neighborhoods within West Village including the extensive use of front porches, metal accent roofs and decorative garage doors. Units shall not be the same color as the adjacent units. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Note: A maximum of 36' allowed. References below should not prohibit variations in height, however similar character, look and style shall be utilized. One story and one and a half story homes are allowable.



URBAN AMERICAN



COLONIAL



LAKE COTTAGE



CRAFTSMAN



WRAP PORCHES WHERE ALLOWED



IMAGES ARE FOR CONCEPT PURPOSES ONLY

SINGLE FAMILY HOMES

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community. Wrap porches encouraged on allowable lots.

WEST VILLAGE
APEX, NORTH CAROLINA



URBAN AMERICAN

COLONIAL

LAKE COTTAGE

CRAFTSMAN



OUTDOOR LIVING



OPEN FLOOR PLANS



COVERED PORCHES ON ALL ELEVATIONS

SINGLE FAMILY HOMES - 1 1/2 Story Homes

Architecture that incorporates Lake Cottage and Urban American styles, as well as Craftsman and Colonial to create an organic style that mimics the neighborhoods of the past.

Color palettes from Urban American and Lake Cottage collections will merge

Materials will be the stone, brick, metal, board & batten, shake and horizontal siding. Front doors and garage doors will match the architectural styles of the homes.

There will be covered porches on all elevations to encourage outdoor living and the sense of community.



SAMPLE COLOR PALETTE: COMBINES LAKE COTTAGE & URBAN AMERICAN

IMAGES ARE FOR CONCEPT PURPOSES ONLY

WEST VILLAGE
APEX, NORTH CAROLINA



LIGHTER STAIN ACCENTS

WHITE GARAGE DOORS

LIGHT TRIM

- LAKE COTTAGE STYLE
- TOWNHOMES
- REAR LOAD GARAGE
- Covered Porches
- Stone
- Light Stain & Painted Wood Accents:
- Brackets & Columns
- Light Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
- Shake, Board & Batten, Lap
- Carriage Style Garage Doors with Glass



SAMPLE COLOR PALETTE - COMBINED LAKE COTTAGE & URBAN AMERICAN

WEST VILLAGE
APEX, NORTH CAROLINA



STAINED WOOD COLUMNS



STAINED FRONT DOORS



DARK TRIM & WINDOWS



METAL ROOF ACCENTS



STONE



EXPOSED WOOD BEAMS



COLOR PALETTE INSPIRED BY NATURE

IMAGES ARE FOR CONCEPT PURPOSES ONLY

**LAKE COTTAGE STYLE
TOWNHOMES**

- FRONT LOAD GARAGE
- Covered Porches
- Stone
- Wood Accents:
 - Brackets - Front Doors
 - Columns - Garage Doors with glass
- Dark Trims
- Metal Roofs (Accent)
- Bronze Detailing
- Multiple Siding Materials
 - Shake, Board & Batten, Lap

WEST VILLAGE
APEX, NORTH CAROLINA

Note: Third story living space may be included, however maximum heights per PUD will not be exceeded.



WHITE GARAGE DOORS WITH GLASS



CLEAN WINDOW GRID PATTERN



METAL ROOF



INDUSTRIAL STYLE LIGHT FIXTURES



COVERED PORCHES



BRIGHT DOOR COLORS



FRESH COLOR PALETTE

IMAGES ARE FOR CONCEPT PURPOSES ONLY

**URBAN AMERICAN
TOWNHOMES**

- Fresh Color Palette with Bright Doors
- Clean Architectural Lines
- Stone Accents
- Carriage Garage Doors with Windows
- Covered porches
- Metal Roof (Accent)

WEST VILLAGE
APEX, NORTH CAROLINA

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include benches, trash receptacles, street and/or pedestrian lights compatible with their context. Other features may include markers, bollards, pole banners, and unique paving patterns.

Additional features used as focal points or key terminus points may be located within or around the development (i.e. gazebos, fountains, and public art). Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines:

Single-Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 4' out from the front façade or front porch except where a side load garage condition presents itself.
5. The roof shall be pitched at 5:12 or greater.

Townhomes and Townhomes Detached

6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. All townhomes shall have a crawl space or have a raised slab foundation which at a minimum rises at least 12 inches from average grade across the front of the house to the finished floor level at the front door.
8. Roofline cannot be a single mass; it must be broken up either horizontally and/or vertically between, at minimum, every other unit.
9. Garage doors must have windows, decorative details or carriage-style adornments on them.
10. House entrances for units with front-facing single-car garages must have a prominent covered porch/stoop area leading to the front door.

Proposed Materials

Proposed materials will be of a similar palette to provide consistency of character along with visual interest. Exterior material that may be incorporated into any of the residential building products include:

- Cementitious siding, metal accent roofs
- Wood siding
- Stone or synthetic stone
- Brick

Additional exterior materials that are prohibited include:

- Aluminium siding

Additional building materials may be included with administrative staff approval.

In addition to the above design guidelines, Builders of residential homes shall install conduit from the electric panel box to the attic area appropriate to allow connection of a roof-installed solar panel system.

Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public places.
- Every effort shall be made to locate service and loading areas in the rear of structures. Where these features are located between the building and a public road, they will be designed in such a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of buildings facing a street shall incorporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, façade articulation, breaks in roof, walls with texture materials and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences of roof height, pitch, ridgelines and materials shall be used to create visual interest and avoid repetition.

Non-residential exteriors shall incorporate variation in materials. The primary (front) façade of the main buildings to be considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminium storefronts with anodized or pre-finished colors
- EIFS cornices, and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awnings with metal or canvas material
- Soffit and fascia materials to be considered include EIFS with crown trim elements
- Cementitious siding

Non-residential buildings visible from public view shall be constructed with compatible materials. Rear elevations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, or EIFS trim.

Exterior materials not allowable as a part of the development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal Walls

Section 8: Parking and Loading

All parking standards within the PUD will comply with Section 8.3, *Parking and Loading*, of the Town of Apex's UDO (effective date December 15, 2015).

Section 9: Signage

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO. A Master Sign Plan shall be submitted by the developer that shows detailed location, dimensions, and materials of all signs, in accordance with Section 8.7 referenced above, with any site plan submittal.

Off-Site Signage Conditions

Developer shall design and construct neighborhood sign for adjacent Westwinds community at intersection of Southwinds Run and Kelly Road. A sign easement will be

coordinated with adjacent land owners to confirm location as the location will need to be platted and recorded.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located primarily Cape Fear River Basin. The project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex watershed map. Given this overlay district, this PUD will comply with all built upon area, vegetated conveyances, structural BMP's and riparian stream buffer requirements of Section 6.1.7 (B)(1)-(4).

B. FEMA designated 100 year floodplains

The project site does not sit within a designated current or future 100 year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720073100J, dated May 2, 2006.

C. Resource Conservation Areas (RCA) – Required and Provided

This PUD will be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*, as provided for within.

The PUD will preserve a minimum of 27% (including 2% required if the site is mass graded) of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCA's throughout the site. Additional RCA's are provided as stormwater management areas, and greenway trails which necessarily contribute to a walkable community as the project intends. RCA is transferrable from locations shown as a part of the exhibits associated with this PUD document. However, the minimums stated shall be met prior to full build out of the project. On-site ponds are intended to be drained and based on the outcome of those processes, developable land may be created and RCA relocated.

D. Landscaping, Buffering and Screening

This PUD will be subject to, and meet the requirements of Section 8.2.6 of the UDO, *Buffering* as provided for within. Please note the perimeter buffer associated with the

westernmost property line has been increased above the minimum 10' required buffer in order to provide additional screening to the residential land located to the west of the project area. While a majority of this westernmost buffer includes 30' of undisturbed buffer and 10' of Type A (40' total), a portion of the 40' buffer along the western side of PIN 0731331798 will be disturbed and replanted to meet Type A standards, creating a 40' Type A buffer, as shown on sheet C-2. Allowing grading in this portion of the buffer will allow for reduced retaining wall height, as requested by the neighbouring property owner.

The PUD will contain the following landscape buffers to separate adjacent land uses:

- **Type A: Opaque**
This buffer functions as an opaque screen from the ground to a height of at least 6 feet. Plantings of deciduous and evergreen trees shall obtain a height at maturity of between 18 and 60 feet and have no unobstructed openings between tree canopies at maturity. Large trees shall be spaced no wider than 15 feet at time of planting. Screening plants for the type a buffer shall be evergreen and between 5 and 6 feet tall at the time of installation (see plant standards sec. 8.2.2(b)). At least 50 percent of the required trees and 100 percent of the shrubs must be evergreen species.
- **Type B: Semi-Opaque**
This buffer serves as a semi-opaque screen from the ground to a height of between 3 and 6 feet with openings no greater than 10 feet. Trees shall obtain a height of between 18 and 40 feet at maturity and have no unobstructed openings greater than 20 feet between canopies at maturity. Large trees shall be spaced no wider than 40 feet at time of planting, and small trees shall be spaced no more than 20 feet. At least 75 percent of the required shrubs must be evergreen species.
- **Type D: Streetfront**
This buffer is intended to provide a softening of the view of a particular property from the street, without eliminating views to and from the property. This shall include at least one large type tree for every 1,000 square feet of buffer, or two small trees for every 1,000 square feet of buffer. Large trees may not be spaced more than 30 feet apart, and small trees no more than 15 feet apart. At maturity, these trees shall reach a height of at least 20 feet. A streetfront buffer is required along all private and public streets except thoroughfares and controlled access highways. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no

streetscape buffers will be required based on the option to alley load homes or buildings on the street.

- **Type E: Streetscape Buffers Along Thoroughfares.**
Streetscape buffers are required on all thoroughfares as shown on the adopted thoroughfare map. Streetscape buffers are to remain undisturbed to the maximum extent practicable except where no existing vegetation is present. However, along the new Street A and new Street B through Commercial Pod – 3 and the Residential area off of Old US HWY 1 no streetscape buffers will be required based on the option to alley load homes or buildings on the street.

E. Any historic structures present

One historic structure exists within Non-Residential Pod 1 and is shown on the Existing Conditions Plan and noted on the Preliminary Layout and Phasing Plan.

Prior to approval of a site plan for Non-Residential Pod 1 (subject property), a Historic Preservation Easement and Rehabilitation Agreement shall be established for historic structure(s) on the site with Capital Area Preservation (or such other agency as designated by the Town of Apex). The specific terms of the Historic Preservation Easement and Rehabilitation Agreement shall be as agreed to by the Owner and Capital Area Preservation (or such other agency as designated by the Town).

Efforts associated with removing, restoring or maintaining this structure will occur as a part of the non-residential development associated with this development pod. However, as a part of the road widening effort if conflicts arise as a part of required transportation or utility improvements, efforts to address this structure may happen prior to the non-residential development. Activities relating to the historic structure will be done in compliance with applicable UDO requirements, including Section 2.2.8.

Section 11: Stormwater Management

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, 25 year and 24 hour storm events.

- Treatment for the first 1 inch of runoff will provide for 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, retention ponds, bio-retention areas, or other approved devices consistent with the NC DWQ Stormwater BMP Manual and the Town of Apex UDO.

Section 12: Parks and Recreation

This project was reviewed by the PRCR Advisory Commission on 12/9/2015 and fee in lieu was recommended for a maximum of 380 residential units.

<u>No. Units</u>	<u>Housing Type</u>	<u>Fee Per Unit*</u>	<u>Total Fees</u>
85	Single-family	\$3,221.90	\$273,861.50
294	Townhomes	\$2,157.44	\$634,287.36

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.*

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F) (1) (f) and be designed according to sound engineering standards. Specifically, road and utility infrastructure shall be as follows:

- **General Roadway Infrastructure:**

All proposed roadway infrastructure will be consistent with the Town of Apex UDO and Transportation Plan (updated in 2011), and the Traffic Impact Analysis approved by the Town of Apex and NCDOT. An internal road network will be provided in accordance with the Town's UDO. All road networks will promote connectivity wherever possible to adjacent neighborhoods, undeveloped property, nearby points of interest, and municipal destinations. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible.

Roadway Phasing – Prior to time of the fifty-first certificate of occupancy associated with the residential located off of Old US HWY 1, the second point of access (southernmost portion of Street A), necessary portion of the southernmost roundabout and Street B shown shall be constructed. As a part of the non-residential development in Pod 3, the roundabout proposed on Kelly Road shall be constructed along with the portion of

Street A tying back to the southernmost roundabout. Prior to time of the first certificate of occupancy associated with Pod 3, Street A will be complete the connection from Kelly Road and Old US HWY 1.

- **Off-Site Transportation Conditions:**

The project will also provide the following off-site transportation conditions:

All recommendations on state maintained roadways are subject to NCDOT review and approval as part of the driveway permits and encroachment agreements. Build 2018 refers to the first plat of residential development or as otherwise determined by Apex Town Council during the review and approval of subdivision plans. Build 2020 refers to the first plat of commercial development or as otherwise determined by Apex Town Council during the review and approval of commercial site plans. Internal Protected Storage Length (IPS) refers to the required minimum distance from the intersection along the proposed driveway or street before any full movement commercial driveway access or public street intersection will be allowed.

Developer shall provide right-of-way dedication along Kelly Road and Old US 1 based on a 100-foot right-of-way. Where Old US 1 abuts railroad right-of-way the developer shall be responsible for dedicating public right-of-way 70 feet from roadway centerline along the project frontage or as otherwise required to accommodate a 100-foot road right-of-way exclusive of railroad right-of-way.

Street 'A' and Street 'B' (including Kelly Road at Site Drive #4)

- Street 'A' shall be constructed as a 3-lane 38-foot curb and gutter street with 5-foot sidewalk on both sides on 62-foot public right-of-way.
- Street 'B' shall be constructed as a 2-lane 39'-foot curb and gutter street with on-street parking and 6-foot sidewalk on both sides on 53-foot public right-of-way.
- Residential driveway access shall not be permitted along Streets 'A' and 'B'.
- Prior to platting the 51st residential unit in the Residential area located adjacent to Old US 1, developer shall construct and dedicate as public Street 'A' from Site Drive #5 to the roundabout at Street 'B', roundabout serving Street 'A' at Street 'B', and Street 'B' from Site Drive #6/Pleasant Plains Road to the roundabout at Street 'A'.
- Prior to the first certificate of occupancy within POD 3, developer shall construct and dedicate as public Street 'A' from the roundabout at Street 'B' to Kelly Road at Site Drive #4 and construct a roundabout on Kelly Road at Site Drive #4. The roundabout will serve a 4-lane divided roadway to the north and 2-lane roadway to the south for Build 2020.

Kelly Road at Olive Chapel Road

- Developer shall construct a 200-foot eastbound right turn lane and a 300-foot additional westbound left turn lane on Olive Chapel Road (with southbound receiving through lane on Kelly Road) for Build 2020.

Kelly Road at Apex Barbecue Road

- Developer shall construct a 400-foot eastbound left turn lane, 350-foot westbound left turn lane, 350-foot northbound left turn lane, 150-foot northbound right turn lane, 350-foot southbound left turn lane, and 200-foot southbound right turn lane for Build 2020.

Kelly Road at Southwinds Run

- Developer shall construct a 100-foot northbound left turn lane on Kelly Road, an additional (second) northbound through lane through the intersection to drop as a right turn at Site Drive #1, and begin an additional (second) southbound through lane immediately south of Southwinds Run for Build 2020.

Old US 1 at Kelly Road

- Developer shall construct a 100-foot westbound right turn lane on Old US 1 for Build 2018.
- Developer shall convert the intersection to right-in/right-out as well as construct an additional westbound through lane, beginning at the NC 540 Southbound off-ramp as a free-flow right turn exiting the ramp, along with a 200-foot westbound right turn lane on Old US 1 for Build 2020.
- Prior to platting the 300th residential unit, the developer will complete a signal warrant analysis at the intersection of Old US 1 and Kelly Road to determine if a traffic signal is warranted at the intersection. If the signal is warranted and approved for installation by NCDOT, the developer will permit and install the traffic signal. However, if Street "A" through POD 3 is under construction prior to installation of the signal, then the requirement for the signal shall be waived and the Kelly Road / Old US 1 intersection shall be converted to a Right-In/Right-Out as required in the improvements for the commercial development.

NC 540 Ramps at Old US 1

- Developer shall provide a free-flow right turn lane for the NC 540 Southbound off-ramp and additional receiving through lane continuing west to drop as a right turn at Site Drive #6 on Old US 1 for Build 2020.

Old US 1 at Pleasant Plains Road & Site Drive #6

- Developer shall construct Site Drive #6 with a through-right lane and a 200-foot left turn lane for Build 2018.

- Developer shall construct a 200-foot eastbound left turn lane and 200-foot westbound left turn lane on Old US 1 for Build 2018.
- Developer shall install a traffic signal once warranted and approved by NCDOT and install communication with the NC 540 traffic signals.
- Developer shall construct an additional westbound through lane on Old US 1 to drop as a right turn lane at Site Drive #6 for Build 2020.
- Developer shall construct an additional eastbound through lane on Old US 1 beginning 400 feet west of Site Drive #6 for Build 2020.

Kelly Road at Site Drive #1

- Developer shall construct Site Drive #1 as a right-in and right-out only providing 100 feet IPS and a 100-foot northbound right turn lane on Kelly Road for Build 2018.
- Developer shall construct an additional northbound through lane on Kelly Road to drop as a right turn lane at Site Drive #1 for Build 2020.

Kelly Road at Site Drive #2

- Developer shall construct Site Drive #2 as a right-in and right-out only providing 100 feet IPS for Build 2018.
- Developer shall construct an additional northbound through lane and an additional southbound through lane on Kelly Road at Site Drive #2 for Build 2020.

Kelly Road at Site Drive #3

- Developer shall construct Site Drive #3 with a 100-foot eastbound right turn lane and a 100-foot westbound right turn lane on the Site Drive #3 approaches adjacent to through-right lanes with 200 feet IPS for Build 2018.
- Developer shall construct 100-foot northbound and 100-foot southbound left turn lanes on Kelly Road for Build 2018.
- Developer shall construct an additional (second) southbound through lane and additional (second) northbound through lane on Kelly Road at Site Drive #3 for Build 2020.

Old US 1 at Site Drive #5

- Developer shall construct Site Drive #5 as a full-movement intersection with 200-foot dual southbound left turn lanes and a 200-foot southbound right turn lane providing 300 feet IPS providing connectivity to both the residential and commercial phases for Build 2020.
- Developer shall construct an additional (second) westbound through lane and add a 200-foot westbound right turn lane on Old US 1 for Build 2020.

- Developer shall construct a 300-foot eastbound left turn lane and an additional (second) eastbound through lane on Old US 1 dropping 1000 feet east of the intersection for Build 2020.
- **Electric Charging Stations:**
Developer shall provide 2 charging stations, one within the residential and one within the non-residential for electric vehicles within the overall project. In addition to these committed stations, two additional charging stations will be installed as part of the overall project.
- **Water & Sewer Utilities:**
All **water and sanitary sewer** service will be provided by the developer and conform to the Town of Apex Public Works and Utilities Department requirements. Preliminary location and tie in points are shown on sheet C-3 and C-4 of the PUD plans. The water extension shown along Kelly Road to Old US HWY 1, alternatively, could be located through Pod – 3 Commercial and southernmost residential accomplishing the intent of the routing shown on sheet C-3 and C-4. The ultimate routing will be dictated by timing of commercial development, roadway construction internal to the site and timing commitment related to the extension. However, this will be coordinated with the Town of Apex at time of site plan and construction documents.

Developer to provide \$75,000 in escrow for use by the Westwinds community for insurance associated with community wells, for use in drilling new wells or to extend public water into the community as a primary or secondary water source. Ultimately, the well-related use of the funds will be determined by the Westwinds community. Land owners will be required to annex into the Town of Apex prior to making any connections to public water services provided by the Town.
- **Other Utilities:**
Electricity will be provided by Apex Electric. Phone, cable and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD will be completed in up to 10 phases. Location of phases will be determined at the time of Master Subdivision Review and Approval.

Section 15: Consistency with the Land Use Plan

The proposed development is consistent with the 2045 Land Use Map's goals and objectives. The project contains both medium density residential and mixed-use designations. In accordance with this designation, the plan proposes a mix of uses that include single-family detached lots, townhomes and non-residential uses. The proposed development is situated at the intersection of Old US HWY 1 and NC HWY 540, positioning the project at a key location for future non-residential uses. As such, the project is allocating 34.28% of the total site area to accommodate non-residential uses. However, as it relates to the Mixed-Use designation, 43.11% of that total area has been allocated for non-residential uses.

The neighborhood is designed to provide an effective transition from the high intensity intersection of Old US HWY 1 and NC HWY 540 to the existing lower density neighborhoods to the north and west. The project will transition from non-residential uses at the intersection of Old US HWY 1 and NC HWY 540 to townhomes and finally single-family detached homes adjacent to the lower density residential to the northwest.

All uses within the project will be designed with an interconnected system of walkable streets, trails, open spaces and recreational amenities, providing for a highly desirable place for Apex residences to work, shop, eat and live.

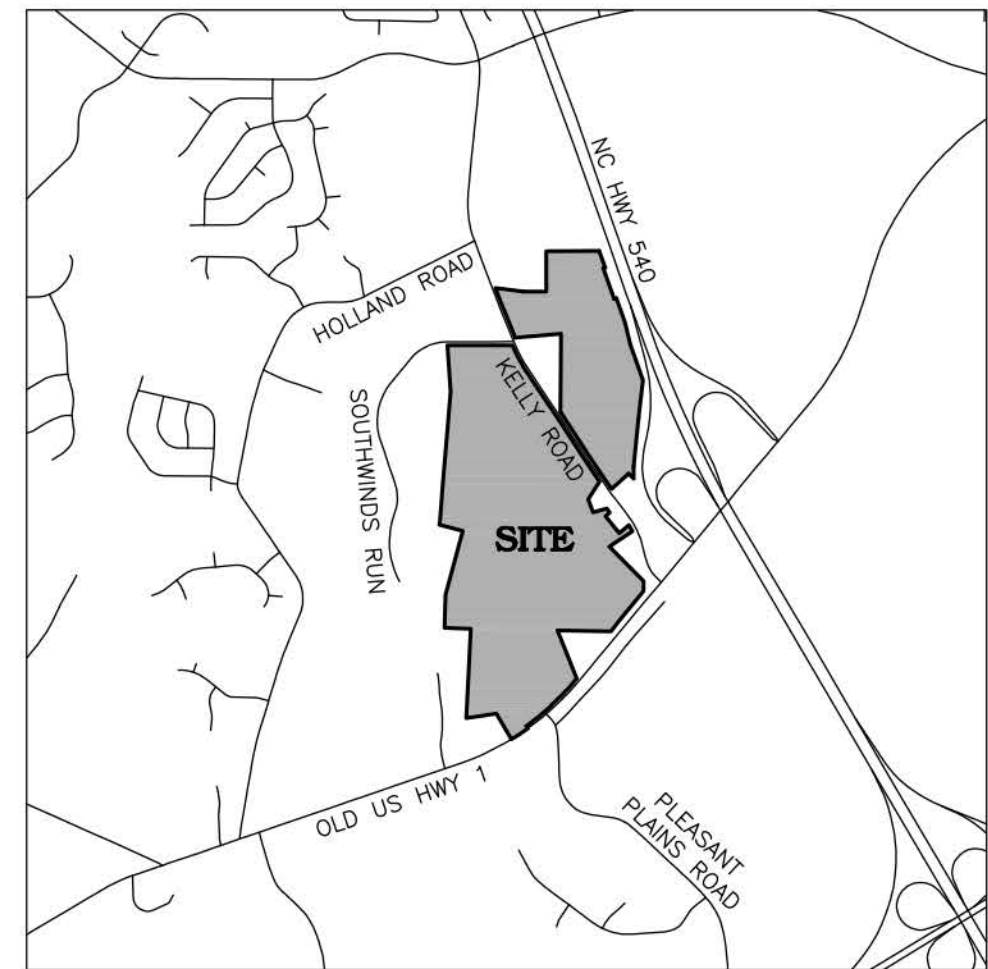
Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with all applicable sections of the Town's Unified Development Ordinance (UDO).

WEST VILLAGE

PLANNED DEVELOPMENT PLAN FOR PUD-CZ KELLY ROAD & OLD US HIGHWAY 1 APEX, NORTH CAROLINA PROJECT NUMBER: SMH-17000

DATE: MAY 1, 2020
REVISED: JUNE 12, 2020
REVISED: JUNE 24, 2020



VICINITY MAP
NTS



AERIAL MAP
NTS

DEVELOPER:
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 190
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM
PHONE: 919-977-8760
EMAIL: KetchumBK@stanleymartin.com

OWNERS

- | | |
|---|---|
| 1. SM RALEIGH LLC
PIN: 0731-44-1619
ZONING: PUD-CZ
USE: VACANT | 7. SEARS, TONY C & JUDY T
PIN: 0731-33-8863
ZONING: PUD-CZ
USE: FORESTRY |
| 2. FAHEY FAMILY FARM LLC
PIN: 0731-43-4504
ZONING: PUD-CZ
USE: RESIDENTIAL | 8. SEARS, TONY C & JUDY T
PIN: 0731-32-9405
ZONING: PUD-CZ
USE: FORESTRY |
| 3. FAHEY FAMILY FARM LLC
PIN: 0731-43-5707
ZONING: PUD-CZ
USE: VACANT | 9. SEARS, TONY C & JUDY T
PIN: 0731-42-2153
ZONING: PUD-CZ
USE: FORESTRY |
| 4. FAHEY FAMILY FARM LLC
PIN: 0731-43-4767
ZONING: PUD-CZ
USE: VACANT | 10. SM RALEIGH
PIN: 0731-31-1773
ZONING: PUD-CZ
USE: VACANT |
| 5. SM RALEIGH LLC
PIN: 0731-33-1798
ZONING: PUD-CZ
USE: VACANT | 11. J&M STROUP LLC
PIN: 0731-31-8157
ZONING: PUD-CZ
USE: RESIDENTIAL |
| 6. SEARS, TONY C & JUDY T
PIN: 0731-33-8590
ZONING: PUD-CZ
USE: FORESTRY | |

TRANSPORTATION ZONING CONDITIONS

- ALL RECOMMENDATIONS ON STATE MAINTAINED ROADWAYS ARE SUBJECT TO NCDOT REVIEW AND APPROVAL AS PART OF THE DRIVEWAY PERMITS AND ENCROACHMENT AGREEMENTS. BUILD 2018 REFERS TO THE FIRST PLAT OF RESIDENTIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY A TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF SUBDIVISION PLANS. BUILD 2020 REFERS TO THE FIRST PLAT OF COMMERCIAL DEVELOPMENT OR AS OTHERWISE DETERMINED BY APEX TOWN COUNCIL DURING THE REVIEW AND APPROVAL OF COMMERCIAL SITE PLANS. INTERNAL PROTECTED STORAGE LENGTH (PSL) REFERS TO THE REQUIRED MINIMUM DISTANCE FROM THE INTERSECTION ALONG THE PROPOSED DRIVEWAY OR STREET BEFORE ANY FULL MOVEMENT COMMERCIAL DRIVEWAY ACCESS OR PUBLIC STREET INTERSECTION WILL BE ALLOWED.
- DEVELOPER SHALL PROVIDE RIGHT-OF-WAY DEDICATION ALONG KELLY ROAD AND OLD US 1 BASED ON A 100-FOOT RIGHT-OF-WAY. WHERE OLD US 1 ABUTS RAILROAD RIGHT-OF-WAY THE DEVELOPER SHALL BE RESPONSIBLE FOR DEDICATING PUBLIC RIGHT-OF-WAY 70 FEET FROM ROADWAY CENTERLINE ALONG THE PROJECT FRONTAGE OR AS OTHERWISE REQUIRED TO ACCOMMODATE A 100-FOOT ROAD RIGHT-OF-WAY EXCLUSIVE OF RAILROAD RIGHT-OF-WAY.
- STREET 'A' AND STREET 'B' (INCLUDING KELLY ROAD AT SITE DRIVE #4)
 - STREET 'A' SHALL BE CONSTRUCTED AS A 3-LANE 38-FOOT CURB AND GUTTER STREET WITH 5-FOOT SIDEWALK ON BOTH SIDES ON 62-FOOT PUBLIC RIGHT-OF-WAY.
 - STREET 'B' SHALL BE CONSTRUCTED AS A 2-LANE 35-FOOT CURB AND GUTTER STREET WITH ON-STREET PARKING AND 6-FOOT SIDEWALK ON BOTH SIDES ON 53-FOOT PUBLIC RIGHT-OF-WAY.
 - RESIDENTIAL DRIVEWAY ACCESS SHALL NOT BE PERMITTED ALONG STREETS 'A' AND 'B'.
 - PRIOR TO PLATING THE 51ST RESIDENTIAL UNIT IN THE RESIDENTIAL AREA LOCATED ADJACENT TO OLD US 1, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM SITE DRIVE #5 TO THE ROUNDABOUT AT STREET 'B'. ROUNDABOUT SERVING STREET 'A' AT STREET 'B', AND STREET 'B' FROM SITE DRIVE #6/PLEASANT PLAINS ROAD TO THE ROUNDABOUT AT STREET 'A'.
 - PRIOR TO THE FIRST CERTIFICATE OF OCCUPANCY WITHIN POD 3, DEVELOPER SHALL CONSTRUCT AND DEDICATE AS PUBLIC STREET 'A' FROM THE ROUNDABOUT AT STREET 'B' TO KELLY ROAD AT SITE DRIVE #4 AND CONSTRUCT A ROUNDABOUT ON KELLY ROAD AT SITE DRIVE #4. THE ROUNDABOUT WILL SERVE AS A 4-LANE DIVIDED ROADWAY TO THE NORTH AND 2-LANE ROADWAY TO THE SOUTH FOR BUILD 2020.
- KELLY ROAD AT OLIVE CHAPEL ROAD
 - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND RIGHT TURN LANE AND A 300-FOOT WESTBOUND LEFT TURN LANE ON OLIVE CHAPEL ROAD (WITH SOUTHWEST RECEIVING THROUGH LANE ON KELLY ROAD) FOR BUILD 2020.
- KELLY ROAD AT APEX BARBECUE ROAD
 - DEVELOPER SHALL CONSTRUCT A 400-FOOT EASTBOUND LEFT TURN LANE, 350-FOOT WESTBOUND LEFT TURN LANE, 350-FOOT NORTHBOUND LEFT TURN LANE, 150-FOOT NORTHBOUND RIGHT TURN LANE, 350-FOOT SOUTHBOUND LEFT TURN LANE, AND 200-FOOT SOUTHBOUND RIGHT TURN LANE FOR BUILD 2020.
- KELLY ROAD AT SOUTHWINDS RUN
 - DEVELOPER SHALL CONSTRUCT A 100-FOOT NORTHBOUND LEFT TURN LANE ON KELLY ROAD, AN ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE THROUGH THE INTERSECTION TO DROP AS A RIGHT TURN AT SITE DRIVE #1, AND BEGIN AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE IMMEDIATELY SOUTH OF SOUTHWINDS RUN FOR BUILD 2020.
- OLD US 1 AT KELLY ROAD
 - DEVELOPER SHALL CONSTRUCT A 100-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2018.
 - DEVELOPER SHALL CONVERT THE INTERSECTION TO RIGHT-IN/RIGHT-OUT AS WELL AS CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE, BEGINNING AT THE NC 540 SOUTHBOUND OFF-RAMP AS A FREE-FLOW RIGHT TURN EXITING THE RAMP, ALONG WITH A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
- NC 540 RAMP AT OLD US 1
 - DEVELOPER SHALL PROVIDE A FREE-FLOW RIGHT TURN LANE FOR THE NC 540 SOUTHBOUND OFF-RAMP AND ADDITIONAL RECEIVING THROUGH LANE CONTINUING WEST TO DROP AS A RIGHT TURN AT SITE DRIVE #6 ON OLD US 1 FOR BUILD 2020.
- OLD US 1 AT PLEASANT PLAINS ROAD & SITE DRIVE #6
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #6 WITH A THROUGH-RIGHT LANE AND A 200-FOOT LEFT TURN LANE FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT A 200-FOOT EASTBOUND LEFT TURN LANE AND 200-FOOT WESTBOUND LEFT TURN LANE ON OLD US 1 FOR BUILD 2018.
 - DEVELOPER SHALL INSTALL A TRAFFIC SIGNAL ONCE WARRANTED AND APPROVED BY NCDOT AND INSTALL COMMUNICATION WITH THE NC 540 TRAFFIC SIGNALS.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL WESTBOUND THROUGH LANE ON OLD US 1 TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #6 FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL EASTBOUND THROUGH LANE ON OLD US 1 BEGINNING 400 FEET WEST OF SITE DRIVE #6 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #1
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #1 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS AND A 100-FOOT NORTHBOUND RIGHT TURN LANE ON KELLY ROAD FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE ON KELLY ROAD TO DROP AS A RIGHT TURN LANE AT SITE DRIVE #1 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #2
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #2 AS A RIGHT-IN AND RIGHT-OUT ONLY PROVIDING 100 FEET IPS FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL NORTHBOUND THROUGH LANE AND AN ADDITIONAL SOUTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #2 FOR BUILD 2020.
- KELLY ROAD AT SITE DRIVE #3
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #3 WITH A 100-FOOT EASTBOUND RIGHT TURN LANE AND A 100-FOOT WESTBOUND RIGHT TURN LANE ON THE SITE DRIVE #3 APPROACHES ADJACENT TO THROUGH-RIGHT LANES WITH 200 FEET IPS FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT 100-FOOT NORTHBOUND AND 100-FOOT SOUTHBOUND LEFT TURN LANES ON KELLY ROAD FOR BUILD 2018.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) SOUTHBOUND THROUGH LANE AND ADDITIONAL (SECOND) NORTHBOUND THROUGH LANE ON KELLY ROAD AT SITE DRIVE #3 FOR BUILD 2020.
- OLD US 1 AT SITE DRIVE #5
 - DEVELOPER SHALL CONSTRUCT SITE DRIVE #5 AS A FULL-MOVEMENT INTERSECTION WITH 200-FOOT DUAL SOUTHBOUND LEFT TURN LANES AND A 200-FOOT SOUTHBOUND RIGHT TURN LANE PROVIDING 300 FEET IPS PROVIDING CONNECTIVITY TO BOTH THE RESIDENTIAL AND COMMERCIAL PHASES FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT AN ADDITIONAL (SECOND) WESTBOUND THROUGH LANE AND ADD A 200-FOOT WESTBOUND RIGHT TURN LANE ON OLD US 1 FOR BUILD 2020.
 - DEVELOPER SHALL CONSTRUCT A 300-FOOT EASTBOUND LEFT TURN LANE AND AN ADDITIONAL (SECOND) EASTBOUND THROUGH LANE ON OLD US 1 DROPPING 1000 FEET EAST OF THE INTERSECTION FOR BUILD 2020.

SHEET INDEX

- C-1 EXISTING CONDITIONS PLAN
- C-2 PRELIMINARY LAYOUT & PHASING PLAN
- C-3 PRELIMINARY UTILITY & STORMWATER MANAGEMENT PLAN
- C-4 PRELIMINARY SANITARY SEWER OUTFALL

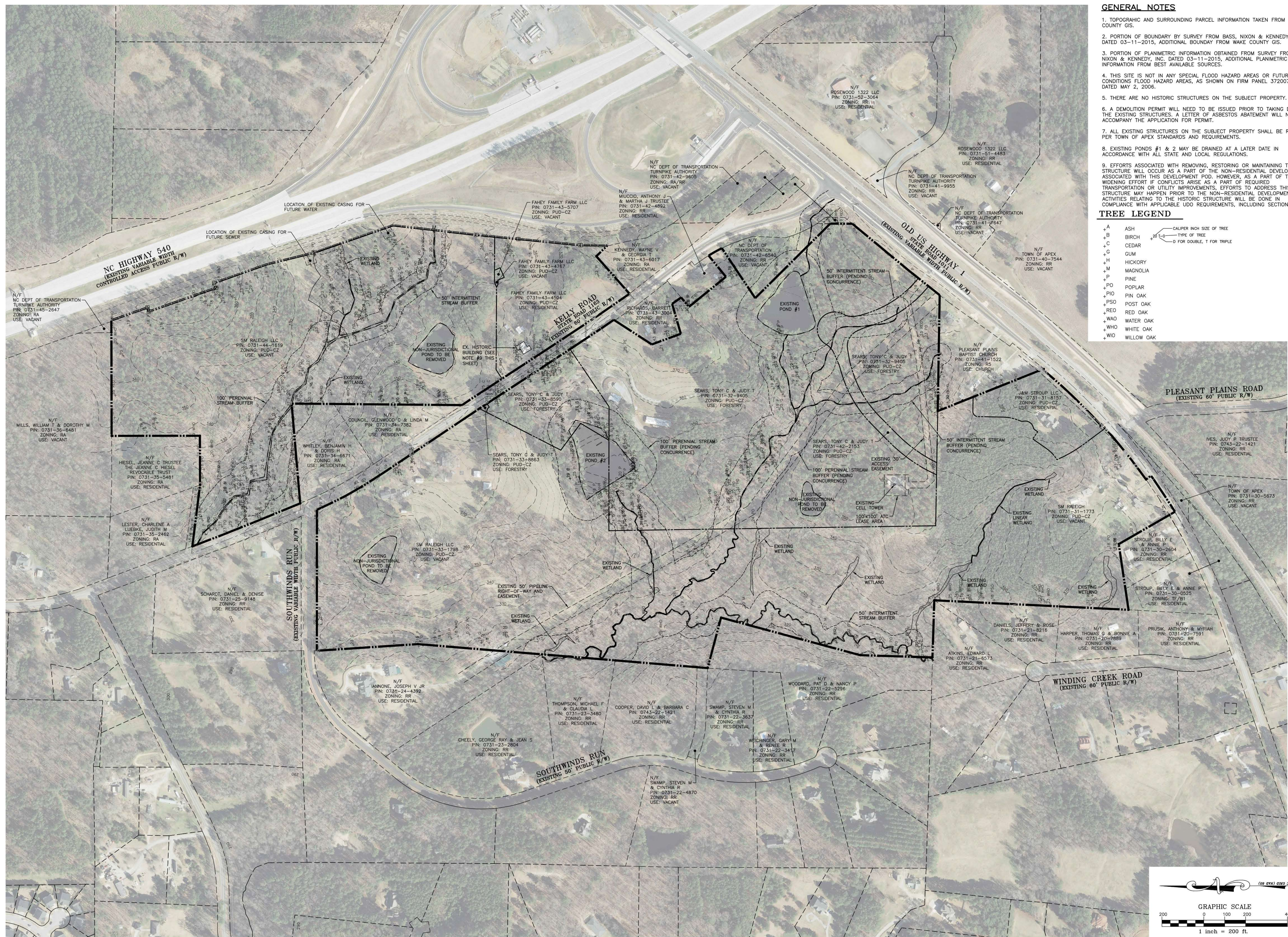
SITE DATA

DEVELOPER	STANLEY MARTIN HOMES 4020 WESTCHASE BLVD, SUITE 190 RALEIGH, NC 27607			
PARCELS	0731-44-1619 0731-43-4504 0731-43-5707 0731-43-4767	0731-33-1798 0731-33-8590 0731-33-8863 0731-32-9405	0731-42-2153 0731-31-1773 0731-31-8157	
SITE AREA	GROSS: 163.34 AC R/W DEDICATION: 2.00 AC NET: 161.34 AC			
EXISTING ZONING	PUD-CZ #15C233			
PROPOSED ZONING	PUD-CZ			
RIVER BASIN	CAPE FEAR			
WATERSHED OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT			
MAX BUILT UPON AREA (IMPERVIOUS)	LESS THAN 70% (IMPERVIOUS)			
2045 LAND USE MAP DESIGNATION	HIGH DENSITY RESIDENTIAL, OFFICE EMPLOYMENT, COMMERCIAL SERVICES, AND MEDIUM DENSITY RESIDENTIAL			
EXISTING USE	RESIDENTIAL			
PROPOSED USE	UP TO 393 TOTAL RESIDENTIAL UNITS (SINGLE FAMILY & TOWNHOMES) UP TO 500,000 SF NON-RESIDENTIAL RECREATIONAL FACILITY (PRIVATE), PARK (ACTIVE), PARK (PASSIVE), UTILITY (MINOR)			
MIX OF USES	RESIDENTIAL: 105.35 AC (65.30%) NON-RESIDENTIAL: 55.99 AC (34.70%)			
DENSITY	393 UNITS / 105.84 AC = 3.71 UNITS/AC			
LOT WIDTH	MINIMUM 55'	22'	TOWNHOME DETACHED 22'	NON-RESIDENTIAL 50'
LOT SIZE	MINIMUM 7,000 SF	N/A	N/A	5,000 SF
AVERAGE	8,000 SF	N/A	N/A	N/A
*MINIMUM LOT SIZE FOR SINGLE FAMILY LOTS WITHIN 100' OF FAR WESTERN PROPERTY LINE (ADJACENT TO WESTWINDS SUBDIVISION) SHALL BE 10,000 SF				
SETBACKS	SIDE 5'	0'	3'	5'
FRONT	20'	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE	10'; OR 18' WHERE THERE IS A FRONT-LOADED GARAGE	5'
CORNER SIDE	10'	16' BUILDING SEPARATION	10' BUILDING SEPARATION	5'
REAR	15'	10'; OR 5' TO ALLEY-LOADED GARAGE	10'; OR 5' TO ALLEY-LOADED GARAGE	5'
BUILDING HEIGHT	MAXIMUM 36'	45' (3-STORY)	45' (3-STORY)	75' (5-STORY)
FEMA FIRM PANEL	3720073100J			
RESOURCE CONSERVATION AREA (RCA)	27% MINIMUM (43.56 AC) INCLUDES 2% REQUIRED IF SITE IS MASS GRADED			
IMPERVIOUS SURFACE AREA	ALLOWED	112.94 AC (70%)		
	PROPOSED	36.71 AC (22.75%)		



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Contact: Josh Decker
decker@mcadamsco.com

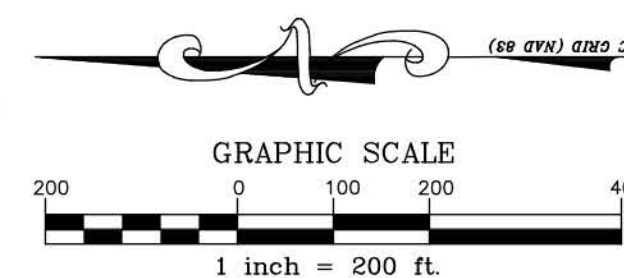
X:\Projects\ORL\ORL-15000\Planning\VD-Resizing\Current Drawings\ORL15000-XCI.dwg, 6/24/2020 9:20:39 AM, Update, Rich



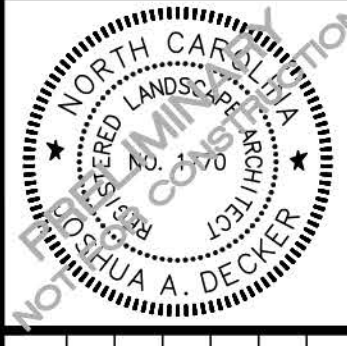
- GENERAL NOTES**
1. TOPOGRAPHIC AND SURROUNDING PARCEL INFORMATION TAKEN FROM WAKE COUNTY GIS.
 2. PORTION OF BOUNDARY BY SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL BOUNDARY FROM WAKE COUNTY GIS.
 3. PORTION OF PLANIMETRIC INFORMATION OBTAINED FROM SURVEY FROM BASS, NIXON & KENNEDY, INC. DATED 03-11-2015, ADDITIONAL PLANIMETRIC INFORMATION FROM BEST AVAILABLE SOURCES.
 4. THIS SITE IS NOT IN ANY SPECIAL FLOOD HAZARD AREAS OR FUTURE CONDITIONS FLOOD HAZARD AREAS, AS SHOWN ON FIRM PANEL 3720073100J DATED MAY 2, 2006.
 5. THERE ARE NO HISTORIC STRUCTURES ON THE SUBJECT PROPERTY.
 6. A DEMOLITION PERMIT WILL NEED TO BE ISSUED PRIOR TO TAKING DOWN THE EXISTING STRUCTURES. A LETTER OF ASBESTOS ABATEMENT WILL NEED TO ACCOMPANY THE APPLICATION FOR PERMIT.
 7. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.
 8. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
 9. EFFORTS ASSOCIATED WITH REMOVING, RESTORING OR MAINTAINING THIS STRUCTURE WILL OCCUR AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT ASSOCIATED WITH THIS DEVELOPMENT POD. HOWEVER, AS A PART OF THE ROAD WIDENING EFFORT IF CONFLICTS ARISE AS A PART OF REQUIRED TRANSPORTATION OR UTILITY IMPROVEMENTS, EFFORTS TO ADDRESS THIS STRUCTURE MAY HAPPEN PRIOR TO THE NON-RESIDENTIAL DEVELOPMENT. ACTIVITIES RELATING TO THE HISTORIC STRUCTURE WILL BE DONE IN COMPLIANCE WITH APPLICABLE UDC REQUIREMENTS, INCLUDING SECTION 2.2.8.

TREE LEGEND

+A	ASH	○	CALIPER INCH SIZE OF TREE
+B	BIRCH	○	TYPE OF TREE
+C	CEDAR	○	D FOR DOUBLE, T FOR TRIPLE
+G	GUM		
+H	HICKORY		
+M	MAGNOLIA		
+P	PINE		
+PO	POPLAR		
+PIO	PIN OAK		
+PSO	POST OAK		
+REO	RED OAK		
+WAO	WATER OAK		
+WHO	WHITE OAK		
+WIO	WILLOW OAK		



THE JOHN R. MCADAMS COMPANY, INC.
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Durham, North Carolina 27713
Tel: C-0288
(800) 733-5646 • mcadamsco.com



REVISIONS:

1	2020-06-12	PER TOWN OF APEX COMMENTS
2	2020-06-24	PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTINHOMES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27607

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA
EXISTING CONDITIONS PLAN

PROJECT NO:	ORL-15000
FILENAME:	ORL15000-XCI
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1" = 200'
DATE:	05-01-2020
SHEET NO:	C-1



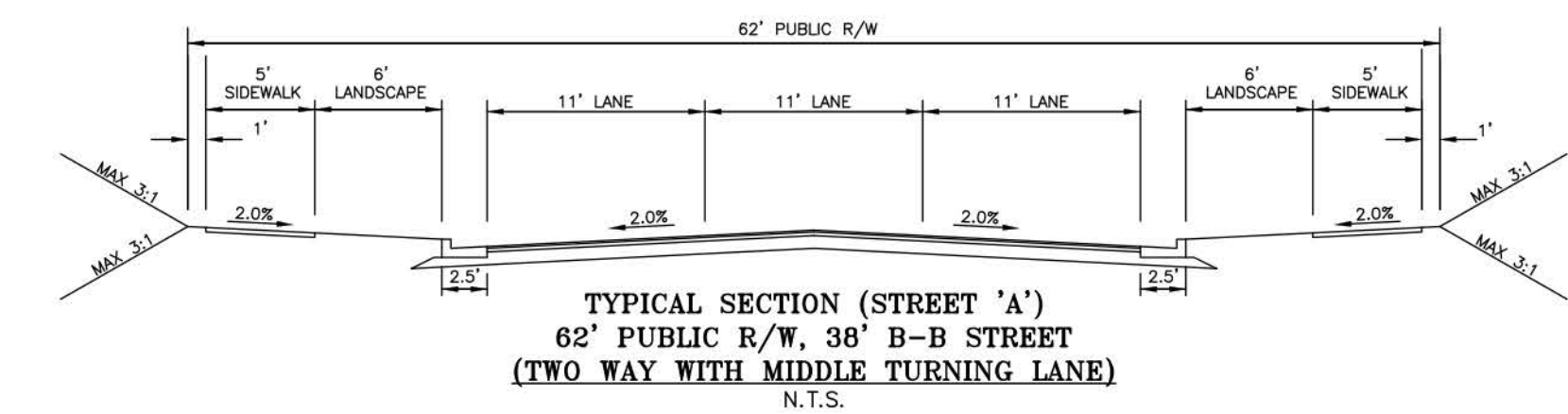
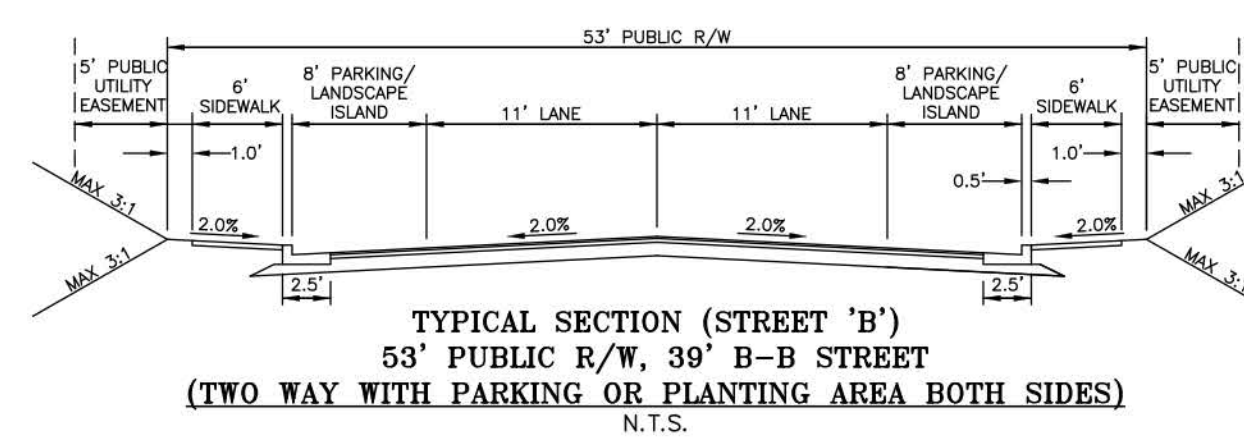
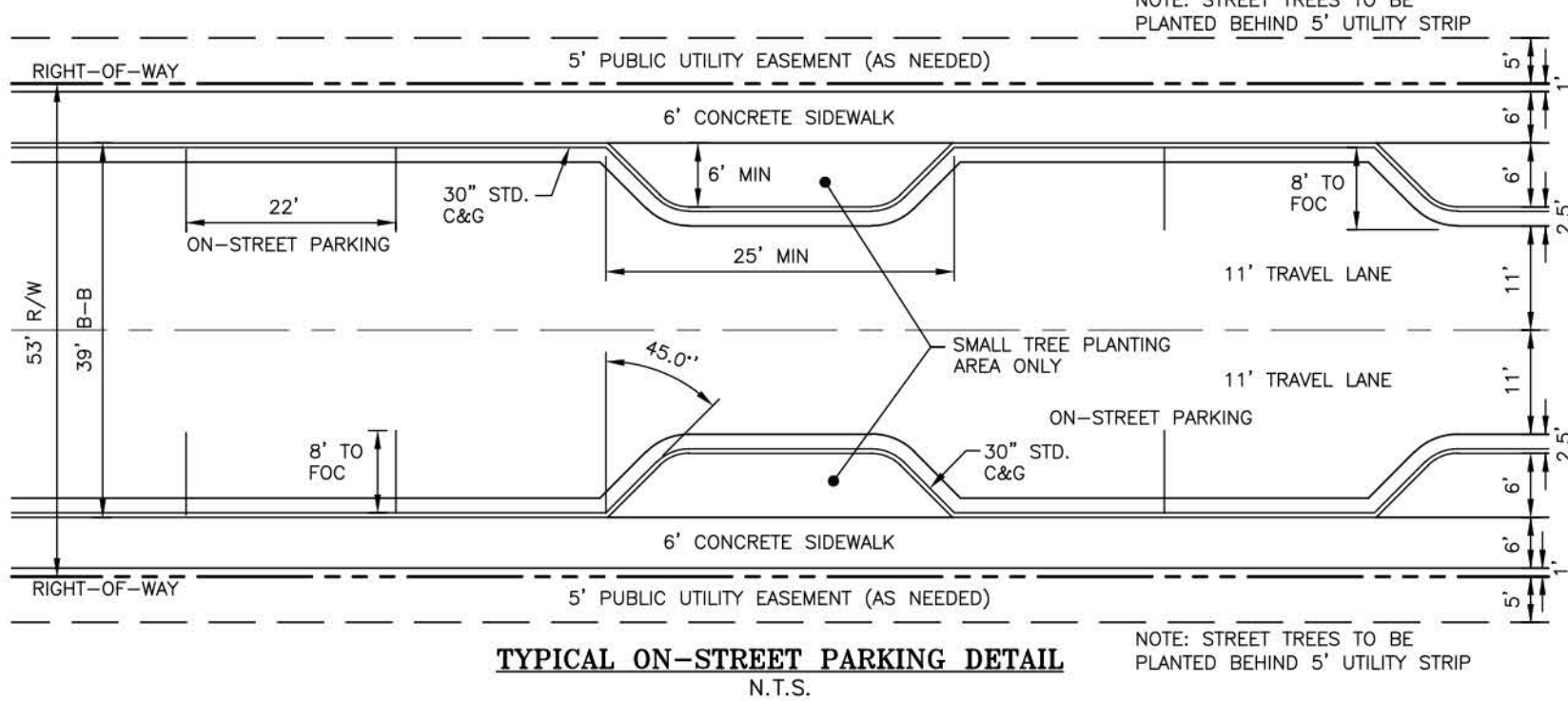
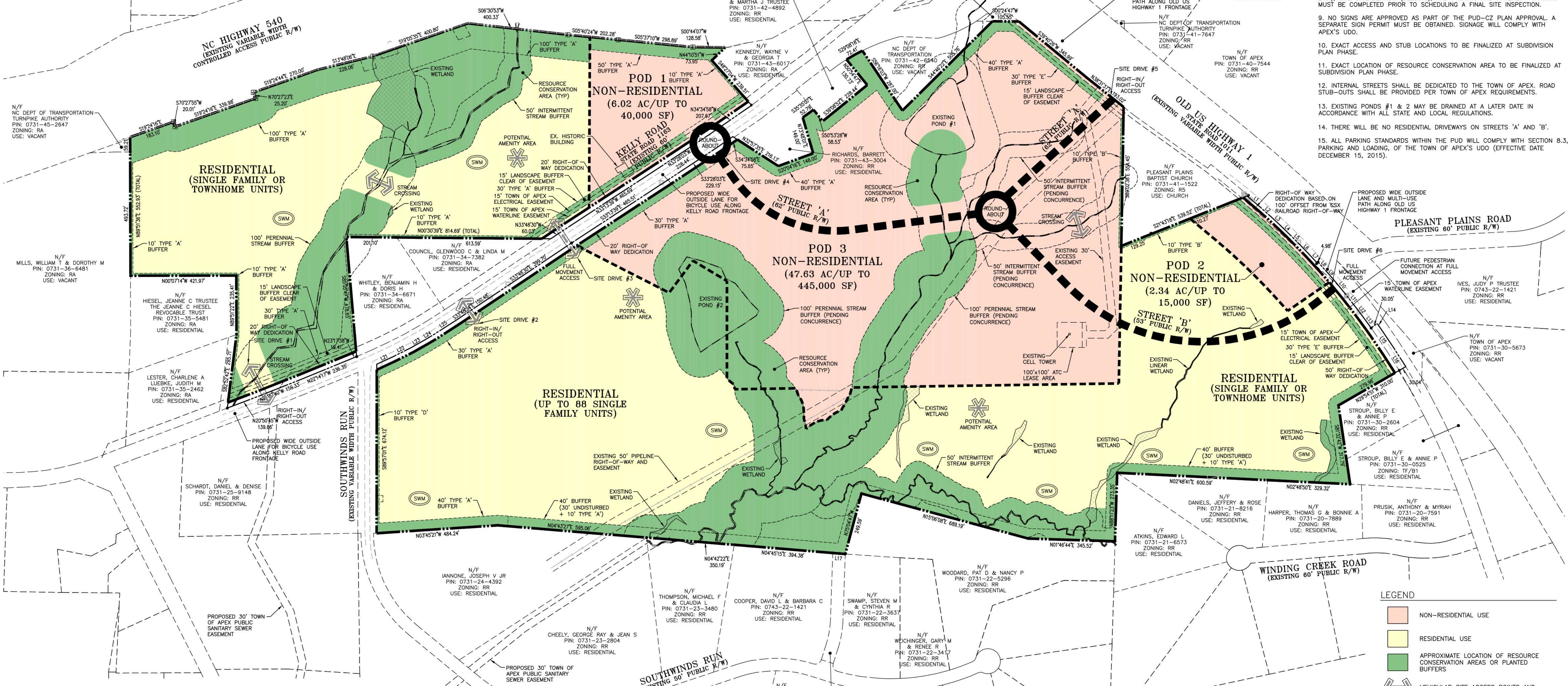
LINE	DIRECTION	DISTANCE
L1	S40°32'07"W	71.72
L2	S41°36'33"W	53.02
L3	S42°59'16"W	53.35
L4	S44°03'19"W	53.17
L5	S45°07'59"W	53.49
L6	S46°17'03"W	53.01
L7	S47°08'27"W	49.64
L8	S47°56'55"W	40.75
L9	S48°37'10"W	50.54
L10	S50°43'16"W	84.89
L11	S51°56'36"W	53.06
L12	S52°56'35"W	52.31
L13	S54°05'42"W	56.50
L14	S54°00'47"W	21.64
L15	S56°04'32"W	95.13
L16	S57°13'06"W	90.86
L17	N04°40'34"E	50.02
L21	S24°58'58"E	73.12
L22	S26°40'10"E	79.58
L23	S29°35'51"E	60.12
L24	S30°35'44"E	44.59
L25	S32°44'34"E	108.36

PHASING NOTES

1. THE PROPERTY WILL BE DEVELOPED IN UP TO 10 PHASES. THE TIMING AND AMOUNT OF PHASES WILL BE DEFINED AT THE TIME OF SITE PLAN REVIEW.
2. ACCESS POINTS ARE PRELIMINARY IN NATURE AND SUBJECT TO TOWN OF APEX AND NDOT REVIEW AT TIME OF SITE PLAN REVIEW.
3. LIMITS OF LAND DISTURBANCE WITHIN EACH PHASE TO BE FINALIZED AT SITE PLAN PHASE.
4. PUBLIC UTILITIES SHALL BE PROVIDED FOR EACH PHASE.
5. ROADWAY PHASING - PRIOR TO TIME OF THE FIFTY-FIRST PLATTED LOT ASSOCIATED WITH THE RESIDENTIAL LOCATED OFF OF OLD US HWY 1, THE SECOND POINT OF ACCESS (SOUTHERNMOST PORTION OF STREET 'A'), NECESSARY PORTION OF THE SOUTHERNMOST ROUNDABOUT AND STREET 'B' SHOWN SHALL BE CONSTRUCTED, AS A PART OF THE NON-RESIDENTIAL DEVELOPMENT IN POD 3, THE ROUNDABOUT PROPOSED ON KELLY ROAD SHALL BE CONSTRUCTED ALONG WITH THE PORTION OF STREET 'A' TRYING BACK TO THE SOUTHERNMOST ROUNDABOUT, PRIOR TO TIME OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY COMMERCIAL WITHIN POD 3, STREET 'A' WILL BE FULLY CONSTRUCTED, CONNECTING KELLY ROAD TO OLD US HWY 1.

SITE NOTES

1. REFER TO PUD DOCUMENT FOR A COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
2. NO SITE DEVELOPMENT ACTIVITY INCLUDING BUT NOT LIMITED TO TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING, SHALL OCCUR UNTIL REQUIRED PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR BY CALLING 919-249-3426.
3. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).
4. ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENCROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (SUCH AS, BUT NOT LIMITED TO, RCA AND CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS, AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
5. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
6. THE SCREENING OF TRASH CONTAINERS (INCLUDING DUMPSTERS AND ROLL-OUT CARTS), OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, ON THE GROUND, OR ON BUILDINGS SHALL MEET THE REQUIREMENTS FOUND IN SECTION 8.2.8 OF THE UNIFIED DEVELOPMENT ORDINANCE; SPECIFICALLY SCREENING MUST BE DONE SO THAT:
 - A. IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.
 - B. SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.
 - C. SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
 - D. ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX-FOOT TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.
 - E. DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT-FOOT TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS TALLER; AND BE BUILT OF MASONRY MATERIAL.
7. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
8. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (I.E.: DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PARKING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
9. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
10. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
11. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
12. INTERNAL STREETS SHALL BE DEDICATED TO THE TOWN OF APEX, ROAD STUB-OUTS SHALL BE PROVIDED PER TOWN OF APEX REQUIREMENTS.
13. EXISTING PONDS #1 & 2 MAY BE DRAINED AT A LATER DATE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
14. THERE WILL BE NO RESIDENTIAL DRIVEWAYS ON STREETS 'A' AND 'B'.
15. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH SECTION 8.3, PARKING AND LOADING, OF THE TOWN OF APEX'S UDO (EFFECTIVE DATE DECEMBER 15, 2015).



LEGEND

- NON-RESIDENTIAL USE
- RESIDENTIAL USE
- APPROXIMATE LOCATION OF RESOURCE CONSERVATION AREAS OR PLANTED BUFFERS
- VEHICULAR SITE ACCESS POINTS AND APPROXIMATE STREAM CROSSING LOCATIONS
- POSSIBLE LOCATION OF AMENITY AREA (1 TOTAL ON SITE)
- APPROXIMATE LOCATION OF STORMWATER MANAGEMENT FACILITY

NOTE: ALL ITEMS IN LEGEND OTHER THAN VEHICULAR SITE ACCESS POINTS ARE SHOWN CONCEPTUALLY. FINAL LOCATION OF AMENITIES, RCA, & STORMWATER MANAGEMENT FACILITIES WILL BE DETERMINED AT THE TIME OF SITE PLAN.

GRAPHIC SCALE
1 inch = 200 ft.

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www.mcadamsco.com

MCADAMS

REVISIONS:

1	2020-06-12 PER TOWN OF APEX COMMENTS
2	2020-06-24 PER TOWN OF APEX COMMENTS

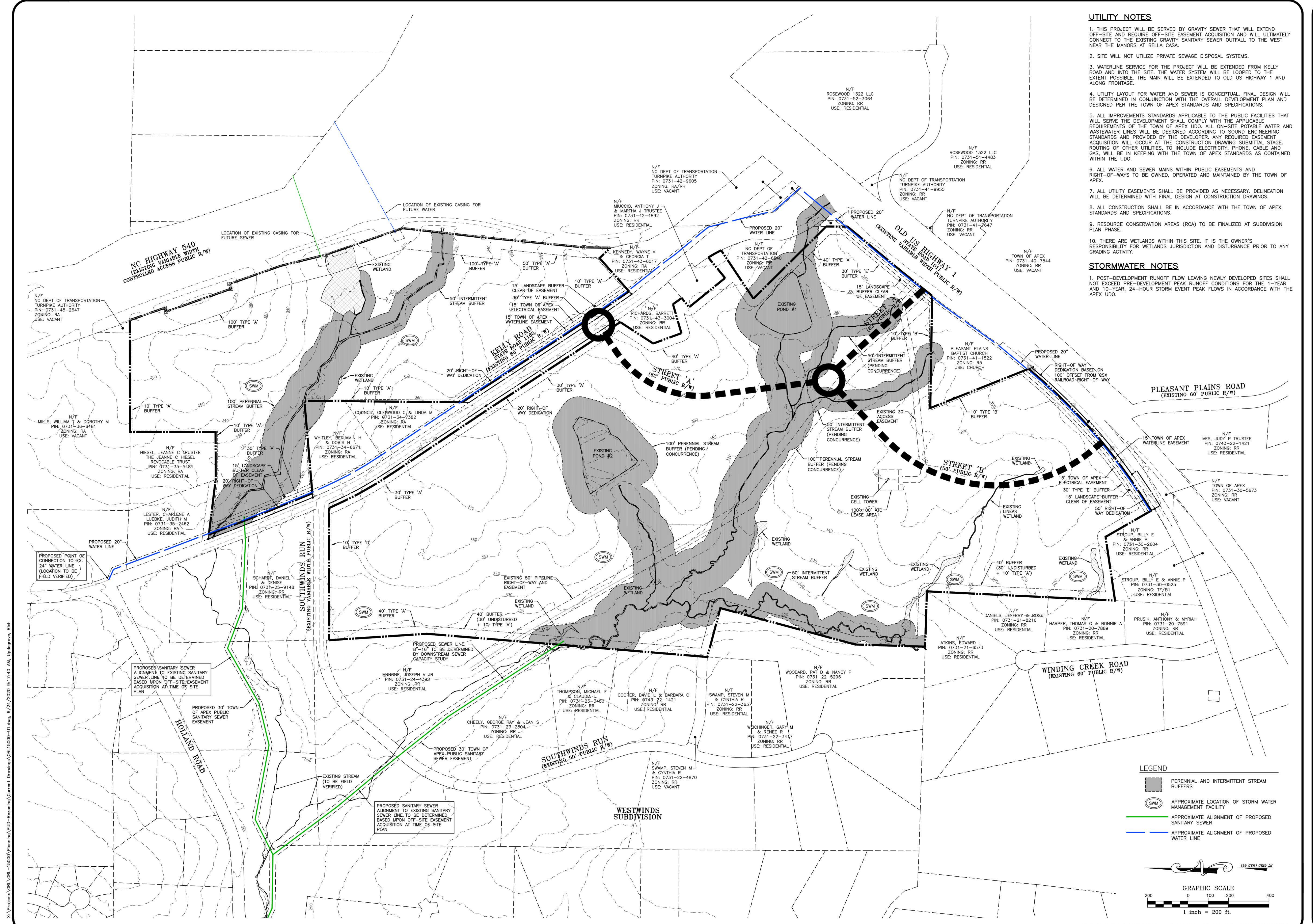
DEVELOPER:
STANLEY MARTINHOUSES
4020 WESTCHASE BOULEVARD,
SUITE 190
RALEIGH, NC 27667

PROJECT NO. ORL-15000
FILENAME: ORL15000-S1
DESIGNED BY: RCZ
DRAWN BY: RLU
SCALE: 1"=200'
DATE: 05-01-2020
SHEET NO. C-2

WEST VILLAGE
KELLY ROAD & OLD US HIGHWAY 1
APEX, NORTH CAROLINA

PRELIMINARY LAYOUT & PHASING PLAN

MCADAMS



- ### UTILITY NOTES
1. THIS PROJECT WILL BE SERVED BY GRAVITY SEWER THAT WILL EXTEND OFF-SITE AND REQUIRE OFF-SITE EASEMENT ACQUISITION AND WILL ULTIMATELY CONNECT TO THE EXISTING GRAVITY SANITARY SEWER OUTFALL TO THE WEST NEAR THE MANORS AT BELLA CASA.
 2. SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL SYSTEMS.
 3. WATERLINE SERVICE FOR THE PROJECT WILL BE EXTENDED FROM KELLY ROAD AND INTO THE SITE. THE WATER SYSTEM WILL BE LOOPEO TO THE EXTENT POSSIBLE. THE MAIN WILL BE EXTENDED TO OLD US HIGHWAY 1 AND ALONG FRONTAGE.
 4. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED IN CONJUNCTION WITH THE OVERALL DEVELOPMENT PLAN AND DESIGNED PER THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 5. ALL IMPROVEMENTS STANDARDS APPLICABLE TO THE PUBLIC FACILITIES THAT WILL SERVE THE DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE TOWN OF APEX UDO. ALL ON-SITE POTABLE WATER AND WASTEWATER LINES WILL BE DESIGNED ACCORDING TO SOUND ENGINEERING STANDARDS AND PROVIDED BY THE DEVELOPER. ANY REQUIRED EASEMENT ACQUISITION WILL OCCUR AT THE CONSTRUCTION DRAWING SUBMITTAL STAGE. ROUTING OF OTHER UTILITIES, TO INCLUDE ELECTRICITY, PHONE, CABLE AND GAS, WILL BE IN KEEPING WITH THE TOWN OF APEX STANDARDS AS CONTAINED WITHIN THE UDO.
 6. ALL WATER AND SEWER MAINS WITHIN PUBLIC EASEMENTS AND RIGHT-OF-WAYS TO BE OWNED, OPERATED AND MAINTAINED BY THE TOWN OF APEX.
 7. ALL UTILITY EASEMENTS SHALL BE PROVIDED AS NECESSARY. DELINEATION WILL BE DETERMINED WITH FINAL DESIGN AT CONSTRUCTION DRAWINGS.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF APEX STANDARDS AND SPECIFICATIONS.
 9. RESOURCE CONSERVATION AREAS (RCA) TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 10. THERE ARE WETLANDS WITHIN THIS SITE. IT IS THE OWNER'S RESPONSIBILITY FOR WETLANDS JURISDICTION AND DISTURBANCE PRIOR TO ANY GRADING ACTIVITY.
- ### STORMWATER NOTES
1. POST-DEVELOPMENT RUNOFF FLOW LEAVING NEWLY DEVELOPED SITES SHALL NOT EXCEED PRE-DEVELOPMENT PEAK RUNOFF CONDITIONS FOR THE 1-YEAR AND 10-YEAR, 24-HOUR STORM EVENT PEAK FLOWS IN ACCORDANCE WITH THE APEX UDO.

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MCADAMS

REGISTERED PROFESSIONAL ENGINEER
 STATE OF NORTH CAROLINA
 NO. 33828
 CIVIL ENGINEER

REVISIONS:

2020-06-12	PER TOWN OF APEX COMMENTS
2020-06-24	PER TOWN OF APEX COMMENTS

DEVELOPER:
STANLEY MARTINHOVES
 4020 WESTCHASE BOULEVARD,
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 RALEIGH, NC 27607

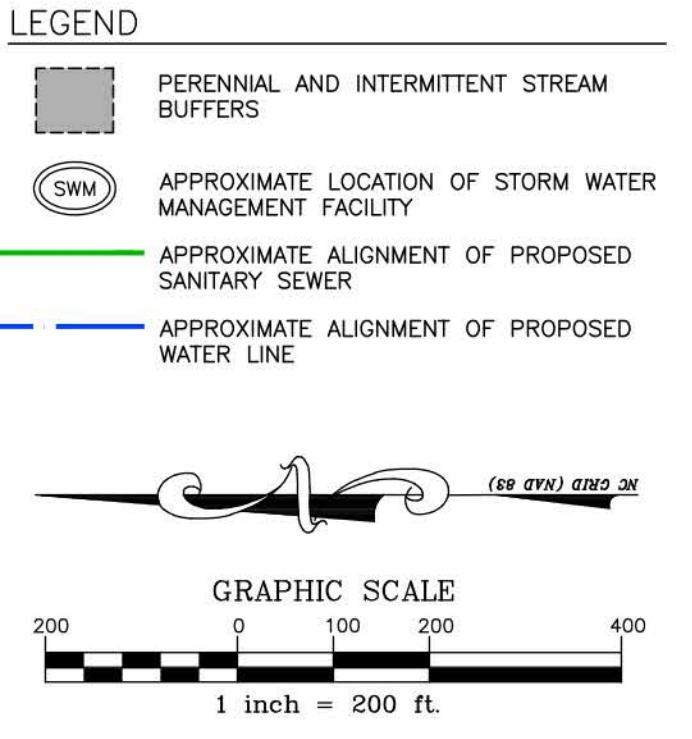
WEST VILLAGE

KELLY ROAD & OLD US HIGHWAY 1

APEX, NORTH CAROLINA

PRELIMINARY UTILITY & STORMWATER MANAGEMENT PLAN

PROJECT NO:	ORL-15000
FILENAME:	ORL15000-U1
DESIGNED BY:	RCZ
DRAWN BY:	RLU
SCALE:	1" = 200'
DATE:	05-01-2020
SHEET NO:	C-3



X:\Projects\ORL-15000\Planning\UD-Resizing\Current Drawings\ORL15000-U1.dwg, 6/24/2020 9:17:40 AM, Updgrade, Rich
 X:\Projects\ORL-15000\Planning\UD-Resizing\Current Drawings\ORL15000-U1.dwg, 6/24/2020 9:17:39 AM, Updgrade, L1

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the August 18, 2020 Town Council meeting regarding Rezoning Application #20CZ06 204 & 206 Lynch Street. The applicant, Trinity Henderson, seeks to rezone approximately .45 acres for the properties located at 204 & 206 Lynch Street from High Density Single-Family Residential (HDSF) to High Density Single-Family Residential -Conditional Zoning (HDSF-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The following PINs are included in this rezoning: 0741283934, 0741282977

Attachments

- Vicinity Map
- Application





**Brookridge
Assisted Living**

West Street

Rezoning #20CZ06

**Albright
Funeral Home**

**White Oak
Villas**

Third St

Second St

Lynch St

**First St
West St**

**S Salem St
Tingen Rd**

Ada St

May, 2020
January 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

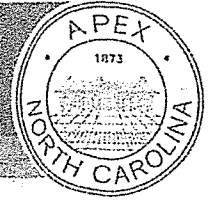
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Feet

**Rezoning Re-Submission for:
206 Lynch Street, Apex, NC**

Included Documents:

1. Petition to Amend the Official Zoning District Map
2. Proposed recombination map for 204 and 206 Lynch Street
3. Enlarged view of the proposed recombination map showing water meter and sewer cleanout for 204 and 206 Lynch Street
4. Agent Authorization for 206 Lynch Street
5. Affidavit of ownership for 206 Lynch Street
6. Metes and bounds description for 206 Lynch Street
7. Copy of deed for 206 Lynch Street
8. Agent Authorization form for 204 Lynch Street
9. Affidavit of ownership for 204 Lynch Street
10. Metes and bounds description for 204 Lynch Street
11. Copy of deed for 204 Lynch Street
12. Neighborhood Meeting package for February 20, 2020 meeting
13. Neighborhood Meeting package for June 30, 2020 meeting.

**(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP &
2045 LAND USE MAP AMENDMENT**
Town of Apex, North Carolina



REZONING PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the [Rezoning Schedule](#) on the website for details.

REZONING PETITION FEES:
Conditional Zoning: \$900.00
Rezoning: \$600.00*
2045 Land Use Map Amendment: \$700.00

PRE-APPLICATION MEETING: A pre-application meeting with members of the Technical Review Committee is required to be scheduled prior to the submittal of a Rezoning Petition. Pre-application meetings are typically scheduled on the 1st, 2nd and 5th Thursdays of the month.

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

PURPOSE OF A CONDITIONAL ZONING:

Conditional Zoning (CZ) Districts are zoning districts in which the development and use of property is subject to the ordinance standards applicable to the corresponding general use district as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision creating the district. A Conditional Zoning (CZ) District allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations, the adopted 2045 Land Use Map and adopted area plans. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to site-specific standards and conditions.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this rezoning is outside the corporate limits and ETJ, an [annexation petition](#) is required to be submitted on the same day as this application.

REZONING SUBMITTAL REQUIREMENTS

- Upload one full copy of the application and other sheets listed below via IDT.

REZONING SUBMITTAL REQUIREMENTS

- One (1) original Rezoning Petition Application -
- Petition Fee -
- Legal Description (metes and bounds) ✓
- Certified List of Property Owners within 300 feet of subject property
- Agent Authorization Form ✓
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description and \$200.00 fee
- One (1) set of envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the HOAs of those properties within 300' of the subject property. Planning staff may require an additional set of

envelopes based on the timing of the Planning Board and Town Council meetings.

- Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for \$1 per page. Please contact them at 919-856-6360 or <http://www.wakegov.com/gis/services/Pages/gisservices.aspx>
- Affixed with first class stamps & the following return address:
Town of Apex
Planning Department
P.O. Box 250
Apex, NC 27502

(REZONING) PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP & 2045 LAND USE MAP

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

REVIEW FOR SUFFICIENCY: Incomplete plans will be returned to the applicant and sufficiently complete applications are forwarded to the planning staff for review.

REVIEW BY STAFF: Planning staff reviews the application to determine compliance with the Unified Development Ordinance (UDO). If the application is determined not to be compliant with the UDO, comments will be sent to the applicant. The applicant must address all staff comments before any public hearings are scheduled.

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

1ST PUBLIC HEARING/PLANNING BOARD MEETING: The Planning Board will consider the application, relevant support materials, the Staff Report and public testimony given at the public hearing. After the public hearing the Planning Board will make a recommendation to the Town Council. The Planning Board may recommend approval, approval with conditions or disapproval. The application is then forwarded to the Town Council. The Planning Board meets at 4:30 p.m. in the Town Hall Council Chambers on the date indicated on the Rezoning Schedule.

2ND PUBLIC HEARING/TOWN COUNCIL MEETING: The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 6:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: _____ Submittal Date: _____
2045 LUM Amendment: _____ Fee Paid: _____

Project Information

Project Name: 206 and 204 Lynch Street
Address(es): 206 Lynch Street, Apex, NC 27502
PIN(s): 0070430 (206 Lynch Street) and 0070429 (204 Lynch Street)

Current Zoning: HO-SF Proposed Zoning: HDSF-CZ Acreage: _____

Current 2045 LUM Designation: _____

Proposed 2045 LUM Designation: _____
See next page for LUM Amendment.

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: _____ Acreage: _____
Area proposed as non-residential development: _____ Acreage: _____
Percent of mixed use area proposed as non-residential: _____ Percent: _____

Applicant Information

Name: Trinity Henderson, Trustee of the 206 Lynch Street Trust
Address: 132 Partlo Street
City: Garner State: NC Zip: 27529
Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Owner Information

Name: 206 Lynch Street Trust
Address: 132 Partlo Street
City: Garner State: NC Zip: 27529
Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Agent Information

Name: Trinity Henderson
Address: 132 Partlo Street
City: Garner State: NC Zip: 27529
Phone: 919-229-8840 E-mail: thenderson@hendersonwall.com

Other contacts: _____

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from HO-SF to HDSF-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

PROPOSED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

1	single family residence	21	_____
2	<u>Accessory Apartment</u>	22	_____
3	<u>Single family</u>	23	_____
4	<u>Utility, Minor</u>	24	_____
5	_____	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #: _____ Submittal Date: _____

PROPOSED CONDITIONS:

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

The conditions sought in this application are as follows:

Set-backs for 206 Lynch Street: western lot line set-back of 4 feet; eastern lot line set-back of 8 feet; and a front lot line of 51 feet. Set-backs for 204 Lynch Street: western lot line set-back of 5 feet. No further modifications of current set-back requirements are necessary. The proposed recombination map will also result in the water meter and water lines being located on the lot they serve (currently both meters are on 206 Lynch Street). Other than the water meters, no other utility service is affected by this lot change.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

There is no proposed change in the land use.

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

The property will continue to be used for single family residence, no change in use.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

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

The property will continue to be use for single family residence, no change in use.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____ Submittal Date: _____

Provide a certified list of property owners subject to this application and all property owners within 300' of the subject property and HOA Contacts.

	Owner's Name	PIA
1.	See Attached	
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____

I, Trinity Henderson, certify that this is an accurate listing of all property owners and property owners within 300' of the subject property.

Date: 3/1/2020 By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Rosa L Hernandez Aburto a Notary Public for the above State and County, on this the 20 day of April, 2020.

Rosa L Hernandez Aburto
Notary Public
Rosa L Hernandez Aburto
Print Name

SEAL



My Commission Expires: 05/27/2024



DATA TABLE
 THE AREA OF EACH PARCEL HAS NOT BEEN QUANCED WITH HAS RECOMBINATION AND THE TOTALS OF EACH ARE SHOWN HEREON.
 **Zoning: HD-5*

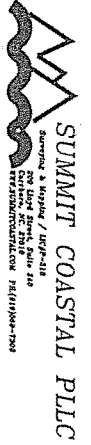
DATA TABLE
 THE AREA OF EACH PARCEL HAS NOT BEEN QUANCED WITH HAS RECOMBINATION AND THE TOTALS OF EACH ARE SHOWN HEREON.
 **Zoning: HD-5*

NOTES OF SURVEY
 1. THE PURPOSE OF THIS PLAN IS TO RECORDE THE SUBJECT TRACT INTO TWO NEW CREATED PARCELS OF EQUAL DIMENSIONS. THE SURVEY IS BASED UPON THE RECORD SURVEY OF THE SUBJECT TRACT AND TO ACCURATELY SHOW THE AREA, DIMENSIONS, AND CORNER POSITIONS OF THE SUBJECT TRACT. THE POSITION OF THE SUBJECT TRACT IS NOT LOCATED IN A SPECIAL RECORD IN THE RECORD BOOKS OF THE COUNTY. THE SURVEY IS BASED UPON THE RECORD SURVEY OF THE SUBJECT TRACT AND TO ACCURATELY SHOW THE AREA, DIMENSIONS, AND CORNER POSITIONS OF THE SUBJECT TRACT. THE POSITION OF THE SUBJECT TRACT IS NOT LOCATED IN A SPECIAL RECORD IN THE RECORD BOOKS OF THE COUNTY. THE SURVEY IS BASED UPON THE RECORD SURVEY OF THE SUBJECT TRACT AND TO ACCURATELY SHOW THE AREA, DIMENSIONS, AND CORNER POSITIONS OF THE SUBJECT TRACT. THE POSITION OF THE SUBJECT TRACT IS NOT LOCATED IN A SPECIAL RECORD IN THE RECORD BOOKS OF THE COUNTY.

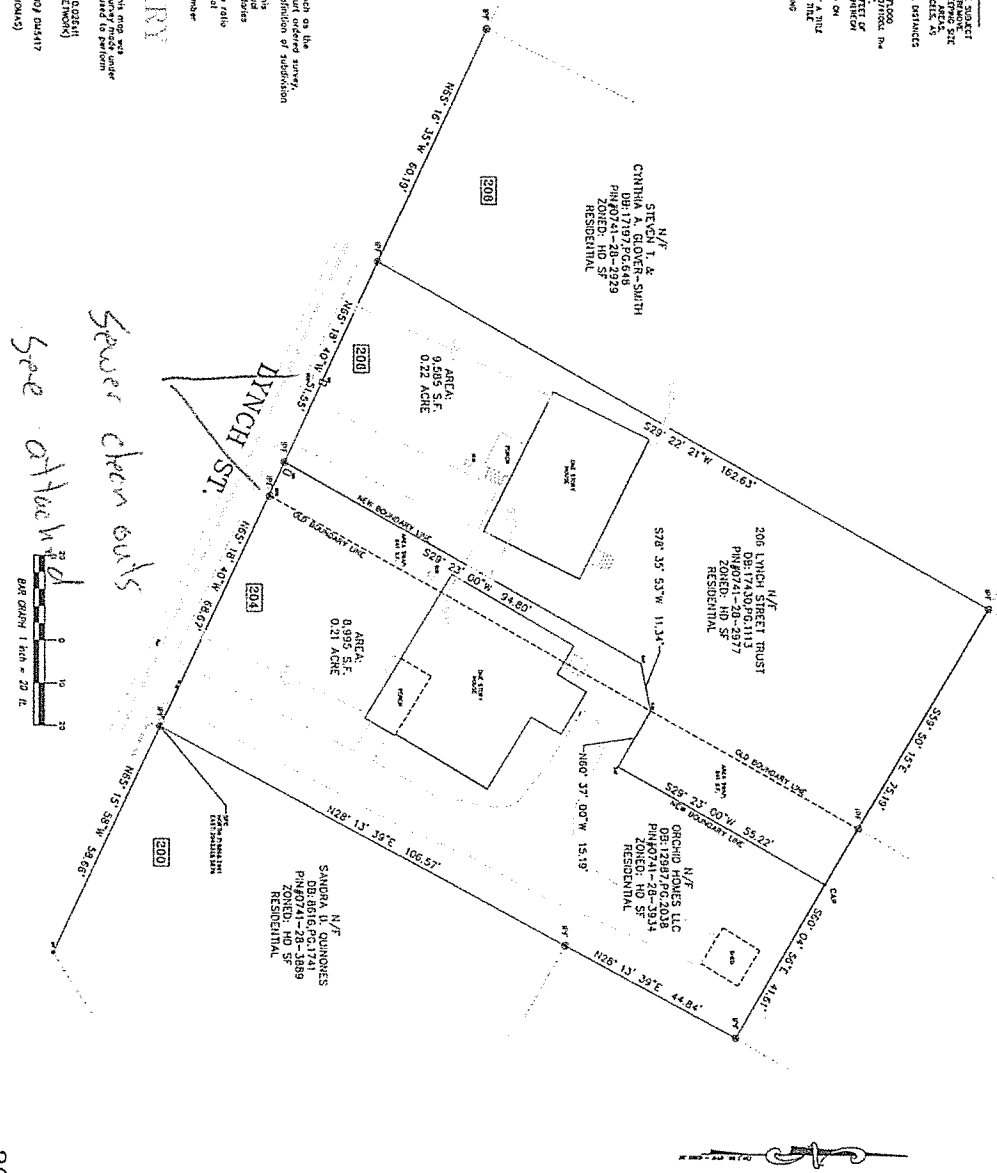
STATUS OF SURVEY
 X-4. This survey is of another nature, such as the recombination of existing parcels, or of a total survey, or other exception to the definition of subdivision.

1. Jonathan H. Frazier, PLS 1-4313, certify that this map and the data thereon were prepared by him or under his direct supervision and that he is a duly licensed Professional Land Surveyor in the State of North Carolina. He certifies that the information furnished to him was true and correct and that the map and the data thereon were prepared in accordance with the laws and regulations of the State of North Carolina. He certifies that the map and the data thereon were prepared in accordance with the laws and regulations of the State of North Carolina.

1. Jonathan H. Frazier, PLS 1-4313, certify that this map and the data thereon were prepared by him or under his direct supervision and that he is a duly licensed Professional Land Surveyor in the State of North Carolina. He certifies that the information furnished to him was true and correct and that the map and the data thereon were prepared in accordance with the laws and regulations of the State of North Carolina. He certifies that the map and the data thereon were prepared in accordance with the laws and regulations of the State of North Carolina.



State Office of Wake County, certify that this plat meets all statutory requirements for recording.
 Approved copies if not recorded on or before _____
 Name: _____
 Title: _____



Handwritten notes:
 Sewer clean out
 See attached

CERTIFICATE OF CONFORMANCE (PLAT)
 I, _____, a Notary Public in the County of _____, State of North Carolina, hereby certify that _____ appeared before me this day and under oath depose that the above plat was prepared by _____, a duly licensed Professional Land Surveyor in the State of North Carolina, and that I hereby certify the same plat with my free consent. Witness my hand and seal this _____ day of _____, 2019.
 Notary _____ SWS
 My Commission Expires _____

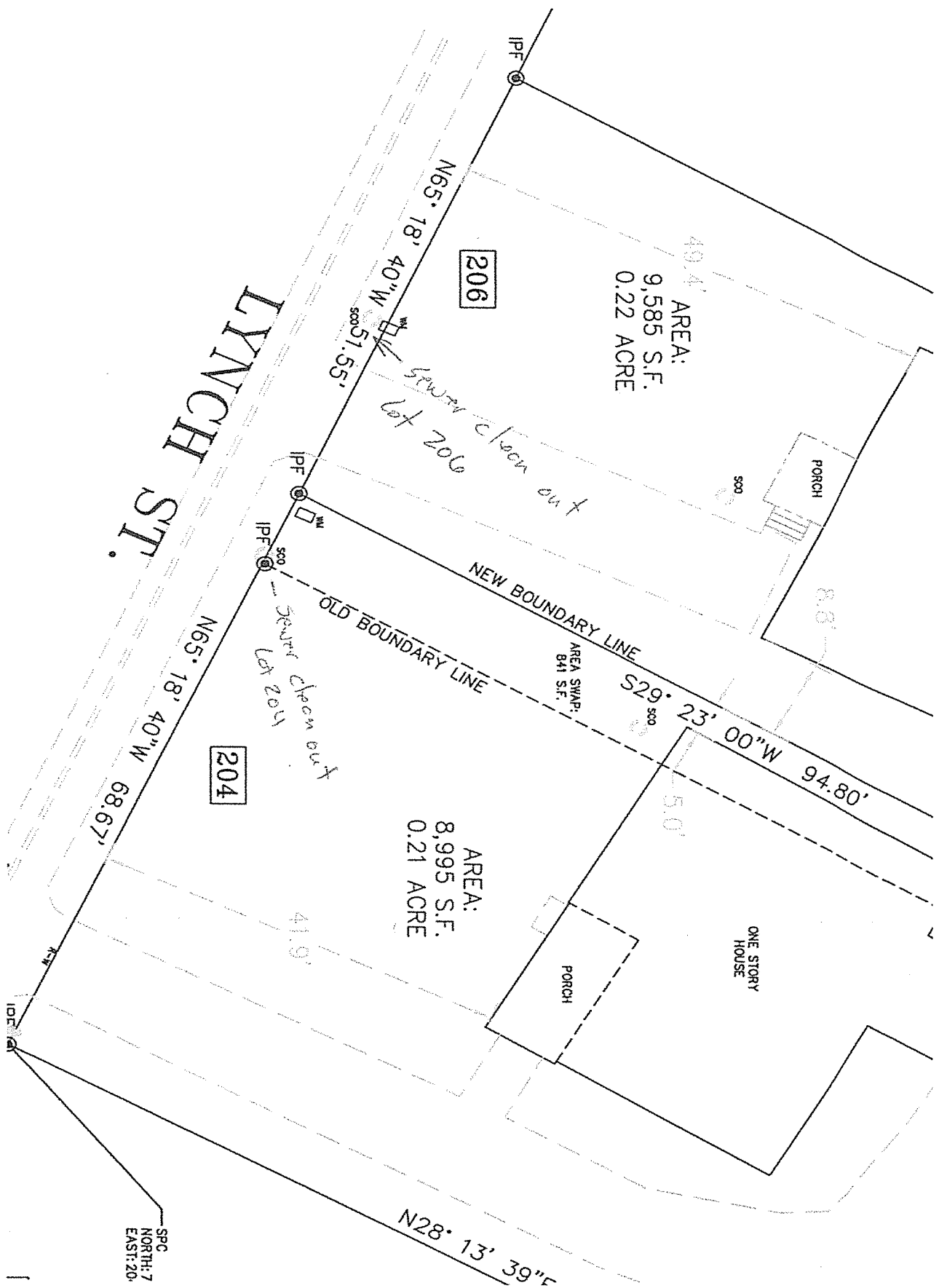
CERTIFICATE OF CONFORMANCE (PLAT)
 I, _____, a Notary Public in the County of _____, State of North Carolina, hereby certify that _____ appeared before me this day and under oath depose that the above plat was prepared by _____, a duly licensed Professional Land Surveyor in the State of North Carolina, and that I hereby certify the same plat with my free consent. Witness my hand and seal this _____ day of _____, 2019.
 Notary _____ SWS
 My Commission Expires _____

LEGEND

1	IRON PIPE FOUND (V 200)
2	CALCULATED CORNER
3	SET F OPEN TOP PILE
4	EDGE OF FENCED IN
5	RETIRED WELL
6	TITHEBANK MEDIUM
7	WATER UTILITY
8	STATE PLANT COGNATE
9	SHEET ADDRESS
10	SHRIMP CLEAN-OUT

RECOMBINATION
 OF
 206 LYNCH ST. and
 204 LYNCH ST.
 APEX

WHITE OAK TOWNSHIP, WAKE CO. N.C.
 DATE 9/17/19 SCALE 1"=20'



AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

206 Lynch Street Trust

is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 206 Lynch Street, Apex NC 27502

The agent for this project is: Trinity Henderson

I am the owner of the property and will be acting as my own agent

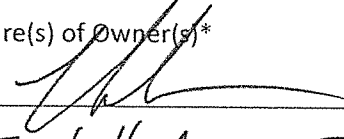
Agent Name: Trinity Henderson, Trustee of 206 Lynch Street Trust

Address: 132 Partlo Street Garner NC 27529

Telephone Number: 919-229-8840

E-Mail Address: thenderson@hendersonwall.com

Signature(s) of owner(s)*



Trinity Henderson, Trustee
Type or print name

5/26/2020
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: _____

Submittal Date: _____

The undersigned, Trinity Henderson, Trustee (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 206 Lynch Street, Apex, NC and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 4/30/2019 dated 5/1/2019 recorded and recorded in the Wake County Register of Deeds Office on 5/1/2019, in Book 17430 Page 1113.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/1/2019, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/1/2019, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

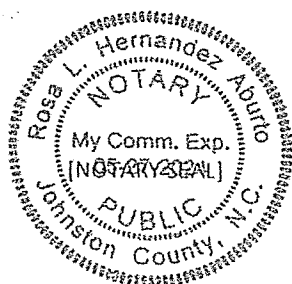
This the 1 day of March, 2020.

(seal)

Trinity Henderson, Trustee
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Johnston, hereby certify that Trinity M Henderson, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC DL, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Rosa L. Hernandez Abiolo
Notary Public
State of North Carolina
My Commission Expires: 05/27/2024

EXHIBIT "A"
LEGAL DESCRIPTION

Wake County

Roberto F. Arellano Moran and Ashley Arellano
Situated in Wake County and beginning described as follows:

See attached Exhibit A

LEGAL DESCRIPTION

Commencing at a computed point as shown on the plat in Map Book 2003, Page 1452 for the Apex R/W Acquisition dated 4/11/03 on the northern side of the Lynch Street right-of-way and running almost parallel with the lot lines of Willie Smiley and Walter A. Thompson, as shown on said plat, then North 28°07'1" East for 2.91 feet to an Iron Pipe Set (IPS) at the corner of the lots of Willie Smiley and Walter A. Thompson, as shown said plat, and the POINT OF BEGINNING. Then proceeding South 29°14'49" West for 162.42 feet to an Auto Jack Post, then South 60°03'01" East for 60 feet to an IPS at the corner of an old wire fence and a chain link fence where three of the adjoining properties meet with the northeast corner of the property. Then South 29°15'28" West for 156.74 feet to an IPS at the southeast corner of the property, then proceeding North 64°42'09" West for 8.62 feet to an IPS, then North 65°35'49" West for 51.55 feet to the Point of Beginning encompassing approximately 0.220 acres as shown on an unrecorded map of survey by John S. Collier, PLS. L-3879 dated 11/3/18.

For reference purposes, this property is located at: 206 Lynch Street
Apex, NC 27502

and has tax identification number (0741282977))

Wake County

WAKE COUNTY, NC
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05-01-2019 AT 16:25:38
STATE OF NC REAL ESTATE
EXCISE TAX: \$170.00
BOOK: 017430 PAGE: 01113 - 0111

Submitted electronically by Henderson Law in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Wake County Register of Deeds.

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Mail to the preparer: Trinity M. Henderson, Attorney at Law
132 Parilo Street
Garner, NC 27529

This instrument prepared by Trinity Henderson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by closing attorney to tax collector upon disbursement of closing proceeds.

Parcel #0741282977
Wake County

Brief Index
description:

206 Lynch Street

Excise Tax: \$170.00

(This conveyance is insured by a policy of title insurance issued by Omega Title Insurance Company)

THIS WARRANTY DEED is made on the date set forth in the acknowledgment set out below by and between:

Roberto F. Arellano Moran and Ashley Arellano

whose mailing address for future correspondence is:

(If checked, the property being conveyed includes the primary residence of at least one of the Grantors.

(hereinafter referred to in the neuter singular as "the Grantor"); and,

206 Lynch Street Trust

206 Lynch Street
Apex, NC 27502

(to verify the name, status and mailing address are correct, please initial _____)

(hereinafter referred to in the neuter singular as "the Grantee") :

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby

EXHIBIT "A"
LEGAL DESCRIPTION

Wake County

Roberto F. Arellano Moran and Ashley Arellano
Situating in Wake County and beginning described as follows:

See attached Exhibit A

LEGAL DESCRIPTION

Commencing at a computed point as shown on the plat in Map Book 2003, Page 1452 for the Apex R/W Acquisition dated 4/11/03 on the northern side of the Lynch Street right-of-way and running almost parallel with the lot lines of Willie Smiley and Walter A. Thompson, as shown on said plat, then North 28°07'1" East for 2.91 feet to an Iron Pipe Set (IPS) at the corner of the lots of Willie Smiley and Walter A. Thompson, as shown said plat, and the POINT OF BEGINNING. Then proceeding South 29°14'49" West for 162.42 feet to an Auto Jack Post, then South 60°03'01" East for 60 feet to an IPS at the corner of an old wire fence and a chain link fence where three of the adjoining properties meet with the northeast corner of the property. Then South 29°15'28" West for 156.74 feet to an IPS at the southeast corner of the property, then proceeding North 64°42'09" West for 8.62 feet to an IPS, then North 65°35'49" West for 51.55 feet to the Point of Beginning encompassing approximately 0.220 acres as shown on an unrecorded map of survey by John S. Collier, PLS. L-3879 dated 11/3/18.

For reference purposes, this property is located at: 206 Lynch Street
Apex, NC 27502

and has tax identification number (0741282977))

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Orchid Homes LLC is the owner* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: _____

The property address is: 204 Lynch Street, Apex, NC 27502

The agent for this project is: Henderson Law (Trinity Henderson)

I am the owner of the property and will be acting as my own agent

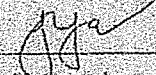
Agent Name: Trinity Henderson

Address: 132 Paitlo Street

Telephone Number: 919-229-8840

E-Mail Address: thenderson@hendersonlaw.com

Signature(s) of Owner(s)*


Orchid Homes LLC / Troy Nardi
Type or print name

04/13/20
Date

Type or print name Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

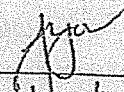
AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Orchid Homes, LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

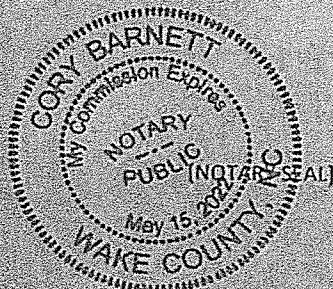
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 204 Lynch St Apex NC 27502 and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 3/5/08 and recorded in the Wake County Register of Deeds Office on 3/5/08, in Book 12987 Page 2038.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 3/5/08, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 3/5/08, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

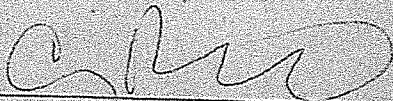
This the 3rd day of June, 2020.


 _____ (seal)
Tujar Nagdi / Orchid Homes LLC
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public in and for the County of WAKE, hereby certify that Tujar Nagdi, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Tujar Nagdi, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.





 Notary Public
 State of North Carolina
 My Commission Expires: May 15, 2022

Legal Description for: 204 Lynch Street, Apex, NC

BEGINNING at a stake on the North side of Lynch Street, a corner for T.L. Forney, runs thence with the line of T.L. Forney in a Northernly direction 150 feet to a stake in the line of Tom Fuller's thence with said Fullers line in a easterly direction 60 feet to a stake, a corner for Joe Foggs, thence with said Fogg a line in a southernly direction 150 feet to a stake on the North side of said Lynch Street; thence parallel with Lynch Street in a Westernly direction 60 feet to the point of BEGINNING. This being the land conveyed to Margaret Josey Thompson by Lottie Bell Josey Page and husband, David Page, by deed dated the 12th of February, 1958 recorded in Book 1238, Page 604 of the Office of the Register of Deeds for Wake County, North Carolina.

BK012987PG02038

WAKE COUNTY, NC 189
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/05/2008 AT 12:36:02

BOOK:012987 PAGE:02038 - 02041

Excise tax: \$-0-

Tax Account No: 64178, 70429 & 288635

This instrument was prepared by: Donald W. Grimes, 903 Kildaire Farm Road, Cary, NC 27511

Return to: Donald W. Grimes, Attorney At Law (74)

Brief Description for the Index: 3 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

This DEED made this 5th day of March, 2008 by and between:

GRANTOR

Jujar A. Nagdi,
Unmarried

GRANTEE

Orchid Homes, L.L.C.,
a North Carolina limited liability company
Mailing address:
306 Beech Street
Cary, NC 27513

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot or parcel of land situated in Wake County, North Carolina and more particularly described as follows:

BEING all of Tracts 1, 2 and 3 as described on attached *Exhibit A*

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 12676, page 552 and Book 12771, page 2218, Wake County Registry.

BK012987PG02039

A map showing the above described property is recorded in Map Book , Page , and referenced within this instrument.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereunto belonging to Grantee in fee simple.

And Grantor covenants with Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

2008 ad valorem property taxes, not yet due;
Restrictive covenants of record, if any; and
Rights of way and easements of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

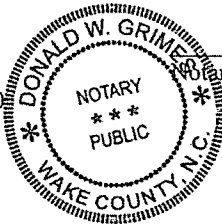
Jujar A. Nagdi (SEAL)
Jujar A. Nagdi

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, Donald W. Grimes, a Notary Public of the aforesaid County and State, certify that **Jujar A. Nagdi** Grantor(s), personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 5 day of March, 2008.

My commission expires: 10/9/2010



Donald W. Grimes
Notary Public

BK012987PG02040

Exhibit "A"

LEGAL DESCRIPTION

Tract 1:


BEING all of **Lot 140, Worthdale, Section 3**, as shown on plat recorded in Book of Maps 1967, page 50, Wake County Register of Deeds.

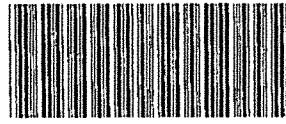
Tract 2:

BEING all of **Lot 136, Chastain, Phase 5**, as shown on plat recorded in Book of Maps 2001, page 1129, Wake County Register of Deeds.

Tract 3:

BEGINNING at a stake on the North side of Lynch Street, a corner for T.L. Forney, runs thence with the line of T.L. Forney in a Northernly direction 150 feet to a stake in the line of Tom Fuller's thence with said Fullers line in a easterly direction 60 feet to a stake, a corner for Joe Foggs, thence with said Fogg a line in a southernly direction 150 feet to a stake on the North side of said Lynch Street; thence parallel with Lynch Street in a Westernly direction 60 feet to the point of **BEGINNING**. This being the land conveyed to Margaret Josey Thompson by Lottie Bell Josey Page and husband, David Page, by deed dated the 12th of February, 1958 recorded in Book 1238, Page 604 of the Office of the Register of Deeds for Wake County, North Carolina.


204 Lynch St



BOOK:012987 PAGE:02038 - 02041

Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

This Customer Group _____ # of Time Stamps Needed

This Document _____ New Time Stamp
4 _____ # of Pages

22.004-1/20/06

Neighborhood Meeting

Date: February 20, 2020

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Trinity Henderson, do hereby declare as follows:
Print Name

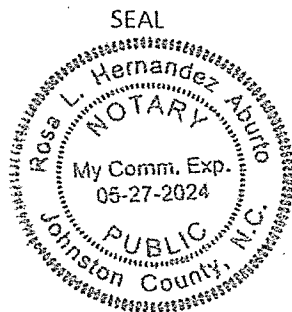
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 1411 East Williams St Apex, NC (location/address) on 2/20/2020 (date) from 6:00pm (start time) to 8:00pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

3/1/2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Rosa L Hernandez Aburto Notary Public for the above State and County, on this the 20 day of April, 2020.



Rosa L Hernandez Aburto
Notary Public
Rosa L Hernandez Aburto
Print Name

My Commission Expires: 05/27/2024

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): 700 Lynch Street Trust
Applicant(s): Trinity Anderson, Trustee
Contact information (email/phone): 919-889-4303
Meeting Address: 1411 East Williams St, Apex, NC 27539
Date of meeting: 2/20/2020 Time of meeting: 6pm-8pm

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

NONE

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: 1411 East Williams St, Apex NC
 Date of meeting: 7-20-2020 Time of meeting: 6:08 PM
 Property Owner(s) name(s): 206 Lynch St Tract d. Dickey Homes, LLC
 Applicant(s): 206 Lynch St Tract

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

Neighborhood Meeting Handout

Rezoning Petition for:

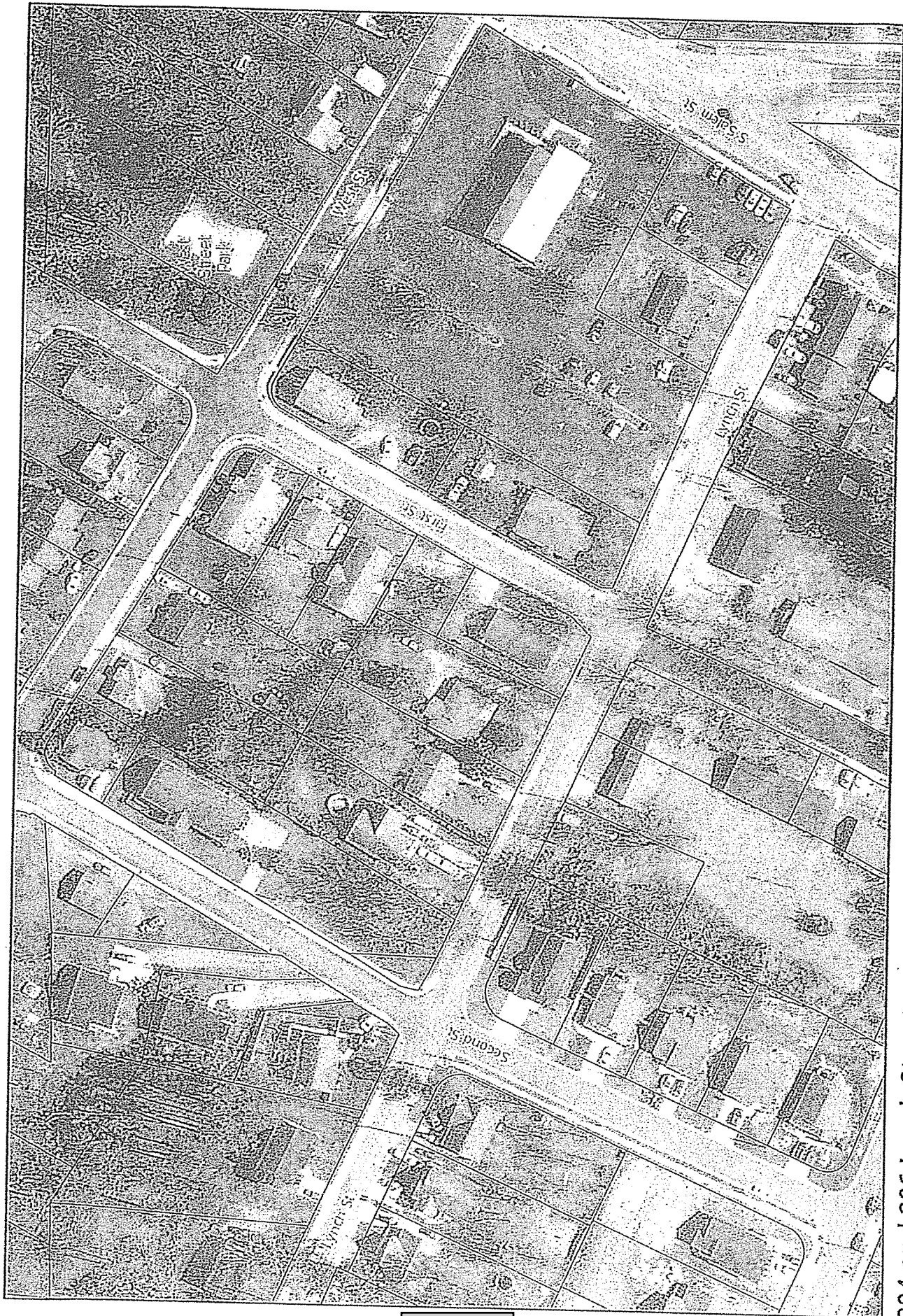
204 and 206 Lynch Street
Apex, North Carolina

Date: February 20, 2020

Location: Comfort Inn Apex
1411 East Williams Street
Apex, North Carolina 27539

Attachments

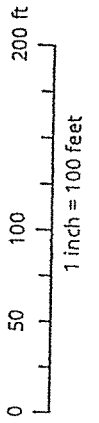
1. Vicinity Map for 204 and 206 Lynch Street
2. Existing Zoning Map for 204 and 206 Lynch Street
3. Proposed Recombination Map for 204 and 206 Lynch Street
4. Project Contact Information
5. Common Construction Issues & Who to Call



204 and 206 Lynch Street

Disclaimer

itops makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.





204 and 206 Lynch Street - Current Zoning

Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein.

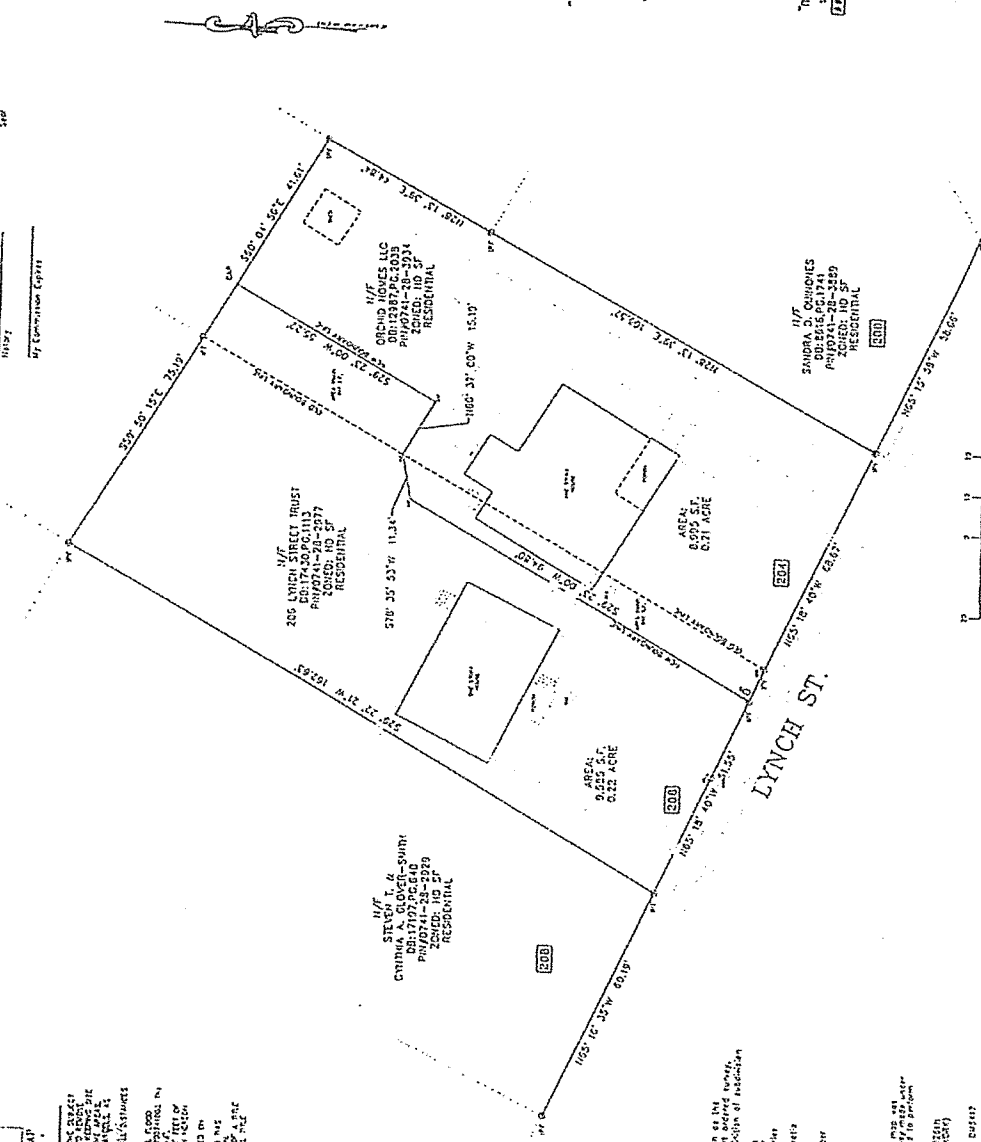
RECOMBINATION OF 206 LYNCH ST. and 204 LYNCH ST. APEX

WHITE OAK TOWNSHIP, WAKE CO., N.C.
DATE 9/17/19 SCALE 1"=20'

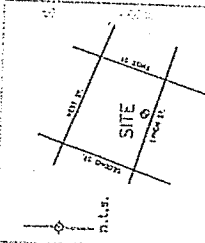
STATE OF NORTH CAROLINA
COUNTY OF WAKE
I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

STATE OF NORTH CAROLINA
COUNTY OF WAKE
I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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DEED RECORDS FOR THE PAST FIVE YEARS
 DEED BOOK 101-102
 DEED BOOK 103-104
 DEED BOOK 105-106
 DEED BOOK 107-108
 DEED BOOK 109-110



VICINITY MAP

IN THE MATTER OF THE RECOMBINATION OF THE TRACTS OF LAND CONTAINED IN DEED BOOK 101-102, DEED BOOK 103-104, DEED BOOK 105-106, DEED BOOK 107-108, DEED BOOK 109-110, AND DEED BOOK 111-112, ALL IN WAKE COUNTY, NORTH CAROLINA, TOGETHER WITH THE INTERESTS THEREIN OWNED BY STEVEN L. A. CLOVER-SWART AND SANDRA D. COUCHQUES, AS SET FORTH IN THE DEEDS REFERRED TO ABOVE.

IT IS HEREBY ORDERED BY THE CLERK OF SUPERIOR COURT, WAKE COUNTY, NORTH CAROLINA, THAT THE FOREGOING RECOMBINATION BE EFFECTIVE AS OF THE DATE OF RECORDATION OF THESE INSTRUMENTS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2019.

 CLERK OF SUPERIOR COURT, WAKE COUNTY, NORTH CAROLINA

STATE OF NORTH CAROLINA

I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

STATE OF NORTH CAROLINA

I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

STATE OF NORTH CAROLINA

I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

STATE OF NORTH CAROLINA

I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

STATE OF NORTH CAROLINA

I, _____, Clerk of Superior Court by and for the State of North Carolina, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office this _____ day of _____, 2019.

SUMMIT COASTAL PLLC
 Summit Coastal PLLC
 1000 Summit Street, Suite 200
 Apex, NC 27502
 Phone: 919.955.1234
 Fax: 919.955.1235
 Email: info@summitcoastal.com
 Website: www.summitcoastal.com

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts

Project Name: 204 and 206 Lynch Street Rezoning Zoning: STCOD
 Location: 204 and 206 Lynch Street, Apex, NC 27502
 Property PIN(s): 0070430 & 0070429 Acreage/Square Feet: .44 combined

Property Owner: 206 Lynch Street Trust, Trinity Henderson, Trustee
 Address: 132 Partlo Street
 City: Garner State: NC Zip: 27529
 Phone: 919-229-8840 Email: thenderson@hendersonwall.com

Developer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Builder (if known): n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager	(919) 249-3413
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction: **Non-Emergency Police** **919-362-8661**

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: **James Misciagno** **919-372-7470**

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: **Water Resources - Infrastructure Inspections** **919-362-3166**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources - Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: **Non-Emergency Police** **919-362-8661**

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: **James Misciagno** **919-372-7470**

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: **James Misciagno** **919-372-7470**
Danny Smith **Danny.Smith@ncdenr.gov**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: **James Misciagno** **919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: **James Misciagno** **919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: **James Misciagno** **919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: **Mike Deaton** **919-249-3413**

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: **Rodney Smith** **919-249-3342**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

OBJECTID	PIN	PIN Ext	Real Estate Map Name
222494	7.41E+08	0	415616 0741 05
213599	7.41E+08	0	319345 0741 05
328756	7.41E+08	0	319344 0741 05
140277	7.41E+08	0	423820 0741 05
287667	7.41E+08	0	411779 0741 05
214944	7.41E+08	0	411778 0741 05
287670	7.41E+08	0	33306 0741 05
60031	7.41E+08	0	102924 0741 05
287522	7.41E+08	0	411777 0741 05
177024	7.41E+08	0	411030 0741 05
287024	7.41E+08	0	35437 0741 05
4794	7.41E+08	0	102915 0741 05
60029	7.41E+08	0	102921 0741 05
273373	7.41E+08	0	77655 0741 05
40315	7.41E+08	0	69872 0741 05
358482	7.41E+08	0	70430 0741 05
60035	7.41E+08	0	102933 0741 05
116998	7.41E+08	0	46075 0741 05
22344	7.41E+08	0	70429 0741 05
339672	7.41E+08	0	31260 0741 05
192798	7.41E+08	0	9907 0741 05
74733	7.41E+08	0	18381 0741 05
63532	7.41E+08	0	10336 0741 06
113440	7.41E+08	0	103121 0741 06
261048	7.41E+08	0	69663 0741 06
261055	7.41E+08	0	62960 0741 06
309677	7.41E+08	0	370135 0741 05
89225	7.41E+08	0	370136 0741 05
43988	7.41E+08	0	370137 0741 05
239734	7.41E+08	0	62931 0741 05
145451	7.41E+08	0	42851 0741 05
371716	7.41E+08	0	12889 0741 05
60854	7.41E+08	0	15131 0741 05
322800	7.41E+08	0	70715 0741 05
135690	7.41E+08	0	40718 0741 05
27687	7.41E+08	0	13857 0741 05
9353	7.41E+08	0	22974 0741 05
10823	7.41E+08	0	77436 0741 05
227708	7.41E+08	0	45419 0741 05
100674	7.41E+08	0	27184 0741 05
386657	7.41E+08	0	52622 0741 05
384642	7.41E+08	0	22834 0741 05
384643	7.41E+08	0	3685 0741 05
363781	7.41E+08	0	40675 0741 06
140666	7.41E+08	0	21102 0741 06
270341	7.41E+08	0	21103 0741 06

204 Lync

109877	7.41E+08	0	67866 0741 06
121672	7.41E+08	0	18611 0741 06
241818	7.41E+08	0	55078 0741 06

Owner	Mail Address 1
BASWETI, YABESH N BASWETI, JANE N	300 ADA ST
AKHTAR, AFAQUE AKHTAR, MARIA AFAQUE	201 VISTA BROOKE DR
BOYD, DAVID J TRUSTEE BOYD, PATRICIA A TRUSTEE	869 HALSTEAD TER
KARIUKI, VERONICA W	304 LYNCH ST
RUIZ, SONIA LOPEZ	609 2ND ST
GHANDOUR, HASSANE ELMETOUY, ATIKA	607 2ND ST
NGOMA, INNOCENT D	605 2ND ST
HOUSING AUTH COUNTY OF WAKE	PO BOX 399
NOZA, DAWIT F DISSE, SEBLIE B	603 2ND ST
YEMANE, SABA	601 2ND ST
HABITAT FOR HUMANITY OF WAKE COUNTY	2420 N RALEIGH BLVD
HOUSING AUTH COUNTY OF WAKE	PO BOX 399
HOUSING AUTH COUNTY OF WAKE	PO BOX 399
LIVERPOOL, LUDWIG	301 MILKY WAY DR
GLOVER-SMITH, CYNTHIA A SMITH, STEVEN T	208 LYNCH ST
206 LYNCH STREET TRUST	206 LYNCH ST
HOUSING AUTH COUNTY OF WAKE	PO BOX 368
QUINONES, SANDRA D	3820 VINCA ST
ORCHID HOMES LLC	PO BOX 23
TAYLOR, SEAN M TAYLOR, KIM C	105 LYNCH ST
BULLOCK, THOMAS	108 LYNCH ST
MCPHAIL, BILLY N	1924 EDWIN DR
GILBERT, BETTY LOU	PO BOX 815
ST MARYS AFRICAN METHODIST	600 S SALEM ST
MCCLAMB, WALTER J	PO BOX 243
MCCLAMB, WALTER J	PO BOX 243
KADLAC, SHANE KADLAC, KELLI	300 LYNCH ST
DECHIR, NABIL MEZIANI, AMIRA	508 2ND ST
JIBRIL, NAJMA M AHMED, MOHAMED A	506 2ND ST
SCOTT, WILLIE HENRY UTLEY, BEVERLY JEAN	C/O ALESIA MCLEAN
GILBERT, LILLIE LYON	810 NAPLETON CIR
HABITAT FOR HUMANITY OF WAKE COUNTY INC	2420 N RALEIGH BLVD
BROWN, FLOYA COTTEN	PO BOX 1514
ACEVEDO, MIGDALIA CRUZADO, LUIS	501 2ND ST
CHO, RICHARD CHO, MERRIDITH	6015 N FRANCISCO AVE
LEE, ALICE BECKWITH	209 WEST ST
MANGUM, RICKY E MANGUM, PAMELA C	1118 JONES FRANKLIN RD
WIGGINS, LUCILLE WIGGINS, JEROME	210 WEST ST
MCCLAIN, NELLIE B FORT	516 1ST ST
CHATMAN, PAULETTE R	30 TINC RD
BELLO, ROEL S BELLO, LIANNA N	1102 CHURCHWOOD DR
DANIEL REAL ESTATE HOLDINGS LLC	311 LYNCH ST
DANIEL REAL ESTATE HOLDINGS LLC	311 LYNCH ST
HUGHES, MAUREEN	113 WEST ST
COPE, ALEXANDER G. COPE, PAIGE	204 WEST ST
CARMONA, MARIA DEL ROCIO PEREZ	200 WEST ST

APEX TOWN OF
APEX TOWN OF
MORING, MARIAN M

PO BOX 250
PO BOX 250
804 E LANE ST

Mail Address 2	Mail Address 3	Deed Book	Deed Page	Deed Acres	Deed Date
APEX NC 27502-3001		15502	2114	0.21	#####
MORRISVILLE NC 27560-9711		15592	90	0.22	#####
THE VILLAGES FL 32162-6664		17093	958	0.19	#####
APEX NC 27502-2028		15889	500	0.44	1/9/2015
APEX NC 27502-1241		15501	438	0.16	#####
APEX NC 27502-1241		15484	54	0.15	#####
APEX NC 27502-1241		15501	425	0.15	#####
ZEBULON NC 27597-0399		1496	332	0.68	1/1/1962
APEX NC 27502-1241		15488	2456	0.15	#####
APEX NC 27502-1241		15582	654	0.17	#####
RALEIGH NC 27604-2235		15450	585	0.03	#####
ZEBULON NC 27597-0399		0	0	0.18	1/1/1962
ZEBULON NC 27597-0399		0	0	0.22	1/1/1962
APEX NC 27502-6580		16592	2167	0.17	#####
APEX NC 27502-2026		17197	648	0.23	#####
APEX NC 27502-2026		17430	1113	0.22	5/1/2019
ZEBULON NC 27597-0368		1506	208	0.88	1/1/1962
SUMTER SC 29154-1741		8616	1623	0.14	#####
MORRISVILLE NC 27560-0023		12987	2038	0.22	3/5/2008
APEX NC 27502-2023		17255	2142	0.4	#####
APEX NC 27502-2024		3849	16	0.21	#####
RALEIGH NC 27610-5038		3116	568	0.08	5/3/1983
APEX NC 27502-0815		2138	569	0.44	3/6/1973
APEX NC 27502-2042		2317	226	0.25	1/1/1975
APEX NC 27502-0243		13-E	896	0.16	2/5/2013
APEX NC 27502-0243		13-E	896	1.49	2/5/2013
APEX NC 27502-2028		16915	1075	0.17	#####
APEX NC 27502-2062		15899	2059	0.16	#####
APEX NC 27502-2062		16164	2786	0.21	#####
PO BOX 13	APEX NC 27502-0013	10332	1436	0.08	8/1/2003
APEX NC 27502-1392		12-E	266	0.26	9/5/2009
RALEIGH NC 27604-2235		16122	317	0.08	#####
APEX NC 27502-3514		10913	2343	0.39	7/8/2004
APEX NC 27502-2047		16956	605	0.08	#####
CHICAGO IL 60659-2507		14073	2121	0.13	#####
APEX NC 27502-2056		14289	417	0.22	3/4/2011
RALEIGH NC 27606-3311		5981	578	0.23	#####
APEX NC 27502-2057		6342	59	0.13	#####
APEX NC 27502-2018		8243	2024	0.13	2/3/1999
FLANDERS NJ 07836-9610		16119	1194	0.12	#####
APEX NC 27502-3983		17659	1014	0.18	#####
APEX NC 27502-2027		17453	2543	0.27	#####
APEX NC 27502-2027		17453	2543	0.15	#####
APEX NC 27502-2054		17510	1494	0.19	#####
APEX NC 27502-2057		17149	1121	0.15	6/7/2018
APEX NC 27502-2057		16386	651	0.13	#####

APEX NC 27502-0250	2552	279	0.2 #####
APEX NC 27502-0250	2641	536	0.32 #####
RALEIGH NC 27601-1232	12035	641	0.32 #####

Building Va	Land Value	Total Value	Biling Class	Description	Heated Are	Street Narr	Site Address	City
147327	91000	238327	Individual	LO7 WHITE		1302 ADA ST	300 ADA ST	APEX
119734	91000	210734	Individual	LO3 RCMB		1140 LYNCH ST	301 LYNCH	APEX
117335	91000	208335	Individual	LO2 RCMB		1248 LYNCH ST	303 LYNCH	APEX
130873	117000	247873	Individual	LO7 WEST :		1146 LYNCH ST	304 LYNCH	APEX
130059	78000	208059	Individual	LO5 HABIT,		1116 SECOND ST	609 SECON	APEX
130980	78000	208980	Individual	LO4 HABIT,		1094 SECOND ST	607 SECON	APEX
130980	78000	208980	Individual	LO3 HABIT,		1094 SECOND ST	605 SECON	APEX
126237	117000	243237	Exempt	LYNCH ST		1618 LYNCH ST	201 LYNCH	APEX
128504	78000	206504	Individual	LO2 HABIT,		1077 SECOND ST	603 SECON	APEX
133571	78000	211571	Individual	LO1 HABIT,		1132 SECOND ST	601 SECON	APEX
0	2250	2250	Business	LOB OF POWELL & MC		LYNCH ST	0 LYNCH ST	APEX
100718	91000	191718	Exempt	LO1 JONES		1271 FIRST ST	605 FIRST	APEX
145493	91000	236493	Exempt	LOPURVIS I		1964 FIRST ST	601 FIRST	APEX
6247	45000	51247	Individual	LO1 LYNCH		540 LYNCH ST	207 LYNCH	APEX
167366	45000	212366	Individual	208 LYNCH		1293 LYNCH ST	208 LYNCH	APEX
53960	45000	98960	Business	LO1 206 LY		864 LYNCH ST	206 LYNCH	APEX
371980	130000	501980	Exempt	LO42 PH43		4765 FIRST ST	600 FIRST	APEX
100961	45000	145961	Individual	520 FIRST		1456 FIRST ST	520 FIRST	APEX
86139	45000	131139	Business	204 LYNCH		1249 LYNCH ST	204 LYNCH	APEX
139416	67500	206916	Individual	LO1 LYNCH		1184 LYNCH ST	105 LYNCH	APEX
112576	36592	149168	Individual	NO		1536 LYNCH ST	108 LYNCH	APEX
0	36000	36000	Individual	504 FIRST STREET		FIRST ST	504 FIRST	APEX
44961	67500	112461	Individual	LO1 SALEM		1505 S SALEM ST	604 S SALE	APEX
148594	25047	173641	Exempt	600 S SALE		2551 S SALEM ST	600 S SALE	APEX
60462	41820	102282	Individual	LO1 THOM		996 LYNCH ST	102 LYNCH	APEX
336880	389424	726304	Individual	RCMB PRO		3190 S SALEM ST	500 S SALE	APEX
125723	78000	203723	Individual	LOGR PT B:		1084 LYNCH ST	300 LYNCH	APEX
117786	78000	195786	Individual	LOB2 TRAC		1146 SECOND ST	508 SECON	APEX
121302	91000	212302	Individual	LOB3 TRAC		1120 SECOND ST	506 SECON	APEX
0	65000	65000	Life Estate	504 SECOND ST		SECOND ST	0 SECOND	APEX
31935	104000	135935	Individual	LOGR PT 98		720 WEST ST	301 WEST	APEX
38953	130000	168953	Exempt	SECOND ST		634 SECOND ST	504 SECON	APEX
199209	54000	253209	Individual	505 SECON		2160 SECOND ST	505 SECON	APEX
100747	36000	136747	Individual	LO16 HOLL		748 SECOND ST	501 SECON	APEX
51137	45000	96137	Individual	LO82 ALLEI		816 WEST ST	300 WEST	APEX
61110	45000	106110	Individual	HOLLEMAN		1115 WEST ST	209 WEST	APEX
44543	45000	89543	Individual	207 WEST :		696 WEST ST	207 WEST	APEX
50493	45000	95493	Individual	LOGR PT 8:		868 WEST ST	210 WEST	APEX
86031	45000	131031	Individual	516 FIRST		1594 FIRST ST	516 FIRST	APEX
66649	45000	111649	Individual	502 FIRST		1032 FIRST ST	502 FIRST	APEX
68341	45000	113341	Individual	201 WEST :		1461 WEST ST	201 WEST	APEX
151328	54000	205328	Business	LO84-85		1512 WEST ST	208 WEST	APEX
202442	45000	247442	Business	LO1 WEST :		2160 WEST ST	206 WEST	APEX
109209	33104	142313	Individual	113 WEST :		1136 WEST ST	113 WEST	APEX
107336	45000	152336	Individual	LO1 APEX		1000 WEST ST	204 WEST	APEX
27627	45000	72627	Individual	PROP OF M		954 WEST ST	200 WEST	APEX

0	45000	45000 Exempt	LO1 WEST ST	WEST ST	112 WEST !APEX
0	45000	45000 Exempt	108 WEST ST	WEST ST	108 WEST !APEX
0	43200	43200 Individual	LO1 WEST ST	WEST ST	106 WEST !APEX

Planning Ju Township	Year Built	Sale Price	Sale Date	Use Type	Design Styl	Land Class	Old Parcel I
AP	White Oak	2013	147500	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2004	110000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	2006	122000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2014	139500	1/9/2015	SINGLFAM	Conventior Residential	--
AP	White Oak	2013	140000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2014	140000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2013	140000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	1963			TWOFAM	Duplex	EXEMPT 007-0000C
AP	White Oak	2013	140000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2014	142000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak					Vacant	--
AP	White Oak	1963			SINGLFAM	Conventior	EXEMPT --
AP	White Oak	1963			TWOFAM	Duplex	EXEMPT --
AP	White Oak	1960	35000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	2009	150000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1971	85000	5/1/2019	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1963			TWOFAM	Duplex	EXEMPT --
AP	White Oak	2002	18000	#####	SINGLFAM	MODULAR Residential	007-0000C
AP	White Oak	1959	66500	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1940	190000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	1986			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak					Vacant	007-0000C
AP	White Oak	1973	1500	1/1/1973	MOBILE	MANUF MI Residential	007-0000C
AP	White Oak	1919			CHURCH	Conventior	EXEMPT 007-0000C
AP	White Oak	1959	80000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1988			FUNERAL	Conventior Commercial	007-0000C
AP	White Oak	2008	203500	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2014	139500	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	2015	153500	#####	SINGLFAM	Conventior Residential	--
AP	White Oak					Vacant	007-0000C
AP	White Oak	1985		#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1957	10000	#####	SINGLFAM	Conventior	EXEMPT 007-0000C
AP	White Oak	2005			SINGLFAM	Conventior Residential	--
AP	White Oak	2007	170000	#####	SINGLFAM	Conventior Residential	--
AP	White Oak	1963			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1959	58000	3/4/2011	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1961			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1962	35000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1950	1500	2/1/1981	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1940			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1947	115000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	2003			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	2003			SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1948	150000	#####	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1935	145000	6/7/2018	SINGLFAM	Conventior Residential	007-0000C
AP	White Oak	1984	55000	#####	SINGLFAM	Conventior Residential	007-0000C

AP White Oak
AP White Oak
AP White Oak

EXEMPT 007-0000C
EXEMPT 007-0000C
Vacant 007-0000C

7.41E+08

7.41E+08

7.41E+08

OBJECTID	PIN	PIN Ext	Real Estate Map	Name	Owner
24426	741272284	0	102934	0741 09	WAKE COUNTY BOARD OF EDUCATION
352115	741282227	0	432150	0741 05	SALEM CREEK TOWNHOMES RESIDENTIAL OV
283335	741284336	0	47586	0741 05	BLACKMAN, LORI ABRAHAM, DEBRA
243125	741284467	0	35443	0741 05	SMITH, BEVERLY WILLIS, VERDA
339672	741284555	0	31260	0741 05	TAYLOR, SEAN M TAYLOR, KIM C
216008	741285168	0	288199	0741 05	IOM DEVELOPERS, INC.
172694	741285435	0	37359	0741 06	TAYLOR, PAUL L TAYLOR, JAMES O
63532	741285576	0	10336	0741 06	GILBERT, BETTY LOU
187404	741286361	0	42853	0741 06	APEX TOWN OF
63014	741286484	0	283137	0741 06	APEX TOWN OF
113440	741286626	0	103121	0741 06	ST MARYS AFRICAN METHODIST
228299	741287556	0	69664	0741 06	APEX TOWN OF
224241	741289111	0	181255	0741 06	JONES, LOVELACE L
357967	741289223	0	36603	0741 06	HARRELL, WILLIAM BRIAN HARRELL, ELEANOR
357950	741289406	0	98134	0741 06	HOLLAND, UVA R
264543	741289549	0	120980	0741 06	WISDOM MASONIC LODGE
9531	741380300	0	11259	0741 06	HARRIS, NELLIE C CANNADY, TERESA

Mail Address 1	Mail Address 2	Mail Address 3	Deed Book	Deed Page	Deed Acres
RE SERVICES DIRECTOR	1551 ROCK QUARI	RALEIGH NC 27610-4145	1206	475	15.39
CHARLESTON MGT CORP	PO BOX 97243	RALEIGH NC 27624-7243	17350	856	1.53
616 S SALEM ST	APEX NC 27502-2042		16976	1699	0.45
1383 EXETER ST	NORTH BALDWIN NY 11510-1306		03-E	0	0.05
105 LYNCH ST	APEX NC 27502-2023		17255	2142	0.4
466 STANCIL RD	ANGIER NC 27501-8342		15817	282	0.48
3283 FLORIDA DR	FAYETTEVILLE NC 28301-3363		87-E	339	0.25
PO BOX 815	APEX NC 27502-0815		2138	569	0.44
PO BOX 250	APEX NC 27502-0250		8959	102	0.74
PO BOX 250	APEX NC 27502-0250		10478	2415	0.32
600 S SALEM ST	APEX NC 27502-2042		2317	226	0.25
PO BOX 250	APEX NC 27502-0250		8801	49	0.23
7909 SMITH RD	APEX NC 27539-9507		4496	815	0.38
307 HUNTER ST	APEX NC 27502-1317		17420	2284	1.17
370 M T HOLLAND RD	APEX NC 27523-5704				0.5
PO BOX 1025	APEX NC 27502-1025		59	323	0.45
725 E 155TH CT	PHOENIX IL 60426-2638		7718	539	0.14

Deed Date	Building Va	Land Value	Total Value	Billing Class	Descriptor	Heated Are	Street Narr	Site Address
#####	12614985	1923750	14538735	Exempt	GR PT WC I	90518	TINGEN RD	700 TINGEI
#####	0	0	0	Business	LORCA 1 SALEM CREEK		SALEM CRE	0 SALEM CI
#####	122499	130000	252499	Individual	ADA STREE	1620	S SALEM ST	1616 S SALE
1/8/2003	0	4500	4500	Individual	APEX		LYNCH ST	0 LYNCH ST
#####	139416	67500	206916	Individual	LO1 LYNCH	1184	LYNCH ST	105 LYNCH
#####	0	104000	104000	Business	LO2 CROWN BUILDERS		S SALEM ST	1621 S SALE
#####	0	91000	91000	Individual	610 S SALEM ST		S SALEM ST	1610 S SALE
3/6/1973	44961	67500	112461	Individual	LO1 SALEM	1505	S SALEM ST	1604 S SALE
#####	3670	130000	133670	Exempt	TOWN OF APEX WATE		TINGEN RD	610 TINGEI
#####	0	117000	117000	Exempt	TOWN APEX WATER T		S SALEM ST	10 S SALEM
1/1/1975	148594	25047	173641	Exempt	600 S SALE	2551	S SALEM ST	1600 S SALE
2/5/2001	0	35067	35067	Exempt	TOWN OF APEX WATE		TINGEN RD	0 TINGEN F
#####	19387	117000	136387	Individual	LO2 RECM I	436	TINGEN RD	627 TINGEI
#####	33656	138925	172581	Individual	LO1A PROF	720	TINGEN RD	625 TINGEI
#####	27276	108900	136176	Individual	617 TINGEI	720	TINGEN RD	617 TINGEI
5/3/1880	127048	98010	225058	Exempt	MASONIC I	3000	TINGEN RD	615 TINGEI
#####	40810	78000	118810	Individual	BALDWIN I	728	TINGEN RD	623 TINGEI

City	Planning Ju	Township	Year Built	Sale Price	Sale Date	Use Type	Design Styl	Land Class
APEX	AP	White Oak	1991			SCHOOL	Conventior	EXEMPT
APEX	AP	White Oak						Vacant
APEX	AP	White Oak	1956			SINGLFAM	Conventior	Residential
APEX	AP	White Oak						Vacant
APEX	AP	White Oak	1940	190000	#####	SINGLFAM	Conventior	Residential
APEX	AP	White Oak						Vacant
APEX	AP	White Oak						Vacant
APEX	AP	White Oak	1973	1500	1/1/1973	MOBILE	MANUF MI	Residential
APEX	AP	White Oak						EXEMPT
APEX	AP	White Oak						EXEMPT
APEX	AP	White Oak	1919			CHURCH	Conventior	EXEMPT
APEX	AP	White Oak						EXEMPT
APEX	AP	White Oak	1961			SINGLFAM	Conventior	Residential
APEX	AP	White Oak	1960	165000	#####	SINGLFAM	Conventior	Residential
APEX	AP	White Oak	1976			SNGL TEN	Conventior	Commercia
APEX	AP	White Oak	1950			CLUB HSE	Conventior	EXEMPT
APEX	AP	White Oak	1963			SINGLFAM	Conventior	Residential

Old Parcel Number

--	7.41E+08
--	7.41E+08
--	7.41E+08
010-0000C	7.41E+08
--	7.41E+08
--	7.41E+08
010-0000C	7.41E+08
007-0000C	7.41E+08
010-0000C	7.41E+08
010-0000C	7.41E+08
007-0000C	7.41E+08
007-0000C	7.41E+08
010-0000C	7.41E+08
010-0000C	7.41E+08
010-0000C	7.41E+08
007-0000C	7.41E+08
010-0000C	7.41E+08

Neighborhood Meeting

Date: June 30, 2020

June 30, 2020

Neighborhood Meeting #2:

Notice sent to:

Josephine Kelly Cross, PO Box 24, Apex, NC 27502

Michail Elchaninova and Natalia Elchaninova, 401 West St, Apex, NC 27520

Linda Rivera-Pena and Guadalupe Rivera-Pena, 5217 Penrith Drive, Apt I, Durham, NC 27713

Meeting held June 30, 2020 at Comfort Inn Apex, 1411 East Williams Street, Apex, NC 27539

Handout attached.

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Trinity Henderson, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 1411 East Williams Street Apex NC (location/address) on 6/30/2020 (date) from 6 pm (start time) to 8 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

7/3/2020
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE Johnston

Sworn and subscribed before me, Rosa L Hernandez Abanto a Notary Public for the above State and County, on this the 3 day of July, 2020.



Rosa L Hernandez Abanto
Notary Public
Rosa L Hernandez Abanto
Print Name

My Commission Expires: 05/27/21

NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: 1411 East Williams St, Apex NC
 Date of meeting: 6/30/2020 Time of meeting: 6:00 - 8:00pm
 Property Owner(s) name(s): 206 Lynch St Trust and Oakwood Homes, LLC
 Applicant(s): 206 Lynch St Trust

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): 206 Lynch Street Trust and Orchid Homes, LLC

Applicant(s): 206 Lynch Street Trust

Contact information (email/phone): thenderson@hendersonwall.com

Meeting Address: 1411 East Williams St Apex, NC

Date of meeting: 4/30/2020 Time of meeting: 6-8pm

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Neighborhood Meeting Handout

Rezoning Petition for:

204 and 206 Lynch Street
Apex, North Carolina

Date:

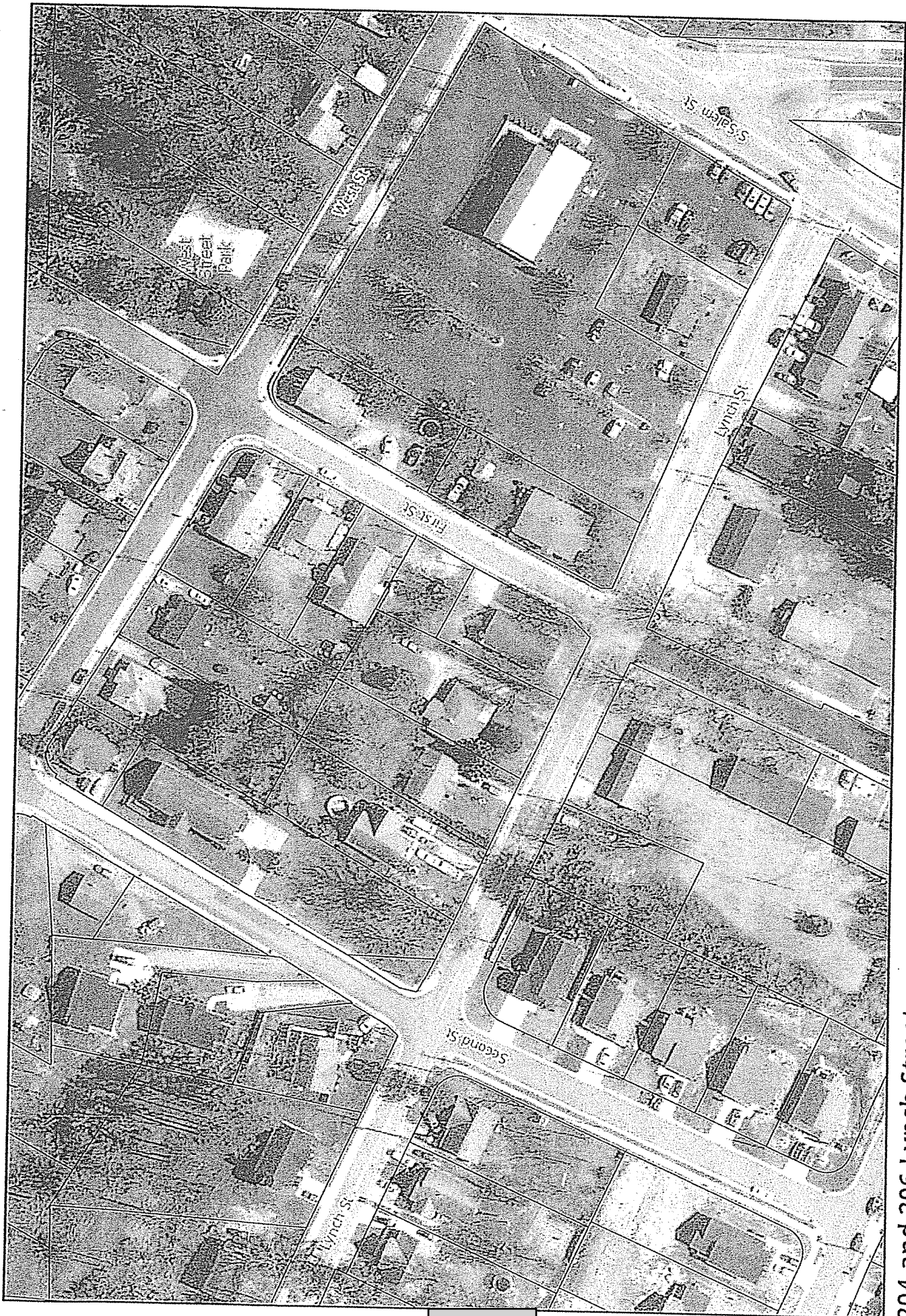
June 30,
~~February 20~~, 2020

Location:

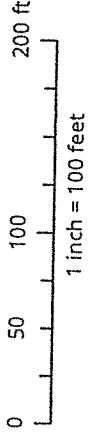
Comfort Inn Apex
1411 East Williams Street
Apex, North Carolina 27539

Attachments

1. Vicinity Map for 204 and 206 Lynch Street
2. Existing Zoning Map for 204 and 206 Lynch Street
3. Proposed Recombination Map for 204 and 206 Lynch Street
4. Project Contact Information
5. Common Construction Issues & Who to Call

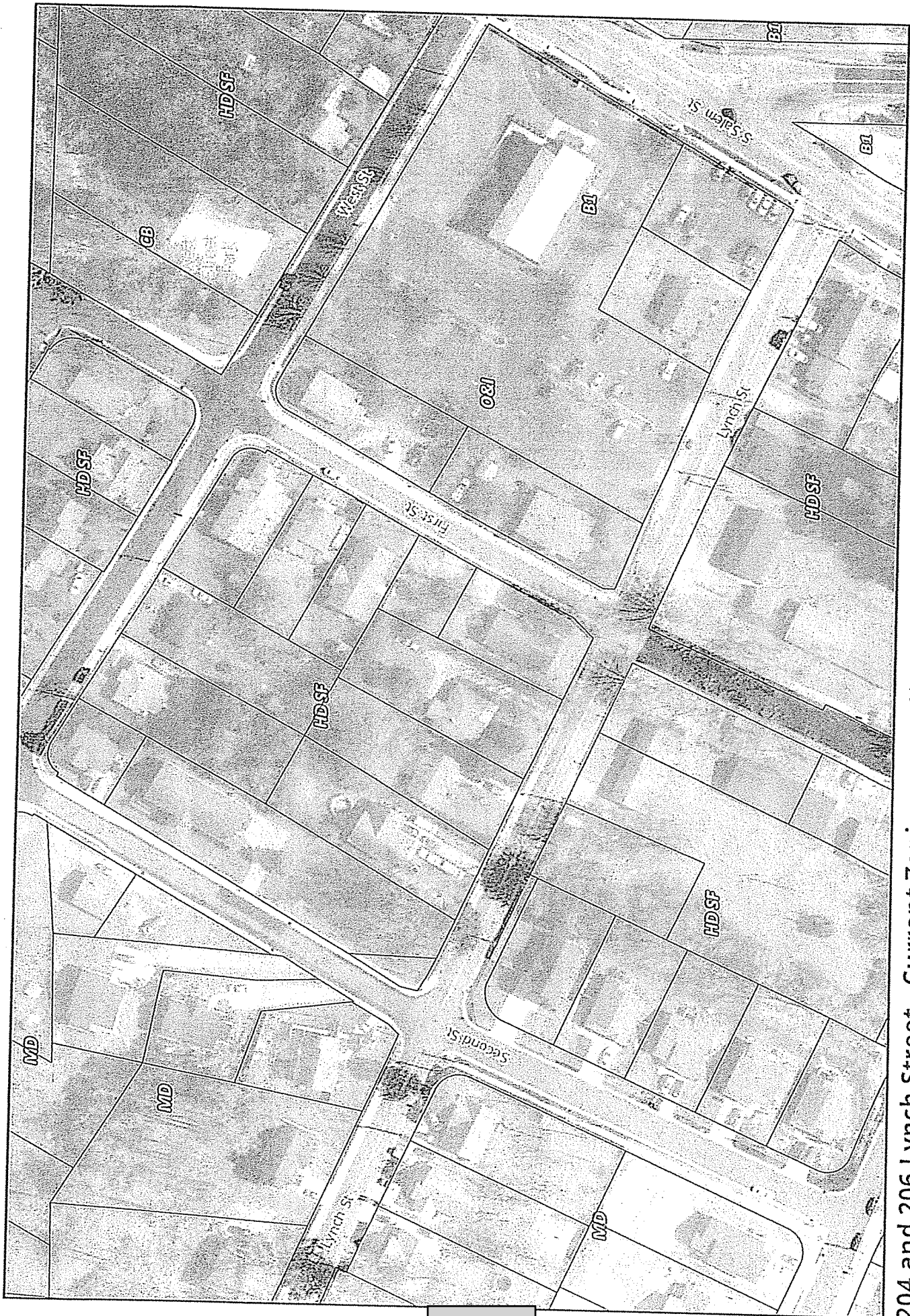


204 and 206 Lynch Street



Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



204 and 206 Lynch Street - Current Zoning

Disclaimer

Maps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes and are NOT surveys. No warranties, expressed or implied, are provided for the data therein. its use or its interpretation.

OWNER DATA
 206 LYNCH ST. LLC
 1500 W. 20th St.
 Charlotte, NC 28208-6013
 204 LYNCH ST. TRUST
 1500 W. 20th St.
 Charlotte, NC 28208-6013
 204 LYNCH ST. TRUST
 1500 W. 20th St.
 Charlotte, NC 28208-6013

APPROPRIATIONS
 08-0117-0000
 08-0117-0001
 08-0117-0002
 08-0117-0003
 08-0117-0004
 08-0117-0005



VICINITY MAP

NOTES OF SURVEY

1. THE PURPOSE OF THIS SURVEY IS TO RECONSTRUCT THE SUBJECT PROPERTY INTO TWO (2) LOTS. THE SURVEY IS BASED ON THE EXISTING RECORDS AND THE FIELD MEASUREMENTS TAKEN ON THE DATE OF SURVEY. THE SURVEY IS BASED ON THE EXISTING RECORDS AND THE FIELD MEASUREMENTS TAKEN ON THE DATE OF SURVEY.
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GENERAL NOTE (CONVEYANCE INSTRUMENTS)
 I, the undersigned, hereby certify that the property shown and described herein, which is located in the jurisdiction of the State of North Carolina, and of which I am the owner, and that I hereby assign this assignment with my full consent, and that I hereby assign this assignment with my full consent, and that I hereby assign this assignment with my full consent.

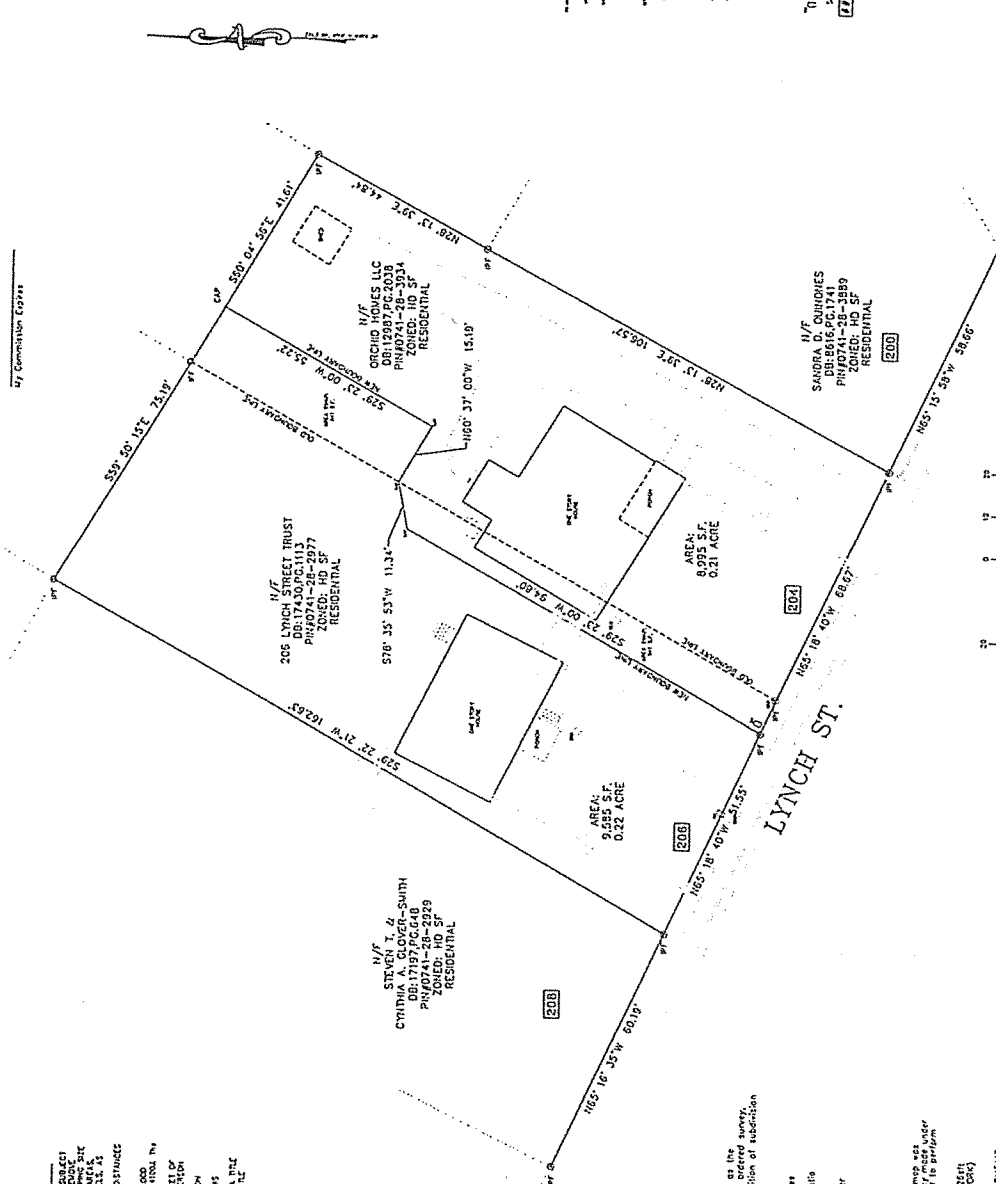
Owner (Signature Must Be Indorsed) _____ Date _____
 State of North Carolina, a Holy Public of the County of _____
 I, _____, a Holy Public of the County of _____, personally appeared before me this day and under each acknowledged that the above form was executed by him/her. Witness my hand and seal this _____ day of _____, 2019.

Notary _____
 My Commission Expires _____

GENERAL NOTE (CONVEYANCE INSTRUMENTS)
 I, the undersigned, hereby certify that the property shown and described herein, which is located in the jurisdiction of the State of North Carolina, and of which I am the owner, and that I hereby assign this assignment with my full consent, and that I hereby assign this assignment with my full consent, and that I hereby assign this assignment with my full consent.

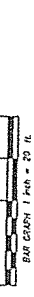
Owner (Signature Must Be Indorsed) _____ Date _____
 State of North Carolina, a Holy Public of the County of _____
 I, _____, a Holy Public of the County of _____, personally appeared before me this day and under each acknowledged that the above form was executed by him/her. Witness my hand and seal this _____ day of _____, 2019.

Notary _____
 My Commission Expires _____



LEGEND

- 0 LOTS
- 1 LOTS
- 2 LOTS
- 3 LOTS
- 4 LOTS
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- 98 LOTS
- 99 LOTS
- 100 LOTS



RECOMBINATION
 OF
 206 LYNCH ST. and
 204 LYNCH ST.
 APEX

WHITE OAK TOWNSHIP, WAKE CO., N.C.
 DATE 9/17/19 SCALE 1"=20'

Notary Public for Wake County, North Carolina
 My Commission Expires _____

SUMMIT COASTAL PLLC
 1500 W. 20th St.
 Charlotte, NC 28208-6013
 704.393.1111

Notary Public for Wake County, North Carolina
 My Commission Expires _____

PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Development Contacts:

Project Name: 204 and 206 Lynch Street Rezoning Zoning: STCOD
 Location: 204 and 206 Lynch Street, Apex, NC 27502
 Property PIN(s): 0070430 & 0070429 Acreage/Square Feet: .44 combined

Property Owner: 206 Lynch Street Trust, Trinity Henderson, Trustee
 Address: 132 Partlo Street
 City: Garner State: NC Zip: 27529
 Phone: 919-229-8840 Email: thenderson@hendersonwall.com

Developer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Engineer: n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Builder (if known): n/a
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Mike Deaton, Stormwater & Utility Engineering Manager	(919) 249-3413
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Noise & Hours of Construction: **Non-Emergency Police** **919-362-8661**

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

Construction Traffic: **James Misciagno** **919-372-7470**

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

Road Damage & Traffic Control: **Water Resources – Infrastructure Inspections** **919-362-8166**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

Parking Violations: **Non-Emergency Police** **919-362-8661**

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

Dirt in the Road: **James Misciagno** **919-372-7470**

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

Dirt on Properties or in Streams: **James Misciagno** **919-372-7470**
Danny Smith **Danny.Smith@ncdenr.gov**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith (danny.smith@ncdenr.gov) with the State.

Dust: **James Misciagno** **919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

Trash: **James Misciagno** **919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

Temporary Sediment Basins: **James Misciagno** **919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: **Mike Deaton** **919-249-3413**

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation: **Rodney Smith** **919-249-3342**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter: Shelly Mayo, Planner II

Department: Planning and Community Development

Requested Motion

Motion to approve Findings of Fact, Conclusions of Law and Decision approving the 540 Flex and Business Park Major Site Plan located at 1600 Olive Chapel Road.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

On July 21, 2020, Town Council approved a major site plan for 540 Flex and Business Park.

Attachments

- Findings of Fact, Conclusions of Law and Decision.



FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE TOWN COUNCIL OF THE TOWN OF APEX MAJOR SITE PLAN FOR 540 FLEX & BUSINESS PARK

FINDINGS OF FACT

Based on the competent and material evidence in the record, the Town Council makes the following findings of fact:

1. Joseph Iannone, 540 Flex & Business Park, LLC and Peter Crossen, Jones and Crossen Engineering, owner/applicant (the "Applicant"), submitted a completed application for a major site plan on the 1st day of April 2020.
2. Pursuant to G.S. §160A-384, and 2.2.11 (E) of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on the major site plan for 540 Flex and Business Park before the Town Council on the 21st day of July 2020.
3. The Apex Town Council held a public hearing, including an evidentiary hearing, on the 21st day of July 2020.
4. All persons who desired to present evidence relevant to the major site plan for 540 Flex and Business Park were allowed the opportunity to present evidence at the public hearing before the Apex Town Council.
5. The Applicant proposes a revised Major Site Plan which reduces the previously approved building area from 132,568 ft² to 127,876 ft² and reduces the eastern buffer width in the vicinity of Building E from a 60-foot Type A buffer to a 25-foot Type A buffer.
6. The Applicant established by competent sworn testimony all matters stated in the application and staff report for the proposed major site plan and established that the proposed major site plan is in compliance with the standards provided in the UDO.

CONCLUSIONS OF LAW

In light of the findings of fact, the Town Council makes the following conclusions of law:

1. The Applicant submitted a completed application for the major site plan for 540 Flex and Business Park;
2. The matters stated in the application are established by competent and substantial evidence;
3. The development proposed in the site plan and its general location is compatible with the character of surrounding land uses;
4. The development and uses in the site plan comply with Sec. 4.4 *Supplemental Standards*;
5. The development proposed in the site plan and its general layout and design comply with all appropriate standards in Article 8: *General Development Standards*;
6. The site plan does not propose anything that would be inconsistent with the requirements of Sec. 8.1.4, *Slope Protection Standards*;

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 7. The development proposed in the site plan conforms to the requirements of Sec. 7.4. *Dedication of ROW for Thoroughfare Streets and Highways*;
- 8. The development proposed in the site plan conforms to the requirements of Sec. 7.5 *Required Improvements*;
- 9. The development proposed in the site plan does not propose anything that will have a significant adverse impact on public facilities and services, including roads, potable water and wastewater facilities, parks, police, fire, and EMS facilities.
- 10. The development proposed in the site plan and its general layout and design comply with all other relevant standards of this Ordinance;
- 11. The application and site plan meet the standards for major site plans stated in UDO Sec. 2.3.6.E.2;
- 12. The Applicant is entitled in law and in fact to the approval of the major site plan for 540 Flex and Business Park.

DECISION

The Apex Town Council hereby unanimously approves the major site plan for 540 Flex and Business Park.

These Findings of Fact, Conclusions of Law and Decision, shall constitute written documentation of Town Council’s approval of the major site plan for 540 Flex and Business Park.

THE TOWN OF APEX

By: _____
Jacques K. Gilbert
Mayor

(Corporate Seal)

ATTEST:

Donna B. Hosch, CMC, NCCMC, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Donna B. Hosch, personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this _____ day _____, 2020.

[Signature of Notary Public]

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 04, 2020

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Motion to approve amendments to the Town of Apex Address Policy, originally approved on August 5, 2003, to clarify authority and update street naming processes.

Approval Recommended?

Yes

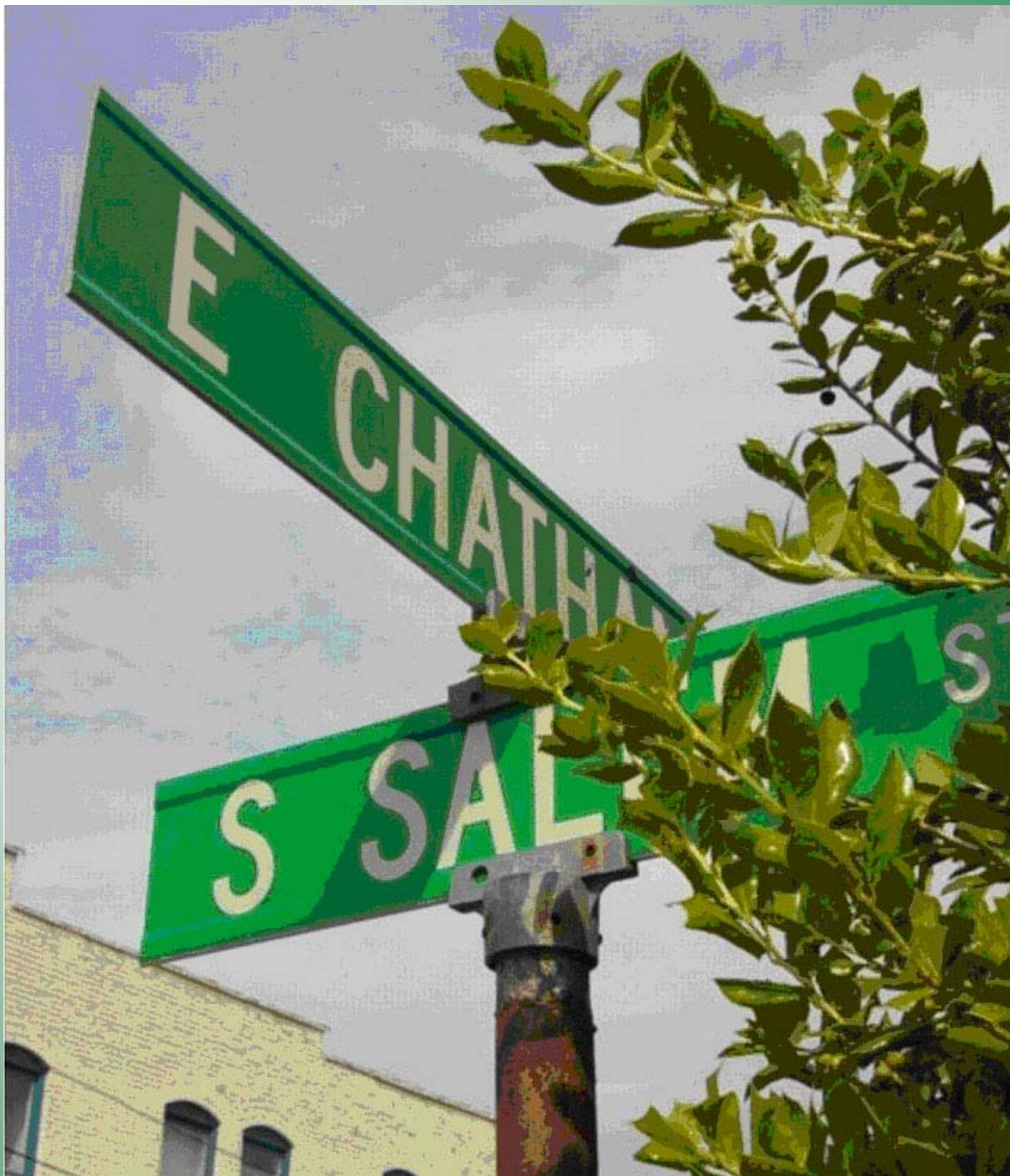
Item Details

The Town of Apex Address Policy was initially approved in 2003. The changes proposed are mainly to: (1) clarify the authority of the Town of Apex regarding assigning and renaming streets; (2) clarify the process for developer-initiated, citizen-initiated, and Town-initiated street renaming requests; and (3) allow the Town Council to authorize the use of proper names if deemed appropriate.

Attachments

- Town of Apex Address Policy showing recommended changes
- Recommended Town of Apex Address Policy





Address Policy

Town of Apex

Approved August 5, 2003

Amended {Town Council Approval Date}



Acknowledgements

Board of Commissioners

Keith H. Weatherly, Mayor
Don Grimes
Bill Jensen
Mike Jones
Doug Meckes
Gene Schulze

Town Management

Bruce Radford, Town Manager
Mike Wilson, Assistant Town Manager

Town of Apex Staff

David Rowland
Director – Planning Department

Jeph Allen
Plans and Permits Supervisor – Construction Management

Bonnie Bailey
Senior Administrative Support Specialist – Planning Department

David Boggs
Communications Supervisor – Police Department

Will Brown
Intern – Planning Department

Karl Huegerich
Fire Marshal – Fire Department

Audrey Jones
Customer Service Supervisor – Finance Department

Peter LaPiana
Director – Information Systems

Raymond McNemar
Information Service Technician – Information Systems

Julia Rudy
Planning and GIS Technician – Planning Department

Nicky Winstead
EMS Chief – Apex EMS

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ARTICLE 1 INTRODUCTION

A) Purpose and Authority

The purpose of this document is to present guidelines and regulations for every street naming and address numbering scenario that occurs in Apex, North Carolina. The Town of Apex Planning and Community Development Department is the agency to which authority is given to change, modify, or assign addresses within the Town of Apex Corporate Limits or its Extraterritorial Jurisdiction (ETJ).

The Town of Apex Building Inspections and Permitting Department will confirm that streets are adequately numbered before a Certificate of Occupancy (CO) is issued.

B) Role of Addressing

Addresses provide an orderly means of locating people and places within a community. An important aspect of address information is its use for the daily protection of the public and their property. Emergency services, such as police, fire, and EMS, rely on addresses to provide assistance where needed for efficient and effective operations. Public utilities and mail delivery also rely on proper addressing measures. Difficulty in emergency response, utility maintenance, and mail delivery often result from poor addressing.

ARTICLE 2 STREET NAME ASSIGNMENT

A street name identifies the stretch of roadway on which a parcel, unit, or dwelling is addressed. A street suffix, or type, identifies the roadway as unique (if duplicates already exist) and describes the character (length, landscape, occupancy) of the roadway.

The Town of Apex has the authority to assign names to new or unnamed streets within the corporate limits and ETJ. The Town of Apex also has authority to approve road name changes for streets located completely within the corporate limits. The Wake County Board of Commissioners maintains the authority to rename streets within the ETJ. The Town of Apex shall approve a resolution in support of or against the road name change prior to the Board of Commissioners public hearing. Staff from the Town of Apex Planning and Community Development Department shall be present at the Board of Commissioners public hearing in order to represent the Town's stance on the road name change. The Town of Apex and Wake County will conduct concurrent renaming processes and work in cooperation if a road name change extends beyond the incorporated Apex boundaries.

A) Street Naming Instance

All planned and existing routes passable by motor vehicle shall be named when they contain rights-of-way or serve as the primary means of ingress and egress for a minimum of four (4) dwelling units. "Bump-outs," or rounded extensions which are not true cul-de-sacs, are considered a part of the existing roadway and not a new street. Alleys are not to be considered named streets.

B) Street Naming Procedure

1) ***Developer Initiated Naming***

Planned streets and unnamed existing streets shall be identified by names through the completion of a Road Name Approval Application from the Apex Planning and Community Development Department. A proposed name (with suffix) shall be presented along with an alternate for each road to be named. Road names will be scrutinized based on the criteria set forth in this Policy. The Town of Apex Planning and Community Development Department will send Town-approved road names to the Wake County Geographic Information System (GIS) Department for final County approval. The Wake County GIS E911/Addressing Team will ensure that road names do not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system. After Wake County approval, the Town of Apex Planning and Community Development Department will inform the applicant of the approved road names. Developers shall submit names for new roads during site plan review in order to label approved names on plans approved by the Town's Technical Review Committee (TRC) or the Town Council. Approved road names, therefore, must be included on the first construction drawing submittal to the Town of Apex.

2) ***Citizen Initiated Renaming***

Street renaming requests by property owners shall be submitted via the Road Name Approval Application from the Apex Planning and Community Development Department with special mention of a renaming request in the location description line. The request shall also include the signatures of no less than eighty percent (80%) of affected property owners in order to be considered by the Town for a possible road name change; requests containing signatures from one hundred percent (100%) of affected property owners will not require a public hearing. Property owner signatures shall be accompanied by a description of the concerns or reasons prompting the request. Road names will be scrutinized based on the criteria set forth in this Policy. The Town of Apex Planning and Community Development Department will send the proposed road name to the Wake County GIS E911/Addressing Team for County approval. Wake County GIS will ensure that road names do not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system. If the County confirms that the proposed name presents no conflicts, the Planning and Community Development Department will draft a resolution detailing the request. The resolution shall then be brought before the Town Council. Only after the Town Council approves a resolution to change the road name will the name be officially changed. The Planning and Community Development Department will then notify affected property owners of the road name change and replace the street name signs.

When petitioners are unable to secure agreement from one hundred percent (100%) of affected property owners, a public hearing of the Town Council shall be required after Town and County staff reviews. The Town Council shall cause notice of the time, place, and subject matter of the public hearing to be published on the Town's website, prominently posted at the Town Hall, and mailed to affected property owners no less than ten (10) days prior to the public hearing. Following the public hearing, the Council will either approve the road name change or deny the road name change by resolution. No road name change is final until a resolution is approved by Town Council. The Town of Apex will then notify affected property owners of the road name change and replace the street name signs.

3) ***Town Initiated Renaming***

The Town shall have the authority to rename streets within its corporate limits as needed for reasons related to public safety or inappropriateness. Circumstances and situations may change with the passage of time which may render previously safe and acceptable street names as no longer protecting public health, safety, and general welfare. Once made aware of a potential issue related to an existing street name, Town Administration and Department Directors shall investigate the issue and reach consensus on whether or not a road name change is needed.

The Town shall initiate the process by proposing a suitable road name to replace the name of concern. The Town of Apex Planning and Community Development Department will send the proposed road name to the Wake County GIS Department for County approval. Wake County GIS E911/Addressing Team will ensure that the proposed road name does not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system. The Town will then notify affected property owners of the intent to change the road name and request input regarding the matter. No earlier than 30 days after notification letters have been sent to the affected property owners, the Town Council shall cause notice of the time, place, and subject matter of the public hearing to be published on the Town's website, prominently posted at the Town Hall, and mailed to affected property owners no less than ten (10) days prior to the public hearing. If alternate names are proposed by the affected owners, the Planning and Community Development Department shall verify the approvability of the names using Town guidelines and a review by the County. Following the public hearing, the Council will either approve the road name change or deny the road name change by resolution. No road name change is final until a resolution is approved by Town Council. The Town of Apex will then notify affected property owners of the road name change and replace the street name signs.

C) Street Naming Guidelines

- 1) **Same Names/Homophones**
Names duplicating or sounding similar to existing road names are prohibited. Despite spelling differences, phonetically similar sounding names are considered duplicate streets. Also, same names but different suffixes are considered duplicate streets.
- 2) **Confusing Names**
Names are prohibited that are difficult to pronounce or have uncommon spellings of common names (Example: Lighthouse is acceptable; Litehouse is not).
- 3) **Proper Names**
Avoid proper names of individuals or businesses (Example: Hannaford Drive). Proper names may be authorized, if deemed appropriate, at the discretion of the Town Council.
- 4) **Inappropriate Names**
Names that offend the community or are otherwise deemed inappropriate by the Town of Apex will not be approved.
- 5) **Directionals**
Cardinal directions (North, South, East, West) and intermediate directions (Northeast, Northwest, Southeast, Southwest) are prohibited.
- 6) **Numerals**
Numbers – spelled out, ordinal or numerical – are not allowed.
- 7) **Punctuation**
Punctuation marks (periods, hyphens, apostrophes) are not allowed.
- 8) **Unapproved Suffixes**
Suffixes other than Town of Apex approved suffixes are prohibited (Article 2 Section E).
- 9) **Double Suffixes**
Double suffixes are prohibited (Example Willow Trace Street).
- 10) **Min/Max Length**
Names must be no smaller than three (3) characters and no larger than fourteen (14) characters in length. Exceptions may be made for site plans that are determined to be major site plans by the Town's Unified Development Ordinance (UDO).

D) Special Street Name Situations

- 1) **Continuous Subdivision Streets**

Continuous streets that run from one subdivision into another subdivision shall attempt to continue with the same name.

- 2) ***Cul-de-sacs***
Cul-de-sacs that are set aside from the street by a neck are to be named. Bump outs that are depressions in the street shall not be named.
- 3) ***Forks***
The fork with the highest traffic volume will continue with the name assigned to the forking street.
- 4) ***Loops***
Loop streets continue with the same name until they terminate themselves. A street shall not cross over itself and cause an intersection of same-name streets.

E) Street Suffix Guidelines

The allowed road suffixes are listed below, followed by their approved abbreviation and a description of the conditions under which each suffix is to be used.

- 1) ***Alley (ALY)***
Narrow, privately maintained service way intended for pedestrian and service vehicle traffic; typically located behind buildings or near rear property lines.
- 2) ***Avenue (AVE)***
Wide public thoroughfare within a city or town, often lined with trees.
- 3) ***Bend (BND)***
Short road with a curved shape.
- 4) ***Boulevard (BLVD)***
Broad city thoroughfare, tree-lined and landscaped with a median strip.
- 5) ***Bypass (BYP)***
North Carolina Department of Transportation (NCDOT) approved highway or section of highway that passes around a congested area.
- 6) ***Circle (CIR)***
Circular or arched short roadway that intersects the road from which it originates or returns to itself; short connector.
- 7) ***Corner (COR)***
Generically named roadway.

-
- 8) **Court (CT)**
Short dead-end roadway, especially one that is wide and nearly surrounded by houses; cul-de-sac.
 - 9) **Cove (CV)**
Short roadway with only one outlet and a circular turnaround; cul-de-sac.
 - 10) **Crescent (CRES)**
Roadway with arced shape.
 - 11) **Crossing (XING)**
Roadway which is at least a collector street and will cross a minimum of one major road.
 - 12) **Drive (DR)**
Curvilinear roadway for access to a local destination.
 - 13) **Expressway (EXPY)**
High-speed, divided multi-lane major arterial street with few or no intersections.
 - 14) **Extension (EXT)**
A road which has been added to a previously existing road.
 - 15) **Fork (FRK)**
Generically named roadway associated with a fork.
 - 16) **Freeway (FWY)**
High-speed, high-capacity, limited-access public transportation thoroughfare serving regional and state-wide travel; free of tolls.
 - 17) **Highway (HWY)**
High-speed, high-capacity, limited-access public transportation thoroughfare that connects towns and regions; State, Interstate, or US distinction.
 - 18) **Lane (LN)**
Secondary connector street.
 - 19) **Loop (LOOP)**
Circular roadway that loops around and terminates itself or returns to the same street from which it originates.
 - 20) **Parkway (PKWY)**
Broad landscaped highway divided by a vegetated median, occasionally constructed for scenic view.
 - 21) **Path (PATH)**

-
- Generically named roadway with no more than two (2) travel lanes.
- 22) **Peakway (PEWY)**
Broad landscaped, major thoroughfare divided by a vegetated median. (NOTE: Name used at town's discretion in approved location).
- 23) **Place (PL)**
Short roadway or cul-de-sac.
- 24) **Plaza (PLZ)**
Generically named roadway sided by an open area within a town and accessible to pedestrians; mixed-use road with businesses and homes.
- 25) **Point (PT)**
Cul-de-sac; short roadway adjacent to a waterway.
- 26) **Road (RD)**
Generically named roadway.
- 27) **Run (RUN)**
Local access roadway that dead ends, usually with a cul-de-sac, and feeds short road branches.
- 28) **Square (SQ)**
Generically named roadway sided by an open, usually four-sided area at the intersection of two or more streets used as vegetated open space.
- 29) **Station (STA)**
Generically named roadway that is fronted by a place of interest or depot; a road along which an urban setting exists or is mimicked.
- 30) **Street (ST)**
Public roadway within a city or town, usually lined with residences and sidewalks.
- 31) **Terrace (TER)**
Residential street.
- 32) **Trace (TRCE)**
Short, connecting roadway or dead-end road.
- 33) **Trail (TRL)**
Nonlinear, local access roadway that generally conforms to natural topography.
- 34) **Walk (WALK)**

Roadway connecting two roads; named pedestrian walkway.

- 35) **Way (WAY)**
Short roadway used as an inlet that dead ends; short connector.

ARTICLE 3 STREET ADDRESS SYSTEM

A) Establishment of Numbering Scheme

The frontage interval system is used in assigning addresses within Apex. Using this system, address numbers are assigned every fifty (50) feet of street frontage. This scheme results in approximately two hundred ten (210) numbers per mile, one hundred five (105) on each side of the street.

The central geographic point for addressing is the intersection of Salem Street and Chatham Street. These streets are referred to as baselines. Chatham Street divides Salem Street into North Salem Street and South Salem Street. Salem Street divides Chatham Street into East Chatham Street and West Chatham Street. Historically, streets that cross either Salem or Chatham Street were assigned directionals [i.e. N Hughes and S Hughes Street, E Williams and W Williams Street (Figure 1)]. Using the current addressing system, future use of directionals is not allowed.

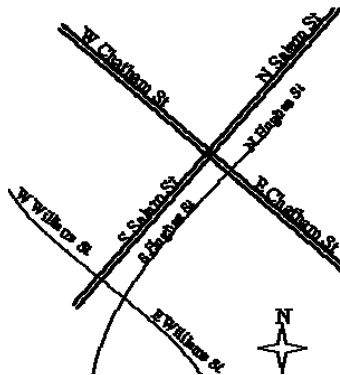


Figure 1

Street blocks are numbered outward from the Salem/Chatham Street intersection. Blocks nearest Salem Street moving in a general east-west direction begin numbering at 100 and increase in hundred-range per block along the same street. This will result in a block adjacent to Salem Street beginning in the 100 range, the second block beginning in the 200 range, etc. Block numbering moves eastward from Salem Street for blocks east of Salem Street and westward for blocks west of Salem Street.

Blocks nearest Chatham Street moving in a general north-south direction begin numbering at 100 and increase in hundred-range per block along the same street. This will result in a block adjacent to Chatham Street beginning in the 100 range, the second block beginning in the 200 range, etc. Block numbering moves northward from Chatham Street for blocks north of Chatham Street and southward for blocks south of Chatham Street.

Assignment of hundred-range blocks where streets do not intersect either Salem or Chatham Street, or where directional orientation in relation to those streets cannot be determined, is based upon the street from which they emerge. A street begins where it is nearest to the baseline. The 100 range starts where the street begins, moving down the street away from its origin. Streets that continue without a break in the block shall increase into subsequent hundred-ranges until there is a break. If the street name continues past the break, the next hundred-range after the last addressed number and reserved space, will begin the block (see Article 4 Section T). If a street name changes at an intersection, street numbering begins in the 100 range in the direction away from the road's beginning. In other words, numbering starts over for each new road.

B) Odd and Even Numbers

Even numbers shall be assigned to lots on the right side of the street and odd numbers on the left side of the street as the street moves away from a baseline (Figure 2). Addresses are assigned in sequential order, increasing from the block's origin, and alternating from both sides of the street. Numbers assigned on one side of the street shall be numerically similar with those on the opposite side.

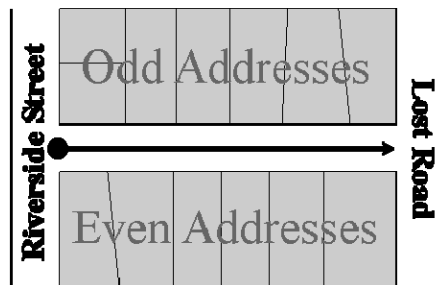


Figure 2

ARTICLE 4 NUMBERING SEQUENCE

A) Linear Streets

Linear streets are addressed beginning at their point of origin. Each block along a street begins a new hundred-range (Figure 3). Due to the length of some blocks, address ranges per block may be considerably smaller than the available 100. The odd and even numbering is maintained down the street following a successive order in which street numbers are similar on both street sides. A general guideline of assignment of new numbers every 50 feet allows adequate frontage space.

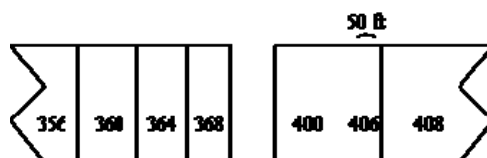


Figure 3

B) Diagonal Streets

Diagonal streets are to be treated as either north-south or east-west linear streets, based on the primary direction.

C) Circular Streets

Circular streets begin at the lowest numbered intersection and are numbered in increasing intervals to the highest numbered intersection (Figure 4). The outside numbers are addressed, and then the inside is addressed to match. This will result in fewer numbers on the inside, as well as missing intervals between inside numbers.

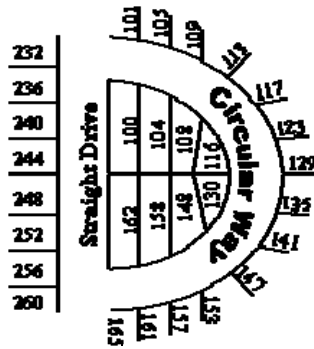


Figure 4

D) Cul-de-sacs

Cul-de-sac numbering begins at the intersection and moves toward the turnabout (Figure 5). Numbering shall be as with a normal street proceeding with odd on the left side of the circle and even on the right side of the circle.

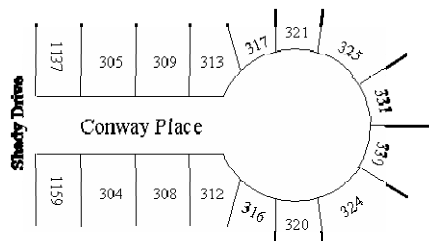


Figure 5

E) Corner Lots

Corner lots are given two addresses, one off of each street. A structure on a corner lot is assigned a number from the street which the front entrance faces (Figure 6). If the front entrance is indistinguishable, a side street used for primary access shall be assigned. If the primary access to a commercial/industrial structure is from a side road that the structure does not face, a side road address is assigned.

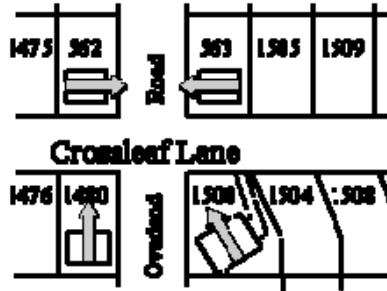


Figure 6

F) T-Intersections

T-intersections are treated as block dividers. If a lot opposite the joining street begins on the former block, the lot will be assigned a number for that block interval (Figure 7). If the lot begins across from the joining street and ends on the latter block, the lot will be assigned a number from the new block interval.

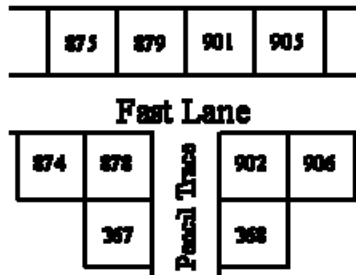


Figure 7

G) Dog-Leg Intersections

Dog-leg intersections, or offset intersections, are treated as normal intersections (Figure 8). The offset road is treated as if it were continuous. New dog-leg intersections are not permitted.

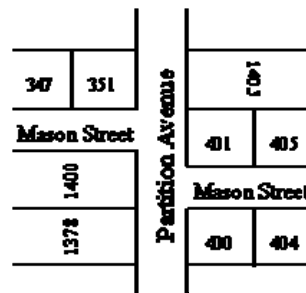


Figure 8

H) Stacked Addresses

Stacked addresses result from structures being placed behind other structures (Figure 9). If the stacked units share a common driveway or face the same road, the secondary unit shall be assigned its own number. If this is impossible, the secondary unit shall be numbered with a hyphenated number suffix (i.e. 122-B). New flag lots that would require stacked addresses are not allowed.

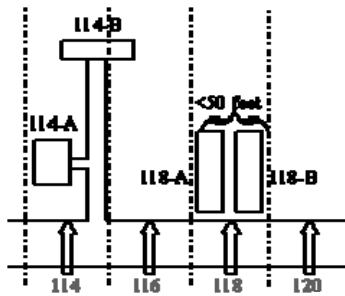


Figure 9

I) **Apartments and Condominiums**

- 1) ***Apartment and Condominium Complexes (Private Roads)***
 Apartment complexes shall have a number assigned to each building. Numbers are then assigned to individual apartments. Streets within the complex shall be named. Each building is assigned a number off of the private street name, such as 8000 Peach Road. Apartments can now be located by using floors as part of the address. Floor 3 is considered a 300 level address. A floor below ground level is regarded as Floor 0. Each individual apartment on the floor is assigned a number 01-99. Using this example, an apartment or condominium on 8000 Peach Road, Floor 3, Apartment 26 has the address 8326 Peach Road (Figure 10). Buildings within apartment and condominium complexes are assigned odd addresses on the left and even addresses on the right of the roads. Building 7000 therefore would be on the left and Building 8000 on the right. Odd and even apartment numberings apply to apartments on building floors as well.

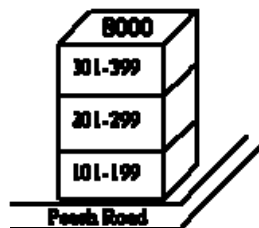


Figure 10

- 2) ***Infill Apartment Structures (Public Rights-of-Way)***
 Apartment buildings located along public streets where no new address numbers are available are assigned individual apartment numbers off of the street address. Apartments 101-199 are designated for Floor 1, 201-299 for Floor 2, and so forth. In Figure 11, the apartment building is located at 117 Wayside Street. The seventh apartment on the left side of Floor 2 on 117 Wayside Street is assigned the address 117 Wayside Street, Apartment (Apt.) 213.

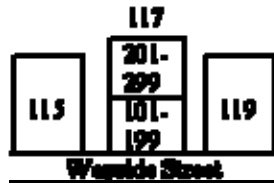


Figure 11

J) Townhouses and Side-By-Side Duplexes

Townhouses and side-by-side duplexes are addressed as if they were individual addresses along the street (Figure 12).

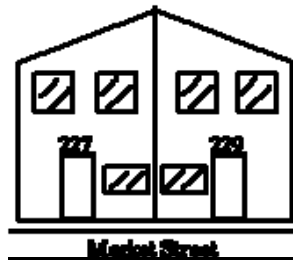


Figure 12

K) Multilevel Duplexes

Multilevel duplexes are treated as if they are individual units along a street. Multilevel duplexes are assigned appropriate street numbers, with the lowest street number on the lower level and the higher number on the higher level. An example would be a two-story duplex with the bottom unit assigned 517 Paved Road and the top unit assigned 519 Paved Road (Figure 13).

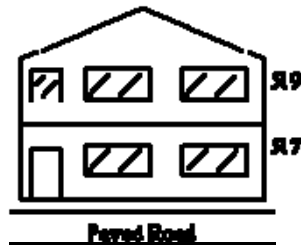


Figure 13

L) Single-Level Businesses

Individual businesses within single-level building are assigned address numbers off of the street (Figure 14). If no room is available for individual street addresses, suite addresses shall be assigned to individual businesses. In this situation, the middle of the building determines the street address for the entire building.

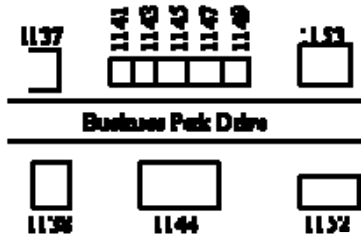


Figure 14

M) Multilevel Businesses

Businesses in a multilevel building are assigned one number for the entire building. Each unit within the building is assigned an internal address that reflects the floor number and suite number. Suite numbers 101-199 are assigned for Floor 1, 201-299 for Floor 2, and so forth. An example address would be 1482 Fairview Boulevard, Suite (Ste.) 324 (Figure 15).

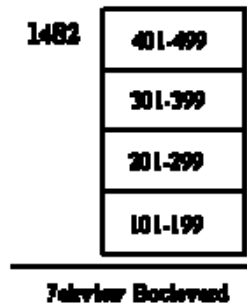


Figure 15

N) Central Business District

Within the central business district, some second floor units are commonly accessed from the street. A unit within a downtown building that has this street access is addressed with an alphabetical suffix (Figure 16). An example is 103-A for the first floor address and 103-B for the second floor address. Within these individual addresses, suite numbers may be assigned, such as 103-A N Salem Street, Suite 2.

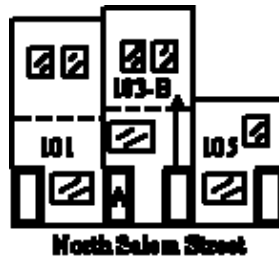


Figure 16

O) Shopping Centers

1) *Single-Level Centers*

Individual businesses or units within single-level shopping centers are assigned address numbers off of the street (Figure 17). Where possible, individual businesses are to be numbered off of privately named streets.

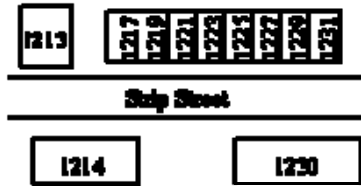


Figure 17

2) **Multilevel Centers**

Multilevel shopping centers are assigned a main address based on the middle of the building. Each individual business is then assigned a suite number. Suites on Floor 1 are assigned 100 level numbers, Floor 2 assigned 200 level numbers, and so forth. The lowest suite number for each floor is assigned to the suite nearest the lowest street address (Figure 18). Where possible, individual businesses are to be numbered off of privately named streets.



Figure 18

P) **Shopping Malls**

Shopping malls are enclosed shopping centers accessible only to pedestrians. For single-level buildings, the suites are assigned numbers in the 100 range. Multilevel buildings have 100-range numbers on the first floor and 200-range numbers on the second floor. Additional floors follow the same pattern. Each mall entrance is designated an address off of which the suite addresses are assigned (Figure 19). Entrance numbers are chosen by assigning a different block number off of the main street to each mall entrance. Example addresses include 1100 Mall Street, Suite 238 and 1300 Mall Street, Suite 266. Assigning suite addresses in relationship to mall entrance locations enhances response time for emergency services. When the construction plans are signed, the designated addressing assigner and a designee from the fire and police departments will assign addresses. They shall issue suite numbers that allow sufficient space for address additions.

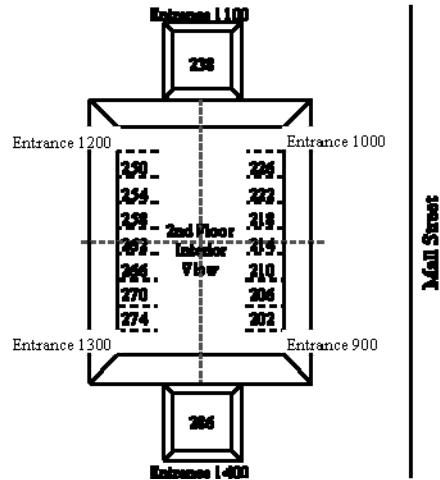


Figure 19

Q) Mobile Home Parks

Mobile home parks shall have all roads named (Figure 20). Mobile homes along the roads shall be assigned street numbers as normal, except addresses are assigned every five (5) feet.

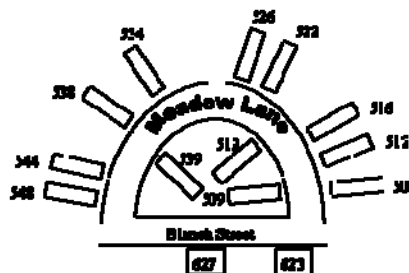


Figure 20

R) Hidden Structures and Lots

Hidden structures and lots are the consequence of obscured views from the road. If a structure cannot be seen from the road, the address shall be assigned at the site where the driveway meets the road (Figure 21).

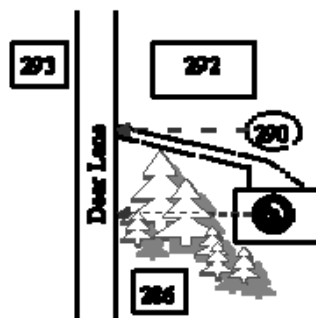


Figure 21

S) Temporary Structures

Temporary structures are small buildings erected on properties for a specific use over a limited time. Construction sites and some automobile dealerships are examples of where temporary structures are used. Temporary structures can receive mail and may need the use of emergency services; therefore, an address is required for safety as well as convenience. The temporary structure shall be assigned the main parcel address.

T) Segmented Streets

Segmented streets are only allowed for temporary separations, such as Apex Parkway construction or new subdivision phases of development. The two portions of street that will be joined in the near future are allowed to share the same street name, provided that the two portions will be joined to become one road. Otherwise, same street names are not allowed. If a street is built in segments, the address numbers for the unbuilt section shall be reserved for future use (Figure 22). The neighboring existing section shall then start with the next consecutive number following the unbuilt section.



Figure 22

U) Structures Within Rights-of-Way

Land within the rights-of-way that is vacant and landscaped is not assigned an address. In some instances – a subdivision, for example – a guardhouse, information center, or other structure may be built in a right-of-way. The structure is therefore assigned a number. Number assignment is based upon whether the structure is on the left or right side of a driver approaching the structure (Figure 23). This numbering maintains the odd and even number pattern.

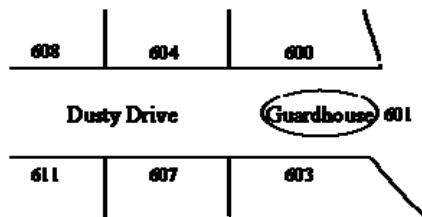


Figure 23

ARTICLE 5 ADDRESS FORMAT

A) Each street address in Apex is comprised of the following format:

Number Number Suffix Street Directional Street Name Street Suffix

B) As described in this policy, some of these components are either no longer allowed or are used under specified circumstances.

- 1) The *number* is the numeral issued by the Town for identification use along the street. The number can be no longer than five digits.
- 2) The *number suffix* is used in situations where existing address numbers allow no room for new numbers. The number suffix is reserved for situations where its designation cannot be avoided, such as stacked addresses and the central business district. Examples are individual alphabetical letters.
- 3) The *street directional* is assigned to existing streets that cross one of the baselines (Salem and Chatham Streets). Street directions are assigned since address numbers are duplicated along the same street on both sides of the baseline. For example, Apex contains 103 N Salem Street and 103 S Salem Street. The street directional designates whether a section of street is north, south, east, or west of the adjacent baseline. Cardinal and intermediate directions are no longer allowed for new street names.
- 4) The *street name* is used to identify the street along which a parcel/unit/structure is located. The street name is the named roadway or access way. Street names originate from subdivision plats or Road Name Approval Applications. Duplicate street names are not allowed.
- 5) The *street suffix* identifies the road type. The street suffix indicates the typical character of the street, as in length, speed limit, and shape. Only previously Town approved suffixes are allowed. Refer to Street Suffix Guidelines under Street Name Assignment (see Article 2 Section C)).

ARTICLE 6 ADDRESS SIGNAGE

A) Display of street signs

Streets shall be identified at intersections with Town approved signs.

B) The proper display of address numbers for a building is as follows:

- 1) Numbers shall be easily seen from the street.
- 2) Numbers shall be of contrasting color with their background.
- 3) Numbers shall be block Arabic numerals, not script, written, or decorative.
- 4) Residential numbers shall be a minimum of four (4) inches high and a minimum of half (0.5) an inch wide.
- 5) Commercial numbers shall be a minimum of six (6) inches high and a minimum of half (0.5) an inch wide.
- 6) If view of a house or building is obstructed, or if the distance from the road is too great, house or building numbers shall be on a sign attached to a fence, gate, or lawn stake (30-inch height limit).
- 7) House or building numbers on corner lots shall face the street named in the address. Refer to Corner Lots under Numbering Sequence (see Article 4 Section E).
- 8) The house number shall be on the mailbox in addition to the house. If the mailbox is on a different street than the house address, the mailbox shall display the entire street address (street name and number).
- 9) House or building numbers shall be illuminated or easily visible at night.
- 10) House or building numbers shall be located on each electrical meter and main disconnect except where installed to serve a one or two family dwelling. The numbers shall be a minimum of three (3) inches in height and of contrasting color with the background.

ARTICLE 7 GLOSSARY

Alley

A narrow, privately maintained service way intended for pedestrian and service vehicle traffic; typically located behind buildings or near rear property lines.

Baselines

The central downtown intersecting streets from which house and building addresses are assigned for the town; Salem and Chatham Streets.

Block

A section of town bounded on each side by a street. From the street frontage, a block begins and ends at an intersection, whether it is a three- or four-way intersection.

Cardinal Direction

One of the four main points on a compass; north, south, east, and west.

Central Business District

All business establishments fronting on the north side of Chatham Street between Seaboard Street and Commerce Street and on Salem Street between Chatham Street and Center Street.

Collector Street

A street that collects local traffic and outlets to a thoroughfare of larger volume.

Cul-de-sac

A street extension with a wide circular turnaround at the end, and only one outlet.

GIS

Geographic Information System. GIS is a spatial information system designed for data analysis, management, and mapping.

Infill

The development or redevelopment of vacant land that has been bypassed or underused by urban expansion.

Intermediate Direction

One of the four directions that falls between two of the cardinal directions; northeast, northwest, southeast, and southwest.

Lawn Stake

A ground level weather resistant sign used as a home address plaque.

Major Road

A thoroughfare that serves a large volume of traffic and provides access to other roads and services of interest.

NCDOT

North Carolina Department of Transportation. The NCDOT constructs, directs, maintains, operates, and plans the aviation, ferry, highway, public transportation, and rail

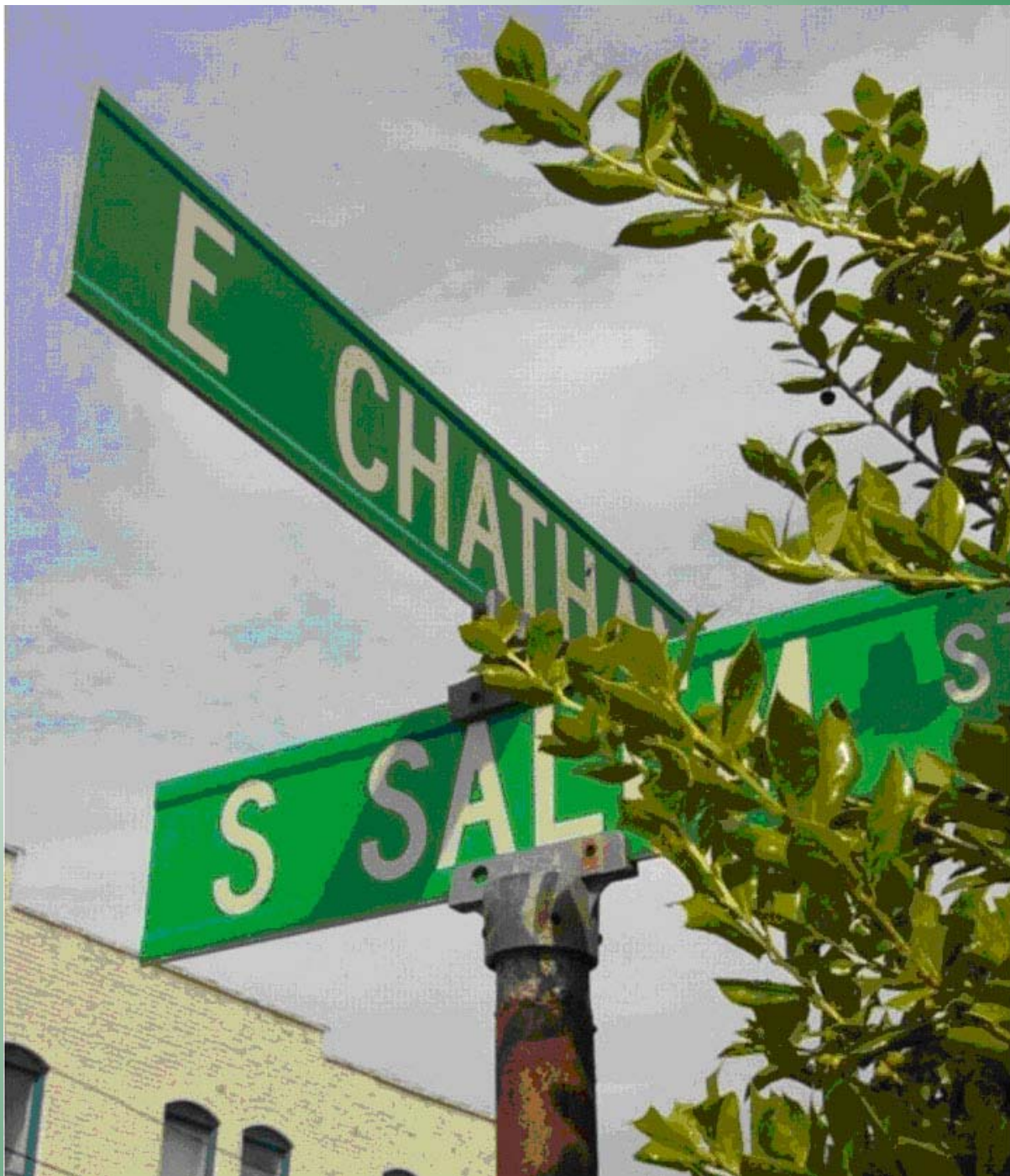
systems in North Carolina. The NCDOT also licenses the citizens and motor vehicles that use these transportation systems. More information: <http://www.ncdot.org>

Rights-of-Way

The area which encompasses public streets, sidewalks, and utility strips.

Thoroughfare

A roadway that carries traffic between two parts of town or between towns.



Address Policy

Town of Apex

Approved August 5, 2003

Amended {Town Council Approval Date}



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ARTICLE 1 INTRODUCTION

A) Purpose and Authority

The purpose of this document is to present guidelines and regulations for every street naming and address numbering scenario that occurs in Apex, North Carolina. The Town of Apex Planning and Community Development Department is the agency to which authority is given to change, modify, or assign addresses within the Town of Apex Corporate Limits or its Extraterritorial Jurisdiction (ETJ).

The Town of Apex ~~Construction Management~~ Building Inspections and Permitting Department will confirm that streets are adequately numbered before a Certificate of Occupancy (CO) is issued.

B) Role of Addressing

Addresses provide an orderly means of locating people and places within a community. An important aspect of address information is its use for the daily protection of the public and their property. Emergency services, such as police, fire, and EMS, rely on addresses to provide assistance where needed for efficient and effective operations. Public utilities and mail delivery also rely on proper addressing measures. Difficulty in emergency response, utility maintenance, and mail delivery often result from poor addressing.

ARTICLE 2 STREET NAME ASSIGNMENT

A street name identifies the stretch of roadway on which a parcel, unit, or dwelling is addressed. A street suffix, or type, identifies the roadway as unique (if duplicates already exist) and describes the character (length, landscape, occupancy) of the roadway.

The Town of Apex has the authority to assign names to new or unnamed streets within the corporate limits and ETJ. The Town of Apex also has authority to approve road name changes for streets located completely within the corporate limits. The Wake County Board of Commissioners maintains the authority to rename streets within the ETJ. The Town of Apex shall approve a resolution in support of or against the road name change prior to the Board of Commissioners public hearing. Staff from the Town of Apex Planning and Community Development Department shall be present at the Board of Commissioners public hearing in order to represent the Town's stance on the road name change. The Town of Apex and Wake County will conduct concurrent renaming processes and work in cooperation if a road name change extends beyond the incorporated Apex boundaries.

A) Street Naming Instance

All planned and existing routes passable by motor vehicle shall be named when they contain rights-of-way or serve as the primary means of ingress and egress for a minimum of four (4) dwelling units. "Bump-outs," or rounded extensions which are not true cul-de-sacs, are considered a part of the existing roadway and not a new street. Alleys are not to be considered named streets.

B) Street Naming Procedure

1) **Developer Initiated Naming**

Planned streets and unnamed existing streets shall be identified by names through the completion of a Road Name Approval Application from the Apex Planning and Community Development Department. A proposed name (with suffix) shall be presented along with an alternate for each road to be named. Road names will be scrutinized based on the criteria set forth in this Policy. The Town of Apex Planning and Community Development Department will send ~~Town~~Town-approved ~~street~~road names to the Wake County Geographic Information System (GIS) Department for final County approval. The Wake County GIS ~~Street Addressing~~E911/Addressing Team will ensure that road names do not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system. After Wake County approval, the Town of Apex Planning and Community Development Department will inform the applicant ~~upon approval of the~~of the approved ~~street~~road names. Developers shall submit names for new ~~streets~~roads during site plan review in order to label ~~list~~approved names on plans approved by the Town's Technical Review Committee (TRC) or the Town Council that are in accordance with naming guidelines after site plan approval by the Board of Commissioners. Approved road names, therefore, must be included on the first construction drawing submittal to the Town of Apex.

2) **Citizen Initiated Renaming**

Street renaming requests by property owners shall be submitted via the Road Name Approval Application from the Apex Planning and Community Development Department, with special mention of a renaming request in the location description line. The request shall also include the signatures of no less than eighty percent (80%) of affected property owners in order to be considered by the Town for a possible road name change; requests containing signatures from one hundred percent (100%) of affected property owners will not require a public hearing. Property owner signatures shall be accompanied by a description of the concerns or reasons prompting the request. Road names will be scrutinized based on the criteria set forth in this Policy. The Town of Apex Planning and Community Development Department will send the ~~approved~~proposed ~~street~~road name to the Wake County GIS Department ~~E911/Addressing Team~~ for County approval. Wake County GIS ~~Street Addressing~~ will ensure that road names do not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system. ~~inform the applicant of street name approval.~~ If the County confirms that the proposed name presents no conflicts, the Planning and Community Development Department will draft a resolution detailing the request. ~~A~~The resolution shall then be brought before the Town ~~Board of Commissioners~~Council. Only after the Town ~~Board of Commissioners~~Council approves a resolution to change the road

name will the name be officially changed. The Planning and Community Development Department will then notify affected property owners of the road name change and replace the street name signs.

When petitioners are unable to secure agreement from one hundred percent (100%) of affected property owners, a public hearing of the Town Council shall be required after Town and County staff reviews. The Town Council shall cause notice of the time, place, and subject matter of the public hearing to be published on the Town's website, prominently posted at the Town Hall, and mailed to affected property owners no less than ten (10) days prior to the public hearing. Following the public hearing, the Council will either approve the road name change or deny the road name change by resolution. No road name change is final until a resolution is approved by Town Council. The Town of Apex will then notify affected property owners of the road name change and replace the street name signs.

3) ***Town Initiated Renaming***

The Town shall have the authority to rename streets within its ~~jurisdiction~~ corporate limits as needed for reasons related to public safety or inappropriateness. Circumstances and situations may change with the passage of time which may render previously safe and acceptable street names as no longer protecting public health, safety, and general welfare. Once made aware of a potential issue related to an existing street name, Town Administration and Department Directors shall investigate the issue and reach consensus on whether or not a road name change is needed.

The Town shall initiate the process by proposing a suitable road name to replace the name of concern. The Town of Apex Planning and Community Development Department will send the newly approved proposed street-road name to the Wake County GIS Department for County approval. Wake County GIS Street Addressing E911/Addressing Team will ensure that the proposed road name does not conflict with or cause confusion within both the County-wide Street Dictionary and the 911 system, inform the Town of street name approval. The Town will then notify affected property owners of the intent to change the road name and request input regarding the matter. No earlier than 30 days after notification letters have been sent to the affected property owners, the Town Council shall cause notice of the time, place, and subject matter of the public hearing to be published on the Town's website, prominently posted at the Town Hall, and mailed to affected property owners no less than ten (10) days prior to the public hearing. If alternate names are proposed by the affected owners, the Planning and Community Development Department shall verify the approvability of the names using Town guidelines and a review by the County. Following the public hearing, the

Council will either approve the road name change or deny the road name change by resolution. No road name change is final until a resolution is approved by Town Council. The Town of Apex will then notify affected property owners of the road name change and replace the street name signs.

~~A resolution shall then be brought before the Town Board of Commissioners. Only after the Town Board of Commissioners approves a resolution to change the road name, will the name be officially changed.~~

C) Street Naming Guidelines

- 1) **Same Names/Homophones**
Names duplicating or sounding similar to existing road names are prohibited. Despite spelling differences, phonetically similar sounding names are considered duplicate streets. Also, same names but different suffixes are considered duplicate streets.
- 2) **Confusing Names**
Names are prohibited that are difficult to pronounce or have uncommon spellings of common names (Example: ~~White~~ Lighthouse is acceptable; ~~Wyte~~ Litehouse is not).
- 3) **Proper Names**
Avoid proper names of individuals or businesses (Example: Hannaford Drive). Proper names may be authorized, if deemed appropriate, at the discretion of the Town Council.
- 4) **Inappropriate Names**
Names that offend the community or are otherwise deemed inappropriate by the Town of Apex will not be approved.
- 5) **Directionals**
Cardinal directions (North, South, East, West) and intermediate directions (Northeast, Northwest, Southeast, Southwest) are prohibited.
- 6) **Numerals**
Numbers – spelled out, ordinal or numerical – are not allowed.
- 7) **Punctuation**
Punctuation marks (periods, hyphens, apostrophes) are not allowed.
- 8) **Unapproved Suffixes**
Suffixes other than Town of Apex approved suffixes are prohibited (Article 2 Section E).
- 9) **Double Suffixes**
Double suffixes are prohibited (Example Willow Trace Street).

-
-
- 10) **Min/Max Length**
Names must be no smaller than three (3) characters and no larger than fourteen (14) characters in length. Exceptions may be made for site plans that are determined to be major site plans by the Town's Unified Development Ordinance (UDO).

D) Special Street Name Situations

- 1) **Continuous Subdivision Streets**
Continuous streets that run from one subdivision into another subdivision shall attempt to continue with the same name.
- 2) **Cul-de-sacs**
Cul-de-sacs that are set aside from the street by a neck are to be named. Bump outs that are depressions in the street shall not be named.
- 3) **Forks**
The fork with the highest traffic volume will continue with the name assigned to the forking street.
- 4) **Loops**
Loop streets continue with the same name until they terminate themselves. A street shall not cross over itself and cause an intersection of same-name streets.

E) Street Suffix Guidelines

The allowed road suffixes are listed below, followed by their approved abbreviation and a description of the conditions under which each suffix is to be used.

- 1) **Alley (ALY)**
Narrow, privately maintained service way intended for pedestrian and service vehicle traffic; typically located behind buildings or near rear property lines.
- 2) **Avenue (AVE)**
Wide public thoroughfare within a city or town, often lined with trees.
- 3) **Bend (BND)**
Short road with a curved shape.
- 4) **Boulevard (BLVD)**
Broad city thoroughfare, tree-lined and landscaped with a median strip.
- 5) **Bypass (BYP)**

North Carolina Department of Transportation (NCDOT) approved highway or section of highway that passes around a congested area.

- 6) **Circle (CIR)**
Circular or arched short roadway that intersects the road from which it originates or returns to itself; short connector.
- 7) **Corner (COR)**
Generically named roadway.
- 8) **Court (CT)**
Short dead-end roadway, especially one that is wide and nearly surrounded by houses; cul-de-sac.
- 9) **Cove (CV)**
Short roadway with only one outlet and a circular turnaround; cul-de-sac.
- 10) **Crescent (CRES)**
Roadway with arced shape.
- 11) **Crossing (XING)**
Roadway which is at least a collector street and will cross a minimum of one major road.
- 12) **Drive (DR)**
Curvilinear roadway for access to a local destination.
- 13) **Expressway (EXPY)**
High-speed, divided multi-lane major arterial street with few or no intersections.
- 14) **Extension (EXT)**
A road which has been added to a previously existing road.
- 15) **Fork (FRK)**
Generically named roadway associated with a fork.
- 16) **Freeway (FWY)**
High-speed, high-capacity, limited-access public transportation thoroughfare serving regional and state-wide travel; free of tolls.
- 17) **Highway (HWY)**
High-speed, high-capacity, limited-access public transportation thoroughfare that connects towns and regions; State, Interstate, or US distinction.
- 18) **Lane (LN)**
Secondary connector street.

-
-
- 19) **Loop (LOOP)**
Circular roadway that loops around and terminates itself or returns to the same street from which it originates.
- 20) **Parkway (PKWY)**
Broad landscaped highway divided by a vegetated median, occasionally constructed for scenic view.
- 21) **Path (PATH)**
Generically named roadway with no more than two (2) travel lanes.
- 22) **Peakway (PEWY)**
Broad landscaped, major thoroughfare divided by a vegetated median. (NOTE: Name used at town's discretion in approved location).
- 23) **Place (PL)**
Short roadway or cul-de-sac.
- 24) **Plaza (PLZ)**
Generically named roadway sided by an open area within a town and accessible to pedestrians; mixed-use road with businesses and homes.
- 25) **Point (PT)**
Cul-de-sac; short roadway adjacent to a waterway.
- 26) **Road (RD)**
Generically named roadway.
- 27) **Run (RUN)**
Local access roadway that dead ends, usually with a cul-de-sac, and feeds short road branches.
- 28) **Square (SQ)**
Generically named roadway sided by an open, usually four-sided area at the intersection of two or more streets used as vegetated open space.
- 29) **Station (STA)**
Generically named roadway that is fronted by a place of interest or depot; a road along which an urban setting exists or is mimicked.
- 30) **Street (ST)**
Public roadway within a city or town, usually lined with residences and sidewalks.
- 31) **Terrace (TER)**

Residential street.

- 32) **Trace (TRCE)**
Short, connecting roadway or dead-end road.
- 33) **Trail (TRL)**
Nonlinear, local access roadway that generally conforms to natural topography.
- 34) **Walk (WALK)**
Roadway connecting two roads; named pedestrian walkway.
- 35) **Way (WAY)**
Short roadway used as an inlet that dead ends; short connector.

ARTICLE 3 STREET ADDRESS SYSTEM

A) Establishment of Numbering Scheme

The frontage interval system is used in assigning addresses within Apex. Using this system, address numbers are assigned every fifty (50) feet of street frontage. This scheme results in approximately two hundred ten (210) numbers per mile, one hundred five (105) on each side of the street.

The central geographic point for addressing is the intersection of Salem Street and Chatham Street. These streets are referred to as baselines. Chatham Street divides Salem Street into North Salem Street and South Salem Street. Salem Street divides Chatham Street into East Chatham Street and West Chatham Street. Historically, streets that cross either Salem or Chatham Street were assigned directionals [i.e. N Hughes and S Hughes Street, E Williams and W Williams Street (Figure 1)]. Using the current addressing system, future use of directionals is not allowed.

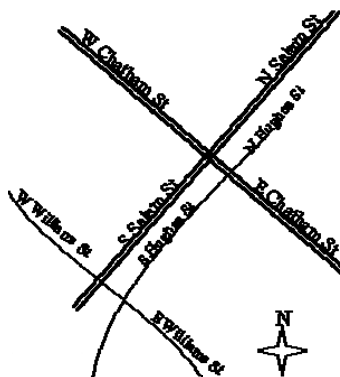


Figure 1

Street blocks are numbered outward from the Salem/Chatham Street intersection. Blocks nearest Salem Street moving in a general east-west direction begin numbering at 100 and increase in hundred-range per block along the same street. This will result in a block adjacent to Salem Street beginning in

the 100 range, the second block beginning in the 200 range, etc. Block numbering moves eastward from Salem Street for blocks east of Salem Street and westward for blocks west of Salem Street.

Blocks nearest Chatham Street moving in a general north-south direction begin numbering at 100 and increase in hundred-range per block along the same street. This will result in a block adjacent to Chatham Street beginning in the 100 range, the second block beginning in the 200 range, etc. Block numbering moves northward from Chatham Street for blocks north of Chatham Street and southward for blocks south of Chatham Street.

Assignment of hundred-range blocks where streets do not intersect either Salem or Chatham Street, or where directional orientation in relation to those streets cannot be determined, is based upon the street from which they emerge. A street begins where it is nearest to the baseline. The 100 range starts where the street begins, moving down the street away from its origin. Streets that continue without a break in the block shall increase into subsequent hundred-ranges until there is a break. If the street name continues past the break, the next hundred-range after the last addressed number and reserved space, will begin the block (see Article 4 Section T). If a street name changes at an intersection, street numbering begins in the 100 range in the direction away from the road's beginning. In other words, numbering starts over for each new road.

B) Odd and Even Numbers

Even numbers shall be assigned to lots on the right side of the street and odd numbers on the left side of the street as the street moves away from a baseline (Figure 2). Addresses are assigned in sequential order, increasing from the block's origin, and alternating from both sides of the street. Numbers assigned on one side of the street shall be numerically similar with those on the opposite side.

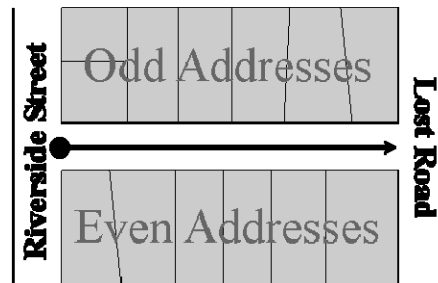


Figure 2

ARTICLE 4 NUMBERING SEQUENCE

A) Linear Streets

Linear streets are addressed beginning at their point of origin. Each block along a street begins a new hundred-range (Figure 3). Due to the length of some blocks, address ranges per block may be considerably smaller than the available 100. The odd and even numbering is maintained down the street following a

successive order in which street numbers are similar on both street sides. A general guideline of assignment of new numbers every 50 feet allows adequate frontage space.



Figure 3

B) Diagonal Streets

Diagonal streets are to be treated as either north-south or east-west linear streets, based on the primary direction.

C) Circular Streets

Circular streets begin at the lowest numbered intersection and are numbered in increasing intervals to the highest numbered intersection (Figure 4). The outside numbers are addressed, and then the inside is addressed to match. This will result in fewer numbers on the inside, as well as missing intervals between inside numbers.

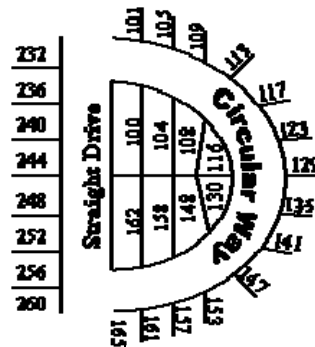


Figure 4

D) Cul-de-sacs

Cul-de-sac numbering begins at the intersection and moves toward the turnabout (Figure 5). Numbering shall be as with a normal street proceeding with odd on the left side of the circle and even on the right side of the circle.

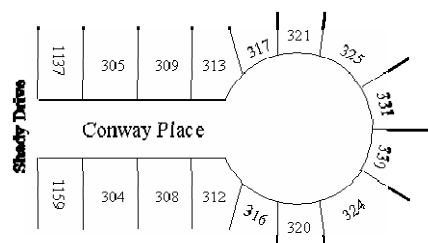


Figure 5

E) Corner Lots

Corner lots are given two addresses, one off of each street. A structure on a corner lot is assigned a number from the street which the front entrance faces (Figure 6). If the front entrance is indistinguishable, a side street used for primary access shall be assigned. If the primary access to a commercial/industrial structure is from a side road that the structure does not face, a side road address is assigned.

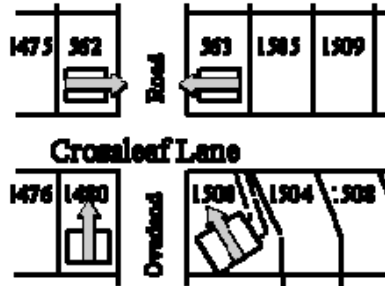


Figure 6

F) T-Intersections

T-intersections are treated as block dividers. If a lot opposite the joining street begins on the former block, the lot will be assigned a number for that block interval (Figure 7). If the lot begins across from the joining street and ends on the latter block, the lot will be assigned a number from the new block interval.

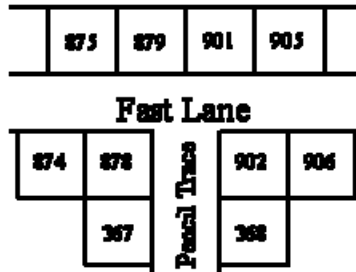


Figure 7

G) Dog-Leg Intersections

Dog-leg intersections, or offset intersections, are treated as normal intersections (Figure 8). The offset road is treated as if it were continuous. New dog-leg intersections are not permitted.

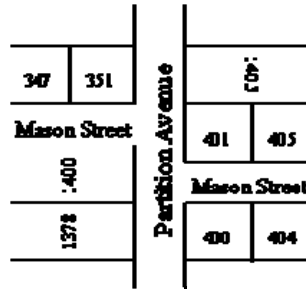


Figure 8

H) **Stacked Addresses**

Stacked addresses result from structures being placed behind other structures (Figure 9). If the stacked units share a common driveway or face the same road, the secondary unit shall be assigned its own number. If this is impossible, the secondary unit shall be numbered with a hyphenated number suffix (i.e. 122-B). New flag lots that would require stacked addresses are not allowed.

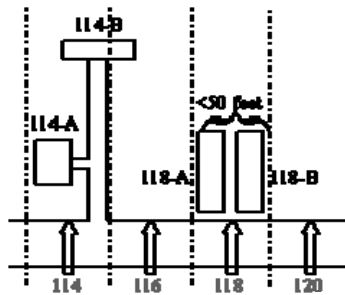


Figure 9

I) **Apartments and Condominiums**

- 1) **Apartment and Condominium Complexes (Private Roads)**
 Apartment complexes shall have a number assigned to each building. Numbers are then assigned to individual apartments. Streets within the complex shall be named. Each building is assigned a number off of the private street name, such as 8000 Peach Road. Apartments can now be located by using floors as part of the address. Floor 3 is considered a 300 level address. A floor below ground level is regarded as Floor 0. Each individual apartment on the floor is assigned a number 01-99. Using this example, an apartment or condominium on 8000 Peach Road, Floor 3, Apartment 26 has the address 8326 Peach Road (Figure 10). Buildings within apartment and condominium complexes are assigned odd addresses on the left and even addresses on the right of the roads. Building 7000 therefore would be on the left and Building 8000 on the right. Odd and even apartment numberings apply to apartments on building floors as well.

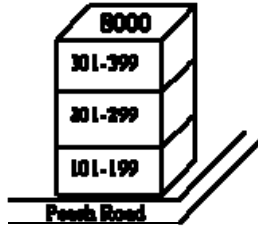


Figure 10

2) **Infill Apartment Structures (Public Rights-of-Way)**

Apartment buildings located along public streets where no new address numbers are available are assigned individual apartment numbers off of the street address. Apartments 101-199 are designated for Floor 1, 201-299 for Floor 2, and so forth. In Figure 11, the apartment building is located at 117 Wayside Street. The seventh apartment on the left side of Floor 2 on 117 Wayside Street is assigned the address 117 Wayside Street, Apartment (Apt.) 213.

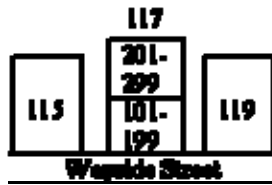


Figure 11

J) **Townhouses and Side-By-Side Duplexes**

Townhouses and side-by-side duplexes are addressed as if they were individual addresses along the street (Figure 12).

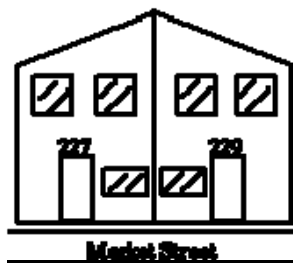


Figure 12

K) **Multilevel Duplexes**

Multilevel duplexes are treated as if they are individual units along a street. Multilevel duplexes are assigned appropriate street numbers, with the lowest street number on the lower level and the higher number on the higher level. An example would be a two-story duplex with the bottom unit assigned 517 Paved Road and the top unit assigned 519 Paved Road (Figure 13).

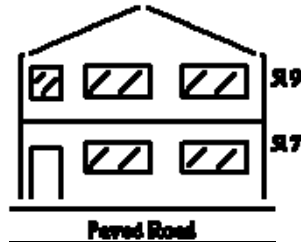


Figure 13

L) Single-Level Businesses

Individual businesses within single-level building are assigned address numbers off of the street (Figure 14). If no room is available for individual street addresses, suite addresses shall be assigned to individual businesses. In this situation, the middle of the building determines the street address for the entire building.

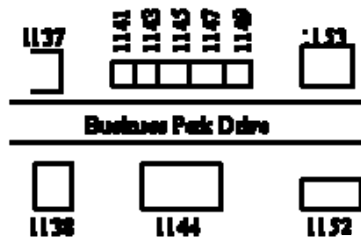


Figure 14

M) Multilevel Businesses

Businesses in a multilevel building are assigned one number for the entire building. Each unit within the building is assigned an internal address that reflects the floor number and suite number. Suite numbers 101-199 are assigned for Floor 1, 201-299 for Floor 2, and so forth. An example address would be 1482 Fairview Boulevard, Suite (Ste.) 324 (Figure 15).

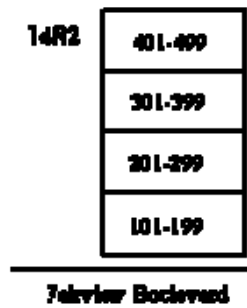


Figure 15

N) Central Business District

Within the central business district, some second floor units are commonly accessed from the street. A unit within a downtown building that has this street access is addressed with an alphabetical suffix (Figure 16). An example is 103-A

for the first floor address and 103-B for the second floor address. Within these individual addresses, suite numbers may be assigned, such as 103-A N Salem Street, Suite 2.

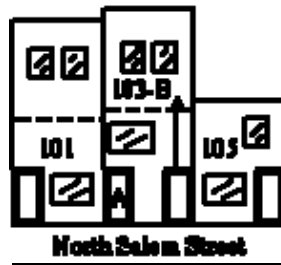


Figure 16

O) Shopping Centers

1) **Single-Level Centers**

Individual businesses or units within single-level shopping centers are assigned address numbers off of the street (Figure 17). Where possible, individual businesses are to be numbered off of privately named streets.

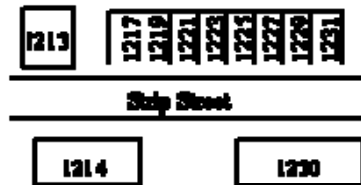


Figure 17

2) **Multilevel Centers**

Multilevel shopping centers are assigned a main address based on the middle of the building. Each individual business is then assigned a suite number. Suites on Floor 1 are assigned 100 level numbers, Floor 2 assigned 200 level numbers, and so forth. The lowest suite number for each floor is assigned to the suite nearest the lowest street address (Figure 18). Where possible, individual businesses are to be numbered off of privately named streets.



Figure 18

P) Shopping Malls

Shopping malls are enclosed shopping centers accessible only to pedestrians. For single-level buildings, the suites are assigned numbers in the 100 range. Multilevel buildings have 100-range numbers on the first floor and 200-range numbers on the second floor. Additional floors follow the same pattern. Each mall entrance is designated an address off of which the suite addresses are assigned (Figure 19). Entrance numbers are chosen by assigning a different block number off of the main street to each mall entrance. Example addresses include 1100 Mall Street, Suite 238 and 1300 Mall Street, Suite 266. Assigning suite addresses in relationship to mall entrance locations enhances response time for emergency services. When the construction plans are signed, the designated addressing assigner and a designee from the fire and police departments will assign addresses. They shall issue suite numbers that allow sufficient space for address additions.

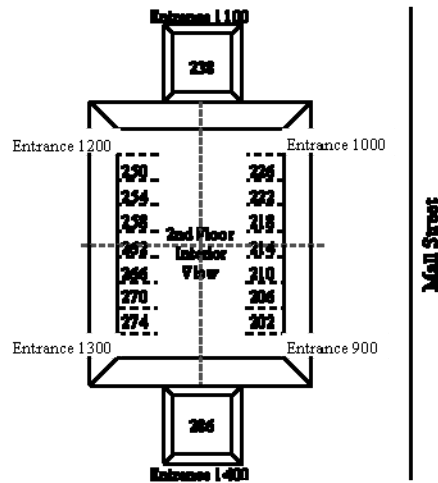


Figure 19

Q) Mobile Home Parks

Mobile home parks shall have all roads named (Figure 20). Mobile homes along the roads shall be assigned street numbers as normal, except addresses are assigned every five (5) feet.

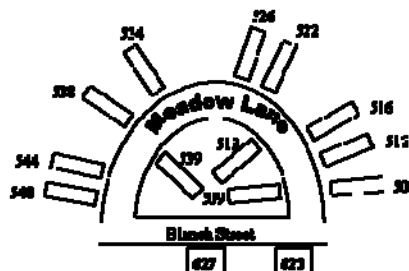


Figure 20

R) Hidden Structures and Lots

Hidden structures and lots are the consequence of obscured views from the road. If a structure cannot be seen from the road, the address shall be assigned at the site where the driveway meets the road (Figure 21).

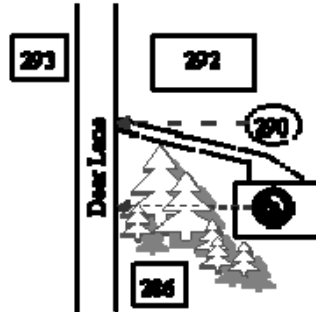


Figure 21

S) Temporary Structures

Temporary structures are small buildings erected on properties for a specific use over a limited time. Construction sites and some automobile dealerships are examples of where temporary structures are used. Temporary structures can receive mail and may need the use of emergency services; therefore, an address is required for safety as well as convenience. The temporary structure shall be assigned the main parcel address.

T) Segmented Streets

Segmented streets are only allowed for temporary separations, such as Apex Parkway construction or new subdivision phases of development. The two portions of street that will be joined in the near future are allowed to share the same street name, provided that the two portions will be joined to become one road. Otherwise, same street names are not allowed. If a street is built in segments, the address numbers for the unbuilt section shall be reserved for future use (Figure 22). The neighboring existing section shall then start with the next consecutive number following the unbuilt section.



Figure 22

U) Structures Within Rights-of-Way

Land within the rights-of-way that is vacant and landscaped is not assigned an address. In some instances – a subdivision, for example – a guardhouse, information center, or other structure may be built in a right-of-way. The structure is therefore assigned a number. Number assignment is based upon whether the structure is on the left or right side of a driver approaching the structure (Figure 23). This numbering maintains the odd and even number pattern.

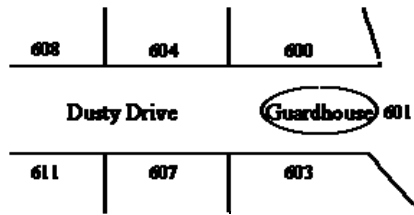


Figure 23

ARTICLE 5 ADDRESS FORMAT

A) Each street address in Apex is comprised of the following format:

Number Number Suffix Street Directional Street Name Street Suffix

B) As described in this policy, some of these components are either no longer allowed or are used under specified circumstances.

- 1) The *number* is the numeral issued by the Town for identification use along the street. The number can be no longer than five digits.
- 2) The *number suffix* is used in situations where existing address numbers allow no room for new numbers. The number suffix is reserved for situations where its designation cannot be avoided, such as stacked addresses and the central business district. Examples are individual alphabetical letters.
- 3) The *street directional* is assigned to existing streets that cross one of the baselines (Salem and Chatham Streets). Street directions are assigned since address numbers are duplicated along the same street on both sides of the baseline. For example, Apex contains 103 N Salem Street and 103 S Salem Street. The street directional designates whether a section of street is north, south, east, or west of the adjacent baseline. Cardinal and intermediate directions are no longer allowed for new street names.
- 4) The *street name* is used to identify the street along which a parcel/unit/structure is located. The street name is the named roadway or access way. Street names originate from subdivision plats or Road Name Approval Applications. Duplicate street names are not allowed.
- 5) The *street suffix* identifies the road type. The street suffix indicates the typical character of the street, as in length, speed limit, and shape. Only previously Town approved suffixes are allowed. Refer to Street Suffix Guidelines under Street Name Assignment (see Article 2 Section C)).

ARTICLE 6 ADDRESS SIGNAGE

A) Display of street signs

Streets shall be identified at intersections with Town approved signs.

B) The proper display of address numbers for a building is as follows:

- 1) Numbers shall be easily seen from the street.
- 2) Numbers shall be of contrasting color with their background.
- 3) Numbers shall be block Arabic numerals, not script, written, or decorative.
- 4) Residential numbers shall be a minimum of four (4) inches high and a minimum of half (0.5) an inch wide.
- 5) Commercial numbers shall be a minimum of six (6) inches high and a minimum of half (0.5) an inch wide.
- 6) If view of a house or building is obstructed, or if the distance from the road is too great, house or building numbers shall be on a sign attached to a fence, gate, or lawn stake (30-inch height limit).
- 7) House or building numbers on corner lots shall face the street named in the address. Refer to Corner Lots under Numbering Sequence (see Article 4 Section E).
- 8) The house number shall be on the mailbox in addition to the house. If the mailbox is on a different street than the house address, the mailbox shall display the entire street address (street name and number).
- 9) House or building numbers shall be illuminated or easily visible at night.
- 10) House or building numbers shall be located on each electrical meter and main disconnect except where installed to serve a one or two family dwelling. The numbers shall be a minimum of three (3) inches in height and of contrasting color with the background.

ARTICLE 7 GLOSSARY

Alley

A narrow, privately maintained service way intended for pedestrian and service vehicle traffic; typically located behind buildings or near rear property lines.

Baselines

The central downtown intersecting streets from which house and building addresses are assigned for the town; Salem and Chatham Streets.

Block

A section of town bounded on each side by a street. From the street frontage, a block begins and ends at an intersection, whether it is a three- or four-way intersection.

Cardinal Direction

One of the four main points on a compass; north, south, east, and west.

Central Business District

All business establishments fronting on the north side of Chatham Street between Seaboard Street and Commerce Street and on Salem Street between Chatham Street and Center Street.

Collector Street

A street that collects local traffic and outlets to a thoroughfare of larger volume.

Cul-de-sac

A street extension with a wide circular turnaround at the end, and only one outlet.

GIS

Geographic Information System. GIS is a spatial information system designed for data analysis, management, and mapping.

Infill

The development or redevelopment of vacant land that has been bypassed or underused by urban expansion.

Intermediate Direction

One of the four directions that falls between two of the cardinal directions; northeast, northwest, southeast, and southwest.

Lawn Stake

A ground level weather resistant sign used as a home address plaque.

Major Road

A thoroughfare that serves a large volume of traffic and provides access to other roads and services of interest.

NCDOT

North Carolina Department of Transportation. The NCDOT constructs, directs, maintains, operates, and plans the aviation, ferry, highway, public transportation, and rail

systems in North Carolina. The NCDOT also licenses the citizens and motor vehicles that use these transportation systems. More information: <http://www.ncdot.org>

Rights-of-Way

The area which encompasses public streets, sidewalks, and utility strips.

Thoroughfare

A roadway that carries traffic between two parts of town or between towns.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Motion to approve an amendment to Chapter 18 of the Apex Town Code to correspond to the Town's Address Policy.

Approval Recommended?

Yes

Item Details

During review and revision of the Apex Address Policy it came to staff's attention that the Town Code provisions related to street numbering referred to an outdated policy. This amendment revises references to reflect the current policy and with the change in reference to the current address policy, section 18-2 is no longer needed.

Attachments

- Ordinance Amendment



ORDINANCE NO. 2020-0804-22

AN ORDINANCE TO AMEND TOWN CODE CHAPTER 18
AS IT RELATES TO ADDRESSING

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. That Section 18-1 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 18-1. - Building numbering—~~Map~~ Addressing Policy.

The ~~property numbering map~~ entitled the "Apex, North Carolina House Numbering Plan" and dated January, 1957, "Town of Apex Address Policy" approved by the Apex Town Council on August 5, 2003 as it may be amended from time to time, is hereby adopted as the official ~~property numbering map~~ addressing policy of the town. All property numbers assigned shall be assigned in accordance with this ~~numbering map~~ policy, and no other property numbers shall be used or displayed in the town except numbers assigned in accordance with the official ~~numbering map~~ policy. A copy of the ~~The property numbering map~~ addressing policy shall be kept on file in the office of the town clerk.

Section 2. That Section 18-2 of the Town of Apex Code of Ordinance is hereby repealed in its entirety.

Section 3. That section 18-3 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 18-3. - Same—Owners to display numbers on property.

Every property owner of improved property shall display in a conspicuous place on the property the number assigned, which number shall be of a type ~~approved by the town council~~ described in the official addressing policy, and which number shall be maintained in a legible condition.

Section 4. That section 18-4 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions being shown by underlined text:

Sec. 18-4. - Same—Future buildings.

All residence and business buildings when erected shall be assigned a number in accordance with the ~~house numbering plan map~~ official addressing policy and shall purchase and display the number as provided in section 18-3.

Section 5. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 6. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 4th day of August 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Rahul Govindan and Divya Sushma Nair, husband and wife regarding Wake County, NC PIN#0723-70-0306, 2678 Tunstall Grove Drive, as recorded in Book of Maps 2018, Page 01500, Wake County Register of Deeds.

Approval Recommended?

Yes

Item Details

Approve Encroachment Agreement between the Town and property owners Rahul Govindan and Divya Sushma Nair, husband and wife (Grantees) for the property described as a residential lot known as Wake County PIN#0723-70-0306, Book of Maps 2018, Page 01500, Lot 231, 2678 Tunstall Grove Drive, Apex, NC 27523. Grantees wish to install a fence of which 150 SF will encroach into the Public Sanitary Sewer Easement.

Attachments

- Encroachment Agreement
- Exhibit A



After Recording Mail To: Development Services
 Town of Apex
 PO Box 250
 Apex, NC 27502

STATE OF NORTH CAROLINA
COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this ____ day of _____, 2020, by and between Rahul Govindan and Divya Sushma Nair, husband and wife, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0723-70-0306** by the Wake County Revenue Department and more particularly described as **Lot 231** of the subdivision known as **The Preserve at White Oak Creek Phase 3D** as shown on that certain plat recorded in **Book of Maps 2018, Page 01500**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2678 Tunstall Grove Drive, Apex, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **20' Public Sanitary Sewer Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Sanitary Sewer Easement**."

WHEREAS, Grantees wish to install certain improvements, more particularly described as a **fence of which 150 SF will encroach upon a portion of the Public Sanitary Sewer Easement** which serves the

Residential Lot, hereinafter referred to as the “**Encroachment**”, all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Sanitary Sewer Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantees and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees’ successors and assigns at Grantees’ sole risk and expense, to encroach into the **Public Sanitary Sewer Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantee: Rahul Govindan & Divya Sushma Nair
2678 Tunstall Grove Drive
Apex, NC 27523

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Sanitary Sewer Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at its own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give the Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Sanitary Sewer Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Sanitary Sewer Easement** without cost, risk or liability to the Town.

11. Grantees agree to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantees fail to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from their obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Lot 231, The Preserve at White Oak Creek, PH3D (2678 Tunstall Grove Drive, Apex, NC 27523)**, or by assumption of said obligations by an incorporated property or condominium owners association for **The Preserve at White Oak Creek, Phase 3D**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

In testimony whereof, said Grantees and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES

By: Rahul Govindan
Rahul Govindan

By: Divya Sushma Nair
Divya Sushma Nair

STATE OF NORTH CAROLINA

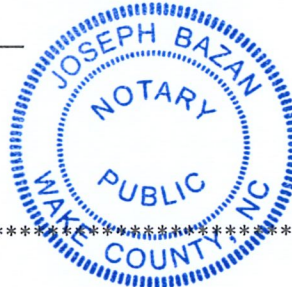
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Rahul Govindan, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 9th day of July, 2020.

Joseph Bazan
[Signature of Notary Public]

My Commission Expires: 12/04/2024



STATE OF NORTH CAROLINA

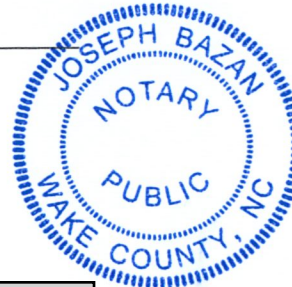
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Divya Sushma Nair, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 9th day of July, 2020.

Joseph Bazan
[Signature of Notary Public]

My Commission Expires: 12/04/2024



TOWN OF APEX

Andrew L. Havens
Town Manager

(Corporate Seal)

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [*county in which acknowledgement taken*]

I, _____, a Notary Public of _____ County, North Carolina, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2020.

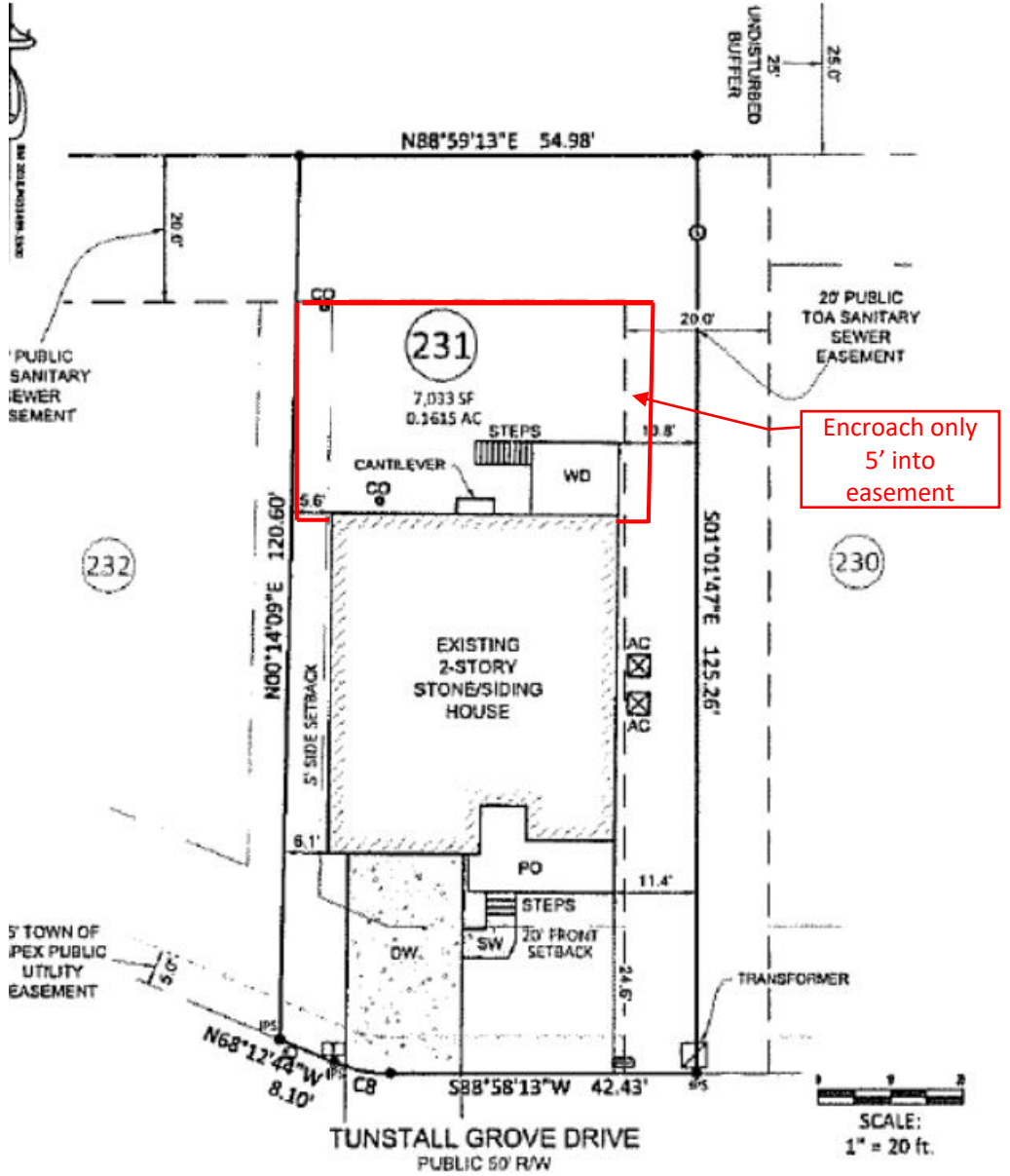
[Signature of Notary Public]

(Seal)

My Commission Expires: _____

EXHIBIT A

2678 Tunstall Grove Drive



THIS MAP MAY BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Eric Neumann

Department(s): Electric Utilities

Requested Motion

Motion to approve, and authorize the Town Manager to execute, an Encroachment Agreement between the Town of Apex and Town of Cary to relocate an underground primary electric line in a Town of Cary right-of-way on Westhigh Street.

Approval Recommended?

Yes

Item Details

There is an underground electric line that is in conflict with a proposed bore for a water line under Westhigh Street. This encroachment agreement will allow the Town of Apex to relocate the power line to a new location within the right-of-way that eliminates the conflict with the water line installation.

Attachments

- Town of Cary Encroachment Agreement
- Town of Cary Encroachment Application
- Relocation Exhibit



STREET NAME: Westhigh Street

TOWN OF CARY
AND
Town of Apex

ENCROACHMENT AGREEMENT
RIGHT OF WAY OR OTHER TOWN PROPERTY
STANDARD FORM

This Encroachment Agreement is made as of the ___ day of _____, 2017, by and between the Town of Cary (“Town”) and Town of Apex (the “Applicant”).

WITNESSETH:

WHEREAS, on _____, 20___, the Applicant submitted an application for permission to encroach on certain public street and/or street right(s) of way (hereinafter, “Public Streets”) under Town’s jurisdiction or on other Town-owned property (hereinafter, “Town Property”), along with a site plan; and

WHEREAS, based on Applicant’s submittals, such proposed encroachment will not substantially impair or hinder the use of the Public Streets as a way of passage or the use of Town Property for its intended purpose; and

WHEREAS, Town is willing to exercise its authority in accordance with N.C.G.S. 160A-265, 160A-296 and the Town of Cary Code of Ordinances to permit the Applicant to encroach on the Public Streets or Town Property in the locations, and for the purposes described below.

NOW, THEREFORE, the parties agree as follows:

1. Permission to Encroach. The Town hereby grants the Applicant non-exclusive, revocable permission (subject to applicable law) to encroach over Public Streets located at Bishops Gate Subdivision or on Town Property located at Westhigh Street, for the purpose of construction and/or erection and maintenance of 1/0 UG Primary Distribution cables, as more particularly described in the attached plan (“Facilities”) attached hereto as *Exhibit A* and incorporated herein by reference, subject to the lawfully imposed terms and conditions set forth in Town of Cary Code of Ordinances Chapter 28, Article VI (the “Code Conditions”) and those stated below (the “Permission”). The installation, operation, and maintenance of the Facilities are sometimes referred to herein as “the Work.” Applicant understands and agrees that, notwithstanding any language in this Agreement to the contrary, Town grants Permission only to the extent authorized by law and the terms of the conveyance of the right-of-way, fee, easement, or other property interest to Town in the Public Streets or Town Property. Applicant shall be solely responsible for obtaining for itself all easements, licenses and property rights, and in complying with any state or federal regulatory requirements as may be necessary for the Work. Nothing in this Agreement shall constitute or create an assignment to Applicant by Town of any easement or license held by Town or of any rights under any easement or license held by Town. Nothing herein contained shall be construed to confer on Applicant an exclusive right to encroach on Town Easement or confer any rights to any third party not specifically identified herein by name.

2. The Applicant’s Obligations. In addition to the requirements set forth in the Code Conditions, the Applicant, its successors and permitted assigns shall:

(a) provide proper signs, signal lights, flagman and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways (“MUTCD”) and amendments or supplements thereto (which can be obtained from the Right of Way Coordinator) during any

installation and maintenance of the Facilities Applicant places in the Public Streets or on Town Property pursuant to this Agreement; provide at least three (3) business days notice to Town of any work which will require lane closure or traffic control measures lasting more than twenty-four hours; and ensure that temporary pedestrian accessibility is provided in accordance with Americans with Disabilities Act Accessibility Guidelines and the MUTCD;

(b) install, operate and maintain the Facilities at Applicant's sole cost and expense in accordance with Town's Standard Specifications and Details, as such may be amended from time to time, and other Town policies and otherwise in such a safe and proper condition that installation, operation and maintenance of Facilities will not endanger or otherwise interfere (i) with use of a Public Street as a way of passage, (ii) with traffic on any Public Street, (iii) with the maintenance of any Public Street, (iv) with operation or maintenance of any other Town-owned infrastructure located within or adjacent to the Public Street, including but not limited to underground fiber and water, sewer, or reclaimed water lines, (v) with operation or maintenance of any other infrastructure or equipment located within the Public Street, so long as such infrastructure or equipment is lawfully present within the Public Street, or (vi) with use, operation, or maintenance of any Town Property;

(c) promptly repair any damage to the Public Streets, all Town-owned infrastructure, facilities, or structures, and all other areas disturbed during installation and maintenance of the Facilities, including but not limited to pavement, sidewalk, curb and gutter, drainage systems, signs, pavement markings, underground fiber, and water, sewer, or reclaimed water lines, and shall restore to the condition existing prior to Applicant's disturbance, re-establishing grass cover with seeding and spreading of straw for finishing, all to the satisfaction of Town, which shall not be unreasonably withheld or delayed;

(d) exercise reasonable precaution during construction, operation, and maintenance of the Facilities to prevent soil erosion, silting or other pollution of any surface water or groundwater, and otherwise comply with all applicable rules and regulations, including Town's Erosion Control and Public Street Right(s)-of-Way Ordinances;

(e) give written notice to Town when any work on or near a highway open to traffic is completed pursuant to this Agreement (unless specifically requested by Town, written notice of completion of work on street projects under construction will not be required);

(f) reimburse Town for any costs or expenses of Town, reasonably incurred, for any repairs or maintenance to the Public Streets, any Town-owned infrastructure, facilities, structures, or other areas resulting from or related to the installation, operation, maintenance or existence of the Facilities, following receipt of invoices from the Town detailing those costs (and including supporting documentation evidencing them if available and requested by Applicant);

(g) within a commercially reasonable time, remove or alter the Facilities at its cost, at Town's request in the event that Town or its contractors need to conduct work in the relevant areas, where the Facilities are in conflict with such work (as reasonably determined by the Town) and unless applicable law provides otherwise; provided however, that if in connection with a specific Town project the Town compensates any similarly situated person for relocating or moving its facilities, Town will, at Applicant's request, compensate Applicant for relocation or moving its facilities in connection with the same Town project using Town's standard processes and practices applicable to all third parties;

(h) understand and agree that damage or destruction may occur to Facilities and other property of Applicant in the course of Town's operations and that Town has no obligation to protect Applicant, Applicant's property or Facilities or to minimize, mitigate or avoid any such damage; and release, waive, and discharge any legal rights to seek payment or relief of any kind from the Town, its officers, boards, commissions and employees, for any damages resulting from Town's operations, maintenance, or other use of the Public Streets or Town Property;

(i) understand and agree that Permission is non-exclusive, that additional encroachments by others may be permitted in the Public Streets or Town Property (“Third Party Encroachments”), and that Town is not liable for any damage to Facilities that arise from the installation, operation, maintenance, or existence of Third Party Encroachments; and that any recourse for such damage must be from the Third Party Encroacher;

(j) release, waive, and discharge any legal rights to seek payment or relief of any kind from the Town, its officers, boards, commissions and employees, for any damages resulting from Third Party Encroachments;

(k) indemnify, defend and hold harmless the Town, its officers, boards, commissions, employees, and contractors from and against any and all damages, loss, costs, expense and claims and liabilities, including reasonable attorneys’ fees and costs, that arise from the installation, operation, maintenance or existence of the Facilities, the restoration of the area disturbed by the installation, maintenance or existence of the Facilities, and Applicant’s activities or items in the Public Streets or on Town Property; and

(l) comply with all applicable Federal, State, and local laws. Applicant, and all subcontractors, shall comply with Article 2, Chapter 64, of the North Carolina General Statutes.

3. Term. The term of this Agreement is the earlier of twenty (20) years (the “First Term”) or the cessation of use and maintenance of the Facilities. At the end of the First Term, if Facilities are still being used and operated, the Agreement shall automatically renew for successive one-year terms unless terminated by either party as provided herein or unless superseded by a new or amended agreement. Either party may terminate this Agreement upon thirty days written notice to the other party. Notwithstanding the foregoing, the grant of Permission to encroach shall become void, and this Agreement terminated, if the Applicant does not begin installation of the Facilities within one (1) year of the date of this Agreement (unless mutually agreed upon in writing by the parties) and thereafter diligently pursue installation to completion. If the Town Manager or designee determines that suspension of this Agreement is warranted to protect the public health or safety, Town may suspend this Agreement, in whole or in part, immediately upon notice to Applicant and for such length of time as deemed necessary by the Town to protect the public health or safety. Upon the termination of this Agreement, Applicant shall remove Facilities and restore any disturbed area to the condition existing prior to Applicant’s encroachment, re-establishing grass cover with seeding and spreading of straw for finishing, all to the satisfaction of Town, which shall not be unreasonably withheld or delayed.

4. Other Requirements. This Agreement is further subject to the following conditions or requirements:

A. Applicant binds itself, its successors, permitted assigns and legal representatives to the terms of this Encroachment Agreement. This Encroachment Agreement may not be assigned without the prior written consent of the Town. Applicant may subcontract the Work, provided that the Applicant shall be and remain responsible for the Work and all required insurance and financial security. All entities performing the work must be North Carolina licensed and bonded contractors.

B. The Applicant shall procure and maintain liability and worker's compensation and other insurance at all times during performance of any work under this Agreement and any approved permit applications, in the amounts and under the terms stipulated on the *Schedule of Insurance* attached as *Exhibit B*. The Applicant shall deliver to Town a certificate of insurance evidencing such coverage, and that Town is an additional insured. Should any of the described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

C. At the time of execution of this Agreement, the Applicant shall furnish a Performance Bond in an amount not less than the sum of \$10,000 or the estimated cost of construction or erection of Facilities, whichever is the higher amount, as security for the faithful performance of this Agreement for the term of this

Agreement. The Performance Bond shall be with a Surety acceptable to Town and shall be in the form and amount as stipulated on the attached *Exhibit C Performance Bond Form*, incorporated herein by reference.

D. In the event of conflict between the requirements of this Encroachment Agreement or the Code Conditions, the more restrictive requirement shall apply.

E. Applicant must comply with all relevant provisions of the Town of Cary Code of Ordinances, including but not limited to Sections 22-102 – 22-112 (“Noise”) and Section 36-1 (“Tampering with water or sewer systems--Protection of systems on certain days”), as they may be amended from time to time. Section 36-1 prohibits performing “any excavation or other work adjacent to or near” the Town’s water or sewer system (including reclaimed water system) or the making “of any street or other repairs which might endanger said water or sewer system on any legal holidays of the town or on Saturdays or Sundays without prior written permission of the town manager.”

5. Notice. Notices to Applicant under this Agreement shall be sent to the following address:

Notices to Town under this Agreement shall be sent to the following address: 316 N. Academy Street, Cary, NC 27513, Attn: Right of Way Coordinator.

6. Recitals. The Recitals are incorporated herein.

7. Miscellaneous. (a) Neither party waives any rights it may have under applicable law with respect to the subject matter in this Agreement. (b) There are no third party beneficiaries to this Agreement. (c) Town may convert the signed original of this Agreement to an electronic record pursuant to an approved North Carolina Department of Cultural Resources procedure and process for converting paper records to electronic records for record retention purposes. Such electronic record of this Agreement shall be deemed for all purposes to be the original signed Agreement. (d) The individual signing Agreement has the right and power to do so and bind Grantee to the obligations set forth herein and such individual does so warrant that he/she has such authority. (e) Applicant acknowledges that records in the custody of Town are public records and subject to public records requests. Town may provide copies of such records, including copyrighted records, in response to public record requests. (f) Nothing contained in this Agreement shall be deemed or construed so as to restrict or inhibit the Town’s police powers or regulatory authority. (g) Nothing in this Agreement shall be construed to mandate purchase of insurance by Town pursuant to N.C.G.S. 160A-485 or to in any way waive Town's defense of sovereign or governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law. No officer, agent or employee of Town shall be subject to any personal liability by reason of the execution of this Agreement. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law. (h) This Agreement represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral, and may only be amended only by written amendment in a writing signed by the both parties. (i) This Agreement shall be governed by the laws of the State of North Carolina. All suits or actions related to Agreement shall be brought exclusively in Wake County, North Carolina.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed in the day and year first above written.

NAME OF APPLICANT: _____

Signature

Name and Title, if Applicable (Please Print)

Address

City, State, Zip

NOTARY OR CORPORATE SEAL

ATTEST OR WITNESS:

NORTH CAROLINA

COUNTY OF _____

I, _____, a notary public, do certify that
_____ personally appeared
before me this day and acknowledged the due execution of the
foregoing agreement. Witness my hand and notarial seal this _____
day of _____, 20__.

Notary Public

My commission expires: _____

TOWN OF CARY APPROVAL

So Agreed By: _____ DATE _____

EXHIBIT A

PLAN

EXHIBIT B

SCHEDULE OF INSURANCE

The insurance required by the Encroachment Agreement shall be as provided herein and written for not less than the following amounts, or greater if required by law:

1. Workers' Compensation
 - a. Statutory Coverage for North Carolina
 - b. Employers' Liability
 - \$500,000 Per Accident
 - \$500,000 Disease Policy Limit
 - \$500,000 Disease Each Employee

2. Commercial General Liability (including Premises-Operations; Personal and Advertising injury; Products and Completed Operations; Bodily Injury; Property Damage and Contractual Liability). The Applicant shall include Cary and its employees, agents and consultants as additional insureds on the Commercial General Liability Policy.
 - a. Combined single limit (bodily injury and property damage):
 - \$3,000,000 General Aggregate
 - \$1,000,000 Products & Completed Operations Aggregate
 - \$1,000,000 Personal and Advertising Injury
 - \$1,000,000 Per Occurrence
 - \$ 50,000 Fire Damage (Any One Fire)
 - b. Property Damage Liability Insurance shall provide X, C, and U coverage.
 - c. Products and Completed Operations insurance shall be maintained for a minimum period of two (2) years after completion of Work.
 - d. Commercial General Liability Policy shall be endorsed to have the general aggregate apply on a "per project" basis.

3. Commercial Automobile Liability covering all owned, hired, and non-owned vehicles:
 - Combined Single Limit; \$1,000,000 Each Accident

4. Umbrella Policy
 - \$5,000,000 Over Primary Insurance & Self Insured Retention not to exceed \$5,000
 - Grantee may use any combination of primary and excess insurance to meet required total limits.

Certificates of Insurance acceptable to Town shall be filed with Town prior to commencement of any work. Coverage afforded under the policies will not be canceled, if not renewed, until at least thirty (30) days prior written notice has been given to the Town. Insurance carrier(s) shall be licensed, authorized, or permitted, and admitted to do business in the state of North Carolina.

Application for Permission to Encroach on Public Street
Right(s)-of-Way

A. All applicants must provide the following information:

Applicant's Name: **Town of Apex (Electric Utilities Department)**

Address: **105 Upchurch Street
Apex NC 27502**

Telephone No: **919-249-3342** _____ Email: **rodney.smith@apexnc.org**

Public street right(s)-of-way seek to encroach upon: _____

Westhigh Street _____

Description of items applicant seeks permission to install in public street right(s)-of-way:

1/0 UG primary distribution cable

Will any excavation be required? Yes No

If so, describe the extent of the excavation: _____

Will installation of the relevant items in public street right(s)-of-way cause any disruption in traffic flow in any public streets? Yes No

If so, describe what precautions you intend to take to minimize that disruption: _____

What is the desired construction schedule and sequence? **The week of August 17th, 2020**

What insurance does the applicant have, or will obtain if granted permission to encroach, that will cover its desired activities and items in the public street right(s)-of-way? (Applicants who are homeowners should check their homeowner's policy in this regard). _____

General, Auto, Workers Comp, and Liability.

B. All applicants except homeowners must provide the following additional information:

Generally describe the applicant's business: **Provide electric utilities.**_____

Describe the services, if any, the applicant proposes to provide to others through the items it desires permission to install in public street right(s)-of-way, identifying the geographic scope in which those services will be provided, and the type of customers to whom those services will be provided: **Town of Cary residents in the Bishops Gate Subdivision.**_____

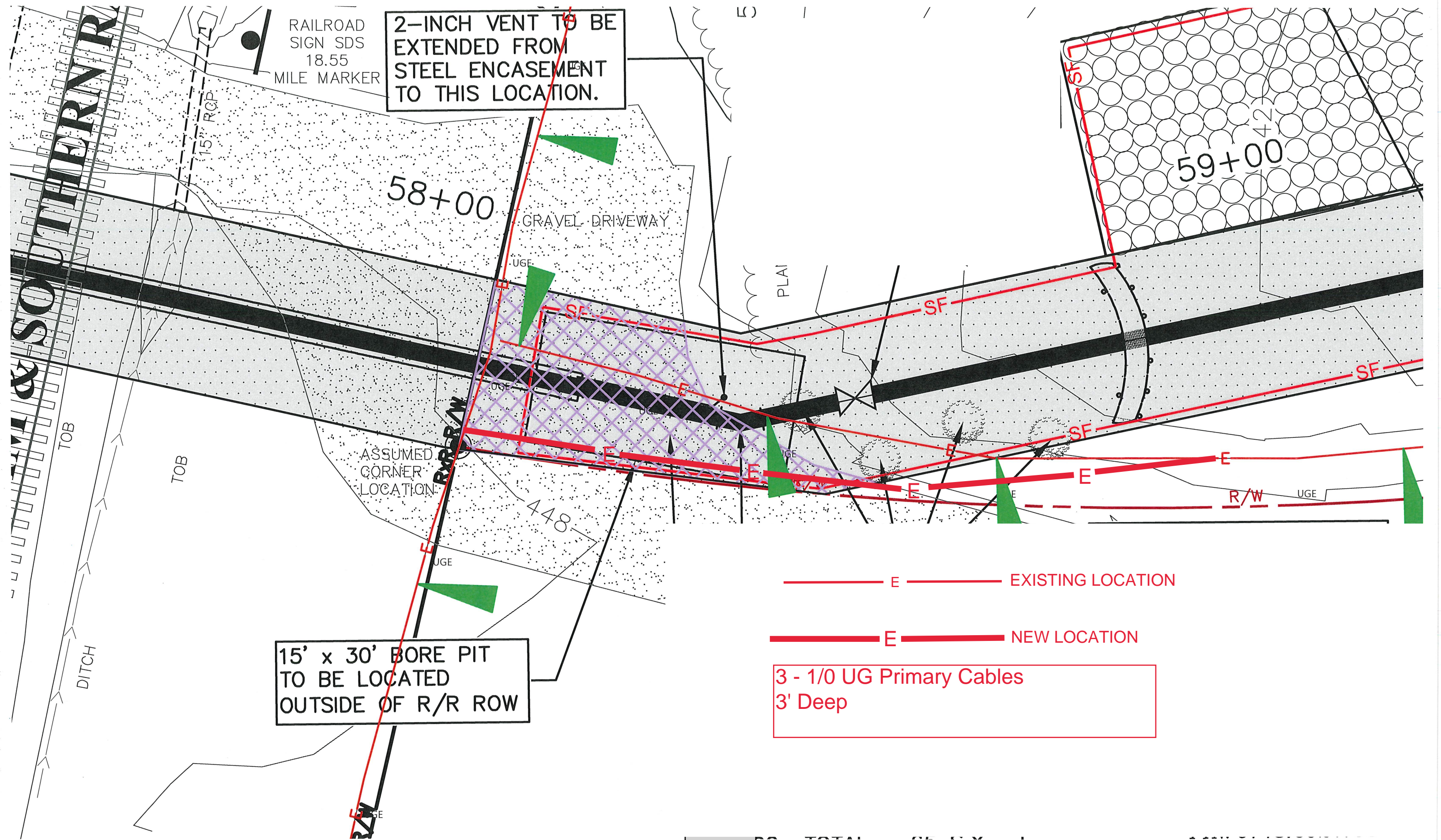
C. All applicants must submit a site plan with this application, with sufficient detail to show the proposed location of the items the applicant seeks permission to install in the public street right(s)-of-way, including any manholes or overhead poles, the size, type and proposed depth of any conduit or other enclosures, and the proximity of the applicant's items, if installed, to all existing poles, utilities, sidewalks, pavement, telecommunications or cable systems, and other improvements existing in the relevant public street right(s)-of-way.

D. Provide below any other information the applicant wishes for the Town to consider in reviewing this application: **The UG electric is being relocated for a Town of Cary water line installation.**_____

Date: _____

The person signing this form represents to the Town that, to the best of their knowledge, the information contained in this application and on the submitted site plan is accurate and complete.

Submitted by: Drew Havens _____
(Print Name) (Sign & Date)



2-INCH VENT TO BE EXTENDED FROM STEEL ENCASEMENT TO THIS LOCATION.

RAILROAD SIGN SDS 18.55 MILE MARKER

58+00

GRAVEL DRIVEWAY

59+00

ASSUMED CORNER LOCATION

15' x 30' BORE PIT TO BE LOCATED OUTSIDE OF R/R ROW

— E — EXISTING LOCATION

— E — NEW LOCATION

3 - 1/0 UG Primary Cables
3' Deep

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 4, 2020

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve a lease agreement between the Town and the Apex Chamber of Commerce for use of space in The Apex Depot

Approval Recommended?

Yes

Item Details

The original agreement with the Chamber of Commerce expired in 2019. The Town and Chamber have been operating month-to-month while developing the proposed agreement. The agreement identifies space for Town use and Chamber of Commerce use. The initial term is for 5 years at a rate of \$1 per year.

Attachments

- Lease Agreement



STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF WAKE

THIS LEASE AGREEMENT is made and entered into as of this 5th day of August 2020, by and between THE TOWN OF APEX (hereinafter "**Landlord**") and APEX CHAMBER OF COMMERCE (hereinafter "**Tenant**").

WITNESSETH:

WHEREAS, Landlord is the owner of that certain Building located at 220 North Salem Street and Center Street, known as the Apex Union Depot (the "**Building**") and is the lessee of that certain real estate upon which the Building is situated being the real estate described in Exhibit A attached hereto (the "**Land**"). Together, the Building and Land shall hereinafter be called the "**Property**." The areas of the Building that the Tenant is entitled to use shall hereinafter be called the "**Leased Premises**" and shall include the exclusive use, shared use, and common areas as shown on the attached Exhibit B. The Leased Premises do not include any areas reserved to the Landlord's exclusive use, the railroad, caboose or its location leased to the Apex Historical Society by CSX Transportation, and being a rectangular area 100 feet by 48 feet. The Leased Premises do not include the parking lot in front of the Building, provided that during the term of this lease Landlord will continue to maintain the same as a public parking area.

WHEREAS, Tenant desires to lease the Leased Premises from Landlord;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, including, without limitation, the covenant to pay rent and other good and valuable consideration, Landlord and Tenant hereby agree as follows:

1. **Defined Terms.** Capitalized terms used in the recitals shall have the meanings set forth therein.
2. **Leased Premises.** Landlord leases to Tenant and Tenant leases from Landlord the Leased Premises for the Tenants use as described herein.
3. **Term; Termination for Convenience.** The initial term of this lease shall be for a period that shall commence on August 5, 2020, and continue until August 4, 2025, the expiration date. Either Landlord or Tenant may terminate this lease at the expiration of the initial term by giving written notice to the other at least one-year prior to the expiration date. The Tenant shall have the option to renew this lease under the same terms for an additional five (5) years by providing written notice at least six (6) months prior to the expiration date. In the event that neither party acts to terminate this lease as of the end of the initial term, then this lease shall continue on a year-to-year basis until terminated by either party giving a one-year written notice prior to the last day of the then current year term. Either party may terminate the lease at any time by giving the other party at least a one-year notice.

4. **Responsibilities.** Responsibilities of the Landlord and the Tenant are as follows:

a. Tenant's Responsibilities.

- i. Tenant shall pay to Landlord as rent the sum of One Dollar and 00/100 (\$1.00) per year, payable in advance on the date of commencement of this lease and thereafter on or before the first day of each year during the term of this lease. All rent payable by Tenant shall be without previous demand, set off, or deduction. All money rent shall be paid to Landlord at the address to which notices to Landlord are given as set forth in the paragraph entitled "Notices" hereunder.
- ii. Tenant shall reimburse Landlord for property damage caused by Tenant on the Property.
- iii. Tenant shall provide Landlord with one annual membership in the Chamber of Commerce each year and recognize the Landlord as a Platinum Peak Performer. Tenant shall provide Landlord with tickets to WakeUp Apex Events and Women's Network Events.
- iv. Tenant may sub-lease offices and conference rooms to Apex Chamber of Commerce members with or without consideration and without consent of the Landlord so long as there is no violation of Town ordinances, sale or consumption of alcohol, or conflict with prior scheduled Town meetings or events. Tenant shall not sub-lease to non-members.
- v. Landlord shall designate a space in the reception area of not less than 74x94 where Tenant may place marketing materials of Chamber members or promote Tenant events. This space may be provided as two separate spaces totaling aforementioned area. Upon completion of renovations described in Section 4(b)(ii) of this agreement, Landlord may at its discretion require such materials to be relocated to the renovated area. Tenant may not place marketing materials or displays in the Common Areas or any other part of the Building without the written consent of the Landlord.
- vi. Tenant is responsible for office supplies, kitchen supplies, and consumables located in the Leased Premises used by Tenant or Tenant's guests. Such supplies should be designated clearly as for use by the Tenant.
- vii. Tenant shall not sell alcohol at the Building or Property. Tenant may allow for the consumption of alcohol at events with Alcoholic Beverage Commission approval through Apex Police Department and Wake County.
- viii. Landlord shall designate two (2) parking spaces in the parking lot in front of the Building for use by Tenant employees so long as the parking lot exists.

b. Landlord's Responsibilities.

- i. Landlord shall provide staff support through the Economic Development Program Support Specialist to Tenant for approximately twenty (20) hours per week. Support shall be during normal Tenant business hours to

perform functions as agreed upon in the Program Support Specialist job description. The Executive Director of Tenant and the Director of Economic Development for Landlord will meet monthly, unless an alternate meeting schedule is agreed upon, to discuss the performance of the Program Support Specialist.

- ii. Landlord shall pay the costs of any capital improvement projects unless otherwise agreed to in writing by Landlord and Tenant. Landlord proposes to perform renovations to existing shared storage space for use as Tenant's office as set forth in Exhibit C (the "Improvements"). Landlord will attempt to complete renovations within a year if provided for in the budget and approved by Town Council. Tenant agrees to contribute fifty (50) percent of the costs of the Improvements, up to fifteen thousand dollars (\$15,000). Upon completion of the Improvements, the Tenant shall provide an initial payment toward to the Tenant's contribution equal to 1/3 of the Tenant's total commitment. The Tenant shall provide two subsequent payments annually equal to 1/3 of the Tenant's contribution. If the Landlord terminates this agreement other than for cause, the Tenant will be relieved of any remaining payment obligation. If the Landlord terminates the agreement for cause or the Tenant terminates the agreement for any reason other than for cause, the Tenant is responsible for full payment of any remaining balance of the Tenant's obligation. The Tenant shall pay in full any remaining balance within 60 days of termination of the agreement.
- iii. Upon completion of the Improvements, such space shall be designated as Chamber Exclusive Use, and Exhibit B shall be revised to display the newly renovated space as Chamber Exclusive Use and the former Chamber Exclusive Use space shall be designation Town of Apex Exclusive Area.

5. **Tenant's Acceptance; Maintenance and Repair.** Upon occupancy of the premises, Tenant represents to the Landlord that it has examined and inspected the same, finds the premises to be as represented by the Landlord and satisfactory for Tenant's intended use and Tenant accepts the Leased Premises "as is." Tenant shall not make any alterations or repairs to the Leased Premises without Landlord's prior written consent, which shall not be unreasonably withheld. Landlord agrees to keep the Leased Premises in good order and repair and shall make any repairs to the Leased Premises necessary to keep it in such good order and repair, whether the repair is ordinary or extraordinary, structural or non-structural. Tenant will provide for window cleaning through member trade agreement. Landlord will maintain the grounds and landscaping around the Building.
6. **Use.** Tenant shall use the Leased Premises for office space and meeting facility. Tenant shall not use the Leased Premises in any manner that will constitute waste, nuisance, unreasonable annoyance to owners or occupants of adjacent properties or in any manner in violation of any law, regulation, or ordinance of any public authority.

7. **Utilities and Services.** Landlord shall make all arrangements for and pay for all utilities and services used by Tenant, including, without limitation, gas, electricity, water, television and telephone service, internet network and connection, and for all charges for initiation and maintenance of said services. Copier and printer services shall be maintained by Tenant and Landlord's use of the copier and printer services shall be billed to Landlord monthly until such time that Landlord can assume responsibility for the copier and printer provider contract. Upon transfer of the copier and printer services contract to Landlord, Landlord shall bill Tenant monthly for use of such services by the Tenant.
8. **Destruction.** If during the term of this lease the Leased Premises are totally or partially destroyed from any cause, rendering the Leased Premises totally or substantially inaccessible or unusable, this lease shall terminate at the election of Landlord or Tenant.
9. **Insurance; Waiver of Subrogation.** Landlord shall maintain property damage insurance covering the Building through the N.C. League of Municipalities. Throughout the term of the lease, Tenant at its sole cost and expense shall keep for the mutual benefit of Landlord and Tenant (with appropriate cross-liability endorsements so showing) public liability and contents property damage insurance with combined single limited coverage of at least \$1.0 million, which policies insure against all liability of Tenant, Tenant's authorized representatives, and anyone for whom Tenant is responsible arising out of or in connection with Tenant's use of the Leased Premises. All such policies shall be non-accessible and shall contain language, to the extent obtainable, without payment of a premium over that chargeable without such language, that (a) any loss shall be payable notwithstanding any act or negligence of Landlord or Tenant that might otherwise result in forfeiture of the insurance, (b) that the policies are primary and non-contributing with any insurance that Landlord may carry, and (c) that they cannot be cancelled or changed except after 10 days' notice to Landlord. Anything in this lease to the contrary notwithstanding, to the extent covered by insurance, Landlord releases and waives unto Tenant, its successors and assigns, and Tenant releases and waives unto its Landlord, its successors and assigns, all rights to claim damages for any injury, loss, cost, or damage to persons or to the Leased Premises which is occasioned by fire, explosion, accident, occurrence or condition in, on or about the Leased Premises or any other casualty, if, and only if, the amount of which injury, loss, cost or damage has been paid either to Landlord, Tenant, or other damaged person, firm, or corporation, under the terms of any existing, prior, extended coverage, public liability, or other policy of insurance, to the extent such releases or waivers are permitted under applicable law. All policies of insurance carried or maintained pursuant to this lease shall contain or be endorsed to contain a provision whereby the insurer waives all rights of subrogation against either Tenant or Landlord provided that such a provision shall be obtainable. If insurance policies with such waiver of subrogation provisions shall not be obtainable or shall be obtainable only at a premium over that chargeable without such waiver, the party seeking such policy shall pay such additional premium. If any provision relating to a waiver of subrogation contained herein shall contravene any present or future law with respect to exculpatory agreements, the liability of the party affected shall be deemed not released but shall be secondary to the other's insurer.

10. **Condemnation.** If, during the term of this lease there is any taking of all or any part of the Property rendering the Leased Premises totally or substantially inaccessible or unusable, this lease shall terminate at the election of Landlord or Tenant.
11. **Indemnity.** Tenant shall hold Landlord harmless from all liability arising out of any damage or injury to any person or property occurring in, on, or about the Leased Premises, except that Landlord shall be liable to Tenant for damage resulting from the acts or omissions of Landlord or its authorized representatives. With respect to conditions or violations existing prior to the commencement of this lease, Landlord shall hold Tenant harmless in the event that Tenant incurs environmental liability related to the Leased Premises under an environmental law, rule, or regulation.
12. **Assignment and Subletting.** Tenant may not assign or encumber this lease and may not sublet any part or all of the Leased Premises without the prior written consent of Landlord, which shall be at Landlord's sole discretion, except to Chamber of Commerce members as provided in Section 4(a)(iv).
13. **Landlord's Remedies.** Landlord shall have the following remedies if Tenant commits a material default: (a) Landlord shall have the right to terminate this lease and Tenant's rights to possession of the Leased Premises and to reenter the Leased Premises upon giving 30 days' notice of default and such default is not remedied within 30 days of such notice, and (b) upon termination, Landlord shall have the right to pursue its remedies at law or in equity to recover of Tenant all amounts of rent then due or thereafter accruing and such other damages as are caused by Tenant's default.
14. **Quiet Enjoyment.** Provided Tenant performs all his covenants, agreements and obligations hereunder, Landlord will warrant and defend Tenant in the peaceful and quiet enjoyment of the Leased Premises, but only against the lawful claims of all persons claiming by, through, or under Landlord.
15. **Right of Entry.** Landlord and his authorized representatives shall have the right to enter the exclusive use areas of the Leased Premises at all reasonable times and with reasonable notice to inspect the Leased Premises.
16. **Property of Tenant.** All property placed on the Leased Premises by, at the direction of or with the consent of the Tenant, his/her agents, licensees or invitees, shall be at the risk of the Tenant or the owner thereof and Landlord shall not be liable for any loss of or damage to said property resulting from any cause whatsoever. Notwithstanding the foregoing, Landlord acknowledges that it is using furniture and other personal property owned by Tenant, and Landlord shall be liable for any loss of or damage to such property while in possession of Landlord.
17. **Surrender of Leased Premises; Holdover.** Tenant will deliver up the Leased Premises at the end of the term or upon termination hereof, in good order and condition, reasonable wear and tear excepted, and Landlord shall deliver to Tenant all Tenant property being used by Landlord in good order and condition, reasonable wear and tear excepted. If, for

any reason whatsoever, Tenant does not vacate the Leased Premises and holds over after the termination of this lease, such holding over shall not be deemed to be a renewal of this lease but shall be deemed to create a tenancy-at-sufferance and by such holding over Tenant shall be deemed to have agreed to be bound by all of the terms and conditions of this lease except those as to the term hereof.

18. **Waiver.** The waiver by a Landlord of any breach of any covenant or agreement herein contained shall not be a waiver of any other default concerning the same or any other covenant or agreement herein contained. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; but shall constitute only a waiver of timely payment for the particular rent payment involved.
19. **Notices.** All notices provided for in this lease agreement shall be in writing and shall be deemed to be given when sent by certified mail, return receipt requested, addressed: a) to Landlord at P.O. Box 250, Apex North Carolina 27502 and b) to Tenant at 220 N. Salem Street Apex, North Carolina 27502. Either party hereto may from time to time, by notice as herein provided, designate a different address to which notices to it shall be sent.
20. **Railroad.** Landlord leases from CSX Transportation [the "Railroad"] the Land upon which the Building is located under a lease that is terminable upon 30 days written notice by either party. In the event that the Railroad terminates its lease with the Town, then this lease is likewise terminated as of the date of termination of the lease with the Railroad. The enforceability of this lease shall be contingent upon Railroad granting Landlord consent to sublease to Tenant that portion of the Leased Premises which Landlord leases from Railroad.
21. **Applicable Law.** This lease shall be governed by the laws of the State of North Carolina.
22. **Miscellaneous.** Headings of paragraphs are for convenience only and shall not be considered in construing the meanings of the contents of such paragraph. The invalidity of any portion of this lease shall not have any effect on the balance hereof. Should Landlord institute any legal proceedings against Tenant for breach of any provision herein contained, and prevail in such action, Tenant shall in addition be liable for the costs and expenses of Landlord, including his reasonable attorneys' fees. This agreement supersedes and cancels all prior negotiations between the parties, and changes shall be in writing signed by the party affected by such change. This agreement shall be binding upon the respective parties hereto, and upon their heirs, executors, successors and assigns. Landlord reserves the right to make (and change from time to time) reasonable regulations concerning the premises or real estate. Landlord may sell the Leased Premises without affecting the obligations of Tenant hereunder. This lease may not be recorded without Landlord's prior written consent, but either party agrees on request of the other to execute a memorandum hereof for recording purposes. The singular shall include the plural, and the masculine, feminine or neuter includes the other. Unless expressly provided in this lease that consent or approval may be made in a party's sole discretion, any consent or approval of a party required under this lease shall not be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

LANDLORD:

TOWN OF APEX

(SEAL)

by: _____
Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch
Town Clerk

TENANT:

THE APEX CHAMBER OF COMMERCE, INC.

by: _____
President

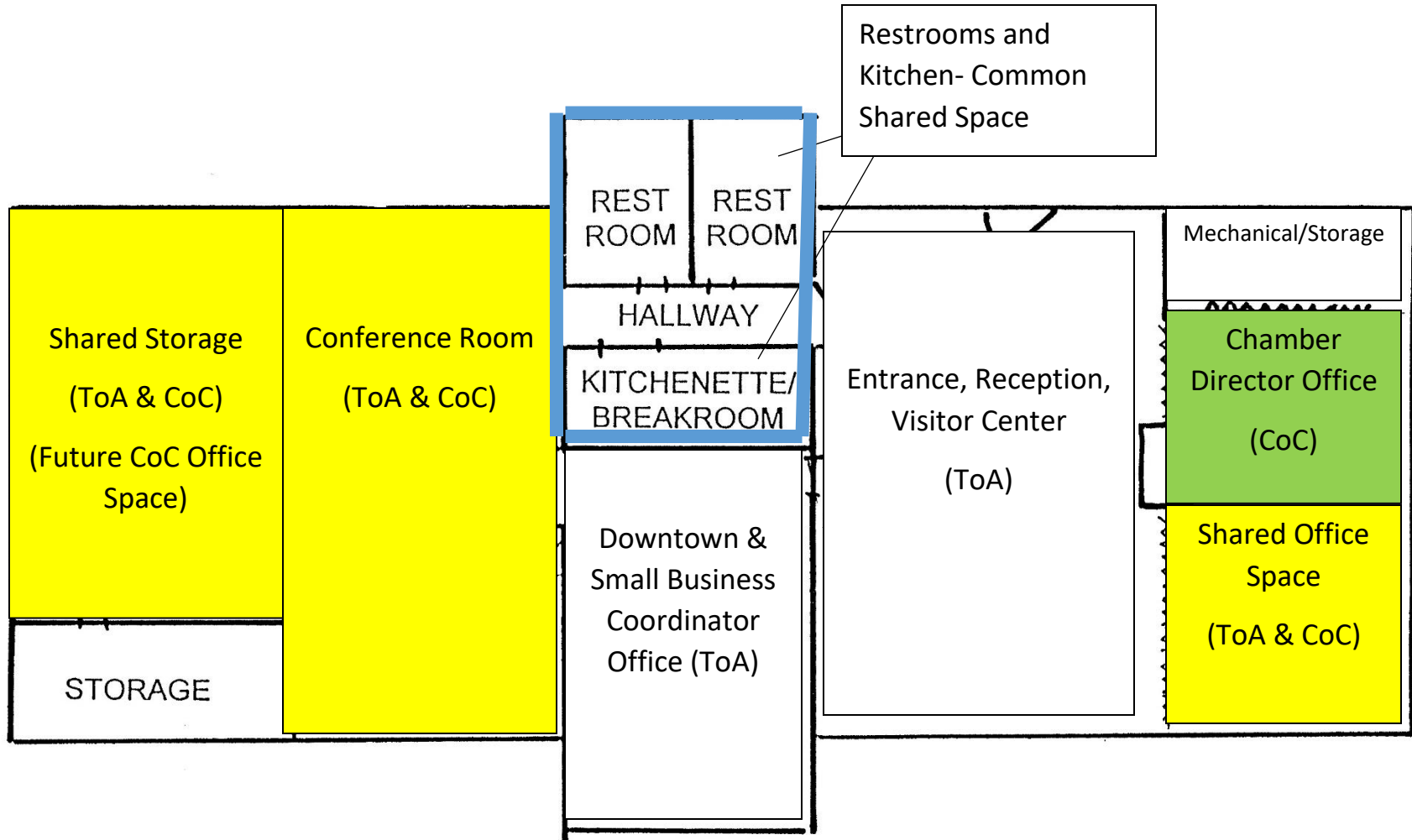
ATTEST:

_____ (Corporate Seal)
Secretary

Exhibit A – Land

Beginning at a point on the southern line of Center Street distant 70 feet westwardly, measured at right angles from the center line of Lessor's main track; running thence eastwardly along said street line 29 feet to a point 41 feet westwardly, measured at right angles from said center line; thence southwardly parallel to the center line of said main track 50 feet to the northern end of said building; thence eastwardly along the northern end of said building 12 feet to the northeastern corner of said building; thence southwardly along the eastern side of said building 30 feet to an offset in said building; thence eastwardly along said offset building line 5 feet to the northeastern corner of said offset; thence southwardly along the eastern side of said offset 16 feet to the southeastern corner of said offset; thence westwardly along the southern side of said offset 5 feet to the eastern side of said building; thence southwardly along the eastern side of said building and prolongation thereof 84 feet; thence westwardly at right angles from the preceding course 41 feet to the western boundary line of Lessor's right of way, which boundary line is parallel with and 70 feet westwardly, measured at right angles from the center line of said main track; thence northwardly along said right of way line 180 feet to the point of beginning; as more clearly shown in red on print of Lessor's Division Engineer's Drawing No. 1209, dated November 15, 1954, last revised May 6, 1969, which print is attached hereto and made a part hereof.

Exhibit B – Leased Premises



Legend: Non-exclusive (Shared) Areas Chamber Exclusive Use Common Space Area

Exhibit C – Improvements

The following represents improvements requested by the Apex Chamber of Commerce (Tenant) for the current shared storage area located in the south section of the Depot.

- All walls to be drywall
- Ceiling to be refurbished existing wood detail (If existing ceiling detail cannot be salvaged, ceiling should be drywall.)
- Construction of one enclosed office space with sliding or pocket door
- Construction of half-bath (sink and toilet) in rear, unfinished storage area
- Removal of carpet to be replaced with a laminate/cement wood (should have appearance of wood flooring)
- Replacement/modernization of lighting and fans
- Removal of ductless (mini-split) heating/air condition system
- Connect area to existing central HVAC system
- All walls to be painted with color chosen by Tenant
- One painted accent wall (optional)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August, 04, 2020

Item Details

Presenter(s): Jessica Bolin, Environmental Engineering Manager

Department(s): Water Resources

Requested Motion

Motion to approve and authorize the Town Manager to execute the same, a Master Services Agreement between the Town and Aqualis Stormwater Management for monthly maintenance of all Town-owned Stormwater Control Measures (SCMs) for a 3-year period (ending 06/30/2023) with the option to approve two one-year contract extensions after that date.

Approval Recommended?

Yes

Item Details

Attachments

- Master Services Agreement with Aqualis



STATE OF NORTH CAROLINA

Contract Identification # _____

COUNTY OF WAKE

MASTER SERVICES AGREEMENT

THIS MASTER SERVICES AGREEMENT is entered into this the 13th day of July , 2020, by and between, Aqualis Stormwater Management, a North Carolina Corporation with its principal business offices located at 2510 Meridian Parkway, Suite 350; Durham, NC 27713 (the “Contractor”), and the Town of Apex, a municipal corporation of the State of North Carolina, (the “Town”). Town and Contractor may collectively be referred to as “Parties” hereinafter.

WITNESSETH:

WHEREAS, Town, is engaged in the operation and maintenance of Town-owned Stormwater Control Measures (SCMs); and

WHEREAS, the professional services of outside firms or consultants and/or others will from time to time in the future be needed by the Town for the services as described above; and

WHEREAS, Contractor provides professional services of the nature required by the Town and employs trained and experienced technical personnel possessing adequate knowledge, skills, and experience to provide such professional services to the Town; and

WHEREAS, the Parties contemplate that the services of the Contractor will be performed in various stages in accordance with separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement in this Master Services Agreement rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties acknowledge and agree that this Agreement shall act as a base agreement under which the Parties can enter into multiple specific transactions by executing a Purchase Order and written confirmation to proceed pursuant to a Scope of Services and/or rate sheet; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Contractor to being available to perform services until a Scope of Services is submitted, and does not preclude the Town from hiring other vendors or contractors to perform the same or similar work.

NOW THEREFORE, in consideration of the foregoing recitals, and the premises and mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound, hereto do contract and agree as follows:

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following general services: Routine maintenance services for Town-owned Stormwater Control Measures (SCMs) as described in the Proposal to provide these services signed by Michael Brewer and dated June 26, 2020.

2. SPECIFICATIONS.

Upon request by the Town, Contractor will provide plans and specifications prior to engaging in any services under this Agreement. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between the provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

This Agreement shall remain in effect and binding for a period of three years with the option to extend the contract for two additional one-year periods upon mutual agreement of both parties unless terminated sooner in accordance with the terms of this Agreement. Contractor shall commence and complete the work required by this Agreement in accordance with the dates provided in the Scope of Services as agreed upon by the Parties. Contractor shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Contractor shall not begin any work pursuant to this Agreement or a Scope of Services until written confirmation has been provided by the Town. The Parties hereby agree that written confirmation may be provided through electronic communication from the Town. If Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Scope of Services must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the amount authorized by the issued Purchase Order corresponding to the agreed upon Scope of Services. As services are agreed upon pursuant to this Agreement and the associated Scopes of Service, Contractor will invoice the Town for work performed. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all invoices. Town shall pay Contractor's invoices within thirty (30) days of receipt unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. INDEMNIFICATION.

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold-harmless the Town of Apex, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Apex its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

6. APPLICABILITY OF LAWS AND REGULATIONS.

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Apex in the performance of the services outlined in this contract and any attached specifications. The Parties agree that this Agreement shall be governed and construed in accordance with the laws of the State of North Carolina and all disputes hereunder shall be resolved in accordance with the laws of the State of North Carolina.

7. E-VERIFY COMPLIANCE.

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

8. QUALITY AND WORKMANSHIP.

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided. Contractor shall provide services in accordance with all federal, state and local law and in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

9. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of \$1,000,000, commercial automobile liability insurance in the minimum amount of \$2,000,000, and provide certificates of such insurance naming the Town of Apex as an *additional insured* by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, the contractor shall maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of \$1,000,000. The Contractor shall provide notice of

cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

10. PRE-PROJECT SAFETY REVIEW MEETING.

If requested by the Town, the Contractor shall attend a pre-project safety review meeting with the contacting Supervisors and Safety and Risk Manager prior to the start of work.

11. DEFAULT.

In the event of substantial failure by Contractor to perform in accordance with the terms of this Agreement, Town shall have the right to terminate Contractor upon seven (7) days written notice in which event Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

12. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

13. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CONTRACTOR: Attn: Jason Abert
2510 Meridian Parkway, Suite 350
Durham, NC 27713
jabert@aqualisco.com

TO TOWN: Town of Apex
Attn: Jessica Bolin
P.O. Box 250
Apex, NC 27502
Jessica.bolin@apexnc.org

14. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. “Forces beyond the control of the parties” shall mean, but is not limited to, delay caused by fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

15. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

16. CONSTRUCTION.

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

17. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations; that they have fully read and understood this Agreement before signing their names; and that they act voluntarily and with full advice of counsel.

18. SEVERABILITY.

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

19. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

20. MODIFICATION.

This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

21. BINDING EFFECT.

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

22. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Contractor in the performance of services rendered.

23. INDEPENDENT CONTRACTOR.

Contractor is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an independent contractor. Contractor shall be wholly responsible for the methods, means and techniques of performance.

24. NON-APPROPRIATION.

Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

25. IRAN DIVESTMENT ACT CERTIFICATION.

N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 4, 2020

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Charles and Annette Herndon and J Dallas Herndon Heirs (Tullamore) property containing 10.1869 acres located at 1745 and 1805 Holt Road, Annexation #686 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Donna Hosch, MMC, NCCMC, Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2020-0804-20
ANNEXATION PETITION NO. #686
JS Development Company, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 4, 2020, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. §160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 4, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, JS Development Company LLC, Charles E. Herndon & Annette C. Herndon, Smith & Smith Surveyors, P.A., dated June 24, 2020" and recorded in Book of Maps book number 2020 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 4th day of August 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing concrete control monument being the northernmost corner of Lot 72 as shown in B.M. 1996, PG. 1752 bearing NAD (83/2011) N.C. grid coordinate values of N= 733,413.15 U.S. Survey Feet, E= 2,038,420.41 U.S. Survey Feet; thence with the southern right of way of Holt Road ~ NCSR 1612 North 42° 16' 18" East, 16.81 feet to a calculated point; thence a curve to the right North 48° 02' 45" East, 139.49 feet (chord), 693.23 feet (radius) to a calculated point; thence a curve to the right North 68° 02' 10" East, 231.84 feet (chord), 530.45 feet (radius) to a calculated point; thence North 79° 28' 10" East, 12.68 feet to a calculated point; thence North 85° 04' 27" East, 47.56 feet to a calculated point; thence North 88° 55' 06" East, 48.33 feet to a calculated point; thence South 88° 31' 06" East, 49.02 feet to a calculated point; thence South 87° 16' 19" East, 49.53 feet to a calculated point; thence South 86° 55' 24" East, 50.17 feet to a calculated point; thence South 87° 21' 43" East, 65.95 feet to an existing iron pipe on the southern right of way of Holt Road ~ NCSR 1612; thence South 01° 42' 58" East, 1037.56 feet to an existing iron pipe; thence North 69° 32' 23" West, 472.11 feet to an existing iron pipe; thence North 14° 45' 29" East, 344.96 feet to an existing iron pipe; thence North 43° 24' 29" West, 479.18 feet to the BEGINNING containing 10.1869 total acres more or less.

The above-described area is recorded in:
D.B. 17335, PG. 1551 ~ PIN 0733-83-7691
D.B. 2860, PG. 744 ~ PIN 0733-83-9147
D.B. 6437, PG. 156 ~ PIN 0733-83-5369

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0804-20, adopted at a meeting of the Town Council, on the 4th day of August 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 5th day of August 2020.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 686 Submittal Date: 4/9/2020
Fee Paid: \$ 200.00 Check #: 2261

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

Owner Information

JS Development Company, LLC

Owner Name (Please Print)

919-389-7595

Phone

J. Dallas Herndon Heirs - Lou D Herndon, Executrix

Owner Name (Please Print)

Phone

Owner Name (Please Print)

Phone

Charles & Annette Herndon

0733-83-7691

Property PIN or Deed Book & Page #

josh@envisionhomesnc.com

E-mail Address

0733-83-9147

Property PIN or Deed Book & Page #

E-mail Address

Property PIN or Deed Book & Page #

E-mail Address

0733-83-5369

Surveyor Information

Surveyor: Smith & Smith Surveyors

Phone: 919-362-7111

Fax: _____

E-mail Address: staley@smithandsmithsurveyors.net

Annexation Summary Chart

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>10.1869</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>--</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>0</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>35</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>PUD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 686

Submittal Date: 4/9/2020

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, JS DEVELOPMENT COMPANY, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 31 day of MARCH, 2020.

Name of Limited Liability Company JS Development Company, LLC

By:

[Handwritten Signature]

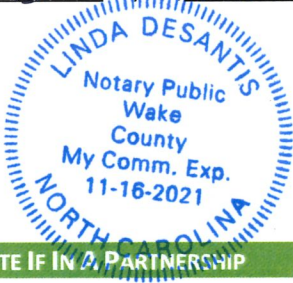
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Linda DeSantis a Notary Public for the above State and County, this the 31 day of March, 2020.

[Handwritten Signature]
Notary Public

SEAL



My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By:

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____ a Notary Public for the above State and County, this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 686

Submittal Date: 4/9/2020

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Charles Herndon
Please Print

Charles Herndon
Signature

Annette Herndon
Please Print

Annette Herndon
Signature

J Dallas Herndon Heirs
Please Print

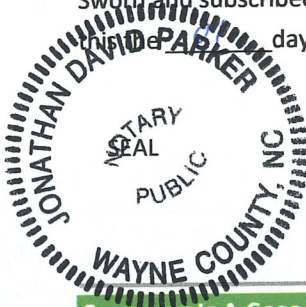
J. Dallas Herndon Heirs
Signature Charles Herndon

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Wayne

Sworn and subscribed before me, Jonathan David Parker, a Notary Public for the above State and County,
this April day of 2020.



Jonathan David Parker
Notary Public

My Commission Expires: 01/24/2022

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the ____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

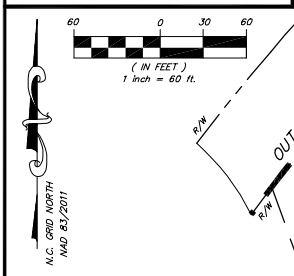
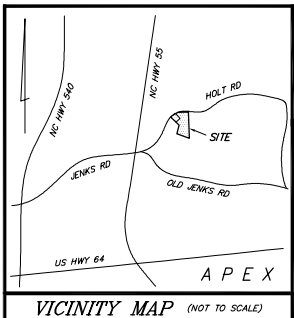
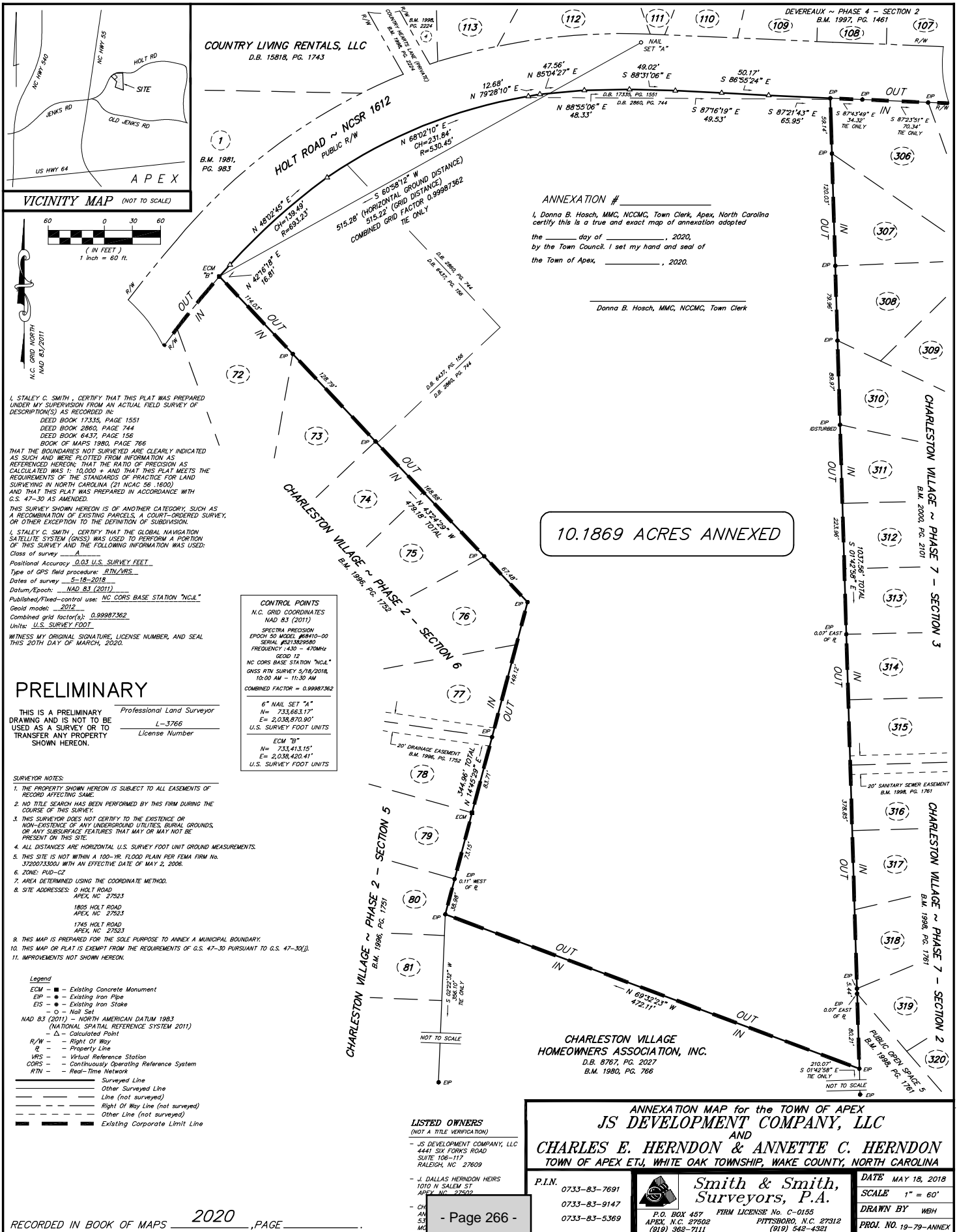
My Commission Expires: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing concrete control monument being the northernmost corner of Lot 72 as shown in B.M. 1996, PG. 1752 bearing NAD (83/2011) N.C. grid coordinate values of N= 733,413.15 U.S. Survey Feet, E= 2,038,420.41 U.S. Survey Feet; thence with the southern right of way of Holt Road ~ NCSR 1612 North 42° 16' 18" East, 16.81 feet to a calculated point; thence a curve to the right North 48° 02' 45" East, 139.49 feet (chord), 693.23 feet (radius) to a calculated point; thence a curve to the right North 68° 02' 10" East, 231.84 feet (chord), 530.45 feet (radius) to a calculated point; thence North 79° 28' 10" East, 12.68 feet to a calculated point; thence North 85° 04' 27" East, 47.56 feet to a calculated point; thence North 88° 55' 06" East, 48.33 feet to a calculated point; thence South 88° 31' 06" East, 49.02 feet to a calculated point; thence South 87° 16' 19" East, 49.53 feet to a calculated point; thence South 86° 55' 24" East, 50.17 feet to a calculated point; thence South 87° 21' 43" East, 65.95 feet to an existing iron pipe on the southern right of way of Holt Road ~ NCSR 1612; thence South 01° 42' 58" East, 1037.56 feet to an existing iron pipe; thence North 69° 32' 23" West, 472.11 feet to an existing iron pipe; thence North 14° 45' 29" East, 344.96 feet to an existing iron pipe; thence North 43° 24' 29" West, 479.18 feet to the BEGINNING containing 10.1869 total acres more or less.

The above-described area is recorded in:
D.B. 17335, PG. 1551 ~ PIN 0733-83-7691
D.B. 2860, PG. 744 ~ PIN 0733-83-9147
D.B. 6437, PG. 156 ~ PIN 0733-83-5369



I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF DESCRIPTION(S) AS RECORDED IN:

- DEED BOOK 17335, PAGE 1551
- DEED BOOK 2860, PAGE 744
- DEED BOOK 6437, PAGE 156
- BOOK OF MAPS 1980, PAGE 766

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON THAT THE RATIO OF PRECISION AS CALCULATED WAS 1:10,000+ AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 1600) AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THIS SURVEY SHOWN HEREON IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I, STALEY C. SMITH, CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:

Class of survey: A

Positional Accuracy: 0.03 U.S. SURVEY FEET

Type of GPS field procedure: RTN/VRS

Dates of survey: 5-18-2018

Datum/Epoch: NAD 83 (2011)

Published/Fixed-control use: NC CORS BASE STATION "NICA"

Geoid model: 2012

Combined grid factor(s): 0.99987362

Units: U.S. SURVEY FOOT

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 20TH DAY OF MARCH, 2020.

CONTROL POINTS	
N.C. GRID COORDINATES	NAD 83 (2011)
SPECTRA PRECISION	EPOCH 50 MODEL: 86810-00
SERIAL	821300000
FREQUENCY	430 - 470MHz
	6200.12
NC CORS BASE STATION "NICA"	GNSS RTN SURVEY 5/18/2018,
	10:00 AM - 11:30 AM
COMBINED FACTOR =	0.99987362
6" NAIL SET "A"	
N=	733,663.17'
E=	2,036,870.90'
U.S. SURVEY FOOT UNITS	
ECM "B"	
N=	733,413.15'
E=	2,038,420.41'
U.S. SURVEY FOOT UNITS	

PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

Professional Land Surveyor
L-3766
License Number

- SURVEYOR NOTES:**
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
 - NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
 - THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
 - ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
 - THIS SITE IS NOT WITHIN A 100-YR. FLOOD PLAIN PER FEMA FIRM NO. 3720013300 WITH AN EFFECTIVE DATE OF MAY 2, 2006.
 - ZONES: PUD-C2
 - AREA DETERMINED USING THE COORDINATE METHOD.
 - SITE ADDRESSES: 0 HOLT ROAD APEX, NC 27523
1805 HOLT ROAD APEX, NC 27523
1745 HOLT ROAD APEX, NC 27523
 - THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.
 - THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(d).
 - IMPROVEMENTS NOT SHOWN HEREON.

- Legend**
- ECM - Existing Concrete Monument
 - EP - Existing Iron Pipe
 - EIS - Existing Iron Stake
 - - - - - Existing Nail Set
 - NAD 83 (2011) - NORTH AMERICAN DATUM 1983 (NATIONAL SPATIAL REFERENCE SYSTEM 2011)
 - Δ - Calculated Point
 - R/W - Right Of Way
 - — — — — Property Line
 - VRS - Virtual Reference Station
 - CORS - Continuously Operating Reference System
 - RTN - Real-Time Network
 - — — — — Surveyed Line
 - — — — — Other Surveyed Line
 - — — — — Line (not surveyed)
 - - - - - Right Of Way Line (not surveyed)
 - - - - - Other Line (not surveyed)
 - — — — — Existing Corporate Limit Line

ANNEXATION # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, 2020, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2020.

Donna B. Hosch, MMC, NCCMC, Town Clerk

10.1869 ACRES ANNEXED

- LISTED OWNERS (NOT A TITLE VERIFICATION)**
- JS DEVELOPMENT COMPANY, LLC
4441 SIX FORKS ROAD
SUITE 106-117
RALEIGH, NC 27609
 - J. DALLAS HERNDON HEIRS
1010 N SALEM ST.
APEX, NC 27502
 - CH AM 53

ANNEXATION MAP for the TOWN OF APEX
JS DEVELOPMENT COMPANY, LLC
AND
CHARLES E. HERNDON & ANNETTE C. HERNDON
TOWN OF APEX ETJ, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

P.I.N. 0733-83-7691
0733-83-9147
0733-83-5369

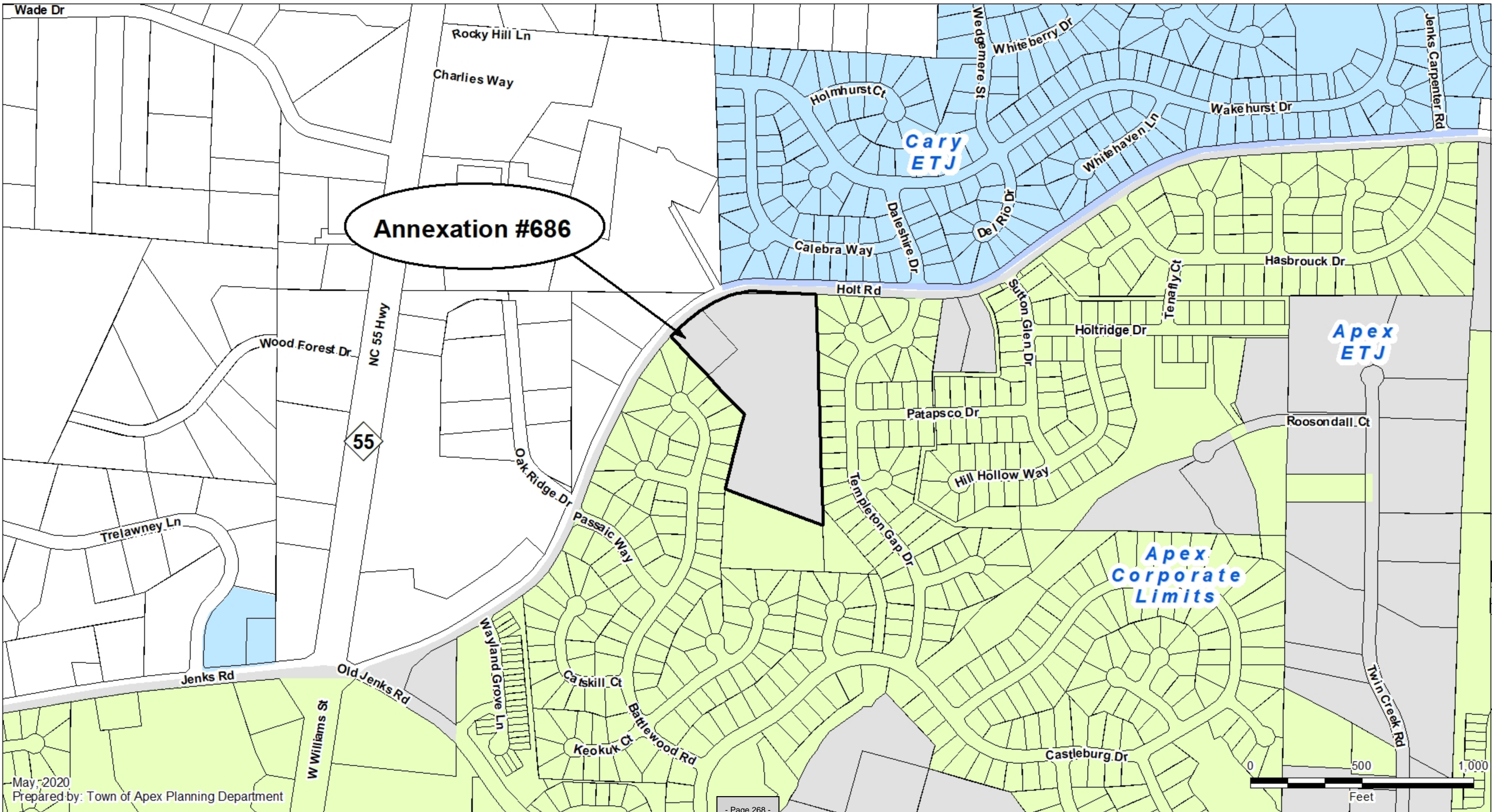
Smith & Smith, Surveyors, P.A.
P.O. BOX 457
APEX, N.C. 27502
(919) 382-7111

FIRM LICENSE No. C-0155
PITTSBORO, N.C. 27312
(919) 542-4321

DATE MAY 18, 2018
SCALE 1" = 60'
DRAWN BY WBH
PROJ. NO. 19-79-ANNEX

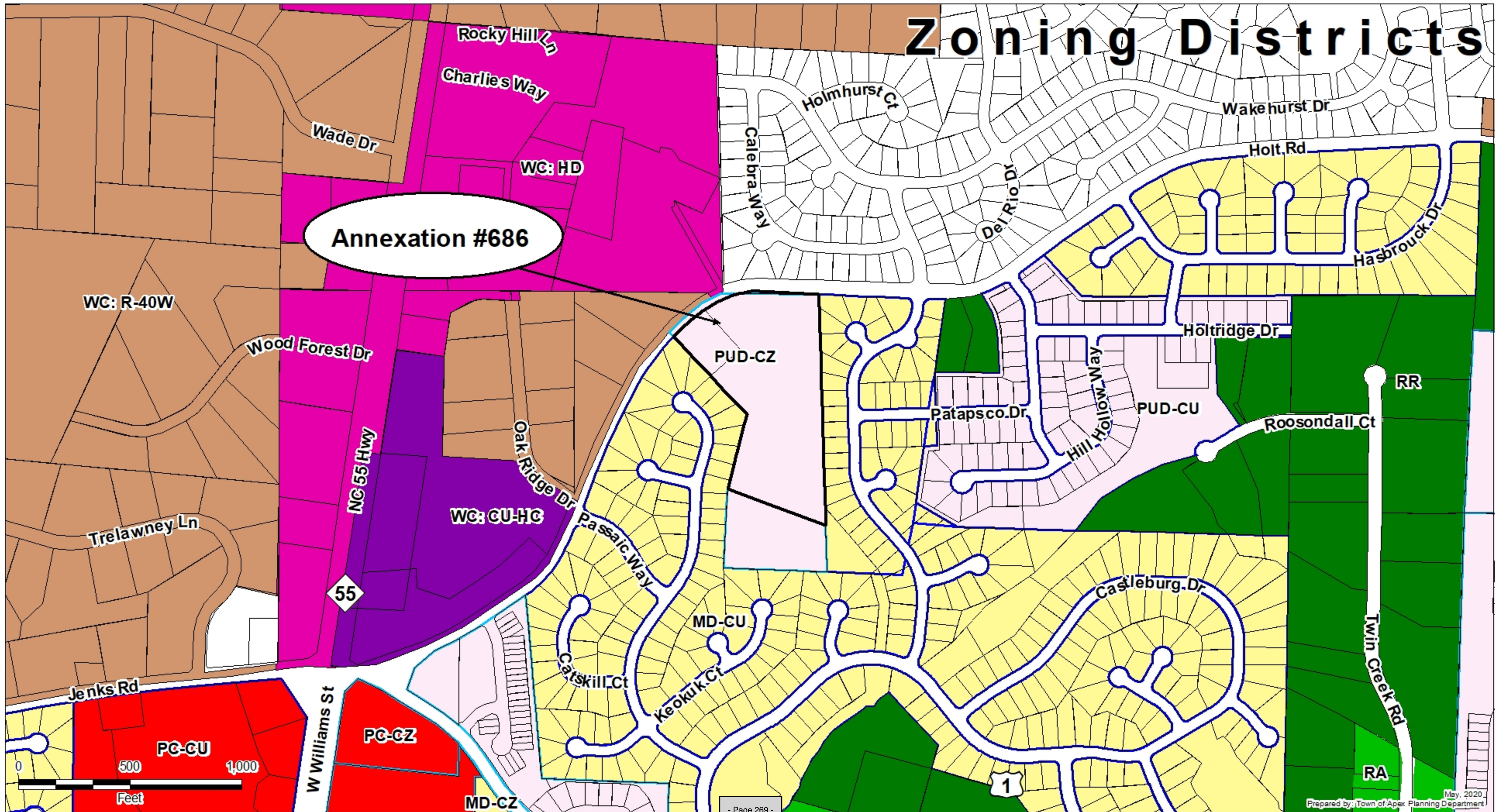
Annexation #686



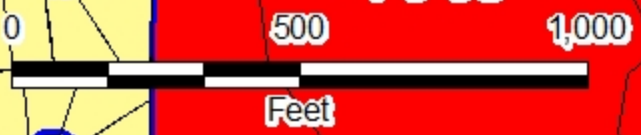


Annexation #686

Zoning Districts



Annexation #686



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 4, 2020

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Faithwill Homes, LLC (Ananda at Bella Casa) property containing 2.0058 acres located at 2708 Blazing Trail Drive, Annexation #691 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Donna Hosch, MMC, NCCMC, Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2020-0804-19
ANNEXATION PETITION NO. #691
Faithwill Homes, LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 4, 2020, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. §160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 4, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Faithwill Homes, LLC, Smith & Smith, Surveyors, P.A., dated May 19, 2020" and recorded in Book of Maps book number 2020 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 4th day of August 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the eastern 60' public right of way of Blazing Trail Drive (B.JVI. 2016, Pg. 157) also being the southwesternmost corner of Lot 389 (B.M. 2014, PG. 1340) located South 78° 11' 50" East, 57.03 feet from a 6 inch nail set "A" bearing NAD 83 (2011) coordinate values of North 712,056.57 feet, East 2,025,633.83 feet; thence South 88° 36' 38" East, 127.18 feet to an existing iron pipe; thence South 88° 31' 21" East, 299.77 feet to an existing iron pipe; thence South 02° 23' 38" West, 211.73 feet to an existing iron pipe; thence North 86° 37' 57" West, 427.39 feet to an existing iron pipe; thence a curve to the left North 03° 08' 10" East, 34.22 feet (chord) 2068.17 feet (radius) to an existing iron pipe; thence North 02° 23' 38" East, 163.23 feet to the BEGINNING, containing 2.0058 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Faithwill Homes, LLC", dated January 14, 2020.

The above-described area is recorded in:

D.B. 17829, Pg. 2704 (also see D.B. 2490, Pg. 422) PIN 0721-51-8983

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0804-19, adopted at a meeting of the Town Council, on the 4th day of August 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 5th day of August 2020.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

Application #: 691

Submittal Date: 5/13/2020

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Faithwill Homes, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 13 day of May, 2020.

Name of Limited Liability Company FAITHWILL HOMES, LLC

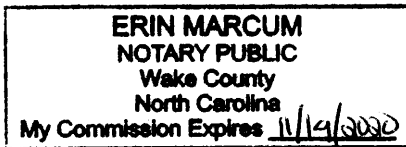
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, this the 13th day of May, 2020.

[Signature]
Notary Public

SEAL



My Commission Expires: November 19, 2020

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____ day of _____, 20____.

Notary Public

SEAL

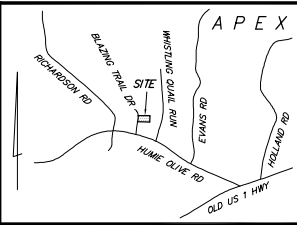
My Commission Expires: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the eastern 60' public right of way of Blazing Trail Drive (B.M. 2016, Pg. 157) also being the southwesternmost corner of Lot 389 (B.M. 2014, PG. 1340) located South $78^{\circ} 11' 50''$ East, 57.03 feet from a 6 inch nail set "A" bearing NAD 83 (2011) coordinate values of North 712,056.57 feet, East 2,025,633.83 feet; thence South $88^{\circ} 36' 38''$ East, 127.18 feet to an existing iron pipe; thence South $88^{\circ} 31' 21''$ East, 299.77 feet to an existing iron pipe; thence South $02^{\circ} 23' 38''$ West, 211.73 feet to an existing iron pipe; thence North $86^{\circ} 37' 57''$ West, 427.39 feet to an existing iron pipe; thence a curve to the left North $03^{\circ} 08' 10''$ East, 34.22 feet (chord) 2068.17 feet (radius) to an existing iron pipe; thence North $02^{\circ} 23' 38''$ East, 163.23 feet to the BEGINNING, containing 2.0058 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Faithwill Homes, LLC", dated January 14, 2020.

The above-described area is recorded in:
D.B. 17829, Pg. 2704 (also see D.B 2490, Pg. 422) ~ PIN 0721-51-8983



**DANIEL FRANCIS SMITH
JENNIFER OVERCASH SMITH**
D.B. 17035, PG. 1791
B.M. 2014, PG. 1340
ZONE: PUD-CZ
(PLANNED UNIT DEVELOPMENT)
(CONDITIONAL ZONING)
PIN 0721-52-5171

- SURVEYOR NOTES:**
1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
 2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
 3. THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
 4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
 5. THIS SITE IS NOT WITHIN A 100-YR. FLOOD PLAIN PER FEMA FIRM NO. 1702021001U WITH AN EFFECTIVE DATE OF MAY 2, 2006.
 6. ZONE: MD-CZ
 7. AREA DETERMINED USING THE COORDINATE METHOD.
 8. SITE ADDRESSES: 2708 BLAZING TRAIL DR APEX, NC 27502
 9. THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.
 10. THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(j).
 11. IMPROVEMENTS NOT SHOWN HEREON.

- Legend**
- EIP - Existing Iron Pipe
 - EIS - Existing Iron Stake (Rebar)
 - o - Nail Set
 - NAD 83 (2011) - NORTH AMERICAN DATUM 1983 (NATIONAL SPATIAL REFERENCE SYSTEM 2011)
 - R/W - Right Of Way
 - VRS - Virtual Reference Station
 - CORS - Continuously Operating Reference System
 - R/TN - Real-Time Network
- Surveyed Line
Other Surveyed Line
Line (not surveyed)
Right Of Way Line (not surveyed)
Other Line (not surveyed)
Not To Scale
Existing Corporate Limit Line

ANNEXATION # _____
I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, 2020, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2020.

CONTROL POINTS
N.C. GRID COORDINATES
NAD 83 (2011)
SPECTRA PRECISION
EPOCH 50 MODEL: 904010-00
SERIAL #013829580
FREQUENCY: 430 - 470MHz
SCALE: 1:2
N.C. CORRS BASE STATION "NCLC"
GNSS RIN SURVEY 1/14/2020
4-00 PM - 8:30 PM
COMBINED FACTOR = 0.99982992

6" NAIL SET "A"
N = 712,056.51'
E = 2,025,633.81'
U.S. SURVEY FEET

6" NAIL SET "B"
N = 711,645.36'
E = 2,025,654.57'
U.S. SURVEY FEET

VICINITY MAP (NOT TO SCALE)

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF DESCRIPTION(S) AS RECORDED IN:

DEED BOOK 17829, PAGE 2704
DEED BOOK 2490, PAGE 422
BOOK OF MAPS 1977, PAGE 117

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1:10,000 + AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 N.C.A.C. 56.1600) AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THIS SURVEY SHOWN HEREON IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SUBDIVISION.

I, STALEY C. SMITH, CERTIFY THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:

Class of survey _____
Positional Accuracy 0.03 U.S. SURVEY FOOT
Type of GPS field procedure: RTN/VRS
Dates of survey 1-14-2020
Datum/EPOCH: NAD 83 (2011)
Published/fixd-control use: N.C. CORRS BASE STATION "NCLC"
Geoid model: 2012
Combined grid factor(s): 0.99982992
Units: U.S. SURVEY FOOT

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 1ST DAY OF MAY, 2020.

PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

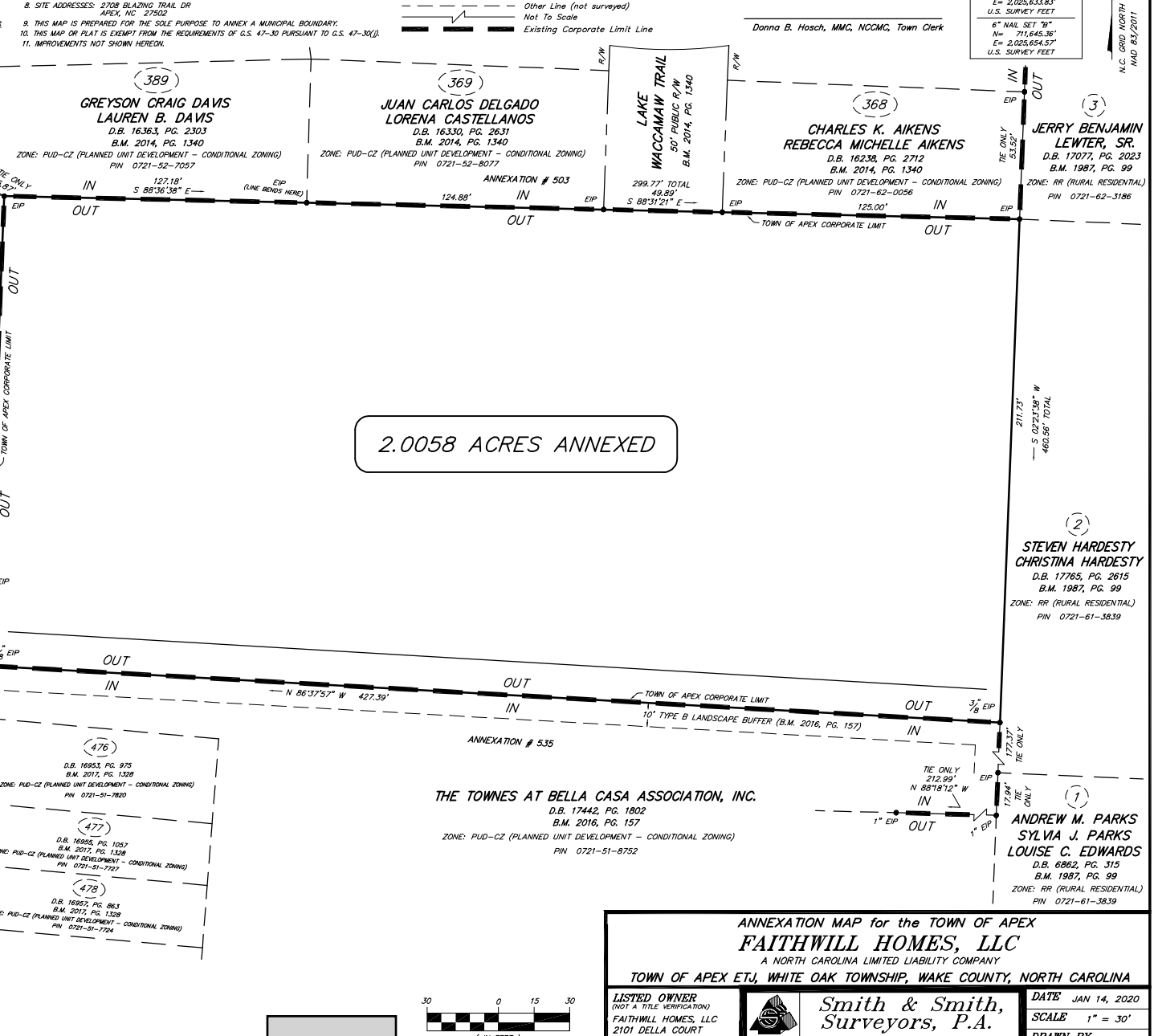
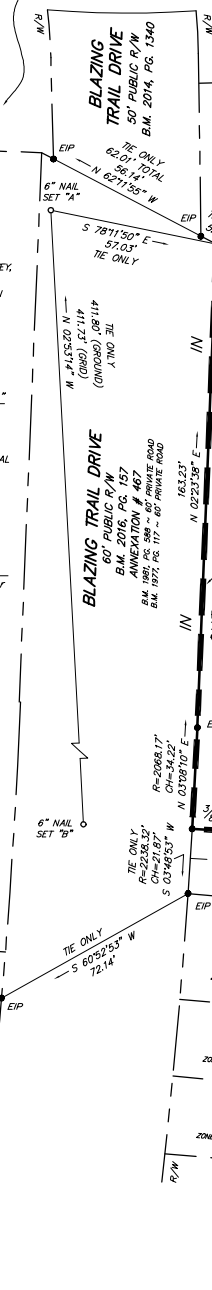
Professional Land Surveyor
L-3766
License Number

PALEKRI ET UX.
D.B. 12031, PG. 1383
B.M. 1981, PG. 588
ZONE: RR (RURAL RESIDENTIAL)
PIN 0721-51-4966

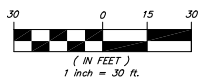
THE TOWNES AT BELLA CASA ASSOCIATION, INC.
D.B. 17442, PG. 1802
B.M. 2016, PG. 157
ZONE: PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
PIN 0721-51-8752

(474)
D.B. 17868, PG. 265
B.M. 2016, PG. 157
ZONE: PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
PIN 0721-51-5294

(475)
D.B. 17628, PG. 204
B.M. 2016, PG. 157
ZONE: PUD-CZ (PLANNED UNIT DEVELOPMENT - CONDITIONAL ZONING)
PIN 0721-51-5394



2.0058 ACRES ANNEXED



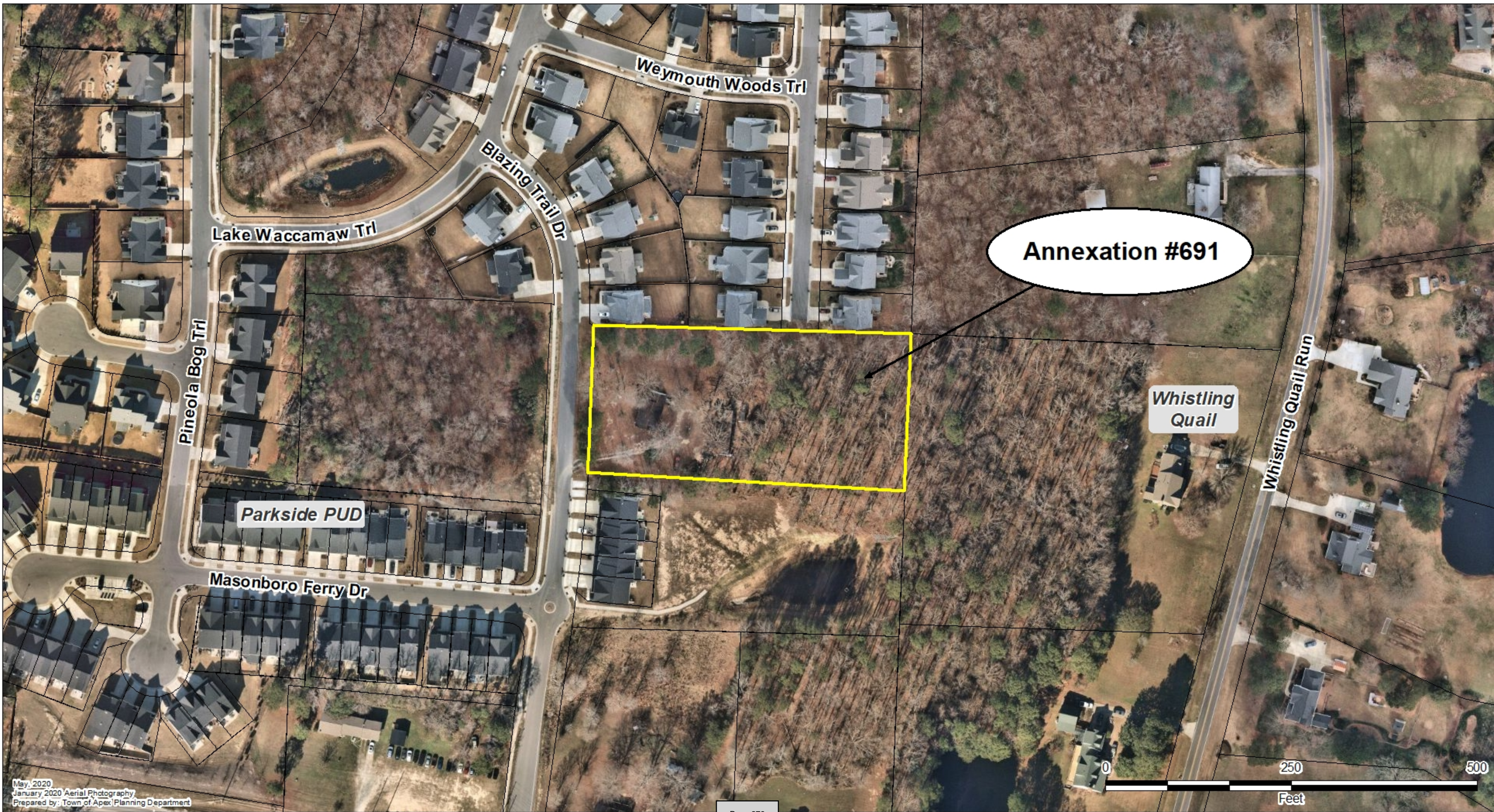
RECORDED IN BOOK OF MAPS 2020, PAGE _____.

ANNEXATION MAP for the TOWN OF APEX
FAITHWILL HOMES, LLC
A NORTH CAROLINA LIMITED LIABILITY COMPANY
TOWN OF APEX ET., WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER (NOT A TITLE VERIFICATION)
FAITHWILL HOMES, LLC
2101 DELLA COURT
APEX, NC 27502
P.I.N. 0721-51-8983

Smith & Smith, Surveyors, P.A.
P.O. BOX 457 FIRM LICENSE NO. C-0155
APEX, N.C. 27502 (919) 362-7111
PITTSBORO, N.C. 27312 (919) 542-4321

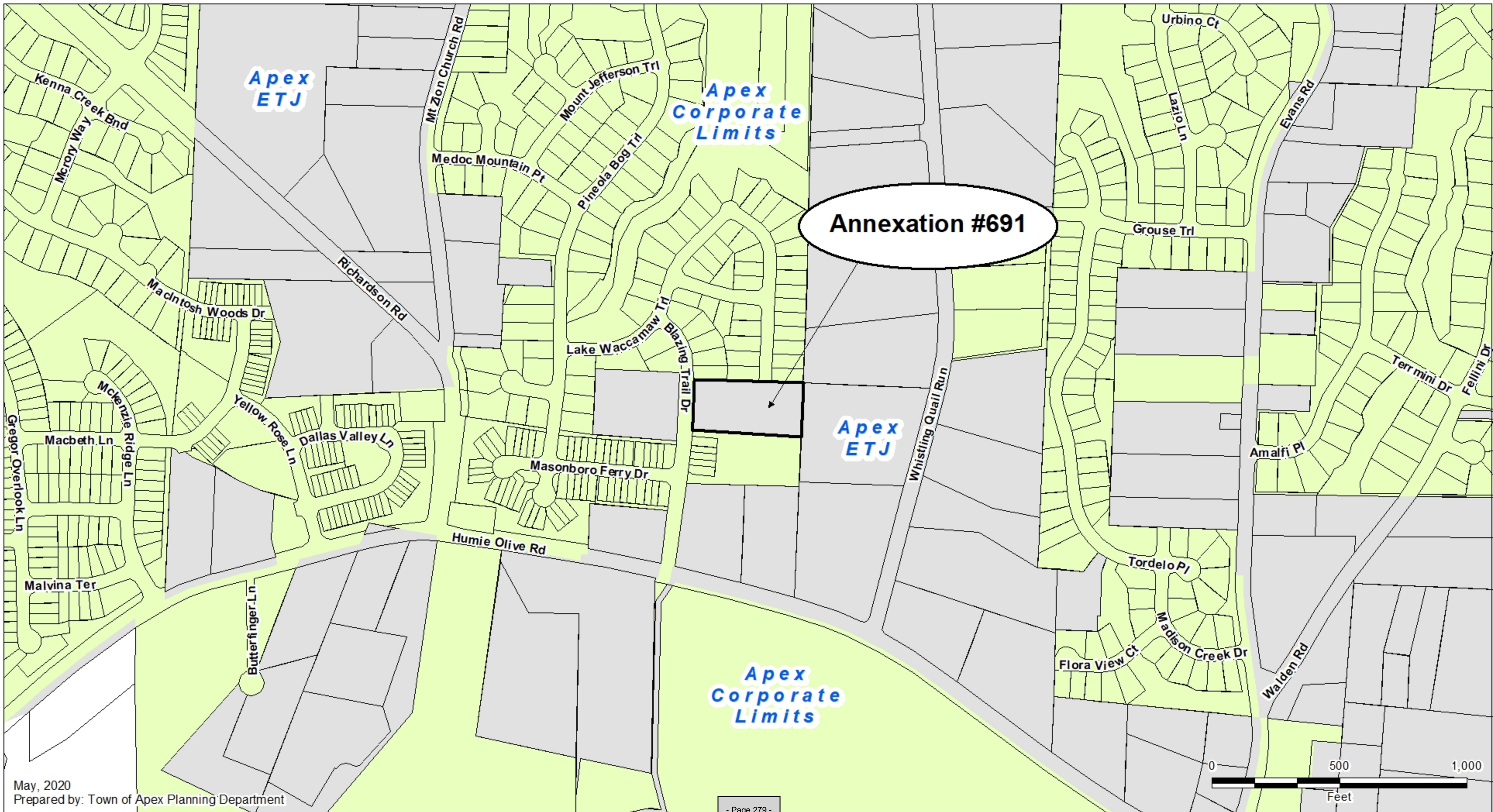
DATE JAN 14, 2020
SCALE 1" = 30'
DRAWN BY WEB
PROJ. NO. 2020-03-A



Annexation #691

**Whistling
Quail**

Parkside PUD



Apex
ETJ

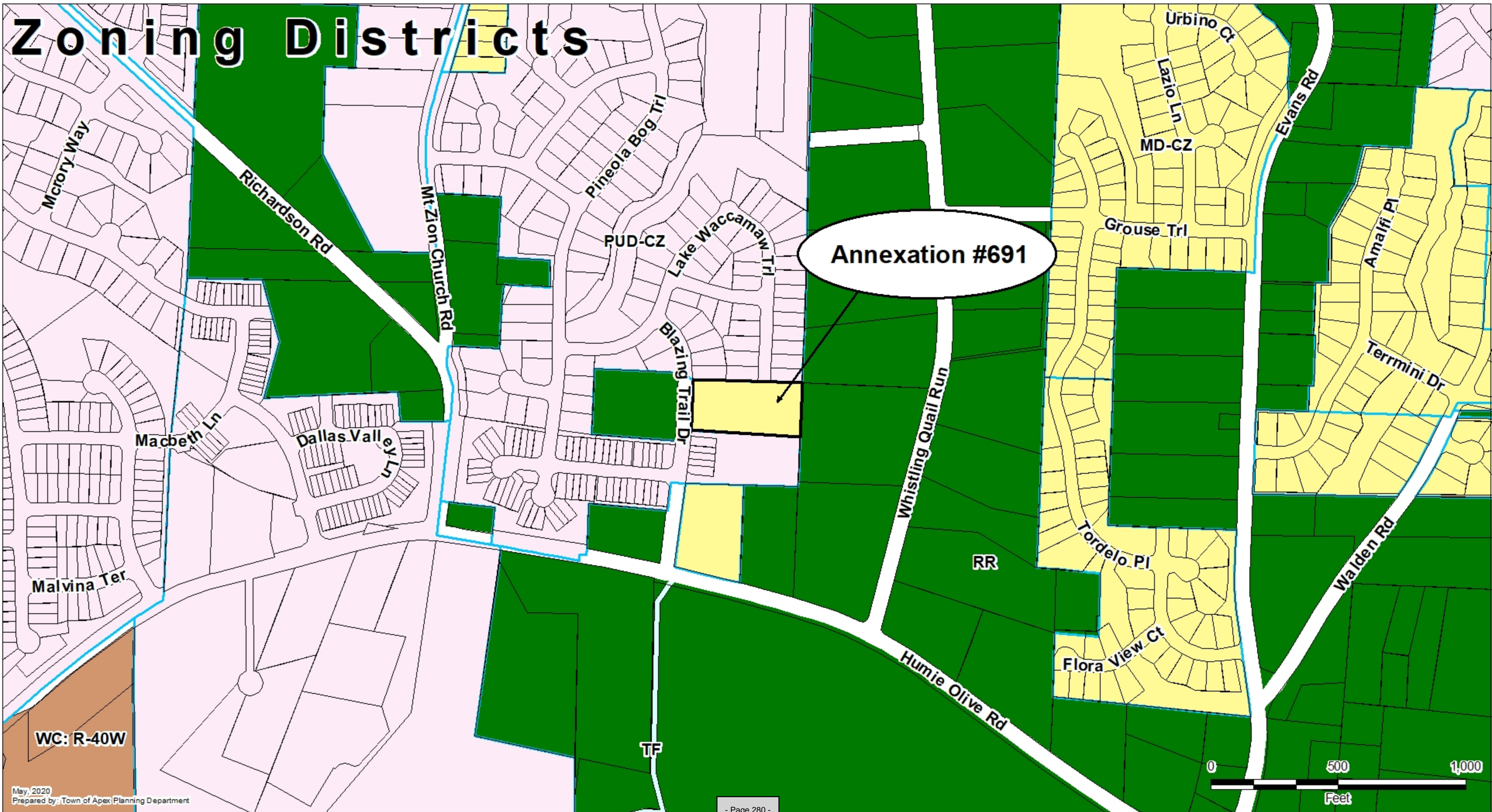
Apex
Corporate
Limits

Annexation #691

Apex
ETJ

Apex
Corporate
Limits

Zoning Districts



Annexation #691

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 4, 2020

Item Details

Presenter: Dianne Khin, Director of Planning and Community Development

Department: Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Construction Masters, LLC (Humie Olive Place) property containing 2 acres located at 7904 Humie Olive Road, Annexation #694 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Donna Hosch, MMC, NCCMC, Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2020-0804-21
ANNEXATION PETITION NO. #694
Construction Masters LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 4, 2020, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 4, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map – Town of Apex of 1904 Humie Olive Road, Lot 2 Property of J. V. Scott, Constructions Masters, LLC, dated July 1, 2020" and recorded in Book of Maps book number 2020 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 4th day of August 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS; THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS; THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS; THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS; THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS; THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0804-21, adopted at a meeting of the Town Council, on the 4th day of August 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 5th day of August 2020.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 694 Submittal Date: 6/4/2020
Fee Paid: \$ 200.00 Check #: 1548

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

Owner Information

Construction Masters LLC	0721517458
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-995-5876	office@conzalpm.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

Surveyor Information

Surveyor: RWK, PA
Phone: 919-779-4854 Fax: _____
E-mail Address: sean@rwkpa.com

Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>2</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input type="checkbox"/>
Proposed # of housing units:	<u>8</u>	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	<u>ETJ</u>	Receive Town Services	<input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 694

Submittal Date: 6/4/2020

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Construction Masters LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 5 day of June, 2020.

Name of Limited Liability Company Construction Masters LLC

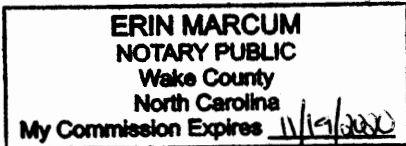
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, this the 5th day of June, 2020.

[Signature]
Notary Public

SEAL



My Commission Expires: November 19, 2020

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the ____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

RWK, PA

ENGINEERING ~ SURVEYING

P.O. BOX 444

GARNER, NC 27529

PHONE (919) 779-4854

FAX (919) 779-4056

LAND DESCRIPTION FOR
ANNEXATION OF WAKE COUNTY PIN#: 0721517458
7904 HUMIE OLIVE ROAD (NCSR 1142)
APEX, NORTH CAROLINA

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;

THENCE N08°03'22"E A DISTANCE OF 330.58' WITH THE EAST RIGHT-OF-WAY OF BLAZING TRAIL DRIVE TO AN EIP IN THE LINE OF LANDS SHOWN AS "HOA COMMON AREA" OF PARKSIDE AT BELLA CASA RECORDED IN BOOK OF MAPS 2016 PAGE 157 AND RUNS;

THENCE S88°16'53"E A DISTANCE OF 227.95' TO AN EIP IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;

THENCE S02°26'32"W A DISTANCE OF 383.21' WITH ELVIN'S WEST LINE TO A PK NAIL SET IN THE NORTH RIGHT-OF-WAY LINE OF HUMIE OLIVE ROAD AND RUNS;

THENCE N75°55'09"W A DISTANCE OF 174.59' WITH HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;

THENCE N77°19'42"W A DISTANCE OF 90.71' CONTINUING WITH HUMIE OLIVE ROAD TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 2.000 ACRES OR 87,122 SQUARE FEET.



LAND DESCRIPTION FOR
ANNEXATION A PORTION OF HUMIE OLIVE ROAD (NCSR 1142)
ABBUTTING THE SOUTH PROPERTY LINE OF HUMIE OLIVE ROAD
APEX, NORTH CAROLINA

BEING ALL THAT PIECE OR PARCEL OF LAND IN THE AT THE INTERSECTION OF HUMIE OLIVE ROAD (NCSR 1142) AND BLAZING TRAIL DRIVE IN THE TOWN OF APEX , WAKE COUNTY, NORTH CAROLINA TO BE ANNEXED INTO THE TOWN OF APEX, SAID PROPERTY BEING A SHORT SECTION OF HUMIE OLIVE ROAD AND IS MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL IN AN ASPHALT WALK AT THE SOUTHWEST CORNER OF LANDS IN THE NAME OF CONSTRUCTION MASTERS, LLC AS DESCRIBED IN DEED BOOK TO 17680 PAGE 223 AND IN THE NORTHEAST CORNER OF THE INTERSECTION OF HUMIE OLIVE ROAD AND BLAZING TRAIL DRIVE AND RUNS;

THENCE S77°19'42"E A DISTANCE OF 90.71' WITH THE NORTH RIGHT-OF-WAY OF HUMIE OLIVE ROAD TO A PK NAIL SET AND RUNS;

THENCE S75°55'09"E A DISTANCE OF 174.59' WITH THE NORTH RIGHT-OF-WAY OF HUMIE OLIVE ROAD TO PK NAIL SET IN THE WEST LINE OF LANDS IN THE NAME OF SCOTT ELVIN AND DESCRIBED IN DEED BOOK 14353 PAGE 1971 AND RUNS;

THENCE S15°07'09"W A DISTANCE OF 61.68' ACROSS THE RIGHT-OF-WAY OF HUMIE OLIVER ROAD TO A POINT IN THE OLD (60') RIGHT-OF-WAY OF HUMIE OLIVE ROAD TO A POINT AND RUNS;

THENCE WITH THE OLD SOUTHERN RIGHT-OF-WAY OF HUMIE OLIVER ROAD THE FOLLOWING COURSES AND DISTANCES;

THENCE N74°52'51"W A DISTANCE OF 24.78' TO A POINT AND RUNS;

THENCE N75°19'57"W A DISTANCE OF 50.27' TO A POINT AND RUNS;

THENCE N75°52'27"W A DISTANCE OF 50.31' TO A POINT AND RUNS;

THENCE N76°10'27"W A DISTANCE OF 50.74' TO A POINT AND RUNS;

THENCE N76°28'20"W A DISTANCE OF 50.71' TO A POINT AND RUNS;

THENCE N76°52'46"W A DISTANCE OF 50.50' TO A POINT AND RUNS;

THENCE N77°25'01"W A DISTANCE OF 5.52' TO A POINT AND RUNS;

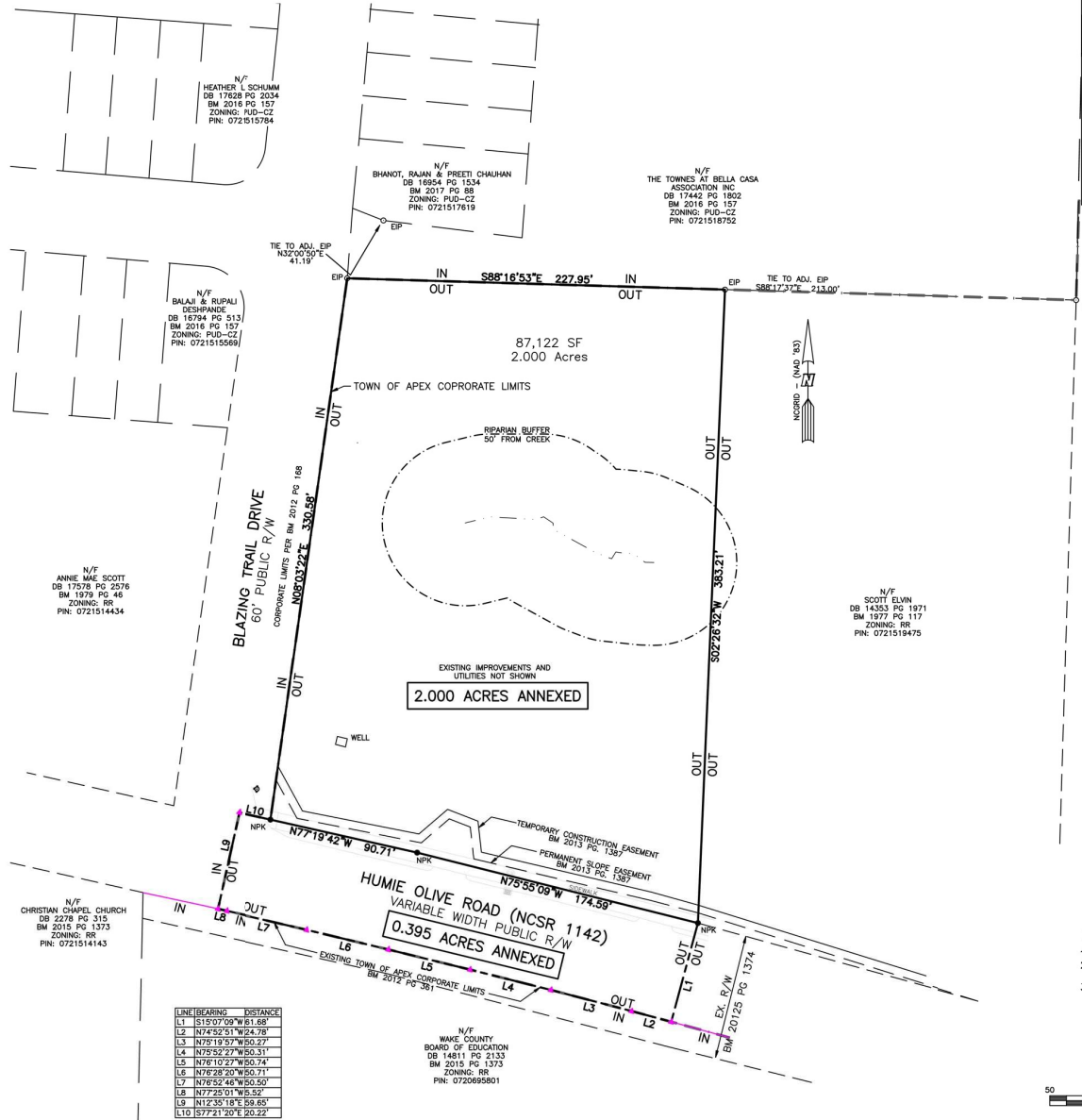
THENCE N12°35'18"E A DISTANCE OF 59.65' AND CROSSING HUMIE OLIVE ROAD TO A POINT AND RUNS;

THENCE S77°21'20"E A DISTANCE OF 20.22' TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.395 ACRES OR 17,222 SQUARE FEET.

ANNEXATION # _____
 I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA
 CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED
 THE _____ DAY OF _____, 2020.

BY THE TOWN COUNCIL, I SET MY HAND SEAL OF
 THE TOWN OF APEX, _____, 2020

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK



LINE	BEARING	DISTANCE
L1	S15°07'09"W	81.88'
L2	N74°32'51"W	24.78'
L3	N75°19'57"W	50.27'
L4	N75°32'27"W	50.31'
L5	N76°10'27"W	50.74'
L6	N76°28'20"W	50.71'
L7	N76°32'46"W	50.50'
L8	N77°25'01"W	52.52'
L9	N12°35'18"E	59.65'
L10	S77°21'20"E	20.22'

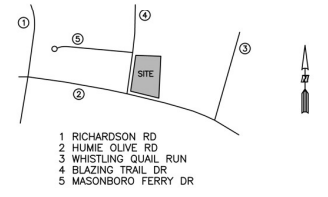
I, CHARLES R. PIRATZKY, CERTIFY THAT THIS PLAT
 WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
 SURVEY MADE UNDER MY SUPERVISION FROM DEED
 DESCRIPTION RECORDED IN BOOK _____ PAGE _____
 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS
 BROKEN LINES PLOTTED FROM CITED REFERENCES;
 THAT THE RATIO OF PRECISION AS CALCULATED
 IS 1/10,000, THAT THIS PLAT WAS PREPARED IN
 ACCORDANCE WITH G.S. 47-30 AS AMENDED.
 WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER,
 AND SEAL THIS _____ DAY OF _____

THIS SURVEY SHOWN HEREON IS OF ANOTHER CATEGORY, SUCH AS
 A RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY,
 OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

PRELIMINARY

CHARLES R. PIRATZKY, P.L.S.
 L-2813

RECORDED IN BOOK OF MAPS _____, PAGE _____.

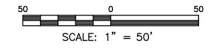


VICINITY MAP - NOT TO SCALE

LEGEND

- BFP BACK FLOW PREVENTER
- CI CURB INLET
- CO CLEANOUT
- COR CITY OF RALEIGH
- ECM EXISTING CONCRETE MONUMENT
- EDH EXISTING DRILL HOLE
- EIS EXISTING IRON STAKE
- EIP EXISTING IRON PIPE
- EM ELECTRIC METER
- EPK EXISTING PK NAIL
- ES ELECTRIC STUB
- FL FLARED END SECTION
- FH FIRE HYDRANT
- FO FIBER OPTIC PEDESTAL
- GM GAS METER
- INV INVERT
- LI LIGHT POLE
- MANH MANHOLE
- NDH NEW DRILL HOLE
- NIP NEW IRON PIPE
- NPK NEW PK NAIL
- OHW OVERHEAD WIRES
- PNS POINT NOT SET
- PUE PUBLIC UTILITY EASEMENT
- TBC TOP BACK OF CURB
- TE TELEPHONE PEDESTAL
- TR TRANSFORMER
- CTV CABLE TV PEDESTAL
- UTILITY UTILITY POLE
- WM WATER METER
- WV WATER VALVE
- YI YARD INLET
- () FIELD MEASUREMENT ADDRESS
- XXXX ADDRESS
- RIPARIAN BUFFER
- CREEK
- PROPERTY LINE
- CORPORATE LIMIT
- ADJOINER

- NOTES**
1. WAKE COUNTY PIN#: 0721-51-7458
 2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. AREAS COMPUTED BY THE COORDINATE METHOD.
 3. NOT A BOUNDARY SURVEY.



REFERENCES:
 BM 1977 PG 117
 DB 17680 PG 223

ANNEXATION MAP - TOWN OF APEX OF
 7904 HUMIE OLIVE ROAD
 LOT 2 PROPERTY OF J V SCOTT
 BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA
 OWNERS
 CONSTRUCTION MASTERS, LLC
 7904 HUMIE OLIVE ROAD
 APEX, NORTH CAROLINA 27502-9604
 AND A PORTION OF
 HUMIE OLIVE ROAD
 BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

RWK, PA
ENGINEERING - SURVEYING
 Corporate License: C-1771
 101 W. Main St., Suite 202
 Garner, NC 27529
 Phone (919) 779-4854
 Fax (919) 779-4056



Friendship
Station
Section 7

Parkside PUD

Masonboro Ferry Dr

Annexation #694

Whistling Quail Run

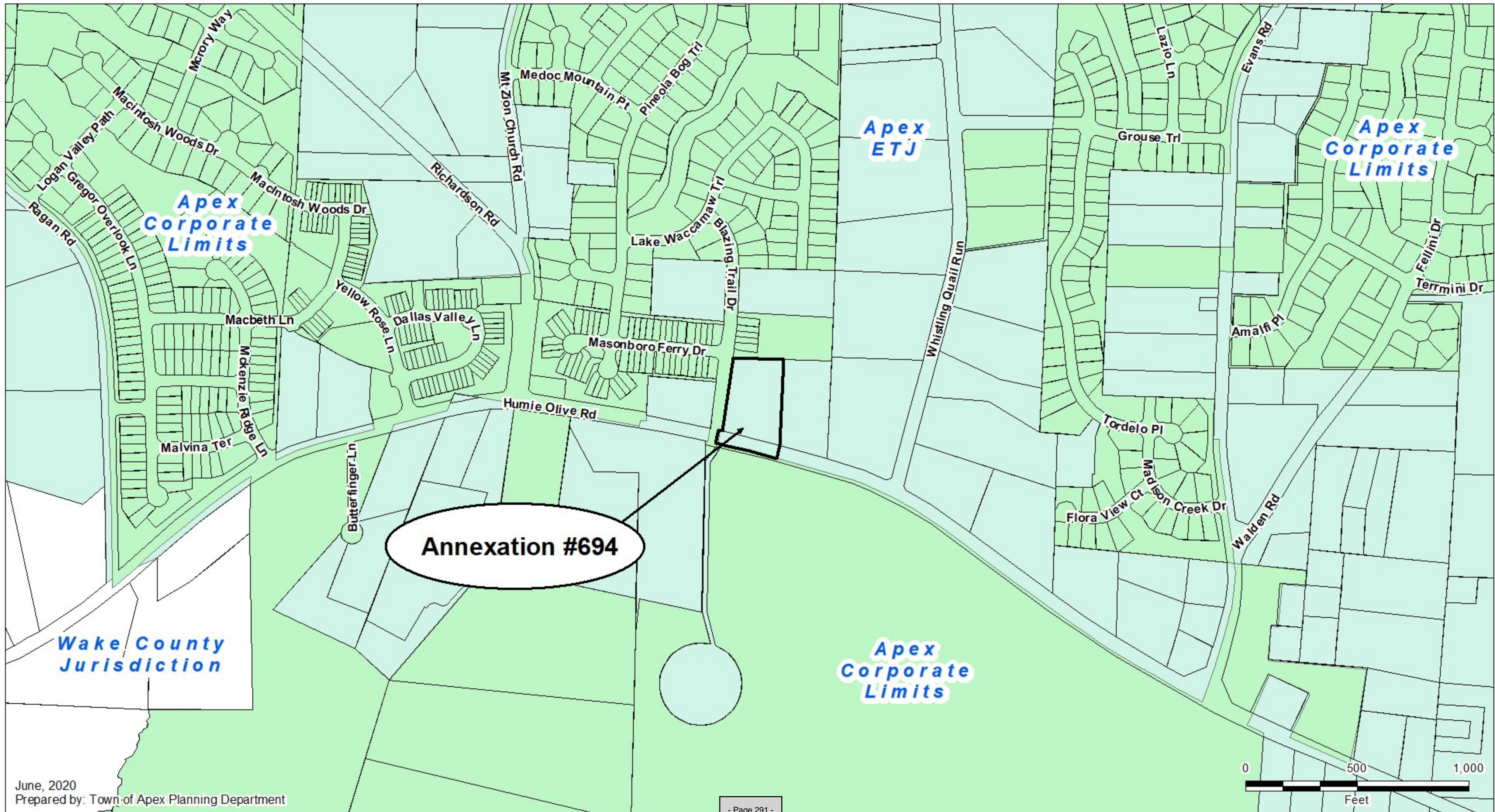
Whistling
Quail

Greater Christian
Chapel Church

Apex Friendship
High School

Friendship
Station PUD





**Apex
Corporate
Limits**

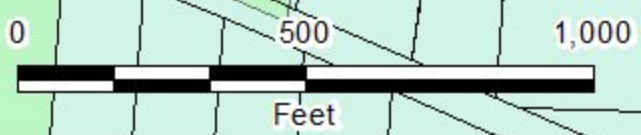
**Apex
ETJ**

**Apex
Corporate
Limits**

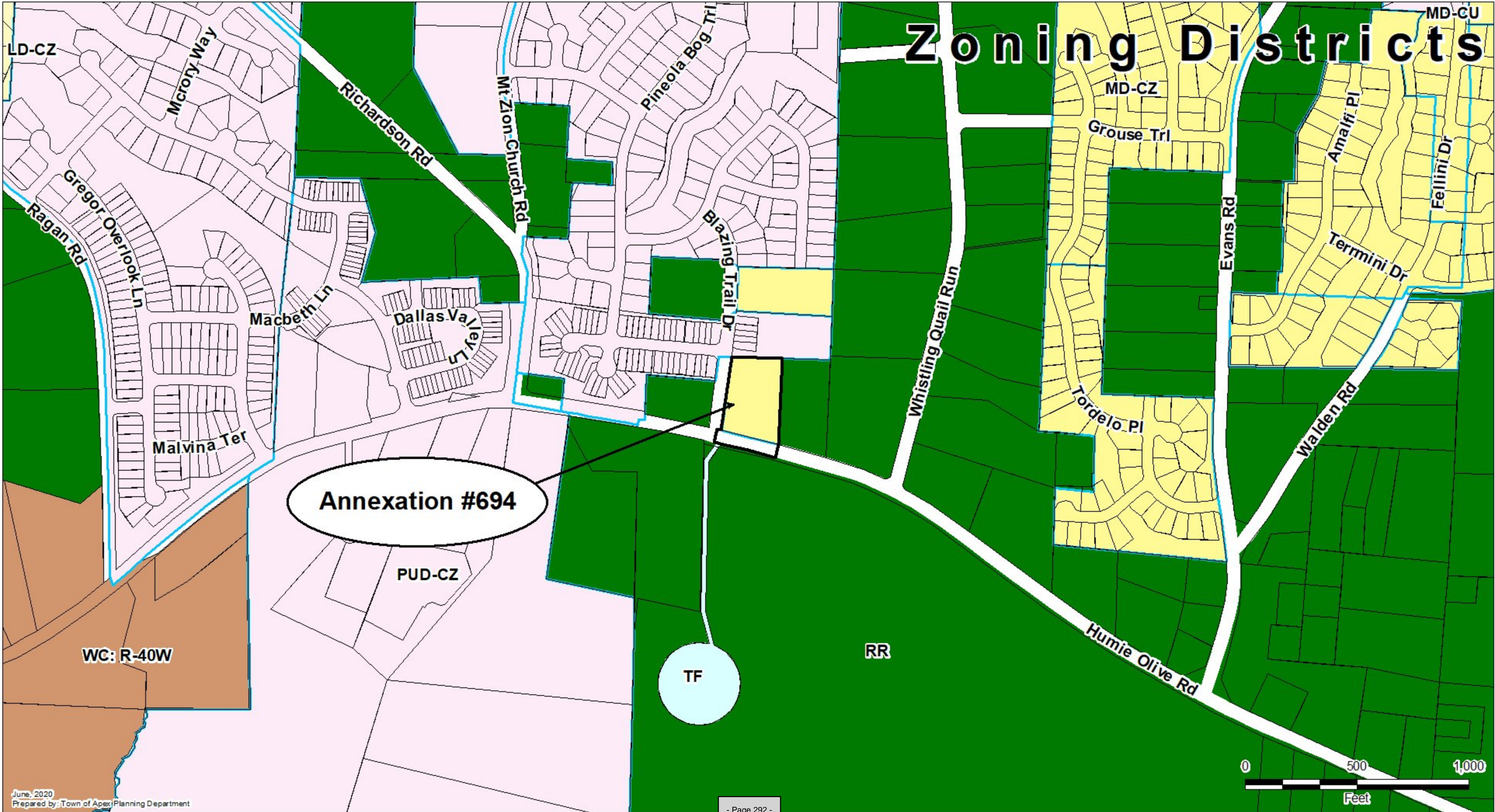
Annexation #694

**Wake County
Jurisdiction**

**Apex
Corporate
Limits**



Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: August 4, 2020

Item Details

Presenter(s): Tom Colwell, Chairman, Public Art Committee

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Possible Motion to approve public mural to be located on a wall of the public works warehouse building facing NC 55 and update on other public art initiatives being undertaken by the Apex Public Art Committee.

Approval Recommended?

Item Details

At their January 7, 2020 meeting the Town Council approved, in concept, the following public art initiatives of the Apex Public Art Committee: 1) Apex Public Art Walk / Sculpture Show, 2) A mural to be placed on the wall of the Public Works Warehouse facing NC 55, and 3) the painting of the raised manholes along a section of the Beaver Creek Greenway. Per the guidelines in the Town's Public Art Plan, the Public Art Committee is now ready to make a recommendation to the Town Council regarding the proposed mural and to update the Town Council on the other initiatives. Mr. Tom Colwell, who chairs the Public Art Committee will be on hand to answer questions about the proposed mural and also about the other initiatives.

Attachments

- Public Art Plan
- Location Map: Proposed Mural
- Proposed Mural
- Photos: Manhole Painting project
- Location Map: Public Art Walk



Art in Apex

Energize, Interact, Integrate, Encourage

Adopted June 6, 2017

Revised August 7, 2018

Revised June 4, 2019



Public Art Definition

Public art in Apex is original artwork specifically designed to enhance a public space, align with the character of the location, provide context to the setting or to influence the community's interaction with their surroundings. It should demonstrate the vibrancy of the community, stimulate creative thinking and enhance the town's unique culture.

Public Art includes but is not necessarily limited to, murals, sculptures, construction design elements, landscape and hardscape patterns or features and can be permanent or temporary. Signage regulated by the town of Apex Unified Development Ordinance is not considered public art and public art shall not be created, displayed, or placed in a way so as to advertise or serve any commercial purpose or function.

Support of the Mayor and Town Council

The support of the decision makers and elected officials is critical to the success of any public art program. The following Public Art Statement was approved by the Town Council on 07 June 2016:

"The Apex Town Council recognizes the value and importance of Public Art in the community and is committed to the development of a Public Art Master Plan to ensure that future Public Art opportunities and projects are well integrated into the Town's planning process, support economic development, create visual interest, engage the community and enhance the character of Apex."

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Apex Public Art Committee (APAC)

- The Mayor and Town Council shall appoint a group of 7 volunteers from the community, the majority of which will have backgrounds in art related professions. One member shall be from the Apex Parks, Recreation and Cultural Resources Advisory Commission. The member of the Parks, Recreation and Cultural Resources Advisory Commission shall serve as the Chair of the Public Arts Committee and the Public Art Committee shall serve as a sub-committee of the Parks, Recreation, and Cultural Resources Advisory Commission. Other members may manage or own art related businesses in town, be involved with art education, be professional artists, curators or some other art related profession. Membership may also include landscape architects, architects, or urban planners. All members of the committee shall be Apex residents (reside within corporate limits) or own / operate a business in Apex and all should have a direct relationship or interest in the Town arts community and the aesthetics of Apex" except that no more than 2 member(s) of the Committee may reside outside the corporate limits of Apex.
- The APAC will be responsible for gathering public input through surveys, focus groups, meeting with civic groups, neighborhood groups etc., and liaising with Town Departments and other Town Committees as needed. They shall recommend projects, programs, and potential artists. They shall also evaluate submissions and advise the PRCR Advisory Commission and the Town Council on matters related to Public Art. The APAC's primary mission will be to increase community awareness and appreciation of public art.
- The APAC will work with town staff in establishing budgets and pursuing private sources of funding. This may include working with the business community, writing grants, and developing relationships with private individuals or groups for the purpose of furthering APAC's goals. This may also include requests for public funding through the Town's annual budget process.
- The initial appointments to the APAC shall be staggered such that 3 members shall be appointed for 3 years, 2 members for 2 years and 2 members for 1 year. New appointments will be for 3 years and no member shall serve more than 9 consecutive years. Commensurate with the terms of the Parks, Recreation, and Cultural Resources Advisory Commission, after the initial appointment, terms of APAC members will end on June 30th in the year corresponding with the end of the member's appointed term length.
- Town staff, as appointed by the Director of Parks, Recreation, and Cultural Resources, and the Director of Planning and Community Development, for their respective departments shall serve as liaisons to the APAC and will attend meetings, keep minutes, and generally perform services as directed by their respective departments.

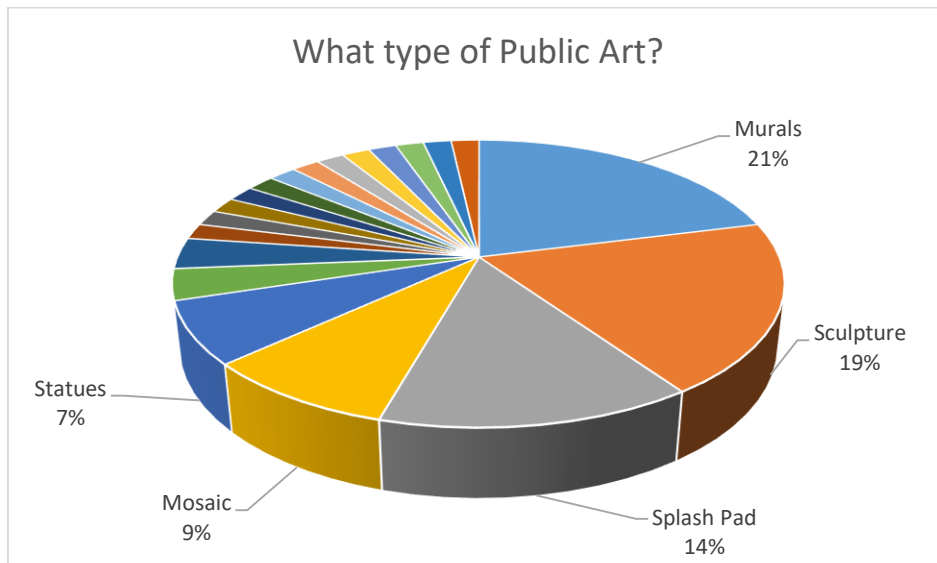
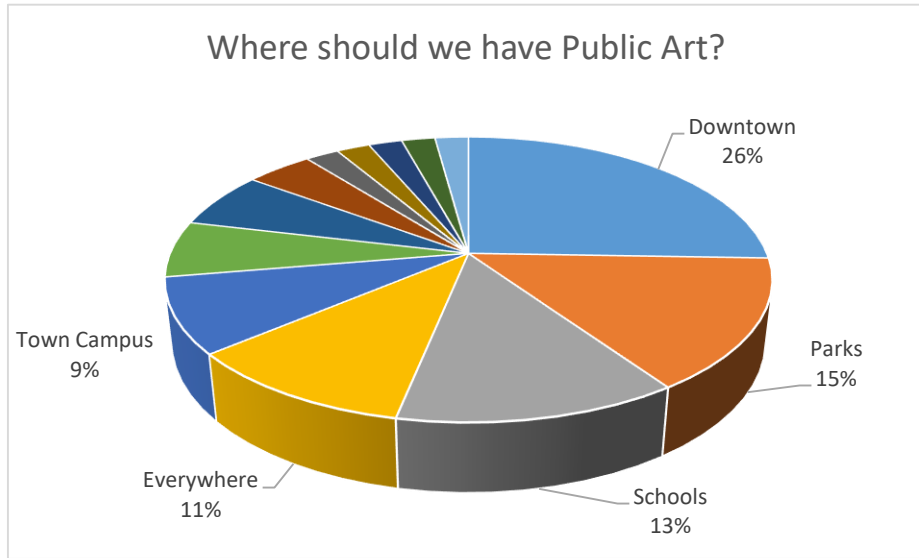
Community Input

Public input will be an on-going need to ensure the APAC is attentive to the needs of the community, the art is representative of values and interests of the citizens, and the program and artwork evolves as the town continues to change over time. Public input was received at the Peak-a-Palooza event in 2015. Members of the public were asked to answer questions related to public art.

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A total of 119 people provided 144 responses. Below is a summary of the results:



The Planning Process and Public Art

- Currently, Sec 8.4 - **Community Amenities and Pedestrian Flow** of the Unified Development Ordinance (UDO) provides for an opportunity to include Public Art as one of two community amenities.

See the underlined items below:

8.4.1 General

Art in Apex

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Site development focuses on macro-level issues of the development's relationship to its neighbors and to the community at large. It is the purpose of the Town Council in adopting this section that development contribute to the enhancement of the entire community and that no site be viewed as an island unto itself. Community cohesiveness, rather than fragmentation, is a primary goal of this article.

8.4.2 Applicability

The provisions of this Section 8.4 shall apply to all nonresidential development, and residential development in the PUD-CZ, SD-CZ, TND-CZ, and MORR planned development districts.

8.4.3 Community Amenities

All development subject to Sec. 8.4 shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities, including but not limited to a patio seating area, water feature, clock tower, pedestrian plaza with benches, planters, public art, or focal feature. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and the landscape. These amenities may be built so as to terminate a vista, where possible, in order to provide a prominent visual orientation for the development.

- The APAC shall work with Town Staff from the Parks, Recreation, and Cultural Resources Department and Planning Department to develop, establish, and maintain a Public Art Master Plan (PAMP) identifying potential locations for Public Art such as gateways, major shopping and other developments, prominent road intersections and bridges. Where appropriate, Public Art should be provided within parks, greenways, the town campus, public roadways, and public buildings. The request to include Public Art for publicly constructed parks, greenways, and facilities shall be presented to Town Council for consideration as a part of the scoping and budget planning for the project. The PAMP shall be approved by the Town Council. Private developments should be encouraged to include public art in their designs. The APAC shall follow the approved PAMP when presenting ideas and potential projects to the Town Council as part of the annual budgeting process.

Opportunities for Public Art

Types of Public Art – Both permanent and temporary

- Murals
- Sculptures
- Mosaics
- Statues
- Monuments
- Design Elements – enhancing objects (bike racks, bus stops, etc.), building design, and hardscaping (sidewalks, retaining walls, etc.)
- Art Trail

Possible locations for Public Art

- Downtown
- Parks
- Schools
- Town Campus
- Greenways

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- Gateways to the community (64, 55, 1, 540, Davis Drive, etc.)
- Bridges
- Public Buildings (Police Station, Depot, Firehouse, etc.)

Selecting and Engaging Artists

- The goal of APAC will be to identify and engage artists who produce creative and high quality public art.
- Artists shall be selected by the APAC based on a review of their portfolio of work, references, and commitment to designing artwork meeting the criteria established in the PAMP and the specific project under consideration for Public Art.
- Options for selecting artists for individual projects and long term involvement include:
 - Open “competitive” selection (aka “Open Entry”) – whereby artists compete for the opportunity to work with the town on a specific project or program through the submission of either an application, design, or specific proposal for review by the APAC.
 - An open call for artists shall be posted widely in places visible to artists.
 - An open call for artists shall remain open for a minimum of 60 days.
 - If an open call for artists does not result in at least three (3) submittals, the call shall be reopened and advertised for an additional 30 days. If the call still does not generate three (3) submissions, the APAC may proceed with the selection process as outlined in this policy with the submission(s) received.
 - Targeted selection (aka “Invitational”) – whereby a single (or multiple) artist(s) is approached to work with the town on a specific project or program.

Guidelines for Public Art

Artists shall abide by the guidelines and parameters outlined below for Public Art projects funded by the town, installed on public property, or installed on property licensed for use by the town. Additional guidelines may be added for specific projects or programs.

- Artwork should reflect the character and tradition of the location. To inspire the design concept, artist shall engage with the community, observe / interact with users of the space and research historical usage of the location.
- Artwork shall be designed and constructed with materials and in a manner suitable for the physical environment (indoor or outdoor), including its maintenance and conservation requirements.
- Artwork should be the appropriate size and scale for the site and should take advantage of site orientation, lighting, landscape, and surrounding features.
- Artwork shall be designed with the relationship of the work to the site in mind, giving special consideration to how it serves to enhance the public space.

Art in Apex

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- Artwork should be of high quality design and workmanship. It should be unique, avoid short-term trends and be timeless.
- Artwork shall be viewpoint neutral.
- Artwork from all styles, forms, and functions shall be considered and encouraged.

Selecting Public Art

- The APAC will make available for public review, on the Town's website, artist submissions for permanent pieces of public art for a minimum of 30 days and receive input from Apex citizens in writing via e-mail or printed correspondence. Notice of the availability of submissions for review will be posted on the Town's social media platforms and via a sign, visible from the public right-of-way, at the location proposed for the piece.
- The APAC will review design submissions and public input and make recommendations to Town Council for those pieces of public art that are intended to be permanently installed on public property or those pieces that receive or will receive public funding.
- For works of art on properties or adjacent to properties listed on the National Register of Historic Places, the APAC shall consult with the Apex Historical Society prior to making a recommendation to the Town Council.
- The Town Council will have final approval over works of art that will be located on public property including, but not limited to, parks, town buildings, and main entrances into Town. Town Council will also have final approval over works of art that receive or will receive public funding. Final approval of each permanent work of art shall occur after a public hearing at the Town Council meeting to enable community input.

Goals and Economic Impact

- A goal of Apex's Public Art Program is to enhance the quality of life in Apex and demonstrate the Town's willingness to invest in the community.
- A goal of Apex's Public Art Program is to raise the public profile of spaces and buildings, stimulate public interest, enhance a sense of place, create community pride, and establish the town as a destination.
- A goal of Apex's Public Art Program is to use the program as a competitive advantage in attracting and retaining artistically talented individuals who contribute to the community as a whole.

Art in Apex

Energize, Interact, Integrate, Encourage

Potential Funding Mechanisms for Public Art

- Business investment / partnerships with local businesses may be pursued. This may include direct purchase of works of art, sponsorship of programs, naming rights, or donations to a general public art fund if such a fund is established by the Town Council.
- Grants – some projects may qualify for State and/or Federal funding. The APAC will work with town staff on writing grants and pursuing other public funding sources.
- Private Individuals and Groups – a strong public art program and commitment from the town will inspire individuals and groups to contribute their time, talent and treasure. This will be a critical component to long-term success of the program.
- If approved by Town Council, allocate a percentage of capital construction costs for public buildings and facilities. Some communities allocate 0.5% to 2% of public capital project costs for Public Art. The exact percentage may be determined when the project budget is established based on the type of project, the overall cost of the project, timing and other factors.
- An allocation for Public Art and associated programs could be considered as part of the Town's Annual Budget Process and based on an adopted PAMP.

On-going Operations / Maintenance

- The Town would be responsible for maintaining all approved Public Art on public property and should allocate the resources necessary to maintain, secure, and ensure the viability of quality public art unless otherwise agreed upon.
- Maintenance and Insurance Contracts between the Town and the Artist may be negotiated for the duration of the show or time of the piece's display.
- The APAC may establish a program aimed at encouraging private individuals and/or other entities to “adopt” the maintenance of a given piece of public art.

Art in Apex

Energize, Interact, Integrate, Encourage

LIST OF POTENTIAL PUBLIC ART LOCATIONS

Possible Locations

Gateways and Major Entrances into Town – Major points of entry to Apex such as exit ramps or along roadways such as 55, 64, 1, 540

Major Intersections – Prominent locations where the profile of the land or nature of the development lend itself to a public art installation.

Bridges / Overpasses – significant locations such as the historic railroad bridge at NC 55 and overpasses on NC 64.

Public Parks – Entranceways and other high profile locations in the parks.

Public Greenways – Key crossings, entryways and other locations along the path of travel.

Historic Downtown – along sidewalks and on or adjacent to public buildings such as the Halle, the Depot, the Police Station or the Fire Station.

POSSIBLE PUBLIC ART PILOT PROGRAM

Apex Art Walk

- Establish locations for Public Art connecting the town campus, Hunter Street Park and downtown.
- Sponsor an annual juried art show.
- Rotating / temporary art installations.
- Community Involvement - People's Choice winners announced at an annual event celebrating public art and the community.
- Public / private partnership with local businesses.
- Art Walk Map and mobile app describing the artwork, artists and connection with the community.

Art in Apex

Energize, Interact, Integrate, Encourage



Apex Public Art partnership with the United Arts Council

View driving north on Rt 55



Apex Public Works Building – Route 55



View driving south on Rt 55



Proposed Mural for Apex Public Works Building



**Apex Art Walk:
Potential Sculpture Locations**



Site 15 and 16 not shown as they are off the map and would be future considerations

Apex Art Walk

Photos of potential sculpture locations



Site 1: Hunter Street Park - Softball field



Site 2: Hunter Street Park – Skate Park

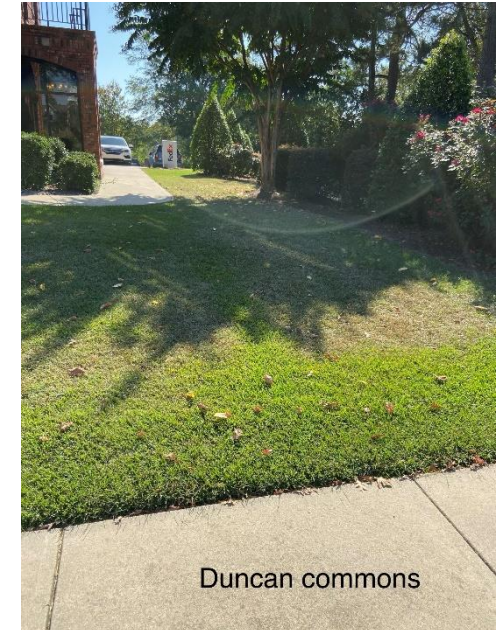
Site 3: Town Campus
Not shown due to construction. Future site.

Site 4: Pathway near Tunstall House



Tunstall house

Site 5: near Duncan Commons



Duncan commons

Apex Art Walk

Photos of potential sculpture locations

Site 6: Along sidewalk near Pizza Hut



Site 7: Halle Cultural Arts Center



Site 8: Two options near the Apex Depot

Apex Art Walk

Photos of potential sculpture locations

Site 9: Near sidewalk across the street from Fire Station



Site 10: Ambassador's Garden

Site 11: Near Police Station

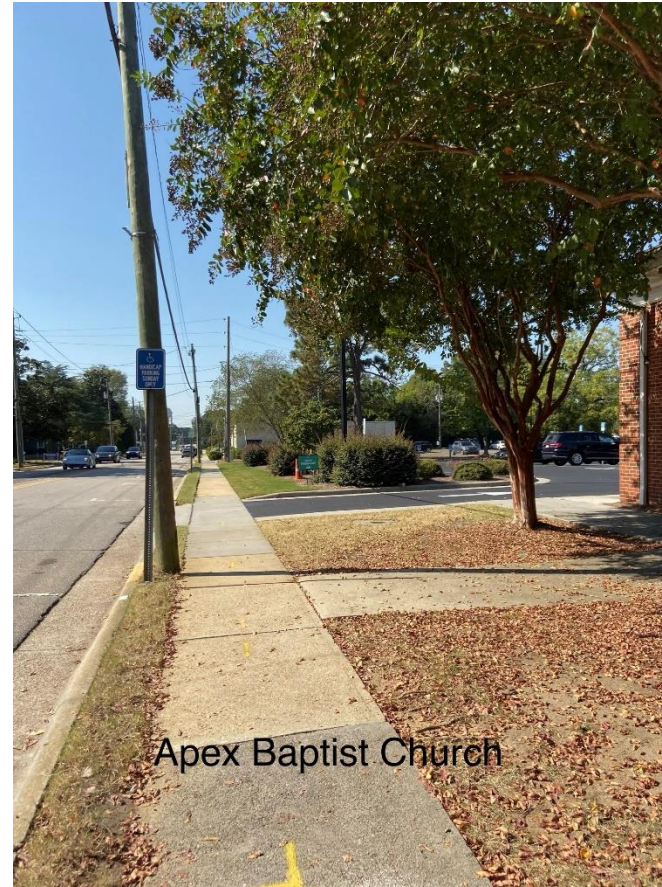


Site 12: Across the street from Police Station

Apex Art Walk

Photos of potential sculpture locations

Site 14: Near Holland's Jewelers



Site 13: Two options near Apex Baptist Church

Site 15 & 16: Not shown due to expected construction on 55 and to far from downtown to be considered for this project.

Beaver Creek Greenway Manhole Painting



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS
Meeting Date: August 4, 2020

Item Details

Presenter(s): Terry Mahaffey, Council Member
Department(s): Town Council

Requested Motion

Discussion and possible motion to amend Section 14-33 of the Apex Code of Ordinances related to prohibited noises.

Approval Recommended?

Item Details

Planning Committee discussed this item at their June 26, 2020 meeting. The proposed ordinance would prohibit noises from construction activity between the hours of 6:00 pm and 7:00 am, Monday – Friday; 6:00 pm and 9:00 am on Saturdays and state holidays; and, prohibit noises from construction activity on Sundays, New Year's Day, Christmas Day, and Thanksgiving Day.

Here is how some of our neighbors regulate this kind of noise:

Holly Springs:

Construction activity allowed from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays.

Cary:

Construction activity allowed Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. or between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays which are observed by the state.

Raleigh:

Construction activity allowed between the hours of 7:00 a.m. and 8:30 p.m. daily.

Morrisville:

In any residentially zoned area of the town or within 1,000 feet of any occupied residential structure in all zoning districts of the town:

- 1) Operating a front-end loader or other truck for refuse collection allowed Monday through Saturday between the hours of 7:00 a.m. and 8:00 p.m.
- 2) Construction activity allowed between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday. Commercial construction on Sunday is prohibited except where permitted by the Town Manager.

Wake Forest

In any residentially zoned area of the town or within 300 feet of any occupied residential structure in all zoning districts of the town:

- (1) Operating a front-end loader or other truck for refuse collection allowed Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m.
- (2) Construction activity allowed Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays and Sundays.

Attachments

- Proposed Ordinance Amendment



ORDINANCE NO. 2020-0804-18

AN ORDINANCE TO AMEND SECTION 14-33 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Subsection (7) of Section 14-33 of the Code of Ordinances of the Town of Apex is hereby amended as follows with additions shown as bold underlined text and deletions shown as struck-through text: :

Sec. 14-33. - Other prohibited noises.

The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

- (7) **Construction activities** ~~The erection (including excavating), demolition, alteration or repair of any building or other structure~~ in a residential or business district **Monday through Friday** between the hours of ~~8:30~~ **6:00** p.m. and 7:00 a.m., or **on Saturdays and holidays observed by the state between the hours of 6:00 p.m. and 9:00 a.m., or** at any time on **Sundays and** the following holidays: New Year's Day, Thanksgiving **Day**, or Christmas **Day**, except by permit from the building inspector when, in his opinion, such work will not create objectionable noise. The building inspector may permit emergency work in the preservation of public health or safety at any time.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 3. This ordinance shall be effective upon enactment.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Donna B. Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 4, 2020

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal

Requested Motion

Possible motion to go into closed session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege; pursuant to N.C.G.S. §143-318.11(a)(3) related to the matter of AB Goodrich Contracting, LLC v. Town of Apex and Stewart Cooper Newell, Architects, P.A.; and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e)

Approval Recommended?

N/A

Item Details

N/A

Attachments

- N/A

