



AGENDA | REGULAR TOWN COUNCIL MEETING

November 08, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis | Assistant Town Manager: Marty Stone

Town Clerk: Allen Coleman, CMC, NCCCC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

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 Annexation No. 742 - 3075 Lufkin Road - 4.733 acres

Allen Coleman, Town Clerk

CN2 Budget Ordinance Amendment No. 10 - White Oak Creek Consortium - Capital Reimbursement Fees

Marty Stone, Assistant Town Manager

CN3 Encroachment Agreement - 115 Litton Street Lot 64

Marty Stone, Assistant Town Manager

CN4 Rezoning Case No. 22CZ07 - Chapel Ridge North PUD - Statement & Ordinance

Shelly Mayo, Planner II, Planning and Community Development

CN5 Rezoning Case No. 21CZ18 - Olive Chapel Professional Park - Set Public Hearing

Amanda Bunce, Current Planning Manager, Planning and Community Development

CN6 Rezoning Case No. 22CZ18 - Humie Olive Place - Set Public Hearing

Shelly Mayo, Planner II, Planning and Community Development

CN7 Unified Development Ordinance (UDO) Amendments - November 2022 - Set Public Hearing

Amanda Bunce, Current Planning Manager, Planning and Community Development

PRESENTATIONS

PR1 Presentation by the Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards
Councilmember Terry Mahaffey (sponsor)

PR2 Proclamation - Small Business Day - Saturday, November 26, 2022
Jacques K. Gilbert, Mayor

PR3 Proclamation - Veterans Day - Friday, November 11, 2022
Jacques K. Gilbert, Mayor and Ed Gray, Councilmember (co-sponsor)

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 Annexation No. 744 - 7805 Green Level Church Road - 2.24 acres
Dianne Khin, Director of Planning and Community Development

PH2 Annexation No. 734 - Utley Farms PUD - 56.59 acres
Dianne Khin, Director of Planning and Community Development

AND

PH3 Rezoning Case No. 22CZ09 - Utley Farms PUD
Lauren Staudenmaier, Planner II, Planning and Community Development

PH4 Rezoning Case No. 21CZ17 - Ten Ten Business Park
Sarah Van Every, Senior Planner, Planning and Community Development

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for November 29, 2022, on the Question of Annexation - Apex Town Council's intent to annex 4.733 acres, located at 3075 Lufkin Road, Annexation No. 742 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

The Town Clerk certifies to the investigation of said annexation. Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

Attachments

- Resolution Directing the Town Clerk to Investigate Petition
- Certificate of Sufficiency by the Town Clerk
- Resolution Setting Date of Public Hearing
- Legal Description
- Maps
- Annexation Petition





RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-31

Annexation Petition #742
3075 Lufkin Road – 4.733 acres

WHEREAS, G.S. § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of his investigation.

This the 8th day of November, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition#742
3075 Lufkin Road – 4.733 acres

To: The Town Council of the Town of Apex, North Carolina

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S.§ 160A-31, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 8th day of November, 2022.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. § 160A-31 AS AMENDED

Annexation Petition #742
3075 Lufkin Road – 4.733 acres

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 29th day of November, 2022.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, www.apexnc.org, Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 8th day of November, 2022.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

LEGAL DESCRIPTION

Owner: Lufkin Leased Fee LLC

PIN: 0751-27-7986

LEGAL DESCRIPTION for annexation is based on a "revised" map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Town of Apex" dated September 2022.

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being more particularly described as follows:

COMMENCING at N.C.G.S. monument "PETE" having NC Grid Coordinates: Northing 718,272.71, Easting 2,052,655.05, thence South 46° 30' 22" East 239.52 feet to an existing concrete right of way monument in the southern controlled access line of US Highway 1 and along the northern line of the property described hereinafter, THE POINT OF BEGINNING; thence along the southern controlled access line of US Highway 1 North 87° 47' 49" East 101.68 feet to an existing rebar in the southern boundary line of Ten-Ten Road (S.R. 1010 being variable width public right of way); thence following the southern boundary line of Ten-Ten Road the following two (2) courses and distances: (1) South 65° 21' 10" East 86.77 feet to an existing rebar; (2) a curve to the right having a radius of 931.65 feet, an arc length of 125.49 feet, and a chord bearing and distance of South 61° 33' 04" East 125.40 feet to an existing rebar; thence crossing the existing right of way of Lufkin Road (S.R. 1444; being a variable width public right of way and recorded in the Wake County Register of Deeds, DB.14479, PG.1588) and Ten-Ten Road the following two (2) courses and distances: (1) a curve to the right having a radius of 931.65 feet, an arc length of 142.66 feet, and a chord bearing and distance of South 53° 18' 19" East 142.52 feet to a point; (2) South 54° 32' 38" West 35.17 feet to a computed point at the intersection of the southern controlled access line of Ten-Ten Road and the southern controlled access line of Lufkin Road; thence along the said southern controlled access line of Lufkin Road South 54° 32' 38" West 47.30 to a computed point along the southern boundary line of Lufkin Road; thence along the southern boundary line of Lufkin Road the following eight (7) courses and distances: (1) South 54° 32' 38" West 36.42 feet to a computed point; (2) a curve to the right having a radius of 582.50 feet, an arc length of 133.00 feet, and a chord bearing and distance of South 61° 06' 32" West 132.71 feet to a computed point; (3) a curve to the right having a radius of 594.50 feet, an arc length of 94.08 feet, and a chord bearing and distance of South 78° 44' 58" West 93.98 feet to a computed point; (4) a curve to the right having a radius of 582.50 feet, an arc length of 78.47 feet, and a chord bearing and distance of South 80° 27' 41" West 78.41 feet to a computed point; (5) a curve to the right having a radius of 582.50 feet, an arc length of 385.29 feet, and a chord bearing and distance of North 76° 44' 57" West 378.30 feet to a computed point; (6) North 57° 45' 22" West 191.41 feet to a computed point; (7) a curve to the left having a radius of 452.50 feet, an arc length of 58.21 feet, and a chord bearing and distance of North 61° 26' 38" West 58.17 feet to a computed point; thence leaving the southern boundary line of Lufkin Road and crossing the Lufkin Road right of way North 24° 52' 06" East 65.01 feet to an existing rebar in the northern boundary line of Lufkin Road, existing rebar also being in the southern controlled access line of US Highway 1; thence along the southern controlled access line of US Highway 1 the following three (3) courses and distances: (1) a curve to the right having a radius of 4099.04 feet, an arc length of 54.67 feet, and a chord bearing and distance of South 88° 18' 39" East 54.67 feet to an existing 1" iron pipe; (2) South 86° 23' 42" East 218.38 feet to an existing iron pipe; (3) a curve to the left having a radius of 378.55 feet, an arc length of 277.64 feet, and a chord bearing and distance of North 72° 28' 15" East 271.46 feet to THE POINT OF BEGINNING, and containing 4.733 acres more or less; as depicted on a "revised" map drawn by Eric S. Smith, PLS NC #L-5259 and labeled "Annexation Plat for the Town of Apex" dated September 2022.

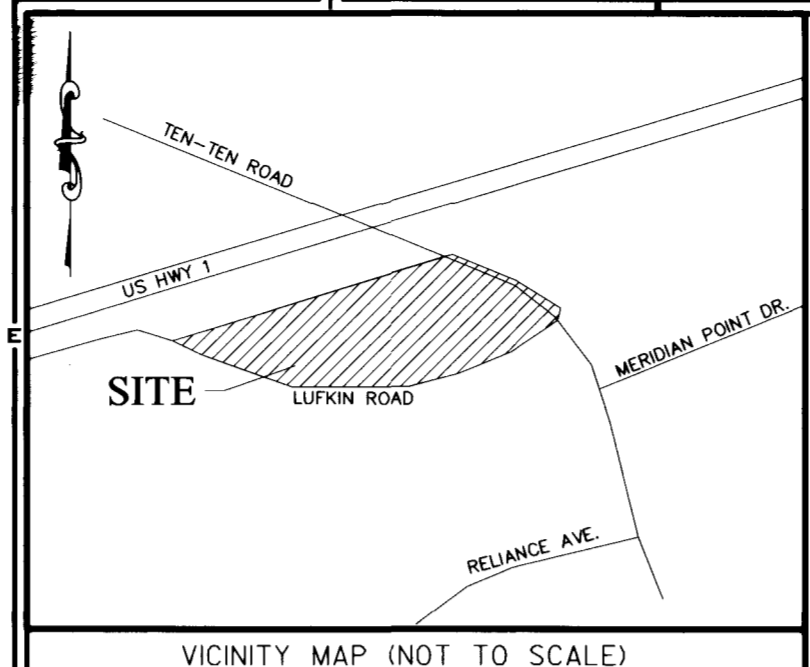
DocuSigned by:
Eric S. Smith
9C2715EF82E1443...

9/13/2022

Professional Land Surveyor
PLS # L-5259

Date





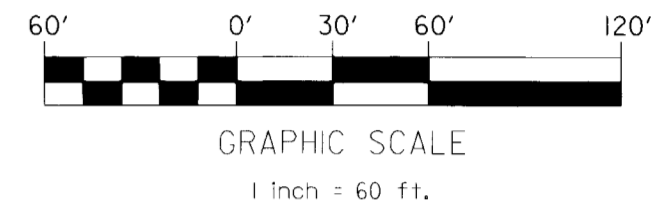
VICINITY MAP (NOT TO SCALE)

LEGEND

- N.C.G.S. MONUMENT "PETE"
- E.I.P.O.
- △ EXISTING IRON REBAR
- △ EXISTING CONCRETE RIGHT OF WAY MONUMENT
- × COMPUTED POINT
- ⊙ CONTROLLED ACCESS
- BM BOOK OF MAPS
- DB DEED BOOK
- PG PAGE
- WW W/ISBW WOVEN WIRE WITH SINGLE STRAND BARBED WIRE
- PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT OF WAY LINE (NOT SURVEYED)
- EXISTING EASEMENT LINE (NOT SURVEYED)
- TIE LINE
- FENCE LINE
- ANNEXATION LINE (NOT SURVEYED)
- CORPORATE LIMIT BOUNDARY (NOT SURVEYED)

- SURVEYOR'S NOTES:**
1. THE BASIS OF BEARINGS FOR THIS SURVEY IS NAD 83 (2011) SPCS, USING A TRIMBLE R8 GNSS GPS UNIT AND THE REAL TIME NETWORK (RTN).
 2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN FEET.
 3. ALL AREAS SHOWN WERE COMPUTED BY COORDINATE GEOMETRY UNLESS OTHERWISE SHOWN.
 4. THE SUBJECT AREA SHOWN HEREON IS NOT IN A FLOOD HAZARD AREA, AS DEFINED BY FEMA MAP NUMBER 3720075100J, EFFECTIVE DATE MAY 2ND, 2006.
 5. R/W LINES AND BOUNDARY LINES SHOWN AS BROKEN DO NOT DEPICT AN ACTUAL BOUNDARY SURVEY.
 6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO ANY MATTERS THAT A FULL TITLE SEARCH WOULD DISCLOSE.
 7. THIS SURVEY IS FOR ANNEXATION PURPOSES ONLY AND IS NOT CONSIDERED A BOUNDARY SURVEY.

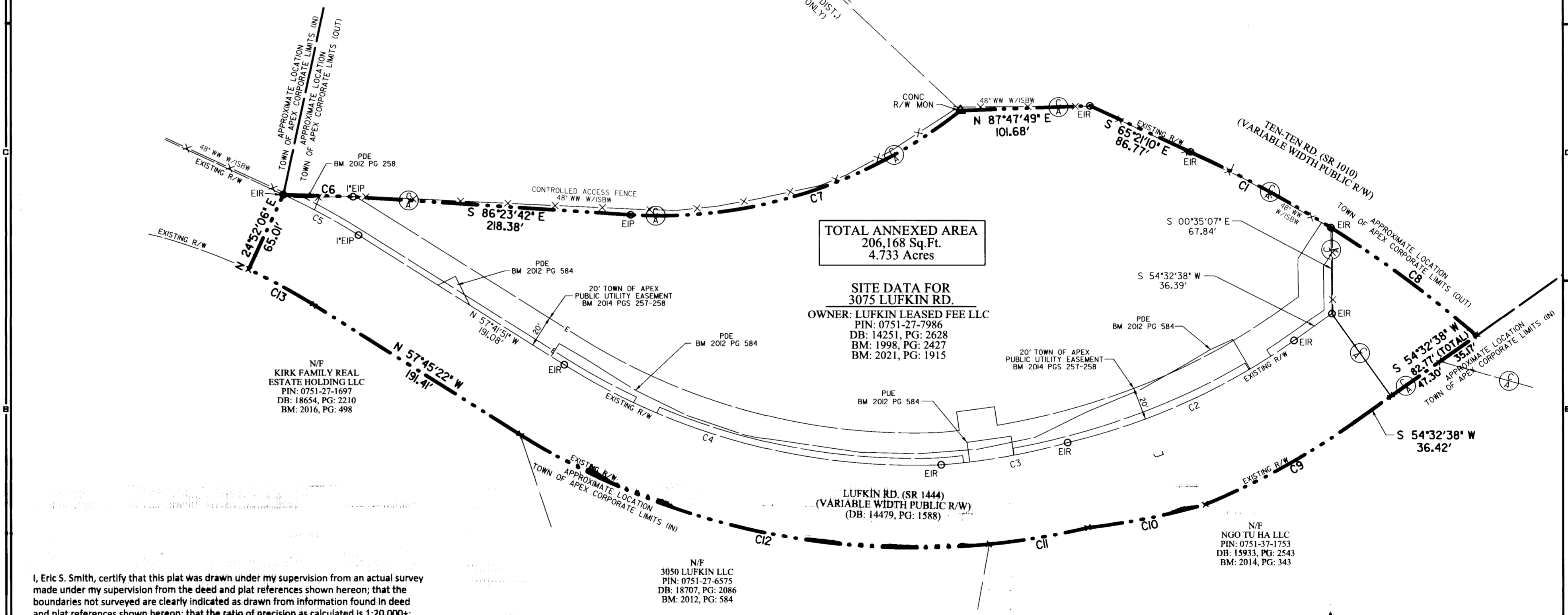
- REFERENCES**
- BM:998, PG: 2427
 - BM:2011, PG: 869
 - BM:2012, PG:258
 - BM:2012, PG:584-585
 - BM:2014, PG:257-258
 - BM:2016, PG:341
 - BM:2016, PG:342
 - BM:2021, PG:915
 - DB:4251, PG:2628
 - DB:4473, PG:588



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	MEASURED	
			CHORD BEARING	CHORD DISTANCE
C1	93.65'	125.49'	S 61° 33' 04" E	125.40'
C2	513.50'	196.41'	S 65° 38' 26" W	195.21'
C3	513.50'	100.93'	S 79° 56' 29" W	100.76'
C4	517.50'	310.81'	N 75° 01' 09" W	306.16'
C5	517.50'	66.99'	N 61° 34' 42" W	66.94'
C6	4099.04'	54.67'	S 88° 18' 39" E	54.67'
C7	378.55'	277.64'	N 72° 28' 15" E	274.46'
C8	93.65'	142.66'	S 53° 18' 19" E	142.52'
C9	582.50'	133.00'	S 61° 06' 32" W	132.71'
C10	594.50'	94.08'	S 78° 44' 58" W	93.98'
C11	582.50'	78.47'	S 80° 27' 41" W	78.41'
C12	582.50'	385.29'	N 76° 44' 57" W	378.30'
C13	452.50'	58.21'	N 61° 26' 38" W	58.17'

N.C.G.S. MONUMENT "PETE"
 NC GRID (NAD83/2011)
 N: 718.272.71
 E: 2.052.655.05



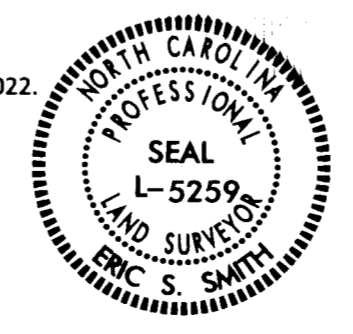
I, Eric S. Smith, certify that this plat was drawn under my supervision from an actual survey made under my supervision from the deed and plat references shown hereon; that the boundaries not surveyed are clearly indicated as drawn from information found in deed and plat references shown hereon; that the ratio of precision as calculated is 1:20,000;

F(11)(D) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

That this plat was prepared in accordance with G.S. 47-30 as amended.
 Witness my original signature, registration number and seal this day, September 13, 2022.

DocuSigned by:
Eric S. Smith
 9C2715EF82E1443...
 Professional Land Surveyor
 Registration No. L-5259

9/13/2022
 Date
 (See Revisions)



Annexation # _____
 I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 2022, by the Town Council. I set my hand and seal of the Town of Apex, _____ Day _____ Month _____ Year

Allen Coleman, CMC, NCCCC, Town Clerk

NVS
 NVS ENGINEERS & CONSULTANTS, INC.
 3300 REGENCY PARKWAY, SUITE 100
 CARY, NC 27513
 P: 919.851.1912
 F: 919.851.1912
 www.nvs.com

REVISIONS

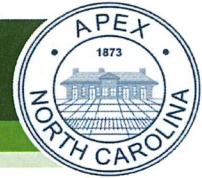
NO.	DATE	DESCRIPTION
1	9/13/22	CHANGED ANNEXATION BOUNDARY
1	9/13/22	REVISED ANNEXATION BOUNDARY

ANNEXATION MAP FOR THE TOWN OF APEX
 TOWN OF APEX, WHITE OAK TWP., WAKE COUNTY, NORTH CAROLINA

PROJECT NO: 2022050.00
 DRAWN BY: ESS
 DATE CHECKED BY: ESS
 SCALE: 1" = 60'
 DATE: AUG. 15, 2022



PETITION FOR VOLUNTARY ANNEXATION
Town of Apex, North Carolina



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

ANNEXATION FEE: \$200.00

VOLUNTARY ANNEXATION: Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

HARD COPY SUBMITTAL REQUIREMENTS:

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

REVIEW AND APPROVAL PROCESS:

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [IDT Plans](#).
- **REVIEW BY STAFF:** The Planning and Community Development Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) Mylar annexation plats to the Department of Planning and Community Development by the due date on the attached Annexation Schedule.
- **1ST TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2ND TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Department of Planning and Community Development, and the surveying company is given the remaining recorded Annexation Plat.

FOR WELL AND/OR SEPTIC FAILURES:

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Director Michael Deaton at 919-249-3413 or michael.deaton@apexnc.org to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

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 #: _____ Submittal Date: _____
 Fee Paid \$ _____ Check # _____

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, Chatham 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

Lufkin Leased Fee LLC	0751277986; DB 14251, PG 2628
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-624-1299	lindsay@brookwoodcp.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: Eric S. Smith, PLS
 Phone: 919-858-1907 Fax: n/a
 E-mail Address: erics.smith@NV5.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>3.08 4.733</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 checked="" type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>LI-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 Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

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: _____

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: _____

Attest:

President (Signature)

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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Lufkin Leased Fee, 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 ____ day of _____, 20__.

Name of Limited Liability Company Lufkin Leased Fee, LLC

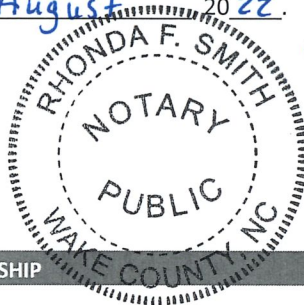
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Rhonda F. Smith, a Notary Public for the above State and County, this the 17th day of August, 2022.

[Signature]
Notary Public

SEAL



My Commission Expires: 11-22-2026

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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Marty Stone, PE, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the first amendment to the Utility Infrastructure Reimbursement Agreement with Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. and which authorizes a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

Approval Recommended?

Yes

Item Details

The Town of Apex, Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. executed an Amendment to the original Utility Infrastructure Agreement on September 25, 2020. Under the terms of that agreement, Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. are ultimately due either 20% of the new Capital Reimbursement Fees or the old acreage fees that were in the original Developer's Agreement, whichever is greater, up to the final approved actual construction cost of \$3,995,345.27. In this case, the acreage fees are the basis for reimbursement. The calculated reimbursement due is \$433,686.38, of which \$275,957.16 is for water and \$157,729.22 is for sewer, all as shown on the attached spreadsheet. After this payment, the balance of eligible reimbursement is \$1,064,462.38, which may be paid in the future as benefited lands develop.

Funds for the reimbursement will be covered by a transfer from the Water Sewer HB 463 Capital Reserve Fund

Attachments

- Budget Ordinance Amendment No. 10
- White Oak Creek Consortium Summary, Audit ending 6/30/2022





Town of Apex

Budget Ordinance Amendment No. 10

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2022-2023 Budget Ordinance be adopted:

Water Sewer HB 463 Capital Reserve Fund

Section 1. Revenues:

Appropriated Fund Balance	\$433,687
Total Revenues	\$433,687

Section 2. Expenditures:

Transfer to Water Sewer Fund	\$433,687
Total Expenditures	\$433,687

Water Sewer Fund

Section 3. Revenues:

Transfer from Water Sewer HB 463 Capital Reserve Fund	\$433,687
Total Revenues	\$433,687

Section 4. Expenditures:

Water Maintenance Capital Improvements	\$275,958
Sewer Maintenance Capital Improvements	\$157,729
Total Expenditures	\$433,687

Section 5. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 8th day of November, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

WHITE OAK CREEK CONSORTIUM SUMMARY

Audit ending 6/30/2022

Plat	Total Acreage	# Units	Water CRFs Paid	Water Acreage Fees Paid	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Potential Sewer Acreage Fees	Date Acreage Fees Paid	Date W/S CRF's Paid	Applicable Acreage Fee for Each Water & Sewer	Date Plat Recorded
CASTLEBERRY ESTATES												
	18.232	19	\$ 33,877.00		\$ 32,816.70	\$ 69,825.00		\$ 32,816.70		At Permit	\$ 1,800.00	1/25/2022
Totals	18.2315	19	\$ 33,877.00	\$ -	\$ 32,816.70	\$ 69,825.00	\$ -	\$ 32,816.70	\$ -			
CASTLEBERRY TRAILS												
	11.952	19	\$ 33,877.00		\$ 20,437.92	\$ 69,825.00		\$ 20,437.92		7/24/2020	\$ 1,710.00	10/21/2020
Totals	11.952	19	\$ 33,877.00	\$ -	\$ 20,437.92	\$ 69,825.00	\$ -	\$ 20,437.92				
CRESTMONT (WOCC)												
Ph 1A	8.54	30	\$ 87,440.00	\$ 16,268.70		\$ 96,900.00	\$ 16,268.70		5/27/2016	At Permit	\$ 1,905.00	6/30/2016
Ph 1B	5.37	18	\$ 56,792.00	\$ 10,283.55		\$ 57,290.00	\$ 10,283.55		7/22/2016	At Permit	\$ 1,915.00	9/22/2016
Ph 2A	5.3	15	\$ 49,020.00	\$ 4,959.85		\$ 52,755.00	\$ 4,959.85		1/27/2017	10/2/2017	\$ 1,915.00	12/20/2017
Ph 2B	7.83	32	\$ 104,576.00	\$ -	\$ 15,307.65	\$ 112,544.00	\$ -	\$ 15,307.65		10/2/2017	\$ 1,955.00	1/9/2018
Ph 3	7.87	34	\$ 109,487.00	\$ 15,071.05		\$ 114,616.00	\$ 15,071.05		11/4/2016	At Permit	\$ 1,915.00	2/20/2017
Ph 4	19.4	22	\$ 71,896.00	\$ 37,151.00		\$ 77,374.00	\$ 37,151.00		6/21/2017	10/2/2017	\$ 1,915.00	11/9/2017
Ph 5	11.6	12	\$ 39,216.00	\$ -	\$ 22,678.00	\$ 42,204.00	\$ -	\$ 22,678.00		11/13/2017	\$ 1,955.00	3/23/2018
Totals	65.91	163	\$ 518,427.00	\$ 83,734.15	\$ 37,985.65	\$ -	\$ 553,683.00	\$ 37,985.65				
ELLSWORTH												
Totals	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
GREEN LEVEL ESTATES												
	18.79	29	\$ 65,072.00		\$ 30,439.80	\$ 105,153.00		\$ 30,439.80		Various Dates	\$ 1,620.00	9/29/2017
Totals	18.79	29	\$ 65,072.00		\$ 30,439.80	\$ 105,153.00	\$ -	\$ 30,439.80				
GREENMOOR (WOCC)												
Ph 1A	22.1	49	\$ 143,338.00	\$ 49,283.00		\$ 163,603.00	\$ 49,283.00		12/21/2016	At Permit	\$ 2,230.00	12/22/2016
Ph 1B	12.89	34	\$ 107,634.00	\$ 28,873.60		\$ 118,390.00	\$ 28,873.60		4/27/2017	At Permit	\$ 2,240.00	5/30/2017
Ph 1C	10.14	15	\$ 43,080.00		\$ 22,713.60	\$ 53,387.00		\$ 22,713.60		At Permit	\$ 2,240.00	8/25/2017
Ph 2A	10.88	37	\$ 120,916.00		\$ 24,860.80	\$ 130,129.00		\$ 24,860.80		12/20/2017	\$ 2,285.00	1/3/2018
Ph 2B	6.43	21	\$ 68,628.00		\$ 14,692.55	\$ 73,857.00		\$ 14,692.55		12/20/2017	\$ 2,285.00	1/19/2018
Ph 2C & 2D	20.72	67	\$ 218,956.00		\$ 48,174.00	\$ 235,639.00		\$ 48,174.00		3/29/2018	\$ 2,325.00	3/29/2018
Ph 2E	21.54	52	\$ 169,936.00		\$ 49,218.90	\$ 182,884.00		\$ 49,218.90		10/26/2017	\$ 2,285.00	10/26/2017
Ph 2F & 2H	16.58	35	\$ 65,360.00		\$ 38,548.50	\$ 70,340.00		\$ 38,548.50		5/2/2018	\$ 2,325.00	10/2/2018
Ph 2G & 2I	17.2	44	\$ 143,792.00		\$ 39,990.00	\$ -		\$ 39,990.00		5/2/2018	\$ 2,325.00	6/28/2018

WHITE OAK CREEK CONSORTIUM SUMMARY

Audit ending 6/30/2022

Plat	Total Acreage	# Units	Water CRFs Paid	Water Acreage Fees Paid	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Potential Sewer Acreage Fees	Date Acreage Fees Paid	Date W/S CRF's Paid	Applicable Acreage Fee for Each Water & Sewer	Date Plat Recorded
Ph 2J	4.16	16	\$ 52,288.00		\$ 9,672.00	\$ 56,272.00		\$ 9,672.00		4/26/2018	\$ 2,325.00	5/7/2018
Totals	142.64	370	\$ 1,133,928.00	\$ 78,156.60	\$ 247,870.35	\$ 1,239,249.00	\$ 78,156.60	\$ 247,870.35				
JAINIX GREEN												
			\$ -	\$ -	\$ -	\$ -	0	\$ -			\$ -	
Totals	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
LAKE CASTLEBERRY (WOCC)												
Ph 1-2 #1	73.485	55	\$ 131,546.00	\$ 116,106.30		\$ 191,941.00	\$ 116,106.30		3/4/2016	At Permit	\$ 1,590.00	8/17/2016
Ph 1-2 #2	13.495	32	\$ 64,481.00		\$ 21,457.05	\$ 116,810.00		\$ 21,457.05		at Permit	\$ 1,590.00	8/11/2017
Ph 1-2 #3	9.346	15	\$ 39,856.00	\$ 14,860.14		\$ 52,951.00	\$ 14,860.14		9/13/2016	Various Dates	\$ 1,590.00	5/8/2017
Ph 3	11.47	25	\$ 81,700.00		\$ 18,581.40	\$ 87,925.00		\$ 18,581.40		4/16/2018	\$ 1,620.00	11/26/2018
Ph 4	25.716	20	\$ 35,660.00		\$ 42,302.82	\$ 73,500.00		\$ 42,302.82		10/14/2019	\$ 1,645.00	10/24/2019
Totals	133.512	147	\$ 353,243.00	\$ 130,966.44	\$ 82,341.27	\$ 523,127.00	\$ 130,966.44	\$ 82,341.27				
POETRY FIELDS												
Totals	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
REAMS GROVE												
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			\$ -	
Totals	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
ROBERTS CROSSING												
Ph 1&2	24.3457	110	\$ 162,253.00	\$ -	\$ 59,525.24	\$ 334,425.00	\$ -	\$ 59,525.24		Various Dates	\$ 2,445.00	5/3/2021
Totals	24.3457	110	\$ 162,253.00	\$ -	\$ 59,525.24	\$ 334,425.00	\$ -	\$ 59,525.24				
THE GLEN AT GREEN LEVEL CROSSING												
	6.856	13	\$ 40,960.00	\$ 11,330.18		\$ 41,209.00	\$ 11,330.18		4/28/2016	At Permit	\$ 1,580.00	8/26/2016
Totals	6.856	13	\$ 40,960.00	\$ 11,330.18	\$ -	\$ 41,209.00	\$ 11,330.18	\$ -				
THE PARK AT WIMBERLY												
			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			\$ -	
Totals	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				

WHITE OAK CREEK CONSORTIUM SUMMARY

Audit ending 6/30/2022

Plat	Total Acreage	# Units	Water CRFs Paid	Water Acreage Fees Paid	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Potential Sewer Acreage Fees	Date Acreage Fees Paid	Date W/S CRF's Paid	Applicable Acreage Fee for Each Water & Sewer	Date Plat Recorded
THE PINES AT WAKE CROSSING												
Ph 1A	8.759	22	\$ 56,411.00	\$ 13,926.81		\$ 20,816.00	\$ 13,926.81		2/10/2017	At Permit	\$ 1,590.00	4/18/2017
Ph 1B	16.715	49	\$ 143,243.00	\$ 26,409.70		\$ 34,209.00	\$ 26,409.70		2/11/2016	At Permit	\$ 1,580.00	6/6/2016
Ph 2	18.119	20	\$ 44,570.00		\$ 29,352.78	\$ 21,552.00		\$ 29,352.78		1/24/2018	\$ 1,620.00	8/23/2017
Ph 3-4	22.871	49	\$ 160,132.00		\$ 37,737.15	\$ 47,383.00		\$ 37,737.15			\$ 1,650.00	1/31/2018
PREPAID CREDITS						\$ 357,000.00						
Totals	66.464	140	\$ 404,356.00	\$ 40,336.51	\$ 67,089.93	\$ 480,960.00	\$ 40,336.51	\$ 67,089.93				
THE POINT AT LAKE CASTLEBERRY												
	36.3	47	\$ 83,801.00		\$ 59,713.50	\$ 172,725.00		\$ 59,713.50		11/13/2019	\$ 1,645.00	11/13/2019
Totals	36.3	47	\$ 83,801.00	\$ -	\$ 59,713.50	\$ 172,725.00	\$ -	\$ 59,713.50				
THE PRESERVE AT WHITE OAK CREEK (WOCC)												
Ph 1A	18.8228	50	\$ 155,350.00	\$ 42,163.07		\$ 161,126.00	\$ 42,163.07		11/9/2016	At Permit	\$ 2,240.00	11/17/2016
Ph 1B & 2A	22.6296	40	\$ 118,713.00	\$ 50,690.30		\$ 141,568.00	\$ 50,690.30		7/7/2017	At Permit	\$ 2,240.00	7/13/2017
Ph 2B	20.8224	51	\$ 166,668.00		\$ 47,579.18	\$ 179,367.00		\$ 47,579.18		12/28/2017	\$ 2,285.00	1/9/2018
Ph 2C & 3C	15.7099	33	\$ 107,844.00		\$ 36,525.52	\$ 116,061.00		\$ 36,525.52		4/6/2018	\$ 2,325.00	5/21/2018
Ph 3A	9.3664	51	\$ 166,033.00	\$ 21,008.96		\$ 177,487.00	\$ 21,008.96		7/7/2017	At Permit	\$ 2,240.00	8/18/2017
Ph 3B	10.9929	34	\$ 60,622.00		\$ 25,558.49	\$ 124,950.00		\$ 25,558.49		11/16/2018	\$ 2,325.00	2/21/2018
Ph 3D	3.4423	17	\$ 30,311.00		\$ 8,003.35	\$ 62,475.00		\$ 8,003.35		7/11/2018	\$ 2,325.00	8/1/2018
Ph 4A	15.9896	19	\$ 17,830.00		\$ 40,053.95	\$ 36,750.00		\$ 40,053.95		At Permit	\$ 2,505.00	6/6/2022
Ph 4B	12.7981	36	\$ -		\$ 32,059.24	\$ -		\$ 32,059.24		At Permit	\$ 2,505.00	6/23/2022
Totals	130.574	331	\$ 823,371.00	\$ 113,862.33	\$ 189,779.73	\$ 999,784.00	\$ 113,862.33	\$ 189,779.73				
WEDDINGTON												
Ph 1	8.731	16	\$ 52,288.00		\$ 19,950.34	\$ 56,272.00		\$ 19,950.34		4/5/2018	\$ 2,285.00	4/6/2018
Ph 2	23.733	67	\$ 218,956.00		\$ 55,179.23	\$ 235,639.00		\$ 55,179.23		6/5/2018	\$ 2,325.00	6/11/2018
Ph 3	15.545	15	\$ 26,745.00		\$ 36,142.13	\$ 55,125.00		\$ 36,142.13		11/26/2018	\$ 2,325.00	12/13/2018
Ph 4A	5.09	18	\$ 32,094.00		\$ 12,012.40	\$ 66,150.00		\$ 12,012.40		5/14/2019	\$ 2,360.00	5/31/2019
Ph 4B	5.149	18	\$ 32,094.00		\$ 12,151.64	\$ 66,150.00		\$ 12,151.64		8/16/2019	\$ 2,360.00	8/21/2019
Ph 5	76.847	0	\$ -			\$ -				N/A	RCA Plat	
Ph 6	16.975	56	\$ 99,848.00		\$ 19,950.34	\$ 205,800.00		\$ 19,950.34		9/20/2019	\$ 2,360.00	9/27/2019
Totals	152.07	190	\$ 462,025.00	\$ -	\$ 155,386.06	\$ 685,136.00	\$ -	\$ 155,386.06				

WHITE OAK CREEK CONSORTIUM SUMMARY

Audit ending 6/30/2022

Plat	Total Acreage	# Units	Water CRFs Paid	Water Acreage Fees Paid	Potential Water Acreage Fees	Sewer CRFs Paid	Sewer Acreage Fees Paid	Potential Sewer Acreage Fees	Date Acreage Fees Paid	Date W/S CRF's Paid	Applicable Acreage Fee for Each Water & Sewer	Date Plat Recorded
WHITE OAK CREEK, REGENCY & ENCLAVE												
Ph 1 Encl	19.015	40	\$ 121,345.00	\$ 20,702.18		\$ 35,485.00	\$ 20,702.18		7/28/2015	At Permit	\$ 1,420.00	3/22/2016
Ph 1A	14.316	18	\$ 56,250.00	\$ 8,825.00		\$ 10,368.00	\$ 8,825.00		7/28/2015	At Permit	\$ 1,420.00	9/24/2015
Ph 1B	11.031	31	\$ 97,138.00	\$ 15,664.02		\$ 18,337.00	\$ 15,664.02		12/7/2015	At Permit	\$ 1,420.00	1/28/2016
Ph 1C	12.849	11	\$ 34,491.00	\$ 20,301.42		\$ 6,441.00	\$ 20,301.42		3/11/2016	At Permit	\$ 1,580.00	3/22/2016
Ph 2 Encl	10.173	21	\$ 64,857.00	\$ 16,073.34		\$ 16,089.00	\$ 16,073.34		8/25/2016	At Permit	\$ 1,580.00	12/15/2016
Ph 3 Encl	38.412	32	\$ 89,853.00	\$ 61,075.08		\$ 40,294.00	\$ 61,075.08		12/15/2016	At Permit	\$ 1,590.00	4/12/2017
Ph 3A	6.020	15	\$ 47,496.00	\$ 9,511.60		\$ 9,993.00	\$ 9,511.60		8/25/2016	At Permit	\$ 1,580.00	1/10/2017
Ph 3B	10.382	34	\$ 82,599.00		\$ 16,818.84	\$ 82,889.00		\$ 16,818.84		At Permit	\$ 1,620.00	9/9/2017
Ph 4	11.709	33	\$ 87,308.00	\$ 18,617.31		\$ 52,153.00	\$ 18,617.31		3/8/2017	At Permit	\$ 1,590.00	4/6/2017
Ph 5	21.210	41	\$ 73,103.00		\$ 34,360.20	\$ 143,025.00		\$ 34,360.20		11/7/2018	\$ 1,620.00	11/8/2018
Ph 6	37.824	31	\$ 101,308.00		\$ 61,274.88	\$ 10,200.00	\$ 29,977.00	\$ 31,297.88		3/27/2018	\$ 1,620.00	3/29/2018
PREPAID CREDITS			\$ -			\$ 510,000.00						
Missed CRF and Over Credits			-\$10,400.00			-\$81,967.00						
Totals	193	307	\$ 855,748.00	\$ 170,769.95	\$ 112,453.92	\$ 935,274.00	\$ 200,746.95	\$ 82,476.92				

GRAND TOTALS	1,000.6	1,885	\$ 4,970,938.00	\$ 629,156.16	\$ 1,095,840.07	\$ 5,656,692.00	\$ 1,129,082.01	\$ 1,065,863.07
---------------------	----------------	--------------	------------------------	----------------------	------------------------	------------------------	------------------------	------------------------

20% OF TOTAL \$ 994,187.60

\$ 1,131,338.40

CREDITS TO DATE SUMMARY:

DESCRIPTION	WATER	SEWER	TOTAL
White Oak Creek Consortium Maximum Credit	\$ 735,937.57	\$ 3,259,407.70	\$ 3,995,345.27
Total Acreage Fees (Paid + Potential)	\$ 1,724,996.23	\$ 2,194,945.08	\$ 3,919,941.30
Total Reimbursement Eligible	\$ 735,937.57	\$ 2,194,945.08	\$ 2,930,882.65
1st Reimbursment Payment (10/16/20)	\$ (459,980.41)	\$ (2,037,215.86)	\$ (2,497,196.27)
Reimbursement Due through 6/30/2022	\$ 275,957.16	\$ 157,729.22	\$ 433,686.38
BALANCE OF REMAINING CREDITS AFTER THIS REIMBURSEMENT	\$ -	\$ 1,064,462.62	\$ 1,064,462.62

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Empire Contractors, Inc. to install a driveway that will encroach 912 square feet (SF) onto the 30' Town of Apex Sanitary Sewer and Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Empire Contractors, Inc. (Grantee) for the property described as a residential lot known as Wake County PIN #0741-36-3509, Book of Maps 2021, Page 02277, lot is also known as 115 Litton Street, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 912 square feet (SF) onto the 30' Town of Apex Sanitary Sewer and Drainage 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 24th day of October, 2022, by and between Empire Contractors, Inc. hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0741-36-3509** by the Wake County Revenue Department and more particularly described as **Lot 64** of the subdivision known as **Perry Hills Phase 7** as shown on that certain plat recorded in **Book of Maps 2021, Page 02277**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **115 Litton Street, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **30' Sanitary Sewer & Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Sanitary Sewer & Drainage Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a **driveway that will encroach 912 square feet (SF) onto the Sanitary Sewer & Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires 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 **Sanitary Sewer & Drainage Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantee and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Sanitary Sewer & Drainage 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. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held 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. Grantee agrees to and does 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; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the - Page 22 - 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: Empire Contractors, Inc.
P.O. Box 162
Apex, NC 27502

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. Grantee agrees 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 **Sanitary Sewer & Drainage Easement.**

10. If the Town deems, within its sole discretion, that removal of all or apportion of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Sanitary Sewer & Drainage Easement**, then Grantee shall cause such removal to be made at Grantee's sole expense within 30 days after receipt of notice from the Town and shall be completed in a manner that will allow the Town complete and safe access to the **Sanitary Sewer & Drainage Easement**. In the event that the Grantee fails to timely remove the Encroachment or in the event of an emergency associated with the condition of the **Sanitary Sewer & Drainage Easement**, the Town is authorized to remove all or such portion of the Encroachment as the Town determines in its sole discretion to be reasonably necessary, convenient or advisable to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Sanitary Sewer & Drainage Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Sanitary Sewer & Drainage Easement**.

11. Grantee agrees 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 Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantee, during the life of this Encroachment Agreement, agrees to procure or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, insurance in the minimum amounts of \$300,000/\$500,000/\$300,000 covering full liability for any and all personal injury, property damage or wrongful death caused by the construction, maintenance, location, repair or visual obstruction of said Encroachment. Grantee shall furnish the Town, without demand, each July a certification from the insurance carrier or carriers with whom the insurance herein mentioned is carried, stating that such compensation is covered by such carrier or carriers and showing such insurance to be in full force and effect. Both Grantee and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Grantee shall give the Town thirty (30) days' notice of such change. Should Grantee fail to pay premiums upon said insurance or to perform any of the agreement, terms or conditions herein contained, the Town, at its option, by written notice may declare this Encroachment Agreement canceled and terminated and all rights acquired hereunder by Grantee shall thereupon terminate.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. 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 Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's 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 Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

In testimony whereof, said Grantee and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEE

Empire Contractors, Inc.

By: [Signature] (SEAL)
John Campomizzi
President

NORTH CAROLINA
COUNTY OF Wake [county in which acknowledgement taken]

Marielynn Boetcher, a Notary Public of Wake County, North Carolina, certify that John Campomizzi, personally appeared before me this day and acknowledged that he is the President for Empire Contractors, Inc. Grantee herein, and that by authority duly given as President for the company, the foregoing instrument was signed and sealed by him on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 24th day of October, 2022.

[Signature of Notary Public]
[Signature of Notary Public]

My Commission Expires: August 18, 2023

(SEAL)



TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

I, _____, a Notary Public for _____
_____ County, North Carolina, certify that Allen Coleman personally came before me this day and
acknowledged that he is Town Clerk for 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 him as its Town Clerk.

Witness my hand and official stamp or seal, this ____ day of _____, 2022.

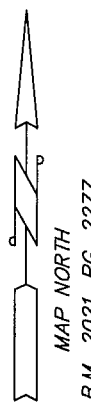
[Signature of Notary Public]

My Commission Expires: _____

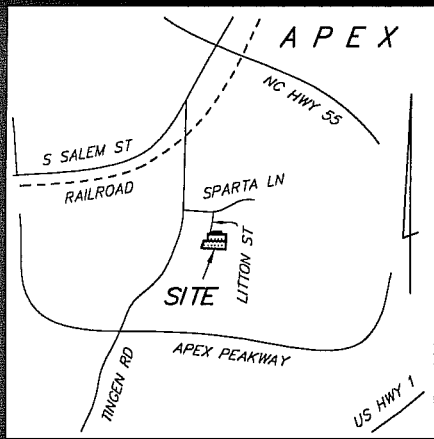
(SEAL)

EXHIBIT A

NOTE:
THIS MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



B.M. 2021, PG. 2277



VICINITY MAP (NOT TO SCALE)

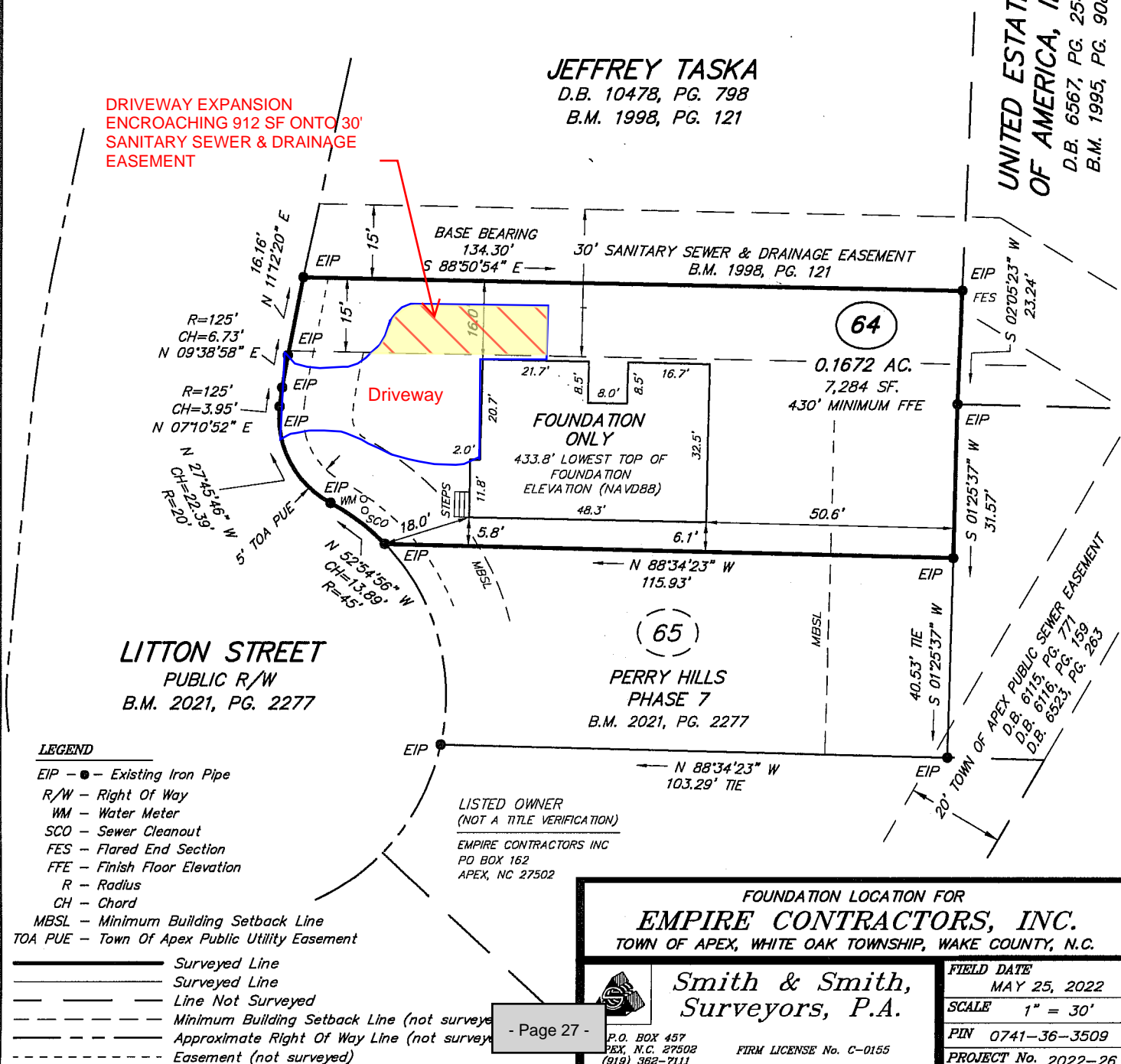


U.S. SURVEY FEET
1 inch = 30 ft.

DRIVEWAY EXPANSION
ENCROACHING 912 SF ONTO 30'
SANITARY SEWER & DRAINAGE
EASEMENT

JEFFREY TASKA
D.B. 10478, PG. 798
B.M. 1998, PG. 121

**UNITED ESTATES
OF AMERICA, INC.**
D.B. 6567, PG. 254
B.M. 1995, PG. 908



FOUNDATION LOCATION FOR
EMPIRE CONTRACTORS, INC.
TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, N.C.

**Smith & Smith,
Surveyors, P.A.**

FIELD DATE	MAY 25, 2022
SCALE	1" = 30'
PIN	0741-36-3509
PROJECT No.	2022-26

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #22CZ07 Chapel Ridge North PUD. Matthew Carpenter for High Street District Development, Inc. is the petitioner for the properties located at: 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Rd.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #22CZ07 was approved at the October 25, 2022 Town Council meeting.

Attachments

- Statement and Ordinance



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 22.71 ACRES LOCATED AT 1200, 1204, 1205, 1209, 1213, 1220, 1225 CHAPEL RIDGE RD AND 1512 CLARK FARM RD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#22CZ07

WHEREAS, High Street District Development, Inc., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of March 2022 (the “Application”). The proposed conditional zoning is designated #22CZ07;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ07 before the Planning Board on the 10th day of October 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of October 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ07. A motion was made by the Apex Planning Board to recommend approval; the motion failed by a vote of 3 to 3 for the application for #22CZ07;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ07 before the Apex Town Council on the 25th day of October 2022;

WHEREAS, the Apex Town Council held a public hearing on the 25th day of October 2022. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ07 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;

WHEREAS, 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 High Density Residential. This designation on the 2045 Land Use Map supports apartments at a density of at least 14 dwelling units per acre. Chapel Ridge North PUD proposes 371 dwelling units on 22.71 acres, or approximately 16.34 dwelling units per acre. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development–Conditional Zoning (PUD-CZ) will provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: It will provide for infill redevelopment that serves as a transition from the large commercial development to the north while being compatible with the scale of the townhome development to the east. The rezoning will also require more energy efficient housing, improve local transit options, and offer affordable housing units. The proximity to large shopping centers, bus stops, and greenways will encourage residents to walk, bike, or take transit to local destinations and the proximity to regional highways provides easy access to that network, thus reducing the impacts of a similar amount of traffic on the local street network. The compact nature of the proposed development lowers the cost per capita of providing and maintaining public services and infrastructure while also ensuring the protection of open space; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #22CZ07 rezoning the subject tract located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Road from Rural Residential (RR) to Planned Unit Development–Conditional Zoning (PUD-CZ).

Ordinance Amending the Official Zoning District Map #22CZ07

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 Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development 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" Chapel Ridge North 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.

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 _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A
to Affidavit of Ownership
Legal Description

Being all of lots 1, 2, 5, and 6 with no right-of-way taking as shown on book of maps 1987, page 556 in the Wake County Register of Deeds; all of lot 8 with no right-of-way taking as shown on book of maps 1987, page 1272 in the Wake County Register of Deeds; all of lot 10 with no right-of-way taking as shown on book of maps 1986, page 1627 in the Wake County Register of Deeds; and a portion of lot 3 as shown on book of maps 1987, page 556 with a right-of-way taking described in deed book 15527, page 772 in the Wake County Register of Deeds. Being more particularly described as follows.

Beginning at a point on the southern right-of-way line of Ackerman Hill Drive as shown on book of maps 2017, page 467, being the common corner of lands now or formally owned by MREC DT Beaver Creek LLC to the east as shown on book of maps 2006, page 1567; thence with the western line of MREC DT Beaver Creek LLC South 02°41'18" East a distance of 67.48 feet to an iron pipe, thence South 89°20'41" East a distance of 74.94 feet to an iron pipe, thence South 09°36'18" East a distance of 299.04 feet to an iron pipe, being the common corner of lands now or formally owned by MREC DT Beaver Creek LLC to the northeast and Daniel E. Corey, Et.Al. to the south as shown on book of maps 1987, page 1272; thence with the northern line of Daniel E. Corey, Et.Al. North 89°32'41" West a distance of 270.13 feet to an iron pipe, being the common corner on the eastern right-of-way line of Chapel Ridge Road as shown on book of maps 1987, page 1272; thence along the eastern right-of-way line of Chapel Ridge Road with a curve to the right a radius of 405.00 feet, an arc length of 50.19 feet, a chord bearing of South 03°10'24" East, a chord length of 50.16 feet to a point, thence North 89°32'50" West a distance of 50.00 feet to a point on the western right-of-way line of Chapel Ridge Road, being the common corner of land now or formally owned by James Patrick Serino and Melinda Busi to the south as shown on book of maps 1986, page 1627; thence leaving the right-of-way along the northern line of James Patrick Serino and Melinda Busi North 89°32'50" West a distance of 345.06 feet to an iron pipe, thence along the western line of the aforesaid land owners South 18°59'36" West a distance of 180.00 feet to a point, being the common corner of lands now or formally owned by James Patrick Serino and Melinda Busi to the northeast and Rita L. and Raymond V. Boykin Jr to the southeast as shown on book of maps 1986, page 1627; thence along the western line of Rita L. and Raymond V. Boykin Jr. South 18°59'39" West a distance of 269.66 feet to a point, being the common corner on the northern right-of-way line of Clark Farm Road as shown on book of maps 1986, page 1627; thence along the northern right-of-way line of Clark Farm Road with a curve to the left a radius of 2407.57 feet, an arc length of 172.19 feet, a chord bearing of North 71°16'12" West, a chord length of 172.15 feet to a point, thence with a curve to the right a radius of 25.00 feet, an arc length of 15.09 feet, a chord bearing of North 56°01'37" West, a chord length of 14.86 feet to a point, being the common corner of land now or formally owned by Christine and Frank A. Bria III to the west as shown on book of maps 1986, page 1627; thence leaving the northern right-of-way line with the eastern line of Christine and Frank A. Bria III North 01°00'50" West a distance of 364.22 feet to a point, thence along the northern line of the aforesaid land owners North 89°32'50" West a distance of 78.77 feet to a point, thence North 89°32'50" West a distance of 435.45 feet to a point, being the common corner of land now or formally owned by Christine and Frank A. Bria III to the south on the eastern right-of-way line of NC 540 HWY; thence along the eastern right-of-way line North 12°30'06" West a distance of 163.69 feet to a concrete monument; thence North 27°30'03" West a distance of 31.60 feet to a point, being the common corner of land now or formally owned by Shee Gopalprabhu LLC to the north, as described in deed book 18530, page 244, on the eastern right-of-way line of NC 540 HWY; thence leaving the right-of-way along the eastern line of Shee Gopalprabhu LLC

North 36°50'22" East a distance of 21.14 feet to a point, thence North 38°51'36" East a distance of 40.28 feet to a point, thence North 38°00'37" East a distance of 83.84 feet to a point, thence North 38°19'59" East a distance of 53.41 feet to a point, thence North 34°12'14" East a distance of 64.39 feet to a rebar, being the common corner of lands now or formally owned by Shee Gopalprabhu LLC to the west and Jordan Lutheran Church LLC to the northeast as shown on book of maps 1987, page 556; thence with the southern line of Jordan Lutheran Church LLC South 89°18'34" East a distance of 516.36 feet to an iron pipe, thence North 84°43'51" East a distance of 165.05 feet to an iron pipe, being the common corner on the southern right-of-way line of Chapel Ridge Road; thence along the right-of-way line with a curve to the right a radius of 50.00 feet, an arc length of 62.76 feet, a chord bearing of North 30°41'41" East, a chord length of 58.72 feet to a point, being the common corner of lands now or formally owned by Jordan Lutheran Church LLC to the west on the aforesaid right-of-way line; thence leaving the right-of-way along the eastern line of Jordan Lutheran Church LLC North 23°21'49" West a distance of 162.27 feet to an iron pipe, thence North 03°08'58" West a distance of 329.33 feet to an iron pipe, being the common corner of lands now or formally owned by Jordan Lutheran Church LLC to the southwest and CTO21 Apex LLC to the north as shown on book of maps 2021, page 1878; thence along the southern line of CTO21 Apex LLC North 88°45'08" East a distance of 388.91 feet to an iron pipe, thence North 88°45'08" East a distance of 47.28 feet to an iron pipe, thence North 88°42'10" East a distance of 177.95 feet to an iron pipe, being the common corner of lands now or formally owned by CTO21 Apex LLC to the northwest and MREC DT Beaver Creek LLC to the east; thence along the western line of MREC DT Beaver Creek LLC South 02°41'18" East a distance of 157.29 feet to a point, being the common corner of lands now or formally owned by MREC DT Beaver Creek LLC to the east and Michael J. Bishop to the south as shown on book of maps 1987, page 556; thence along the northern line of Michael J. Bishop South 51°53'36" West a distance of 297.36 feet to an iron pipe, thence along the western line of the aforesaid land owner South 25°27'10" West a distance of 274.97 feet to a point, being the common corner on the northern right-of-way line of Chapel Ridge Road; thence along the right-of-way line with a curve to the right a radius of 405.00 feet, an arc length of 118.06 feet, a chord bearing of South 56°11'36" East, a chord length of 117.64 feet to a point, thence with a curve to the right a radius of 405.00 feet, an arc length of 45.37 feet, a chord bearing of South 44°36'20" East, a chord length of 45.34 feet to a rebar, being the common corner on the southern right-of-way line of Ackerman Hill Drive and the northern right-of-way line of Chapel Ridge Road; thence leaving the Chapel Ridge Road right-of-way along the Ackerman Hill Drive right-of-way North 45°10'55" East a distance of 115.22 feet to a point, thence with a curve to the right a radius of 199.04 feet, an arc length of 145.84 feet, a chord bearing of North 66°19'50" East, a chord length of 142.60 feet to a point, thence North 87°15'57" East a distance of 28.56 feet to the point and place of beginning, containing an area of 898,352 square feet, 20.62 acres more or less.

Being all of lot 7, as shown on Book of Maps 1987, page 556 in the Wake County Register of Deeds.
Being more particularly described as:

Beginning at an iron pipe on the northern right of way line of Chapel Ridge Road (a 50 foot public right of way), being the southeast corner of lot 6, as shown on Book of Maps 1987, page 556, the point of beginning; thence with said common line, North 25°27'10" East a distance of 274.97 feet to an iron pipe; thence North 51°53'36" East a distance of 297.36 feet to an iron pipe on the western line of Tract 4, as shown on Book of Maps 2006, page 1567; thence with said common line, South 02°41'18" East a distance of 345.28 feet to an iron pipe on the northern right of way line of Ackerman Hill Drive (a 45 foot public right of way), as shown on Book of Maps 2017, page 461; thence with the northern right of way line of Ackerman Hill Drive, South 87°15'57" West a distance of 28.56 feet to an iron pipe; thence with a curve to the left a radius of 244.04 feet, an arc length of 178.84 feet, a chord bearing of South 66°29'09" West, a chord length of 174.86 feet to an iron pipe; thence South 45°10'55" West a distance of 115.22 feet to an iron pipe on the northern right of way line of Chapel Ridge Road; thence with the northern right of way line of Chapel Ridge Road, with a curve to the left a radius of 405.00 feet, an arc length of 118.06 feet, a chord bearing of North 56°11'36" West, a chord length of 117.64 feet to the point and place of beginning, containing an area of 90,845 square feet or 2.09 acres.

CHAPEL RIDGE NORTH PLANNED UNIT DEVELOPMENT

1225 CHAPEL RIDGE RD
APEX, NORTH CAROLINA | PD PLAN

REZONING CASE #22CZ07



CHAPEL RIDGE NORTH

Planned Unit Development Prepared for Town of Apex, North Carolina

Submittal Dates

First Submittal:	March 1, 2022
Second Submittal:	April 8, 2022
Third Submittal:	May 13, 2022
Fourth Submittal:	June 10, 2022
Fifth Submittal:	June 28, 2022
Sixth Submittal:	July 6, 2022
Seventh Submittal:	September 1, 2022
Eight Submittal:	September 19, 2022

Developer

High Street Residential
555 Fayetteville Street, Suite 300
Raleigh, NC 27601

Planner, Engineer, Landscape Architect, Surveyor

McAdams
2905 Meridian Parkway
Durham NC 27113

Attorney

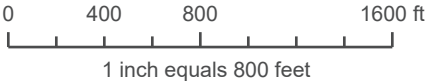
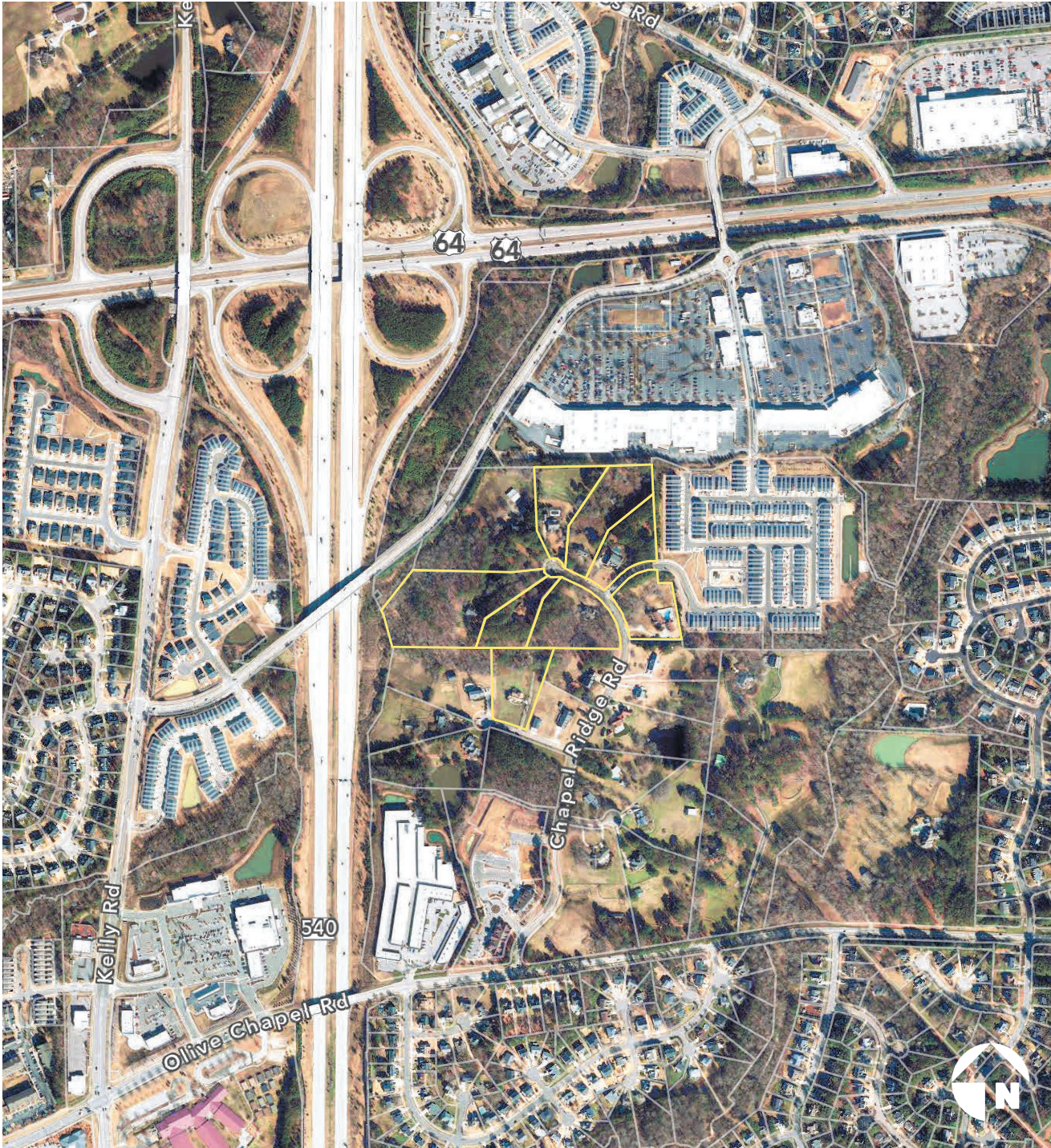
Parker Poe
301 Fayetteville St, Suite 1400
Raleigh, NC 27601



TABLE OF CONTENTS

1. VICINITY MAP
2. PROJECT DATA
3. PURPOSE STATEMENT
4. PERMITTED USES
5. AFFORDABLE HOUSING
6. DESIGN CONTROLS
7. ARCHITECTURAL STANDARDS
8. PARKING AND LOADING
9. SIGNAGE
10. LANDSCAPING
11. NATURAL RESOURCE AND ENVIRONMENTAL DATA
12. STORMWATER MANAGEMENT
13. PARKS AND RECREATION
14. PUBLIC FACILITIES
15. PHASING PLAN
16. CONSISTENCY WITH LAND USE PLAN
17. COMPLIANCE WITH UDO
18. TRANSPORTATION IMPROVEMENTS
19. REPRESENTATIVE BUILDING ELEVATIONS

VICINITY MAP



PROJECT DATA

Name of Project:	Chapel Ridge North
Applicant/Developer:	High Street Residential 555 Fayetteville Street, Suite 300 Raleigh, NC 27601 202-337-1025
Prepared By:	McAdams 2905 Meridian Parkway Durham, NC 27713 919-361-5000
Current Zoning Designation:	RR
Proposed Zoning Designation:	PUD-CZ
Current 2045 Land Use Map Designation:	Medium Density Residential
Proposed 2045 Land Use Map Designation:	High Density Residential
Size of Project:	Approximately 22.71 acres
Property Identification Numbers:	0732352538, 0732343920, 0732249869, 0732354594, 0732347912, 0732256180, 0732340602, 0732356305 (the "Property")

PURPOSE STATEMENT

This document and the accompanying concept plan (the “Concept Plan”) (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development Provisions. Chapel Ridge North will be a fully amenitized apartment community with interior corridors, an elevator, fitness centers, walking paths, and natural areas; it will be conveniently located near future transit and existing employment centers, restaurants, and retail. The Concept Plan offers an efficient site layout, with significant open space preserved in a unified area and appropriate buffers between adjacent uses. Required Resource Conservation Areas are set aside throughout the 22.71-acre property. This PUD is consistent with the Town’s goal to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation and compatibility with surrounding land uses. This development will comply with the PUD Development Parameters outlined in UDO §2.3.4.F.1.a.i-vii. This PUD meets or exceeds 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 Chapel Ridge North 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.*
 - » **Chapel Ridge North is an entirely residential development including a maximum of 370 multi-family units and one single-family unit.**
- *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.*
 - » **Any deviations from underlying UDO standards are contained in this PUD. Otherwise, Chapel Ridge North will comply with the base standards 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.*
 - » **Except the small northern portion of Chapel Ridge Road as shown on the Concept Plan, five-foot wide public sidewalks will be constructed along both sides of all internal streets per UDO standards. Pedestrian improvements along road frontages shall be consistent**

with the Transportation and Bike Ped System Map Plan. See Walkability section for specific details of sidewalk and sidepath locations. To encourage a healthy lifestyle and establish a walkable community, pedestrian greenways will also be incorporated throughout the development connecting residential areas to open space amenities and RCA areas. In addition, the Property is located within a mile of connections to the Beaver Creek Greenway which may be accessed from the Pearson Farms neighborhood south of Chapel Ridge North.

- *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.*
 - » Chapel Ridge North will create a walkable residential community connected by sidewalks, side paths, tree-lined streets, and greenways. Cul-de-sacs will be avoided to enhance the connectivity of the development. The northern extension of Chapel Ridge Road will allow residents to walk to the future transit stop on Beaver Creek Commons Drive identified in the Town of Apex Comprehensive Transportation Plan (the “Transportation Plan”). Additionally, residents will be able to walk and/or bike to existing shops, restaurants, and retail at the Beaver Creek Crossings shopping center.
- *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.*
 - » The proposed development is compatible with the character of surrounding land uses and will enhance property values in the area. To the north of the Property is Beaver Creek Crossings, an existing shopping center with a mix of commercial uses. Adjacent to the east are the Hempstead Townhomes, a dense townhome community. The proposed apartment community will effectuate a transition down in intensity from the more intense commercial uses to the north to lower density single-family detached homes to the south. Appropriate buffering will be provided between Chapel Ridge North and existing single-family homes to the south.
- *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.*
 - » Multi-family buildings will be of high-quality construction. Architectural controls and sample elevations illustrating the high-quality appearance of buildings are included in this PUD.

All site-specific standards and conditions of this PUD shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, Conditional Zoning Districts.

PERMITTED USES

The Property 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 of this PUD.

Permitted uses include:

Residential
Multi-family or apartment
Condominiums
Single-family (1 dwelling unit, only permitted as shown on layout sheet)
Utilities
Utility, minor
Recreational Uses
Greenway
Park, Active
Park, Passive
Recreation Facility, private

AFFORDABLE HOUSING

A minimum of three and a half percent (3.5%) of the total residential units (as shown on the first site plan submittal) shall be designated as restricted low-income affordable housing rental units (the "Affordable Units") for a minimum affordability period of ten (10) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordable Restriction Period"). The Affordable Units shall be occupied by low-income households earning no more than sixty percent (60%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI), adjusted for family size, as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Units shall be one-bedroom units and rented to low-income households during the Affordable Restriction Period at maximum rent limits per bedroom size, no greater than sixty percent (60%) of the Raleigh, NC Area Median Income ("AMI") as most recently published by HUD and stipulated by the most recently published North Carolina Housing Finance Agency (NCHFA) Low-Income Housing Tax Credit (LIHTC) Multifamily Tax Subsidy Program (MTSP) income and rent limits for the Wake County Metropolitan Area. If the Affordable Units calculation results in a fraction between 0.00 and 0.49, the number of Affordable Units shall be rounded down to the nearest whole number. If the Affordable Units calculation results in a fraction between 0.50 and 0.99, the number of Affordable Units shall be rounded up to the nearest whole number. Prior to issuance of the first residential Certificate of Occupancy, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions. During the Affordable Restriction Period, the property owner shall be responsible for performing all property management and administration duties to ensure compliance with this affordable housing condition and shall submit annual compliance reports to the Town verifying compliance with this affordable housing condition. Following expiration of the Affordable Restriction Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Affordable Units may freely be marketed and leased at market-rate rents.

DESIGN CONTROLS

Total Project Area: 22.71 acres

- Maximum number of multi-family apartment units: 370
- Maximum number of single-family units: 1

Multi-Family Design Controls

- Maximum Building Height: 55 feet (5 stories)
 - » Building facades facing PINs 073243658, 0732340602, and 0732348711 shall be limited to a maximum of four stories.
 - » Any buildings located in Area C as shown on the Concept Plan shall be limited to a maximum of three stories.
- Minimum Building Setbacks
 - » Front: 10 feet
 - » Rear: 20 feet
 - » Side: 20 feet
 - » Alley: 5 feet
 - » Corner: 20 feet
 - » From buffer or RCA: 10 feet

Single-Family Design Controls

- Refer to RR Dimensional Standards set forth in UDO Section 5.1.

Physical Accessibility

The project shall comply with all applicable accessibility regulations and guidelines issued by the Department of Housing and Urban Development (HUD), the American National Standards Institute (ANSI), and the International Code Council (ICC) including providing braille and approximately 10-15 (final count to be determined at Site Plan) Type A units (the "Accessible Units") which provide reduced counter heights, door swing limitations, grab bar installation, and bathroom lavatory convertibility. Additionally, the Accessible Units shall include flashing strobe devices to aid in emergency notification for hearing impaired residents and additional electric capacity to allow installation of a bed shaker to awake hearing impaired residents in case of fire.

ARCHITECTURAL STANDARDS

The proposed development offers the following architectural controls to ensure consistency of character throughout the development. Conceptual elevation examples are included in Section 19 of this PUD. Elevations included are limited examples of multiple style options being considered. 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 Major Site Plan submittal. In an effort to reflect the unique nature of the existing neighborhood, the architectural style of the buildings shall be classic southern traditional architecture.

Additional features used as focal points or key terminus points shall be located within or around the development (i.e. a patio seating area, water feature, pedestrian plaza with benches, planters, public art, decorative bicycle parking, or focal feature) in order to meet the Community Amenities requirement of the UDO. Other features not mentioned may be considered with administrative staff approval.

Design Guidelines:

1. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3500K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
2. The project shall be designed to meet the requirements for one of the following green building certifications: LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. Prior to the issuance of building permits, the developer shall hire a third-party consultant to evaluate the project and ensure the design conforms with green building certification requirements. Prior to the issuance of a certificate of occupancy for a building, the developer shall demonstrate to the Town that that building has been certified as a green building by providing a copy of the green building certification.
3. The project shall install at least three (3) pet waste stations across the development locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

Multi-family/Apartments/Condominiums:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
3. A minimum of four of the following decorative features shall be used on each building:
 - » Decorative shake
 - » Board and batten
 - » Decorative porch railing/posts
 - » Shutters
 - » Decorative/functional air vents on roof or foundation
 - » Recessed windows

- » Decorative windows
 - » Decorative brick/stone
 - » Decorative gables
 - » Decorative cornices
 - » Tin/metal roof
4. Garage doors must have windows, decorative details, or carriage-style adornments on them.
 5. Siding materials shall be varied in type and/or color on 30% of each façade on each building.
 6. Windows must vary in size and/or type.
 7. Windows that are not recessed must be trimmed.
 8. Solar conduit shall be provided on all buildings to accommodate the future installation of solar panels.

Proposed Residential Materials and Styles

Proposed materials and styles 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 building products include:

- Cementitious lap, board and batten, and/or shake and shingle 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 Director of Planning and Development to be substantially similar.

PARKING AND LOADING

Apartments/Multi-Family/Condominiums

Development shall provide the following minimum parking spaces per dwelling unit based on the number of bedrooms:

Bedrooms per unit	Minimum ratio
1 or 2	1.3 spaces per dwelling unit
3	1.8 spaces per dwelling unit

A minimum of 5% of the total parking spaces required by the UDO for the project shall be Electric Vehicle Charging spaces consistent with the standards of UDO Section 8.3.11. At least 6 bicycle parking spaces shall also be provided.

SIGNAGE

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

LANDSCAPING

Minimum perimeter and streetscape landscape buffers are as follows (see PUD Plan Sheet C2.00 for details):

- 15-ft Type A adjacent to townhomes
- 25-ft Type A adjacent to single-family lots
- 20-ft Type A adjacent to church*
- 20-ft Type A adjacent to retail
- 10-ft Type A adjacent to Chapel Ridge Road**
- 20-ft Type B adjacent to PIN 0732266081
- No buffer shall be required between single-family parcels

*A fire access lane shall be permitted to encroach into the first 150 feet of the buffer as measured from Chapel Ridge Road west along the shared property line with the church.

**Only required along the public right-of-way fronting the Property. A buffer is not required along the public access easement. Developer shall only be responsible for providing the buffer on property adjacent to the public right-of-way which is within this rezoning.

The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.

The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 75% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.

No dumpster shall be located within 50 feet of the northern property line of PINs 0732343658 and 0732348711.

A 6-ft tall fence shall be provided along the southern facing property line adjacent to PINs 0732246637, 0732343658, and 0732348711.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

River Basins and Watershed Protection Overlay Districts

This project is located within the Cape Fear River Basin. This project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. 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 greenways.

The project shall install a minimum of one sign for each Resource Conservation area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. Signage shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

Six-foot wide private walking trails may be located throughout the development, including RCA areas. Locations of trails are to be determined at site plan.

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 3720073200J, dated May 2, 2006.

Tree Canopy

Tree canopy areas in Chapel Ridge North are primarily concentrated around the wetland areas, stream features, and perimeter buffers.

Existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff, above and beyond standard UDO requirements.

Historic Structures

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

Existing Pond

Pursuant to all applicable Town and State regulations, the developer shall work with the owner of PIN 0732258464 to drain the existing pond on the southern property line of PIN 0732258464 concurrently with the development and construction of the project.

Environmental Commitments Summary

The applicant team met with the Apex Environmental Advisory Board on February 17, 2022. Below is a summary of the environmental commitments for the Chapel Ridge North development:

- Increased stormwater quantity and quality control measures (see Stormwater Management section for details)
- The project shall install at least three (3) pet waste stations across the development in locations that are publicly accessible, but outside of public property and/or public easement(s), such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- The project shall use full cutoff LED fixtures that have a maximum color temperature of 3500K for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.
- A minimum of 5% of the total parking spaces that the UDO would require for the project shall be Electric Vehicle Charging spaces. Final unit mix and amount of required parking shall be determined at site plan. The EV charging stations shall comply with the standards set forth in the UDO.
- The project shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
- The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 75% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.
- The project shall install signage adjacent to wooded or natural condition Resource Conservation area. The signage shall indicate that the area is RCA and is to be preserved in perpetuity and not disturbed. Signage shall be installed in locations that are publically accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall be designed to meet the requirements for one of the following green building certifications: LEED, Energy Star, BREEAM, Green Globes, NGBS Green, or GreenGuard. A third-party consultant shall be hired to evaluate the project and certify to the Town of Apex that the project meets the standards for the certification. The applicant shall forward a copy of the certification application to the Town of Apex Planning Department to verify that the application has been submitted.
- Solar conduit shall be provided on all multi-family and/or condominium buildings to accommodate the future installation of solar panels.

STORMWATER MANAGEMENT

This PUD shall go above the stormwater management requirements for quality and quantity treatment outlined in 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 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

This project was reviewed by the Parks, Recreation and Cultural Resources Advisory Commission on April 27, 2022 and fee-in-lieu of dedication was recommended.

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
370	Multi-Family	\$2,226.05	\$823,638.50
Total	-	-	\$823,638.50

*Final unit count will be determined at the time of Master Site Plan.

**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, unless specifically set forth in the PUD Text.

Chapel Ridge Road shall be extended north to connect to Beaver Creek Commons Drive (the "Road Extension") in the approximate location shown on the Concept Plan. The Road Extension shall be constructed to Town of Apex standards and specifications. At the site plan stage, the portion of the Road Extension shown in pink on the Concept Plan and labeled "Public ROW" shall be dedicated to the Town as public right-of-way (the "Public ROW Section"). The portion of the Public ROW Section south of the shared property line with PIN 0732366134 shall have a minimum ROW width of 60 feet and be constructed to the Minor Collector Street standard. The portion of the Public ROW Section across PIN 0732258769 shall have a minimum ROW width of 50 feet. The portion of the Road Extension shown in orange on the Concept Plan and labeled "Private drive with minimum 45' public access easement" (the "Easement Section") shall be subject to a recorded public access and maintenance agreement with a minimum easement width of 45 feet. The public access and maintenance agreement shall be approved by the Planning Director as to form.

Water and Sanitary Sewer

Apartments 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 Construction Drawing 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 and standard specifications.

Water and sewer lines shall be extended for the length of the Property's frontage along Chapel Ridge Road, and they shall always be extended along any and all natural drainage courses/draws that are located within the property line boundaries of the proposed development. Sewer shall be extended to all adjacent upstream property lines. The portion of the Property fronting Clark Farm Road shall be served by the extension of water and sanitary sewer lines from the north, through the internal portion of the Property. At site plan, water and sewer line easements shall be dedicated to facilitate the extension.

The developer shall provide at least one sewer stub and one water stub to the eastern property line of PIN 0732258464 in locations to be determined at Site Plan and agreed to by the developer and owner of PIN 0732258464.

Walkability

The following facilities will be provided to contribute to a walkable community within and surrounding the Chapel Ridge North development:

- Five-foot wide public sidewalk along the western side of Chapel Ridge Road public right-of-way fronting the development.
- Ten-foot wide side path along the eastern and northern side of Chapel Ridge Rd adjacent to land that's a part of this rezoning application (as shown on the Concept Plan).
- Five-foot wide sidewalk along the south side of Ackerman Drive fronting the project.
- A crosswalk will be provided from the future sidewalk on the south side of Ackerman Drive to the existing sidewalk on the north side of Ackerman Drive.
- Six-foot wide private walking trails throughout the development, locations to be determined at site plan.

Transit

The developer shall design, construct and install a bus stop along the west side of Chapel Ridge Road in a location mutually agreed to by the developer and the Traffic Engineering Manager. The bus stop shall include an 8 x 30-foot pad, bench, and bike rack. Construction costs for the bus stop shall not exceed a maximum of \$25,000 (the "Cost Limit"). In the event construction costs exceed the Cost Limit, the developer may elect to either (a) pay a fee in lieu of \$25,000 for the bus stop, or (b) design and construct the bus stop despite construction costs exceeding the Cost Limit. The bus stop shall be shown on the overall site plan and designed, approved, and constructed concurrently with the project.

Other Utilities and Facilities

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.

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include street trees, benches, trash receptacles, and street and/or pedestrian lights compatible with their context.

Construction Traffic

Following construction of the Chapel Ridge Road extension, all heavy duty construction traffic shall enter and exit the site via Beaver Creek Commons Drive. "No Construction Traffic" signs shall be posted along Creekside Landing Drive south of its intersection with Beaver Creek Commons Drive, Ackerman Hill Drive, Chapel Ridge Road at the southern project boundary, and at the intersection of Chapel Ridge Road and Olive Chapel.

PHASING PLAN

The development will be completed in multiple phases, which will be determined during site or subdivision plan review.

CONSISTENCY WITH LAND USE PLAN

The proposed development is consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted February 2019. The 2045 Land Use Map designates the Property as Medium Density Residential. Given the high intensity commercial uses to the north, and the existing high density townhome community to the east, higher density is appropriate in this location. Accordingly, this PUD updates the FLUM designation to High Density Residential.

COMPLIANCE WITH UDO

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

TRANSPORTATION IMPROVEMENTS

The following transportation improvements are proposed:

- All proposed driveway access and improvements on state-maintained roadways are subject to both Apex and NCDOT review and approval. This includes proposed access to Chapel Ridge Road and any modifications to Chapel Ridge Road.
- Chapel Ridge Road shall be extended north to connect to Beaver Creek Commons Drive (the "Road Extension") in the approximate location shown on the Concept Plan. The Road Extension shall be constructed to Town of Apex standards and specifications. At the site plan stage, the portion of the Road Extension shown in pink on the Concept Plan and labeled "Public ROW" shall be dedicated to the Town as public right-of-way (the "Public ROW Section"). The portion of the Public ROW Section south of the shared property line with PIN 0732366134 shall have a minimum ROW width of 60 feet and be constructed to the Minor Collector Street standard. The portion of the Public ROW Section across PIN 0732258769 shall have a minimum ROW width of 50 feet. The portion of the Road Extension shown in orange on the Concept Plan and labeled "Private drive with minimum 45' public access easement" (the "Easement Section") shall be subject to a recorded public access and maintenance agreement with a minimum easement width of 45 feet. The public access and maintenance agreement shall be approved by the Planning Director as to form.
- The center turn lane on Beaver Creek Commons Drive shall be restriped to provide 75 feet of southbound left turn storage and 75 feet of taper at the site driveway.

REPRESENTATIVE BUILDING ELEVATIONS



SOUTHERN TRADITIONAL CLASSIC STYLE



Elevations are conceptual in nature.

SOUTHERN / MODERN FARMHOUSE TRANSITIONAL STYLE



Elevations are conceptual in nature.



MODERN FARMHOUSE STYLE



Elevations are conceptual in nature.

CHAPEL RIDGE NORTH

CHAPEL RIDGE ROAD
APEX, NORTH CAROLINA

PLANNED UNIT DEVELOPMENT PLAN FOR PUD-CZ

PROJECT NUMBER: 2021110513

DATE: SEPTEMBER 01, 2022



MCADAMS

The John R. McAdams Company, Inc.
One Glenwood Avenue
Suite 201
Raleigh, NC 27603
phone 919. 823. 4300
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CONTACT

JESSIE HARDESTY
hardesty@mcadamsco.com
PHONE: 919. 287. 0824
DERICK BLANKENSHIP
BLANKENSHIP@MCADAMSCO.COM
PHONE: 919. 287. 0836

CLIENT

HIGH STREET DISTRICT DEVELOPMENT, INC.
555 FAYETTEVILLE STREET SUITE 300
RALEIGH, NC 27601
CONTACT: JOSH DIX

SHEET INDEX

C0.00	COVER
C1.00	EXISTING CONDITIONS
C2.00	PRELIMINARY LAYOUT PLAN



VICINITY MAP & AERIAL IMAGE

1" = 500'

SITE DATA

PARCEL IDENTIFICATION NUMBER (PIN)	0732343920, 0732340602, 0732349869, 0732256180, 0732347912, 0732354594, 0732352538, 0732356305
EXISTING ZONING	RR
PROPOSED ZONING	PUD-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP DESIGNATION	HIGH DENSITY RESIDENTIAL
SITE AREA	APPROX. 22.71 AC - GROSS APPROX. 0.74 - INSIDE R/W APPROX. 21.97 AC - NET
EXISTING USE	SINGLE FAMILY LOTS
PROPOSED USE	HIGH DENSITY RESIDENTIAL - APARTMENTS RURAL RESIDENTIAL - SINGLE FAMILY DETACHED
DENSITY	MAXIMUM 370 UNITS (APARTMENTS) 1 UNIT (SINGLE-FAMILY)
BUILDING HEIGHT	MAXIMUM 55' (5 STORIES) *4 STORY MAX FACING PINS 0732343658, 0732340602 AND 0732348711
SETBACKS	FRONT 10' SIDE 20' REAR 20' ALLEY 5' CORNER 20'
SETBACKS FROM REQUIRED BUFFERS	10' (BUILDING) 5' (PARKING)
PARKING	MINIMUM 1.3 SPACES / 1 OR 2 BEDROOM UNITS MINIMUM 1.8 SPACES / 3 BEDROOM UNITS
BUILT-UPON AREA (IMPERVIOUS SURFACE)	MAXIMUM 15.38 AC (70%) PROPOSED LESS THAN 15.38 AC (70%)
RESOURCE CONSERVATION AREA	MINIMUM 4.39 AC (20%) PROPOSED MORE THAN 4.39 AC (20%)
WATERSHED PROTECTION OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT
FEMA FLOODPLAIN	NONE (FIRM PANEL 3720073200I, EFFECTIVE 05/02/2006)
HISTORIC STRUCTURES	NONE

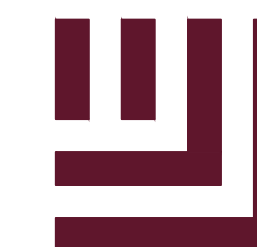


REVISIONS

NO. DATE

PLANNED UNIT DEVELOPMENT PLAN FOR:

CHAPEL RIDGE APARTMENTS
APEX, NC 27502
PROJECT NUMBER: 2021110513



McADAMS

The John R. McAdams Company, Inc.
One Glenwood Avenue
Suite 201
Raleigh, NC 27603
phone 919. 823. 4300
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

HIGH STREET DISTRICT DEVELOPMENT, INC.
555 FAYETTEVILLE STREET SUITE 300
RALEIGH, NC 27601
CONTACT: JOSH DIX

CHAPEL RIDGE NORTH
PLANNED UNIT DEVELOPMENT PLAN
APEX, NORTH CAROLINA



RIPIARIAN BUFFER NOTE

1. RIPIARIAN BUFFERS SHOWN ON THIS PLAN WERE DETERMINED BY NATURAL RESOURCE CONSULTANTS. COORDINATION IS ONGOING WITH THE TOWN OF APEX TO VERIFY DETERMINATIONS. TOWN PROJECT ID NUMBER AND FINAL DETERMINATIONS TO BE PROVIDED AT SITE PLAN STAGE.

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	921.12'	316.06'	N 38°42'31" E	314.52'
C2	244.04'	178.84'	S 66°29'09" W	174.86'
C3	199.04'	145.84'	S 66°19'50" W	142.60'
C4	405.00'	50.19'	N 03°10'24" W	50.16'
C5	405.00'	245.94'	N 24°03'35" W	242.18'
C6	405.00'	45.37'	N 44°36'20" W	45.34'
C7	405.00'	118.06'	N 56°11'36" W	117.64'
C8	25.00'	21.02'	S 40°26'59" E	20.41'
C9	50.00'	84.64'	N 64°51'02" W	74.89'
C10	50.00'	62.76'	N 30°41'41" E	58.72'
C11	50.00'	40.00'	S 28°10'58" E	38.94'
C12	50.00'	53.79'	S 81°55'04" E	51.23'
C13	25.00'	21.02'	N 88°38'21" W	20.41'
C14	355.00'	403.13'	N 32°04'56" W	381.81'
C15	2407.57'	172.19'	N 71°16'12" W	172.15'
C16	25.00'	15.09'	N 56°01'37" W	14.86'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 27°30'03" W	31.60'
L2	N 36°50'22" E	21.14'
L3	N 38°51'36" E	40.28'
L4	N 38°00'37" E	83.84'
L5	N 38°19'59" E	53.41'
L6	N 34°12'14" E	64.39'
L7	N 14°05'07" E	49.58'
L8	N 19°51'56" E	68.19'
L9	N 19°14'28" E	53.93'
L10	S 87°15'57" W	28.56'
L11	S 87°15'57" W	28.56'



GRAPHIC SCALE
1 inch = 100 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. 2021110513
FILENAME 2021110513-PUD-XC1
CHECKED BY KST
DRAWN BY KST
SCALE 1"=100'
DATE 09.01.2022

SHEET

EXISTING CONDITIONS PLAN

C1.00

M:\Projects\VT\2021110513\04-Production\Engineering\Construction\Drawings\2021110513-PUD-XC1.dwg, 8/26/2022 7:51:45 AM, kody.townsend



McADAMS

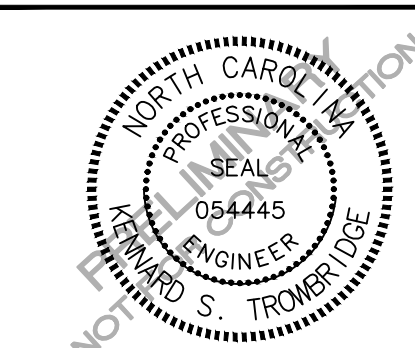
The John R. McAdams Company, Inc.
One Glenwood Avenue
Suite 201
Raleigh, NC 27603
phone 919. 823. 4300
fax 919. 361. 2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

HIGH STREET DISTRICT DEVELOPMENT, INC.
555 FAYETTEVILLE STREET SUITE 300
RALEIGH, NC 27601
CONTACT: JOSH DIX

CHAPEL RIDGE NORTH
PLANNED UNIT DEVELOPMENT PLAN
APEX, NORTH CAROLINA



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. 2021110513
FILENAME 2021110513-PUD-OAS1
CHECKED BY KST
DRAWN BY KST
SCALE 1"=100'
DATE 09.01.2022

SHEET

PRELIMINARY LAYOUT
PLAN

C2.00

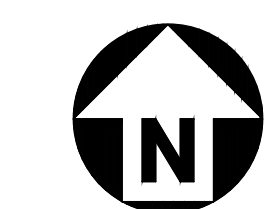
GENERAL NOTES

- 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 MAJOR SITE PLAN PHASE.
- EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT MAJOR SITE PLAN PHASE.
- THE PORTION OF THE INTERNAL STREET DESIGNATED AS A PUBLIC STREET SHALL BE DEDICATED TO THE TOWN OF APEX.
- ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
- PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

LEGEND

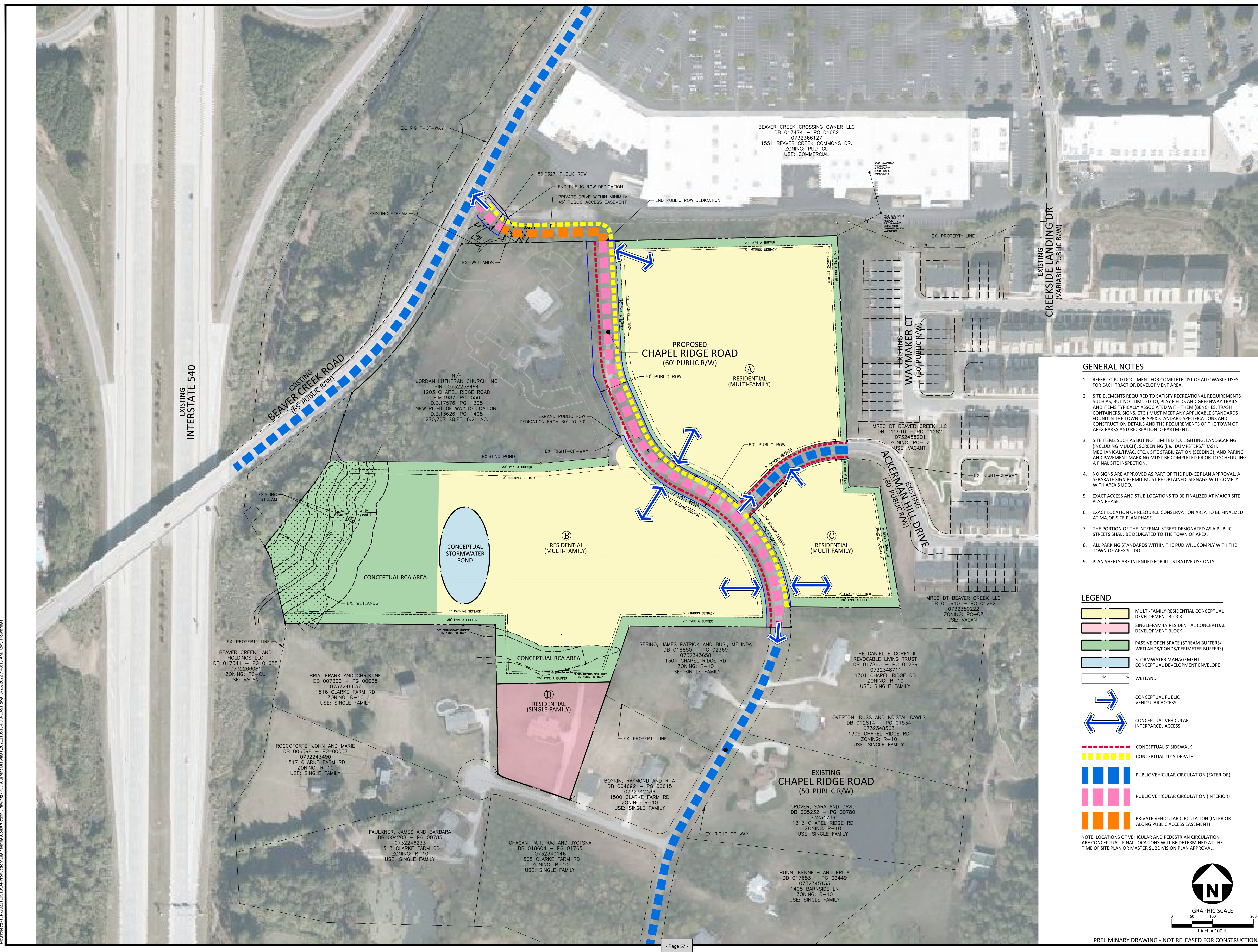
- MULTI-FAMILY RESIDENTIAL CONCEPTUAL DEVELOPMENT BLOCK
- SINGLE-FAMILY RESIDENTIAL CONCEPTUAL DEVELOPMENT BLOCK
- PASSIVE OPEN SPACE (STREAM BUFFERS/WETLANDS/PONDS/PERIMETER BUFFERS)
- STORMWATER MANAGEMENT CONCEPTUAL DEVELOPMENT ENVELOPE
- WETLAND
- CONCEPTUAL PUBLIC VEHICULAR ACCESS
- CONCEPTUAL VEHICULAR INTERPARCEL ACCESS
- CONCEPTUAL 5' SIDEWALK
- CONCEPTUAL 10' SIDEWALK
- PUBLIC VEHICULAR CIRCULATION (EXTERIOR)
- PUBLIC VEHICULAR CIRCULATION (INTERIOR)
- PRIVATE VEHICULAR CIRCULATION (INTERIOR ALONG PUBLIC ACCESS EASEMENT)

NOTE: LOCATIONS OF VEHICULAR AND PEDESTRIAN CIRCULATION ARE CONCEPTUAL. FINAL LOCATIONS WILL BE DETERMINED AT THE TIME OF SITE PLAN OR MASTER SUBDIVISION PLAN APPROVAL.



GRAPHIC SCALE
0 50 100 200
1 inch = 100 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



M:\Projects\VT\2021110513\04-Production\Engineering\Construction\Drawings\2021110513-PUD-OAS1.dwg, 8/26/2022 7:48:15 AM, kody.tromer@mcadamsco.com

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the November 29, 2022 Town Council meeting regarding Rezoning Application #21CZ18 Olive Chapel Professional Park. The applicant, Patrick Kiernan, Jones & Crossen Engineering, LLC, seeks to rezone approximately 8.7 acres from Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office & Institutional-Conditional Zoning (O&I-CZ). The proposed rezoning is located at 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0732249026, 0732238148, 0732331404, 0732238377, 0732239577, & 0732239874.

Attachments

- Vicinity Map
- Application



Peak 502 at
Beaver Creek

Clark Farm Rd

540

NC 540 Hwy SB

NC 540 Hwy NB

Olive Chapel
Professional Park

Barnside Ln

Rezoning #21CZ18

Chapel Ridge

540 Flex and
Business Park

Publix

Chapel Ridge Rd

Olive Chapel Rd

Ashley Downs

Ashley Downs Dr

0 250 500
Feet

PETITION TO AMEND THE OFFICIAL ZONING 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 #: 21CZ18 Submittal Date: 8/2/21
Fee Paid: \$1,000

Project Information

Project Name: Olive Chapel Professional Park

Address(es): 0, 1480, 1460 & 1400 Chapel Ridge Rd

PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148, 0732-23-8377, 0732-23-9577, 0732-23-9874

Acreage: 8.7

Current Zoning: O&I-CZ Proposed Zoning: O&I-CZ

Current 2045 LUM Classification(s): Office Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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: Jones & Clossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Owner Information

Name: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: 919-675-2750 E-mail: will@thebenefitadvisors.com

Agent Information

Name: Jones & Clossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 E-mail: patrick@jonesclossen.com

Other contacts: _____

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from O&I-CZ to O&I-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 (UDO). 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, as required by the UDO. 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	<u>Pet Services</u>	21	<u>Real estate sales (limited to 2,500 SF maximum)</u>
2	<u>Tailor Shop</u>	22	<u>Utility, minor</u>
3	_____	23	_____
4	<u>Approved Uses - RZ1611</u>	24	_____
5	<u>Government Service</u>	25	_____
6	<u>Veterinary clinic or hospital</u>	26	_____
7	<u>Vocational school</u>	27	_____
8	<u>Medical or dental office or clinic</u>	28	_____
9	<u>Medical or dental laboratory</u>	29	_____
10	<u>Office, business or professional</u>	30	_____
11	<u>Publishing office</u>	31	_____
12	<u>Radio and television recording studio</u>	32	_____
13	<u>Restaurant, general(%) (limited to 1,500 SF maximum)</u>	33	_____
14	<u>Financial institution</u>	34	_____
15	<u>Newsstand or gift shop (%)</u>	35	_____
16	<u>Pharmacy (%)</u>	36	_____
17	<u>Printing and copying service</u>	37	_____
18	<u>Studio for art</u>	38	_____
19	<u>Personal service (%)</u>	39	_____
20	<u>Health/fitness center or spa (limited to 2,500 SF maximum)</u>	40	_____

PETITION INFORMATION

Application #: 21CZ18 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.

Approved Conditions - Rezoning #16CZ11: See attached

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.

The proposed Conditional Zoning District of Office & Institutional is consistent with the current 2045 Land Use Map designation of Office Employment.

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 proposed uses provide an appropriate transition from the more intense uses allowed in the adjacent TechFlex development to the residential uses in the adjacent Chapel Ridge Towns PUD and single-family neighborhood.

Ordinance Amending the Official Zoning District Map #16CZ11

Page Two

General Conditions

1. Developer shall provide a 40 foot Type B Landscape buffer along Olive Chapel Road and preserve as much existing vegetation in the buffer as possible.
2. Developer shall provide a 40 foot Type B buffer along Chapel Ridge Road and preserve as much existing vegetation in this buffer as possible.
3. Limit the driveway access points onto Chapel Ridge Road to two.
4. Limit the closest driveway to Olive Chapel Road on Chapel Ridge Rd to be within 200 feet as long as NCDOT approves the location.
5. A 20' Type A buffer shall be provided after the 50' riparian buffer from the existing pond.
6. The following uses shall be limited to the operating hours of 7am to 9pm:
 - a) Restaurant, general
 - b) Newsstand or gift shop
 - c) Pharmacy
 - d) Personal service
 - e) Health/fitness center or spa

Architectural Conditions

7. All buildings shall limited to two stories and 42 feet in height measured to the top of the roof ridge line.
8. The maximum building size is 15,000 square feet per building.
9. All buildings shall have pitched roofs with dormers, hips or gables in the roof line.
10. Exterior siding building materials allowed are brick, wood, stone and hardiplank siding. Roofs may be constructed of asphalt shingles and or standing seam metal with a factory finish. Vinyl and EFIS may only be used as trim or accent materials.
11. All buildings shall be residential in character and shall reflect similar architecture found in the adjacent residential subdivision.
12. All buildings shall incorporate the use of patios, porches, or balconies in the design of the building. These areas to be used for entry ways, outdoor seating or pedestrian scale gathering areas.
13. The project shall incorporate amenity areas that may include outdoor picnic areas, pedestrian gathering spaces with benches, bicycle racks, planters, arbors or a trellis.

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

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

All uses that fall within the supplemental standards will be consistent with the standards provided in the Town of Apex UDO.

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.

We have limited the uses and provided conditions to minimize the adverse impacts of traffic. Since the proposed uses are generally office uses a lot of the significant adverse impacts have been eliminated.

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 development of this office park provides Resource Conservation Area, meets the stormwater standards, and keeps the existing pond intact.

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 office park has access to existing public streets with adequate frontage to provide several access points. The location of this office park provides good access to public infrastructure and emergency services. The office uses will have no impact on the schools or public parks.

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 proposed office uses will provide additional opportunities for employment and services that will benefit the health and welfare of the citizens. This project should not have any effect on the safety of the citizens in this area.

PETITION INFORMATION

Application #: 21CZ18 Submittal Date: _____

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

The office uses are compatible with the TechFlex and residential existing uses in the area. Office uses are a good neighbor to residential because the peak use time for office is during the day and not at night.

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 office uses proposed generate less traffic during the day than residential uses so this project should not create a nuisance or hazard to the surrounding area.

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.

We have limited the uses allowed and provided architectural conditions that will help ensure this is a quality project capable of meeting all the standards in the UDO.

OLIVE CHAPEL PROFESSIONAL PARK - ANNEXATION LEGAL DESCRIPTION

Beginning at a point, said point having nc grid coordinates of N-723145.48, E-2032672.14, thence N27-03-58E 239.37 feet to a point, thence S66-48-09E 19.96 feet to a point, thence N27-31-15E 39.66 Feet to a point, thence N16-25-09W 323.87 feet to a point, thence N38-32-02W 41.34 feet to a point, thence N12-10-56W 366.86 feet to a point, thence S88-29-56E 203.00 feet to a point, thence S88-29-56E 77.00 feet to a point, thence S67-29-40E 210.02 feet to a point, thence S84-59-01E 126.05 to a point in the western r.o.w. of Chapel Ridge Road, thence along the western r.o.w. of Chapel Ridge Road S10-40-35W 184.97 feet to a point, thence along a curve to the left having a radius of 424.54 feet and a chord distance of 178.88 feet and a chord bearing of S01-31-38E to a point, thence along a curve to the right having a radius of 194.00 feet and a chord distance of 98.38 feet and a chord bearing of S01-06-47 W to a point, thence continuing along a curve to the right having a radius of 194.00 feet and a chord distance of 100.55 feet and a chord bearing of S30-53-49W to a point, thence S45-51-23W 115.00 feet to a point, thence along a curve to the left having a radius of 227.00 feet and a chord distance of 188.09 feet and a chord bearing of S21-22-55W to a point, thence along a curve to the right having a radius of 30.00 feet and a chord distance of 40.86 feet and a chord bearing of S39-51-49 W to a point in the northern r.o.w. of Olive Chapel Road, thence along the northern r.o.w. of Olive Chapel Road S82-46-17W 45.14 feet to a point, thence S83-46-04W 54.06 feet to a point, thence S83-46-04W 45.61 feet to a point, thence S84-17-33W 99.92 feet to a point, thence S84.03-11W 57.76 feet to a point, thence leaving the northern r.o.w. of Olive Chapel Road N27-03-58 E 23.51 feet to the point and place of beginning containing 8.698 acres.

AGENT AUTHORIZATION FORM

Application #: 21CZ18

Submittal Date: _____

Olive Chapel Professional Park, 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: 0,1480,1460, 1440, 1420 & 1400 Chapel Ridge Rd

The agent for this project is: Jones & Crossen Engineering, PLLC

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

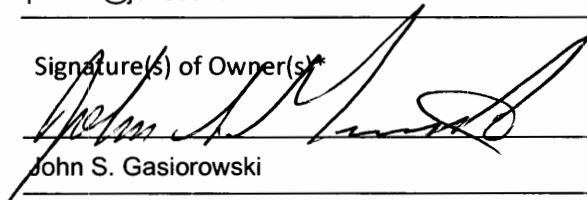
Agent Name: Patrick Kiernan

Address: PO Box 1062, Apex NC 27502

Telephone Number: 919-387-1174

E-Mail Address: patrick@jonescrossen.com

Signature(s) of Owner(s)*



John S. Gasiorowski

Type or print name

8/19/2022
Date



William P. Gasiorowski

Type or print name

8/19/2022
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 #: 21CZ18

Submittal Date: _____

The undersigned, Olive Chapel Professional Park, 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 0,1480,1460, 1440, 1420 & 1400 Chapel Ridge Rd 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 04/15/2016, and recorded in the Wake County Register of Deeds Office on 04/15/2016, in Book 016353 Page 02520.
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 04/15/2016, 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 04/15/2016, 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 19th day of August, 2024.

[Signature] / [Signature] (seal)
John S. Gasiorowski / William P Gasiorowski
 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 John S. Gasiorowski / William P. Gasiorowski, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

ANETA DENT
 Notary Public, North Carolina
 Wake County
 My Commission Expires
 August 30, 2024

[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: 08-28-2024

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ18

Submittal Date: _____

Insert legal description below.

OLIVE CHAPEL PROFESSIONAL PARK - ANNEXATION LEGAL DESCRIPTION

Beginning at a point, said point having nc grid coordinates of N-723145.48, E-2032672.14, thence N27-03-58E 239.37 feet to a point, thence S66-48-09E 19.96 feet to a point, thence N27-31-15E 39.66 Feet to a point, thence N16-25-09W 323.87 feet to a point, thence N38-32-02W 41.34 feet to a point, thence N12-10-56W 366.86 feet to a point, thence S88-29-56E 203.00 feet to a point, thence S88-29-56E 77.00 feet to a point, thence S67-29-40E 210.02 feet to a point, thence S84-59-01E 126.05 to a point in the western r.o.w. of Chapel Ridge Road, thence along the western r.o.w. of Chapel Ridge Road S10-40-35W 184.97 feet to a point, thence along a curve to the left having a radius of 424.54 feet and a chord distance of 178.88 feet and a chord bearing of S01-31-38E to a point, thence along a curve to the right having a radius of 194.00 feet and a chord distance of 98.38 feet and a chord bearing of S01-06-47 W to a point, thence continuing along a curve to the right having a radius of 194.00 feet and a chord distance of 100.55 feet and a chord bearing of S30-53-49W to a point, thence S45-51-23W 115.00 feet to a point, thence along a curve to the left having a radius of 227.00 feet and a chord distance of 188.09 feet and a chord bearing of S21-22-55W to a point, thence along a curve to the right having a radius of 30.00 feet and a chord distance of 40.86 feet and a chord bearing of S39-51-49 W to a point in the northern r.o.w. of Olive Chapel Road, thence along the northern r.o.w. of Olive Chapel Road S82-46-17W 45.14 feet to a point, thence S83-46-04W 54.06 feet to a point, thence S83-46-04W 45.61 feet to a point, thence S84-17-33W 99.92 feet to a point, thence S84.03-11W 57.76 feet to a point, thence leaving the northern r.o.w. of Olive Chapel Road N27-03-58 E 23.51 feet to the point and place of beginning containing 8.698 acres.

NOTICE OF 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.

August 16, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 Chapel Ridge Rd 0732-24-9026, 0732-33-1404, 0732-23-8148
1480,1460 & 1400 Chapel Ridge Rd 0732-23-8377, 0732-23-9577, 0732-23-9874
 Address(es) PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

See appended "Meeting Description"

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Crossen Engineering, PLLC
 Contact information (email/phone): patrick@jonescrossen.com/919-387-1174
 Meeting Address: Ring Central - see enclosed details
 Date/Time of meeting**: August 31, 2022 6:00 pm-8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



Meeting Description

This rezoning petition is to request the addition of two uses, “Pet Services” & “Tailor Shop”, to the list of Allowable Uses for the Office & Institutional – Conditional Zoning (O&I-CZ) district for Olive Chapel Professional Park.

In the original 2016 rezoning, these were not permitted uses within the O&I zoning district (per Use Table 4.2.2), which is why they were not available to be included in the 2016 rezoning petition. A 2019 UDO Amendment (see below) revised the Use Table to add these two uses as permitted uses within the O&I zoning district, however, since Olive Chapel Professional Park was conditionally zoned as O&I-CZ, a separate rezoning petition is required to add “Pet Services” and “Tailor Shop” to the list of Allowable Uses.

The following description was provided by Town Staff at the January 15, 2019 Town Council Meeting as the reason for the UDO Amendment:

“The amendments to UDO Sec. 4.2.2 Use Table add “Pet Services” and “Tailor Shop” as permitted uses within the Office & Institutional (O&I) zoning district as they have a land use intensity comparable to office uses and are similar to other uses already permitted in the O&I zoning district”



Ring Central Meeting Details – Olive Chapel Professional Park

When: **August 31, 2022 06:00 PM Eastern Time (US and Canada)**

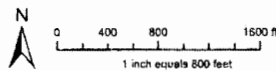
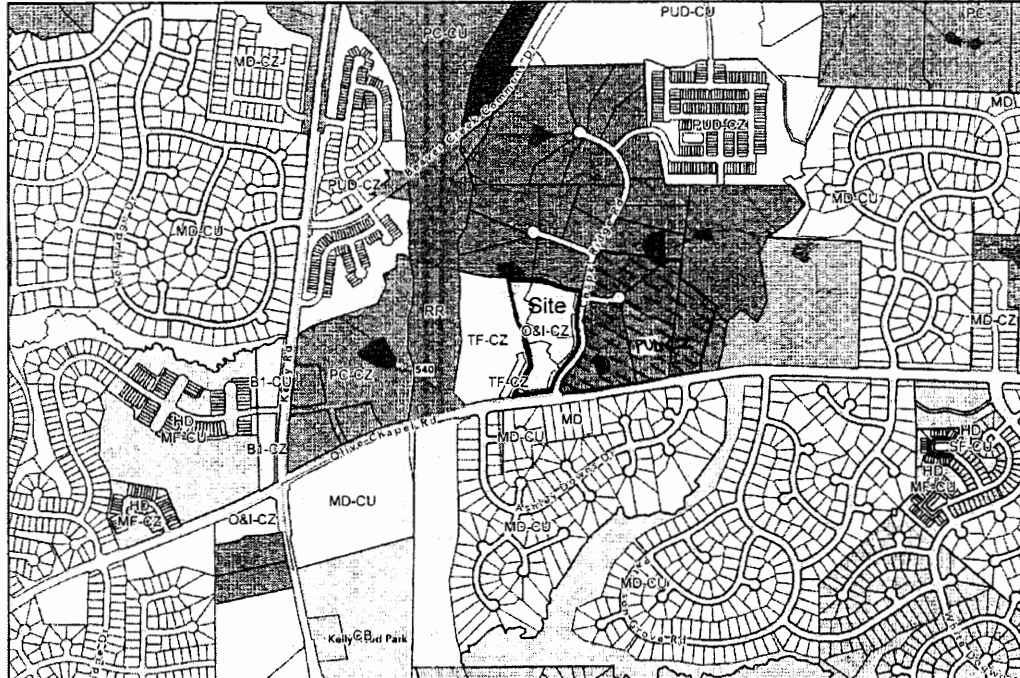
Go to: meetings.ringcentral.com/join

Enter the Meeting ID: 112611853691, then your name and the Passcode: OCPP2022

To join the meeting by phone call: 1-(650) 419-1505 and enter the Access Code/Meeting ID 112611853691 and the dial-in Passcode 62772022.

If there are any questions regarding the upcoming meeting, please contact our office.

Vicinity Exhibit



Disclaimer:
Mapco 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 herein, its use, or its interpretation.

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: Olive Chapel Professional Park Zoning: O&I-CZ

Location: 0,1480,1460 & 1400 Chapel Ridge Rd

Property PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148 Acreage/Square Feet: 8.7
0732-23-8377, 0732-23-9577, 0732-23-9874

Property Owner: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: will@thebenefitadvisors.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescrossen.com

Builder (if known): _____

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 and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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 2nd and 4th 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: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
1600 OLIVE CHAPEL RD	0732234579	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS BLVD	APEX NC 27502-6512
1600 OLIVE CHAPEL RD	0732236371	540 FLEX & BUSINESS PARK OWNERS ASSOC	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN APEX NC 27502-6512
1505 OLIVE CHAPEL RD	0732322948	AIMAN, PAUL, JOHNAS, KEZIA	1505 OLIVE CHAPEL RD	APEX NC 27502-6744
1408 BARNSIDE LN	0732345135	BUNN, KENNETH G, BUNN, ERICA CHRISTINE	1408 BARNSIDE LN	APEX NC 27502-8501
1505 CLARK FARM RD	0732340146	CHAGANTIPATI, RAJ KIRAN VEMURI, JYOTSNA	4016 SYKES ST	CARY NC 27519-7301
1704 ASHBARK CT	0732227949	CONTRERAS-BLANCO, ERICK I WILSON, TYLER E	1704 ASHBARK CT	APEX NC 27502-5298
1521 OLIVE CHAPEL RD	0732229953	DASHNAU, HEATHER H KAMPANAKIS, PANAGIOTIS	1521 OLIVE CHAPEL RD	APEX NC 27502-6744
1513 CLARK FARM RD	0732246233	FAULKNER, JAMES V JR FAULKNER, BARBARA B	1513 CLARK FARM RD	APEX NC 27502-8500
1722 ASHLEY DOWNS DR	0732225937	GARWATOSKI, MARK J GARWATOSKI, HEIDI J	1722 ASHLEY DOWNS DR	APEX NC 27502-5297
1409 BARNSIDE LN	0732333570	GASIOROWSKI, PROPERTIES LLC	1221 PEMBERTON HILL RD	APEX NC 27502-4280
1702 ASHBARK CT	0732228956	HOUSE, JESSE E HOUSE, REGINA B	1702 ASHBARK CT	APEX NC 27502-5298
1720 ASHLEY DOWNS DR	0732225839	KALK, PHILLIP NOWELL, SARAH	1720 ASHLEY DOWNS DR	APEX NC 27502-5297
1700 ASHBARK CT	0732228864	NAVY, FRANK NAVY, CECILIA	1700 ASHBARK CT	APEX NC 27502-5298
0 CHAPEL RIDGE RD	0732249026	OLIVE CHAPEL PROFESSIONAL PARK, LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280
1513 OLIVE CHAPEL RD	0732321905	RAO, GANESH K TRUSTEE RAO, SUSHMA G TRUSTEE	1513 OLIVE CHAPEL RD	APEX NC 27502-6744
1517 CLARK FARM RD	0732243490	ROCCOFORTE, JOHN A ROCCOFORTE, MARIE F	1517 CLARK FARM RD	APEX NC 27502-8500
1706 ASHBARK CT	0732226937	ROCK, ROBERT A JR ROCK, KIM M	1706 ASHBARK CT	APEX NC 27502-5298
1501 OLIVE CHAPEL RD	0732323917	SAVARD, TODD A SAVARD, JENNIFER	1501 OLIVE CHAPEL RD	APEX NC 27502-6744
1509 OLIVE CHAPEL RD	0732321976	SCHUMAN-HUMBERT, BRITT HUMBERT, GREGOIRE	1509 OLIVE CHAPEL RD	APEX NC 27502-6744
1517 OLIVE CHAPEL RD	0732320934	THOMAS, ALEXANDER SEBASTIAN RAMONDINO, MARISKA MICHAEL MARIA	1517 OLIVE CHAPEL RD	APEX NC 27502-6744
		APEX TOWN OF	PO BOX 250	APEX NC 27502
		ASHLEY DOWNS HOA (RS FINCHER & COMPANY, LLC)	PO BOX 1117	APEX NC 27523
		CHAPEL RIDGE ESTATES HOA	1001-105 GOODWORTH DR	APEX NC 27539
		Current Tenant	1409 Barnside LN	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 100	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 110	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 130	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 150	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 170	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 180	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 200	APEX NC 27502
		Current Tenant	1460 Chapel Ridge RD Suite 250	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 100	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 110	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 130	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 150	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 170	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 180	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 200	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 250	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 220	APEX NC 27502
		Current Tenant	1480 Chapel Ridge RD Suite 240	APEX NC 27502
		Current Tenant	1505 Clark Farm RD	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 100	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 104	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 108	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 112	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 116	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 144	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 140	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 136	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 128	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 132	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 124	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 120	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 308	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 312	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 316	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 324	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 328	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 332	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 336	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 340	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 320	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 232	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 236	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 240	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 244	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 248	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 252	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 256	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 260	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 228	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 224	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 220	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 216	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 212	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 208	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 204	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 200	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 304	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 400	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 404	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 408	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 412	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 416	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 500	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 504	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 508	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 600	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 604	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 608	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 612	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 616	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 620	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 624	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 628	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 700	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 704	APEX NC 27502
		Current Tenant	1600 Olive Chapel RD Suite 708	APEX NC 27502

Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant
Current Tenant

1600 Olive Chapel RD Suite 712
1600 Olive Chapel RD Suite 716
1600 Olive Chapel RD Suite 720
1600 Olive Chapel RD Suite 724
1600 Olive Chapel RD Suite 728
1600 Olive Chapel RD Suite 732
1600 Olive Chapel RD Suite 736
1600 Olive Chapel RD Suite 740
1600 Olive Chapel RD Suite 264
1600 Olive Chapel RD Suite 338

APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502
APEX NC 27502

Created by Town of Apex Planning and Community Development

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: Ring Central - see enclosed details
 Date of meeting: August 31, 2022 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Crossen Engineering, PLLC

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	PATRICK KIERNAN (JONES & CROSSEN ENGR)	221 N. SALEM ST, STE 001	(919) 387-1174	PATRICK@JONESCROSSEN.COM	
2.	WILL GASIOROWSKI (OLIVE CHAPEL PROF PARK, LLC)	1121 GEMBERTON HILL RD	(919) 303-9690	WILL@THEBENEFITADVISORS.COM	
3.	BARBARA FAULKNER	1513 CLARK FARM RD	(919) 362- [REDACTED]	[REDACTED]	
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): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Ring Central - see enclosed details

Date of meeting: August 31, 2022 Time of meeting: 6:00 pm - 8:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

Summary of Discussion is attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Olive Chapel Professional Park Neighborhood Meeting on August 31, 2022 Summary of Meeting Chats

**Mrs. Faulkner's microphone was not enabled, so her questions and feedback were given via the chat feature. I read her comments/questions aloud, and then responded verbally. The questions and answers are transcribed below.*

Patrick Kiernan to Everyone: Hello, welcome to the Olive Chapel Professional Park Neighborhood Meeting for a new rezoning

Barbara Faulkner to Everyone: I can hear you, but your voice is really "gravelly"

Patrick Kiernan (verbally): My apologies, I'm not sure why – I will do my best to be loud and clear, but please stop me if it becomes too difficult to hear.

Barbara Faulkner to Everyone: Ok

**At this point, I began the meeting with a brief summary of the rezoning petition.*

Barbara Faulkner to Everyone: I just want to clarify that the Pet Services use will not have any outside area for the pets, such as kennels or play areas

Barbara Faulkner to Everyone: OUTSIDE kennels

Patrick Kiernan (verbally): The developer is here on this call, and can provide insight if he would like, but without verifying, I am not positive whether or not this use allows for outdoor kennels. Again, without verifying, I want to say that Veterinary Services, a use already permitted within OCPP, is allowed to have outdoor kennels, but I would need to double check that it doesn't fall under supplemental standards, or would need a special use permit, etc.

Will Gasiorowski (verbally): The pet grooming business that we have been in communication with would not have any outdoor kennels or outdoor play areas, nor would any veterinary hospitals within this park. There will likely be indoor kennels for daycare or day boarding, but nothing would be outside.

Barbara Faulkner to Everyone: Did you say that the prior rezoning case is no longer applicable?

Patrick Kiernan (verbally): The original rezoning case from 2016 is still the current zoning for this business park – what I mentioned earlier in my introduction is that the rezoning petition that we filed last year in 2021, where we were pursuing a higher square footage of restaurant space, gym/healthcare facilities, real estate offices, and the addition of the beauty/barbershop use, is no longer being pursued at this time. The current rezoning petition, which we are here for tonight, takes the place of the petition that was filed last year. Please let me know if that answers your question.

Barbara Faulkner to Everyone: yes, thank you

Barbara Faulkner to Everyone: I guess at this point, my main concern is that if no one objects to these two uses, that will somehow signal the town planning board and council that we don't object to other uses in the park, such as bigger restaurant allowance or one building dedicated to real estate. I don't want to lose our "standing" as it were to object to future uses.

Patrick Kiernan (verbally): *I understand your concern, but I do know that each rezoning case is prepared, reviewed, and voted on independently of any prior rezoning cases for the subject property. If there is no objections to this rezoning, I do not believe it would signal that the rest of the neighborhood is no longer concerned with the allowable zoning uses for the Park. Just that the merit of these two, specific uses, are not being objected.*

Barbara Faulkner to Everyone: I realize that there would need to be another rezoning request, however we got burned when the whole OCPP started that "well you didn't object to the Flex Park" so why would you object now". As you can imagine, that did not sit well with us and we now feel that we can't be flexible at all or we will be seed as being OK with everything.

Patrick Kiernan (verbally): *Sure, I can see where you're coming from. The only suggestion I can make, is that if it is important to you to have this concern heard, you can always show up to the Planning Board or Town Council meetings and speak during the Public Hearing so that it goes on record, and so that a false precedent is not assumed. You could also simply email the Council members or Town staff. Plus, this neighborhood meeting will be summarized within this rezoning petition, so it will be noted as of tomorrow's submittal day.*

Barbara Faulkner to Everyone: Personally, I do not object to the Pet Services or the Tailer shop. It's probably more of Town problem than a developer problem. Don't worry we will let the Town know how we feel.

Patrick Kiernan (verbally): *Understood. Thank you very much for your questions and your attendance. If you think of any other questions, I will be on the line until 8:00 so feel free to jump back on the call, or since you've got my email and phone number, feel free to call or email at any point.*

Barbara Faulkner to Everyone: OK, thanks for your help.

**Once Mrs. Faulker left the meeting, Mr. Gasiorowski, the developer, left the call as well. No other attendees joined the meeting.*

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, Patrick Kiernan, do hereby declare as follows:
Print Name

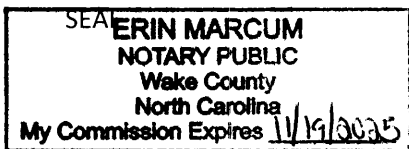
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at RingCentral (virtual) (location/address) on August 31, 2022 (date) from 6:00 pm (start time) to 8:00 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.

9/1/22
Date

By: *Patrick Kiernan*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 1st day of September, 2022.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

NOTICE OF 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.

July 14, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 ,1480,1460 & 1400 Chapel Ridge Rd 0732238148, 0732238377, 0732239577
0732331404, 0732239874, 0732249026

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This rezoning is for a modification of three of the current allowable uses, in order to change the square footage limitations per business; as well as the addition of one new use (Beauty and Barber Shop).

Please see attached chart for a summary of changes.

Estimated submittal date: August 02, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Crossen Engineering, PLLC
 Contact information (email/phone): patrick@jonescrossen.com/919-387-1174
 Meeting Address: Zoom - please see enclosed registration details
 Date/Time of meeting**: July 29, 2021 6:00-8:00 pm

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:05 PM Question & Answer: 6:30 PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

Olive Chapel Professional Park

Current Allowable Uses per Rezoning Case #16CZ11	Requested Changes with New Rezoning
Government Service	
Veterinary clinic or hospital	
Vocational school	
Medical or dental office or clinic	
Medical or dental laboratory	
Office, business or professional	
Publishing Office	
Radio and television recording studio	
Restaurant, general (%) (limited to 1,500 SF max.)	Change square footage limit to 2,500 SF max.
Financial institution	
Newsstand or gift shop (%)	
Pharmacy (%)	
Printing or copying service	
Studio for art	
Personal service (%)	
Health/fitness center or spa (limited to 2,500 SF max.)	Change square footage limit to 4,000 SF max.
Real estate sales (limited to 2,500 SF max.)	Remove square footage limit
Utility, minor	
	Add Barber and Beauty shop to list of allowable uses



Jones & Crossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

221 N. SALEM ST, SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Fax: 919-387-3375
www.jonescrossen.com

Zoom Meeting Details – Olive Chapel Professional Park-Rezoning

When: **July 29, 2021 06:00 PM Eastern Time** (US and Canada)

Register in advance for this meeting at www.zoom.us/join.

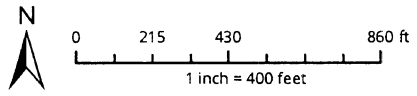
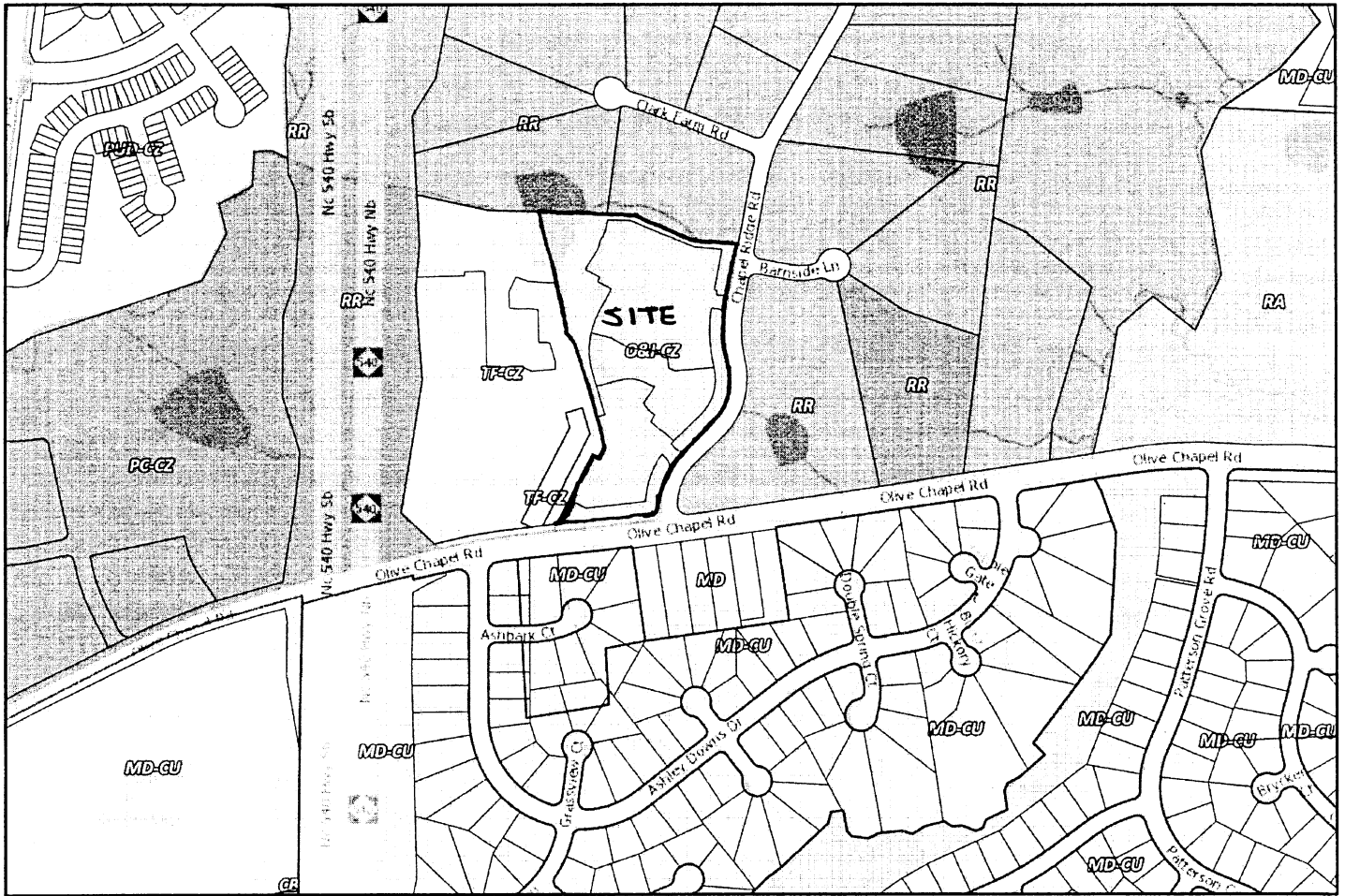
Enter the Meeting ID (and if prompted the Pass Code).

Meeting ID: 970 5998 9754 **Pass Code: F079da**

The Meeting Registration form will request your First and Last Name, email address and Address to help us with attendance at the meeting.

After registering, you will receive a confirmation email containing information about joining the meeting. You may join the meeting from a PC, Mac, iPad or Android device. A dial-in option is also available, if you prefer to participate by phone.

If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.



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.

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: Olive Chapel Professional Park Zoning: O&I-CZ

Location: 0 ,1480,1460 & 1400 Chapel Ridge Rd

Property PIN(s): 0732238148, 0732238377, 0732239577 Acreage/Square Feet: 8.45
0732331404, 0732239874, 0732249026

Property Owner: Olive Chapel Professional Park, LLC

Address: 0 ,1480,1460 & 1400 Chapel Ridge Rd

City: Apex State: NC Zip: 27502

Phone: 919-675-2750 Email: will@thebenefitadvisors

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: 919-387-3375 Email: patrick@jonescrossen.com

Builder (if known): _____

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 and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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 2nd and 4th 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: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.

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: Zoom - please see enclosed registration details

Date of meeting: July 29, 2021 Time of meeting: 6:00 pm

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rita Baykin	1500 Clark Farm Rd		rubaykin@bellsouth.net	✓
2.	Anne Cain	1401 Barnside Lane		annecain@aol.com	✓
3.	Erica Bunn	1408 Barnside Lane		ericabunn@icloud.com	✓
4.	Barbara Faulkner	1513 Clark Farm Rd		jandbfaulkner@mindspring.com	✓
5.	Frank Bria	1516 Clark Farm Rd		c_bria@hotmail.com	✓
6.	Will Gasiorowski	1121 Pemberton Hill Rd	919.369.5300	will@thebenefitadvisors.com	
7.	Erin Marcum	221 N. Salem St, Ste 001		admin@jonescrossen.com	
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): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

Contact information (email/phone): patrick@jonescrossen.com/919-387-1174

Meeting Address: Zoom - please see enclosed registration details

Date of meeting: July 29, 2021 Time of meeting: 6:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

Concerns regarding removing the square footage limitation for Real Estate Sales - with no limitation it is possible a mega-real estate use could move in that would end up operating 24x7. This would increase the traffic in the area considerably and cause parking issues.

Applicant's Response:

There is no intention for a 24/7 use for the Real Estate Sales. We can discuss this with the owners and also check with the Town to discuss the traffic thresholds. We can consider other options than square footage to limit the impact to the area.

Question/Concern #2:

Is there any limit on the Barber and Beauty shop use?

Applicant's Response:

The limit being considered is 3,000 SF. There are discussions with the Town on whether that limit of 3,000 SF is per use type or per building. We can keep everyone posted on the outcome of that discussion. (Attendees expressed concern that this size limitation was concerning)

Question/Concern #3:

With the change to the square footage for Restaurants - what type of restaurants would be allowed?

Can you give some examples of restaurants that have been turned away because of the size limit? Attendees expressed the understanding that the intention of the restaurant use was to serve just the office park workers.

Applicant's Response:

We discussed the square footage of some restaurants in the area (2500 SF is smaller than many of the restaurants at Beaver Creek Commons). The owner wasn't available at that time to give examples of restaurants that were turned away.

Question/Concern #4:

Meeting attendees expressed the concern that these changes are too soon as the neighborhood hasn't changed since the original rezoning.

Applicant's Response:

We discussed the Chapel Ridge Towns PUD that has been submitted and how that would change the make up of the neighborhood, if it is approved by Town Council in the near future. The resident's concerns will be communicated to the building owners.

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, PATRICK L. KIERNAN, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential 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 Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom meeting (location/address) on July 29, 2021 (date) from 6:00 pm (start time) to 8:00 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.

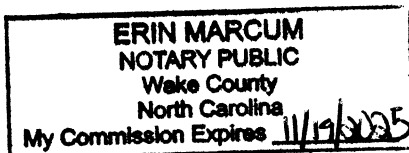
8/2/21
Date

By: *Patrick L. Kiernan*

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 2nd day of August, 2021.

SEAL



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

	A	B	C	D	E	F
1	SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS		
2	0 CHAPEL RIDGE RD	0732238148	OLIVE CHAPEL PROFESSIONAL PARK, LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280	
3	1408 BARNSIDE LN	0732345135	KENNETH & ERICA BUNN	1408 BARNSIDE LN	APEX NC 27502-8501	
4	1409 BARNSIDE LN	0732333570	GASIOROWSKI PROPERTIES LLC	1121 PEMBERTON HILL RD	APEX NC 27502-4280	
5	1501 OLIVE CHAPEL RD	0732323917	TODD & JENNIFER SAVARO	1501 OLIVE CHAPEL RD	APEX NC 27502-6744	
6	1505 CLARK FARM RD	0732340146	MOJO PROPERTY MANAGEMENT LLC	2755 E FRANKLIN BLVD	GASTONIA NC 28056-8201	
7	1505 OLIVE CHAPEL RD	0732322948	PAUL AIMAN & KEZIA JOHNAS	1505 OLIVE CHAPEL RD	APEX NC 27502-6744	
8	1509 OLIVE CHAPEL RD	0732321976	BRITT SCHUMAN-HUMBERT & GREGOIRE HUMBERT	1509 OLIVE CHAPEL RD	APEX NC 27502-6744	
9	1513 CLARK FARM RD	0732246233	BARBARA & JAMES FAULKNER JR	1513 CLARK FARM RD	APEX NC 27502-8500	
10	1513 OLIVE CHAPEL RD	0732321905	GANESH & SUSHMA RAO	1513 OLIVE CHAPEL RD	APEX NC 27502-6744	
11	1517 CLARK FARM RD	0732243490	JOHN & MARIE ROCCOFORTE	1517 CLARK FARM RD	APEX NC 27502-8500	
12	1517 OLIVE CHAPEL RD	0732320934	ALEXANDER THOMAS & MARISKA RAMONDINO	1517 OLIVE CHAPEL RD	APEX NC 27502-6744	
13	1521 OLIVE CHAPEL RD	0732229953	HEATHER DASHNAU & PANAGIOTIS KAMPANAKIS	1521 OLIVE CHAPEL RD	APEX NC 27502-6744	
14	1600 OLIVE CHAPEL RD	0732235461	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
15	1600 OLIVE CHAPEL RD	0732236371	540 FLEX & BUSINESS PARK OWNERS ASSOC	540 FLEX & BUSINESS PARK LLC	2509 SOUTHWINDS RUN	APEX NC 27502-6512
16	1600 OLIVE CHAPEL RD	0732236371	PEAK INVESTMENT PROPERTIES LLC	100 PASTRO CT	APEX NC 27502-8602	
17	1600 OLIVE CHAPEL RD	0732236371	SARANGA-CHENNURI PROPERTIES LLC	1600 OLIVE CHAPEL RD STE 108	APEX NC 27502-6765	
18	1600 OLIVE CHAPEL RD	0732236371	COURTNEITHAN LAND HOLDINGS LLC	1600 OLIVE CHAPEL RD STE 112	APEX NC 27502-6765	
19	1600 OLIVE CHAPEL RD	0732236371	SCHTAKLEFF PROPERTIES LLC	1600 OLIVE CHAPEL RD STE 120	APEX NC 27502-6765	
20	1600 OLIVE CHAPEL RD	0732236371	IANNONE, JOSEPH V JR	2509 SOUTHWINDS RUN	APEX NC 27502-6512	
21	1600 OLIVE CHAPEL RD	0732236371	MYSTIC PROPERTIES, LLC	1714 ASHLEY DOWNS DR	APEX NC 27502-5297	
22	1600 OLIVE CHAPEL RD	0732236371	PETCHETTI, MANIULA R	1621 CARY RESERVE DR	CARY NC 27519-9629	
23	1600 OLIVE CHAPEL RD	0732236371	MACKENZIE HOLDINGS, LLC	1600 OLIVE CHAPEL RD STE 140	APEX NC 27502-6766	
24	1600 OLIVE CHAPEL RD	0732236371	LEXARY HOLDINGS LLC	1600 OLIVE CHAPEL RD STE 144	APEX NC 27502-6766	
25	1700 ASHBARK CT	0732228864	FRANK & CECILIA NAVY	1700 ASHBARK CT	APEX NC 27502-5298	
26	1702 ASHBARK CT	0732228956	JESSE & REGINA HOUSE	1702 ASHBARK CT	APEX NC 27502-5298	
27	1704 ASHBARK CT	0732227949	ERICK CONTRERAS-BLANCO & TYLER WILSON	1704 ASHBARK CT	APEX NC 27502-5298	
28	1706 ASHBARK CT	0732226937	KIM & ROBERT ROCK JR	1706 ASHBARK CT	APEX NC 27502-5298	
29	1720 ASHLEY DOWNS DR	0732225839	PHILLIP KALK & SARAH NOWELL	1720 ASHLEY DOWNS DR	APEX NC 27502-5297	
30	1722 ASHLEY DOWNS DR	0732225937	MARK & HEIDI GARWATOSKI	1722 ASHLEY DOWNS DR	APEX NC 27502-5297	
31			TOWN OF APEX	PO BOX 250	APEX NC 27502	
32			ASHLEY DOWNS HOA (RS FINCHER & COMPANY, LLC)	PO BOX 1117	APEX NC 27523	
33			CHAPEL RIDGE ESTATES HOA	1001-105 GOODWORTH DR	APEX NC 27539	
34			CURRENT TENANT	1400 Chapel Ridge RD	APEX NC 27502	
35			CURRENT TENANT	1409 Barnside LN	APEX NC 27502	
36			CURRENT TENANT	1444 Chapel Ridge RD	APEX NC 27502	
37			CURRENT TENANT	1454 Chapel Ridge RD	APEX NC 27502	
38			CURRENT TENANT	1460 Chapel Ridge RD	APEX NC 27502	
39			CURRENT TENANT	1460 Chapel Ridge RD Suite 100	APEX NC 27502	
40			CURRENT TENANT	1460 Chapel Ridge RD Suite 110	APEX NC 27502	
41			CURRENT TENANT	1460 Chapel Ridge RD Suite 130	APEX NC 27502	
42			CURRENT TENANT	1460 Chapel Ridge RD Suite 150	APEX NC 27502	
43			CURRENT TENANT	1460 Chapel Ridge RD Suite 170	APEX NC 27502	
44			CURRENT TENANT	1460 Chapel Ridge RD Suite 180	APEX NC 27502	
45			CURRENT TENANT	1460 Chapel Ridge RD Suite 200	APEX NC 27502	
46			CURRENT TENANT	1460 Chapel Ridge RD Suite 250	APEX NC 27502	
47			CURRENT TENANT	1464 Chapel Ridge RD	APEX NC 27502	
48			CURRENT TENANT	1474 Chapel Ridge RD	APEX NC 27502	
49			CURRENT TENANT	1480 Chapel Ridge RD	APEX NC 27502	
50			CURRENT TENANT	1480 Chapel Ridge RD Suite 100	APEX NC 27502	
51			CURRENT TENANT	1480 Chapel Ridge RD Suite 110	APEX NC 27502	
52			CURRENT TENANT	1480 Chapel Ridge RD Suite 130	APEX NC 27502	
53			CURRENT TENANT	1480 Chapel Ridge RD Suite 150	APEX NC 27502	
54			CURRENT TENANT	1480 Chapel Ridge RD Suite 170	APEX NC 27502	
55			CURRENT TENANT	1480 Chapel Ridge RD Suite 180	APEX NC 27502	
56			CURRENT TENANT	1480 Chapel Ridge RD Suite 200	APEX NC 27502	
57			CURRENT TENANT	1480 Chapel Ridge RD Suite 220	APEX NC 27502	
58			CURRENT TENANT	1480 Chapel Ridge RD Suite 240	APEX NC 27502	
59			CURRENT TENANT	1480 Chapel Ridge RD Suite 250	APEX NC 27502	
60			CURRENT TENANT	1484 Chapel Ridge RD	APEX NC 27502	
61			CURRENT TENANT	1600 Olive Chapel RD	APEX NC 27502	
62			CURRENT TENANT	1600 Olive Chapel RD Suite 100	APEX NC 27502	
63			CURRENT TENANT	1600 Olive Chapel RD Suite 104	APEX NC 27502	
64			CURRENT TENANT	1600 Olive Chapel RD Suite 112	APEX NC 27502	
65			CURRENT TENANT	1600 Olive Chapel RD Suite 116	APEX NC 27502	
66			CURRENT TENANT	1600 Olive Chapel RD Suite 120	APEX NC 27502	
67			CURRENT TENANT	1600 Olive Chapel RD Suite 124	APEX NC 27502	
68			CURRENT TENANT	1600 Olive Chapel RD Suite 128	APEX NC 27502	
69			CURRENT TENANT	1600 Olive Chapel RD Suite 132	APEX NC 27502	

NOTICE OF 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.

September 23, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
0 Chapel Ridge Rd 0732-24-9026, 0732-33-1404, 0732-23-8148

1480,1460 & 1400 Chapel Ridge Rd 0732-23-8377, 0732-23-9577, 0732-23-9874

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/> Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

See appended "Meeting Description"

Estimated submittal date: September 01, 2022 (has been submitted)

MEETING INFORMATION:

Property Owner(s) name(s): Olive Chapel Professional Park, LLC
 Applicant(s): Jones & Cossen Engineering, PLLC
 Contact information (email/phone): patrick@jonescossen.com/919-387-1174
 Meeting Address: Zoom - see enclosed details
 Date/Time of meeting**: October 19, 2022 6:00 pm-8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



This neighborhood meeting is being held as an auxiliary meeting to the one that took place on August 31st, 2022, prior to the initial submission of this rezoning petition. The initial meeting information was sent to the invitee list as provided by the Town of Apex GIS department, representing those neighbors within 300' of the subject property. The intent of Jones & Crossen Engineering is to be inclusive of all residents within the Chapel Ridge subdivision, regardless of their proximity to the Professional Park, as we understand how this development has, and will continue to, affect the entire neighborhood. The following is a copy of the original meeting description that was sent out with the first neighborhood meeting invitation package:

Meeting Description

This rezoning petition is to request the addition of two uses, "Pet Services" & "Tailor Shop", to the list of Allowable Uses for the Office & Institutional – Conditional Zoning (O&I-CZ) district for Olive Chapel Professional Park.

In the original 2016 rezoning, these were not permitted uses within the O&I zoning district (per Use Table 4.2.2), which is why they were not available to be included in the 2016 rezoning petition. A 2019 UDO Amendment (see below) revised the Use Table to add these two uses as permitted uses within the O&I zoning district, however, since Olive Chapel Professional Park was conditionally zoned as O&I-CZ, a separate rezoning petition is required to add "Pet Services" and "Tailor Shop" to the list of Allowable Uses.

The following description was provided by Town Staff at the January 15, 2019 Town Council Meeting as the reason for the UDO Amendment:

"The amendments to UDO Sec. 4.2.2 Use Table add "Pet Services" and "Tailor Shop" as permitted uses within the Office & Institutional (O&I) zoning district as they have a land use intensity comparable to office uses and are similar to other uses already permitted in the O&I zoning district"



Zoom Meeting Details – Olive Chapel Professional Park

When: October 19, 2022 06:00 PM Eastern Time (US and Canada)

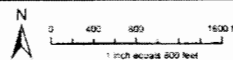
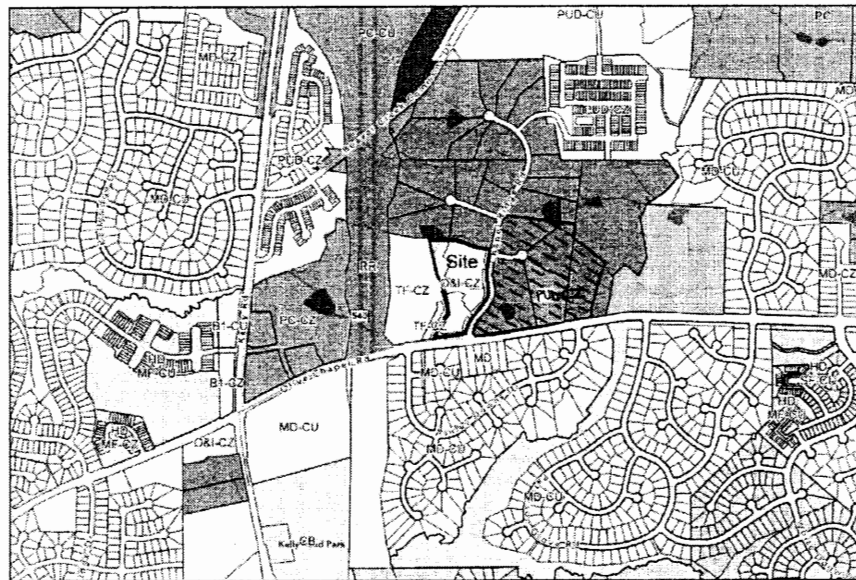
Register using the QR code:



Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 873 4813 9745 and then the Passcode: OCPP2022. Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on October 19th.

Or to join the meeting by phone: dial (301) 715-8592 or (309) 205-3325 and enter the Meeting ID 873 4813 9745 and the Passcode OCPP2022. If there are any questions regarding the upcoming meeting, please contact our office.

Vicinity Exhibit



Disclaimer:
All data shown is for informational purposes only and does not constitute a contract. The user assumes all responsibility for the use of the information provided. The user assumes all responsibility for the use of the information provided. The user assumes all responsibility for the use of the information provided.

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: Olive Chapel Professional Park Zoning: O&I-CZ

Location: 0, 1480, 1460 & 1400 Chapel Ridge Rd

Property PIN(s): 0732-24-9026, 0732-33-1404, 0732-23-8148 Acreage/Square Feet: 8.7
0732-23-8377, 0732-23-9577, 0732-23-9874

Property Owner: Olive Chapel Professional Park, LLC

Address: 1121 Pemberton Hill Rd

City: Apex State: NC Zip: 27502

Phone: _____ Email: will@thebenefitadvisors.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Cnossen Engineering, PLLC

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: patrick@jonescnossen.com

Builder (if known): _____

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 and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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 2nd and 4th 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: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.

1532-Olive Chapel Professional Park

Parcel #	Name	Address I	Address II	City/State/Zip Code	Pin #
1	CHRISTINE & FRANK BRIA III	1516 CLARK FARM RD		APEX NC 27502-8500	0732246637
2	DAVID & ETHEL SHERRY	1512 CLARK FARM RD		APEX NC 27502-8500	0732340602
3	RITA & RAYMOND BOYKIN JR	1500 CLARK FARM RD		APEX NC 27502-8500	0732342436
4	JAMES SERINO & MELINDA BUSI	1304 CHAPEL RIDGE RD		APEX NC 27502-8503	0732343658
5	LARRY & KATHI CARLSON	1220 CHAPEL RIDGE RD		APEX NC 27502-8502	0732343920
6	MICHAEL & CATHERINE MOHAN	1204 CHAPEL RIDGE RD		APEX NC 27502-8502	0732249869
7	SU YUEH HO KAO & CHANG CHI	1200 CHAPEL RIDGE RD		APEX NC 27502-8502	0732256180
8	DOUGLAS & CARRIE COX	1205 CHAPEL RIDGE RD		APEX NC 27502-8502	0732352538
9	RONALD & KATHERINE STRINGARI	1209 CHAPEL RIDGE RD		APEX NC 27502-8502	0732354594
10	MICHAEL BISHOP	1213 CHAPEL RIDGE RD		APEX NC 27502-8502	0732356305
11	TIGH & DIANE CUNDIEFF	1225 CHAPEL RIDGE RD		APEX NC 27502-8502	0732347912
12	DANIEL E COREY II	THE DANIEL E COREY II REVOCABLE LIVING TRUST	1301 CHAPEL RIDGE RD	APEX NC 27502-8503	0732348711
13	RUSS & KRISTAL OVERTON	1305 CHAPEL RIDGE RD		APEX NC 27502-8503	0732348563
14	SARA GROVER & DAVID PRESTRUD	1313 CHAPEL RIDGE RD		APEX NC 27502-8503	0732347395
15	RAJ KIRAN CHAGANTIPATI & JYOTSNA VEMURI	4016 SYKES ST		CARY NC 27519-7301	0732340146
16	BARBARA & JAMES FAULKNER JR	1513 CLARK FARM RD		APEX NC 27502-8500	0732246233
17	JOHN & MARIE ROCCOFORTE	1517 CLARK FARM RD		APEX NC 27502-8500	0732243490

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, Patrick Kiernan, do hereby declare as follows:
Print Name

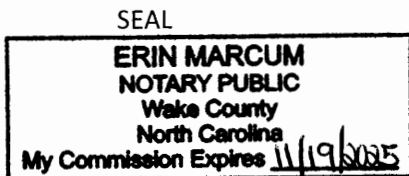
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on October 19, 2022 (date) from 6:00 pm (start time) to 8:00 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.

10/20/22
Date

By: Patrick Kiernan

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 20th day of October, 2022.



Erin Marcum
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

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.

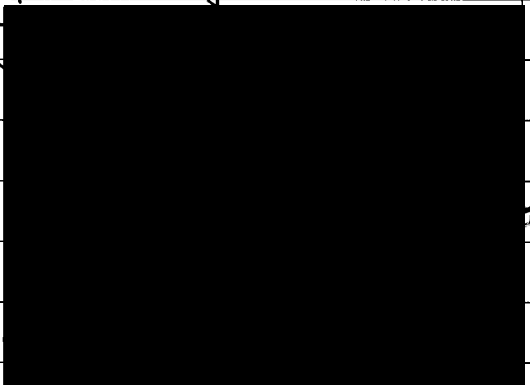
Meeting Address: Zoom - see enclosed details

Date of meeting: October 19, 2022 Time of meeting: 6:00 pm - 8:00 pm

Property Owner(s) name(s): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Crossen Engineering, PLLC

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Patrick Kiernan (Jones & Crossen Engineering)	221 N. Salem St, Suite 200	919.387.1174	patrick@jonescrossen.com	—
2.	Barbara Fabikner	1513 Clark Farm Rd			✓
3.	Rita Boukin	1500 Clark Farm Rd			✓
4.	Melinda Busi & Jim Serino	1304 Chapel Ridge Rd			✓
5.	DAVID PRESTRUD	1313 CHAPEL RIDGE RD.			✓
6.	NANCY COREY	1301 CHAPEL RIDGE RD.			✓
7.	JIM SERINO	1304 CHAPEL RIDGE RD.			✓
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): Olive Chapel Professional Park, LLC

Applicant(s): Jones & Clossen Engineering, PLLC

Contact information (email/phone): patrick@jonesclossen.com/919-387-1174

Meeting Address: Zoom - see enclosed details

Date of meeting: October 19, 2022

Time of meeting: 6:00 pm - 8:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

What is the reason for pet crematory being part of Pet Services, and is that something that the developer will be pursuing?

Applicant's Response:

I posted the description of Pet Services within the chat, where it does mention the inclusion of pet crematory. I told them I would discuss with the developer to see if that is a specific business they have interest in, and if not, we could discuss with Town staff the possibility of a condition to exclude that type of business from the rezoning.

Question/Concern #2:

Is the developer still seeking to increase the square footage limitations for restaurants, gym/fitness centers, real estate sales, etc., per the rezoning that was proposed in 2021?

Applicant's Response:

No, this current petition to add pet services and tailor shop is essentially replacing the petition that was submitted last year. There were a number of factors leading to the decision to pull that rezoning, so for now, these two new uses are all that are being pursued.

Question/Concern #3:

There were a number of questions regarding current status of leasing for the first 3 buildings, as well as the construction timeline for the remaining buildings and for the completion of the Chapel Ridge Road widening and sidewalk.

Applicant's Response:

The Chapel Ridge widening/sidewalk will be completed as part of the Bldg. C requirements, which is the building currently under construction. So that piece should be completed soon I told them I would pass along their questions regarding leasing/construction timeline to the developer and follow up with whatever information I can provide.

Question/Concern #4:

Applicant's Response:

There were a few technical difficulties where some attendees could not hear the audio and others could not respond. For that reason, the questions all came from the Zoom chat feature, and a transcript of that chat has been included with this submittal. One neighbor asked for a follow-up phone call so she could clarify the questions posed in the chat.

barbarafaulkner to Everyone

B

I can hear you.

Melinda & Jim Busi & Serino to Everyone

M&

Melinda Busi, James Serino amd Nancy Corey can all hear you 😊

rita boykin to Everyone

RB

Patrick, Rita here. I cannot get audio

any suggestions - phone didn't work either

Me to Everyone

PK

Rita, could you call one of the others in the meeting? Or Melinda just offered that you could join at her house?

barbarafaulkner to Everyone

B

I've got Rita on the phone

rita boykin to Everyone

RB

can't hear you clearly

good now thanks

rita boykin to Everyone

RB

like further information on pet crematory

Me to Everyone

PK

Pet services. An indoor establishment primarily engaged in services provided to companion pets which include but are not limited to: pet day spa, pet grooming, pet daycare with no outdoor play area, pet training, pet photography, leg banding, microchip services, pet crematory, and other petrelated uses.

rita boykin to Everyone

RB

i'd like to know occupancy of bldg. 1, building 2, building 3, plans for building 5 specifically

yes to your answer

yes

yes

building 5

no

yes,

bldg. 5

the seem to be skipping 4

Melinda & Jim Busi & Serino to Everyone

M& The sign outside near building 3 says 80% already,,,do you have any ideas of what /who the 80% is?

rita boykin to Everyone

RB this is a pain

barbarafaulkner to Everyone

B Remember, there are restrictions as to what kind of restaurants they can have here

Melinda & Jim Busi & Serino to Everyone

M& They are doing work in that spot and have moved all the dirt to spot 4

barbarafaulkner to Everyone

B sandwich shop or daytime hours only

rita boykin to Everyone

RB the rezoning is one thing - but i'd like to know what's being planned etc when will sidewalk be built and will wooden fence be removed

shame g's aren't on this zoom call

are g's anticipating seeking rezoning fir real estate and bigger restayranr at later dater

excuse typing errors

please call me in morning so I can explain myself better about occupancy rates as this typing is too slow for me thanks rita

Melinda & Jim Busi & Serino to Everyone

M& Melinda Busi & Jim Serino 1304 Chapel Ridge Rd

Nancy Core 1301 Chapel Ridge Rd

rita boykin to Everyone

RB rita 1500 clark farm road

David Prestrud to Everyone

DP I did that when I signed in, but it's 1313 Chapel Ridge Rd.

Melinda & Jim Busi & Serino to Everyone

M& Nancy Corey 1301 Chapel Ridge Rd

David Prestrud to Everyone

DP Mine's planaarch@bellsouth.net

Melinda & Jim Busi & Serino to Everyone

M& Nancy Corey: lcorey@nc.rr.com

James Serino serinojp@aol.com

rita boykin to Everyone

RB still looking at nov. for planning and town council meetings

ok

can you call me in morning or right after this zoom?

thanks

Melinda & Jim Busi & Serino to Everyone

M& Thank you for your time 😊

rita boykin to Everyone

RB Barbara pick up phone so I can talk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the November 29, 2022 Town Council meeting regarding Rezoning Application #22CZ18 Humie Olive Place. The applicant, Construction Masters, LLC, seeks to rezone approximately 2.0 acres from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

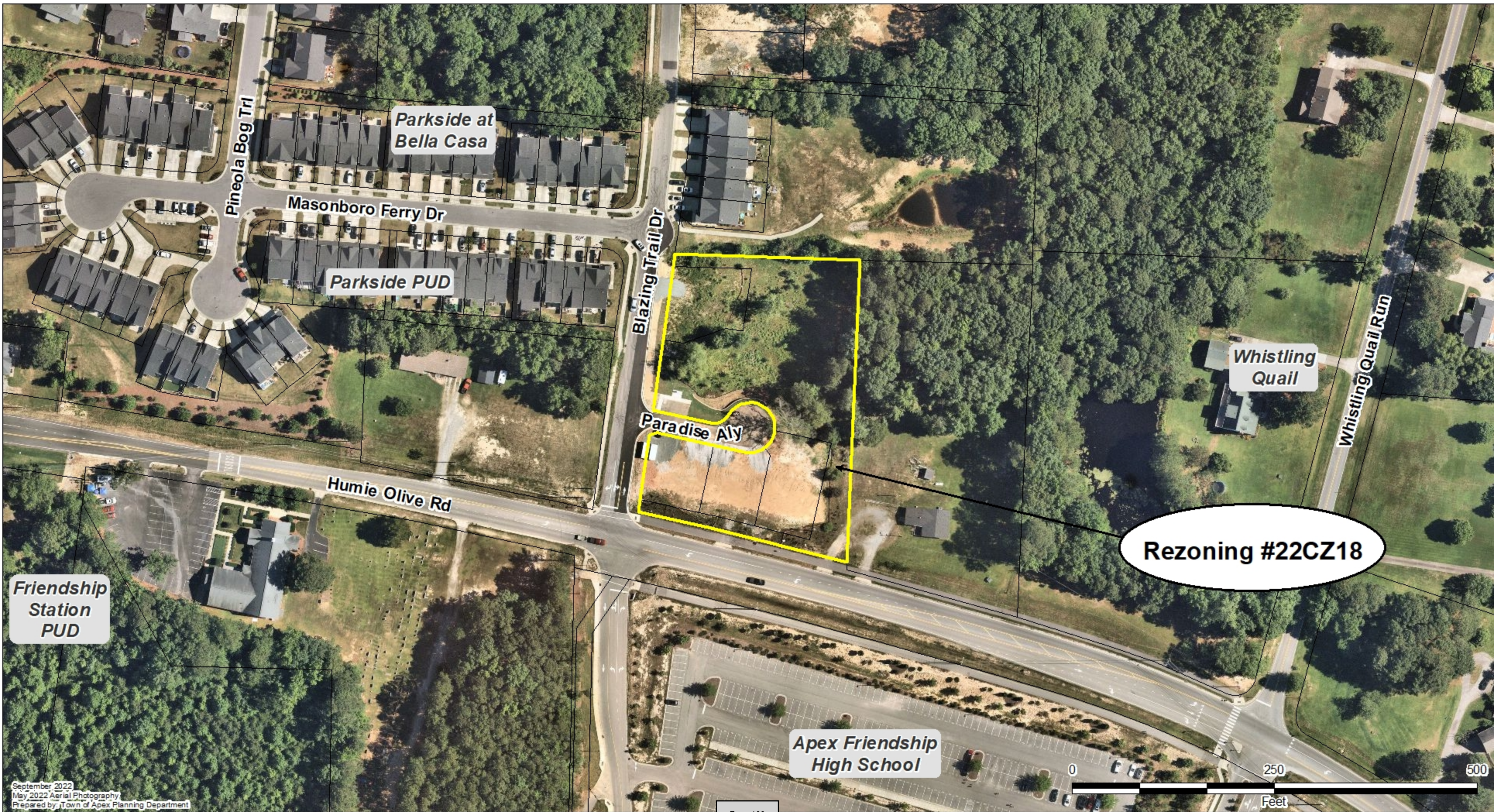
Item Details

The properties to be rezoned are identified as PINs 0721516598, 0721517488, 0721516357, 0721517335, and 0721518305.

Attachments

- Vicinity Map
- Application





Parkside at Bella Casa

Masonboro Ferry Dr

Parkside PUD

Blazing Trail Dr

Paradise Aly

Humie Olive Rd

Whistling Quail

Whistling Quail Run

Friendship Station PUD

Apex Friendship High School

Rezoning #22CZ18



PETITION TO AMEND THE OFFICIAL ZONING 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: _____
Fee Paid: _____

Project Information

Project Name: Humie Olive Place
Address(es): 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd
PIN(s): 0721- 51-6598, 51-7488, 51-6357, 51-7335, 51-8305
Acreage: 2

Current Zoning: MD-CZ Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): _____

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Owner Information

Name: Construction Masters LLC
Address: 7904 Humie Olive Rd
City: Apex State: NC Zip: 27502
Phone: 919-995-5876 E-mail: office@conzalpm.com

Agent Information

Name: Jones & Crossen Engineering, PLLC
Address: PO Box 1062
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: peter@jonescrossen.com

Other contacts: _____

PETITION INFORMATION

Application #: _____ Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from MD-CZ _____ to MD-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 (UDO). 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, as required by the UDO. 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	21	_____
2	Duplex	22	_____
3	Accessory apartment	23	_____
4	Day care facility (s)	24	_____
5	Utility, minor	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.

See Attached

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.

These properties are designated as Medium Density Residential on the 2045 Land Use map. This rezoning is consistent with the 2045 Land Use map.

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 limited uses and density for this parcel are compatible with the adjacent Parkside at Bella Casa development and surrounding area.

Zoning Conditions for Rezoning Case #22CZ18 Humie Olive Place

Conditions continued from Rezoning Case #16CZ27:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family and duplex homes shall have a crawl space or have a raised 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 1 foot out from the front façade or front porch.
5. The garages for duplex units shall be on opposite sides of the structure.
6. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
7. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
8. Eaves shall project at least 12 inches from the wall of the structure.
9. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
10. The roofline for duplexes must be broken up vertically between each unit.
11. All rear elevations for duplexes shall include the following:
 - A change in roofline plus an additional projection on the rear façade such as, but not limited to, a bay window, cantilever, fireplace, or enclosed porch.
 - Windows on at least 30% of the rear façade (not including the roof). The building plans shall include the calculation of the rear wall area and the percent of that area that is windows.
12. All duplex units shall be two stories.

Additional Conditions:

1. The density for the parcel shall be limited to no more than 6 units per acre. The maximum number of units shall be 12.
2. One (1) new duplex building shall provide active PV solar for a total of two (2) systems.
3. The project shall install at least one (1) pet waste station in a location that is publicly accessible, such as a sidepath, sidewalk or SCM.
4. All RCA landscape plantings shall be native species. Landscaping shall be coordinated and approved by the Planning Department at site or subdivision review.

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 uses proposed that do fall under the supplemental standards will comply with the standards outlined in the UDO.

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.

This development will add additional lots to an existing development accessed by an existing Town of Apex public alley. As such, no addition public infrastructure is required so there should be no adverse impact to adjacent lands.

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.

This project will adhere to all required buffering, will be dedicating Resource Conservation Area and will be adhering the Town of Apex stormwater requirements.

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 conditional zoning will allow additional lots to be developed using existing Town of Apex infrastructure, so there should be no adverse impact on public facilities.

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 development of this parcel should not have a negative affect on the health, safety and welfare of Apex citizens.

PETITION INFORMATION

Application #: _____ Submittal Date: _____

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

This rezoning is consistent with the adjacent development standards and will not
have a negative affect on the development potential of other adjacent parcels.

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.

Residential homes generally do not constitute a nuisance or hazard because of the
character of the neighborhood. This is a small parcel and the impact of these few
units on the surrounding area will be minimal.

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.

We are providing architectural design conditions as well as a condition
limiting the overall density.

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.

AFFIDAVIT OF OWNERSHIP


Application #: _____

Submittal Date: _____

The undersigned, Construction Masters 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 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd 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 11/16/2019, and recorded in the Wake County Register of Deeds Office on 12/11/2019, in Book 017680 Page 00223.
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 11/16/2019, 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 11/16/2019, 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 29 day of August, 2022.

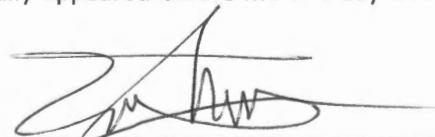

 _____ (seal)
Mohamed Elfadaly, owner of Construction Masters LLC
 Type or print name

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

ERIN MARCUM
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires <u>11/11/2025</u>

[NOTARY SEAL]



 Notary Public
 State of North Carolina
 My Commission Expires: November 19, 2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____

Submittal Date: _____

Insert legal description below.

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 ASHPALT 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.

NOTICE OF 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.

August 16, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
2155, 2157 & 0 Blazing Trail 0721-51-6598, 0721-51-7488

7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd 0721-51-6357, 0721-51-7335, 0721-51-8305

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

A rezoning of the property is being submitted to increase the density from 4.5 units/acre to 6 units/acre. This increase in density will allow the maximum number of units to increase from 9 units to 12 units. All other existing conditions for this property are to remain.

Estimated submittal date: September 01, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Construction Masters LLC
 Applicant(s): Construction Masters LLC
 Contact information (email/phone): peter@jonescossen.com/919-387-1174
 Meeting Address: Zoom meeting - see enclosed registration details
 Date/Time of meeting**: August 31, 2022 6:00 pm - 8:00 pm

Welcome: 6:00 pm Project Presentation: 6:05 pm Question & Answer: 6:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

Zoom Meeting Details – Humie Olive Place

When: **August 31, 2022 06:00 PM Eastern Time (US and Canada)**

Register in advance for this meeting:

Zoom.com

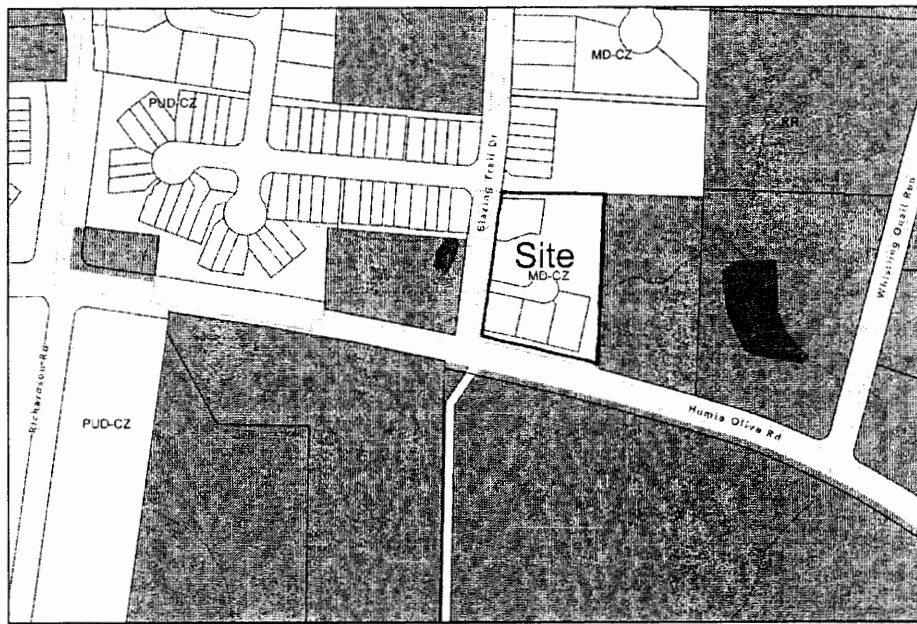
Meeting ID: 837 7149 3602

Passcode: 265510

The Meeting Registration form will request your First and Last Name, Email address and Street Address to help us with attendance at the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

Phone dial-in option: Call 1-301-715-8592 or 1-309-205-3325 and enter the Meeting ID and Passcode to join the meeting. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office.

Vicinity Exhibit



Disclaimer:
Map makers 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.

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: Humie Olive Place Zoning: MD-CZ

Location: 2155, 2157 & 0 Blazing Trail; 7994, 7996, 7988, 7990, 7982 & 7984 Humie Olive Rd

Property PIN(s): 0721-51-6598, 0721-51-7488 Acreage/Square Feet: 2
0721-51-6357, 0721-51-7335, 0721-51-8305

Property Owner: Construction Masters LLC

Address: 7904 Humie Olive Rd

City: Apex State: NC Zip: 27502

Phone: 919-995-5876 Email: office@conzalpm.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Jones & Crossen Engineering, PLLc

Address: PO Box 1062

City: Apex State: NC Zip: 27502

Phone: 919-387-1174 Fax: _____ Email: peter@jonescrossen.com

Builder (if known): _____

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 and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
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 2nd and 4th 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: Jessica Bolin 919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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.

SITE ADDRESS	PIN NUM	OWNER	MAILING ADDRESS	
2131 BLAZING TRAIL DR	0721517954	A SQUARED LLC	51 KILMAYNE DR STE 100	CARY NC 27511-7719
2706 MASONBORO FERRY DR	0721515724	JANA A ACKLEY	2706 MASONBORO FERRY DR	APEX NC 27502-3683
2710 MASONBORO FERRY DR	0721514775	ADM & PWM LLC	1967 MOSTYN LN	APEX NC 27502-6509
7917 HUMIE OLIVE RD	0721505118	ARCH PARTNERS LLC	828 HIGHLAND LN NE APT 2305	ATLANTA GA 30306-4379
2149 BLAZING TRAIL DR	0721517619	RAJAN BHANOT & PREETI CHAUHAN	2149 BLAZING TRAIL DR	APEX NC 27502-3679
8013 HUMIE OLIVE RD	0721514143	CHRISTIAN CHAPEL CHURCH	PO BOX 22	APEX NC 27502-0022
7994 HUMIE OLIVE RD	0721516357	CONSTRUCTION MASTERS LLC	7904 HUMIE OLIVE RD	APEX NC 27502-9604
2716 MASONBORO FERRY DR	0721514735	CHRISTINA L & DOUGLAS M DENDULK	105 DUMONT CT	APEX NC 27523-3858
2703 MASONBORO FERRY DR	0721515569	BALAJI & RUPALI DESHPANDE	17 CROYDON AVE	RONKONKOMA NY 11779-1947
2717 MASONBORO FERRY DR	0721513681	JAMELL E DUDLEY & MORGEN E MCVANE	2717 MASONBORO FERRY DR	APEX NC 27502-3683
2728 WHISTLING QUAIL RUN	0721612452	BRIAN & TRISHA EASON	2728 WHISTLING QUAIL RUN	APEX NC 27502-8401
0 LAKE WACCAMAW TRL	0721610803	FAITHWILL HOMES LLC	2101 DELLA CT	APEX NC 27502-9708
2147 BLAZING TRAIL DR	0721517722	PIERRE ALAIN GREMAUD & ROSEMARY ANN LOYCANO	2147 BLAZING TRAIL DR	APEX NC 27502-3679
2141 BLAZING TRAIL DR	0721517820	JULIE A. HAIGHT	2141 BLAZING TRAIL DR	APEX NC 27502-3679
2712 WHISTLING QUAIL RUN	0721613839	STEVEN & CHRISTINA HARDESTY	2712 WHISTLING QUAIL RUN	APEX NC 27502-8401
2718 MASONBORO FERRY DR	0721513796	THOMAS MICHAEL HOWARD TRUSTEE & JACQUELYN NICOLE HOWARD TRUSTEE	2754 LAKE WACCAMAW TRL	APEX NC 27502-8555
2705 MASONBORO FERRY DR	0721515630	RAYMOND JIANG & JULIA YANG	190 DILLON AVE UNIT 301	CAMPBELL CA 95008-3096
2720 MASONBORO FERRY DR	0721513776	WILLIAM J KAVENEY	4046 MAIDSTONE DR	MOUNT PLEASANT SC 29466-7583
2143 BLAZING TRAIL DR	0721517727	MICHAEL JOHN & JULIANNE KELLY	2143 BLAZING TRAIL DR	APEX NC 27502-3679
2704 MASONBORO FERRY DR	0721515754	BLAKE JOHN LUTZ TRUSTEE & JENNIFER LEE LUTZ TRUSTEE	3519 ESTATES EDGE DR	NEW HILL NC 27562-9320
2715 MASONBORO FERRY DR	0721514611	JOHN F & KRISTEN M MCCLURE	2715 MASONBORO FERRY DR	APEX NC 27502-3683
2709 BLAZING TRAIL DR	0721514966	NARENDRA VAMAN & PRUTHVI DESHPANDE PALEKAR	121 AMIABLE LOOP	CARY NC 27519-5578
2719 MASONBORO FERRY DR	0721513661	ROBERT JAMES POHLMAN	2179 MASONBORO FERRY DR	APEX NC 27502
2708 MASONBORO FERRY DR	0721515705	FRED WILLIAM & SHARON RONECKER	2708 MASONBORO FERRY DR	APEX NC 27502-3683
2702 MASONBORO FERRY DR	0721515784	HEATHER L SCHUMM	2702 MASONBORO FERRY DR	APEX NC 27502-3683
8008 HUMIE OLIVE RD	0721514434	ANNIE MAE SCOTT	8008 HUMIE OLIVE RD	APEX NC 27502-9635
7900 HUMIE OLIVE RD	0721519475	ELVIN SCOTT	7900 HUMIE OLIVE RD	APEX NC 27502-9604
0 BLAZING TRAIL DR	0721518752	THE TOWNES AT BELLA CASA ASSOCIATION INC	OMEGA ASSOCIATION MANAGEMENT INC	160 NE MAYNARD RD STE 210
7801 HUMIE OLIVE RD	0720694728	THE WAKE COUNTY BOARD OF EDUCATION	ATTN: BETTY L PARKER	111 CORNING RD STE 100
2713 MASONBORO FERRY DR	0721514641	BRENT & ASHLEY WINSTON	2713 MASONBORO FERRY DR	APEX NC 27502-3683
2709 MASONBORO FERRY DR	0721514670	HUIJUN XIONG & GUANYING WANG	2709 MASONBORO FERRY DR	APEX NC 27502-3683
2145 BLAZING TRAIL DR	0721517724	GUOHUA YANG & HUI ZHENG	3016 NASHVILLE DR	SAN JOSE CA 95133-2059
		TOWN OF APEX	PO BOX 250	APEX NC 27502-0250
		Current Tenant	2145 Blazing Trail DR	APEX NC 27502
		Current Tenant	2155 Blazing Trail DR	APEX NC 27502
		Current Tenant	2157 Blazing Trail DR	APEX NC 27502
		Current Tenant	2708 Blazing Trail DR	APEX NC 27502
		Current Tenant	7982 Humie Olive RD	APEX NC 27502
		Current Tenant	7984 Humie Olive RD	APEX NC 27502
		Current Tenant	7988 Humie Olive RD	APEX NC 27502
		Current Tenant	7990 Humie Olive RD	APEX NC 27502
		Current Tenant	7994 Humie Olive RD	APEX NC 27502
		Current Tenant	7996 Humie Olive RD	APEX NC 27502
		Current Tenant	2703 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2704 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2705 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2707 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2710 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2716 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2718 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2719 Masonboro Ferry DR	APEX NC 27502
		Current Tenant	2720 Masonboro Ferry DR	APEX NC 27502

Created by Town of Apex Planning and Community Development

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: Zoom meeting - see enclosed registration details
 Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 pm
 Property Owner(s) name(s): Construction Masters LLC
 Applicant(s): Construction Masters LLC

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Peter Cnossen	221 N. Salem St.			—
2.	Mohamed Elfadaly	property owner			—
3.	Nicole Dozier	2600 Monte Terrace			
4.	Marcia Baltimore	2006 Lazio Lane			
5.	Ed Franzone	2746 Lake Waxcomaw Trail			
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): Construction Masters LLC

Applicant(s): Construction Masters LLC

Contact information (email/phone): peter@jonescossen.com/919-387-1174

Meeting Address: Zoom meeting - see enclosed registration details

Date of meeting: August 31, 2022 Time of meeting: 6:00-8:00 pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

Will the development offer affordable housing units? And if not, what benefit is this rezoning for more density to the Town of Apex?

Applicant's Response:

The development did not intend to offer affordable housing as a commitment to provide active solar on one duplex had already been made at the EAB. However, after lengthy discussion, the owner made a commitment to contact the Town's Housing Program Manager to discuss options to provide an affordable component to the rezoning.

Question/Concern #2:

Who is responsible for maintenance of the area outside the road along Blazing Trail Drive?

Applicant's Response:

Blazing Trail Drive and Paradise Alley are both constructed within public right-of-way owned and maintained by the Town of Apex. All area outside the public right-of-way and lots will be owned and maintained by the Humie Olive Place HOA.

Question/Concern #3:

Is this development a part of the Bella Casa HOA?

Applicant's Response:

No, this development will have its own HOA.

Question/Concern #4:

Will a traffic signal be installed at the intersection of Humie Olive Road and Blazing Trail Drive?

Applicant's Response:

Humie Olive Road is maintained by NCDOT and no knowledge of a warrant study for providing a signalized intersection was known. The neighbor added a comment that the new Blazing Trail Drive pavement markings by the Humie Olive Place development have been beneficial.

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, Peter Crossen, do hereby declare as follows:
Print Name

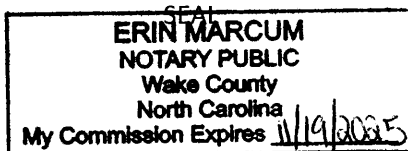
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom/virtual (location/address) on August 31, 2022 (date) from 6:00 pm (start time) to 8:00 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.

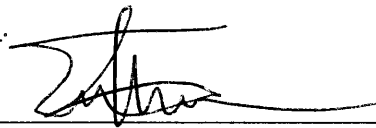
9/18/2022
Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 15th day of September, 2022.




Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 8, 2022

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 November 29, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Summary of UDO Amendments

Requested by Planning Staff:

1. Amendment to various sections of the UDO in order to change all references to "Director of Planning and Community Development" to "Planning Director" and "Department of Planning and Community Development" to "Planning Department".
2. Amendments to Sec. 8.2.6 *Buffering* in order to clarify buffer planting requirements.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 8, 2022

Item Details

Presenter(s): Councilmember Terry Mahaffey, Sponsor
Stephanie Mitchell of the Apex Public School Foundation

Department(s): Apex Town Council and Apex Public School Foundation

Requested Motion

Presentation of the Peak S.T.A.R. Award for the 1st Quarter of the 2022-2023 School Year.

Approval Recommended?

N/A

Item Details

The Apex Town Council is pleased to work in partnership with the Apex Public School Foundation (APSF) to present the Peak S.T.A.R. Award to a deserving Apex school staff member, teacher, or someone in school administration. This award will be presented quarterly by the Apex Town Council and the APSF.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 8, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor
Colleen Merays, Small Business Manager (Departmental Sponsor)

Department(s): Governing Body / Economic Development

Requested Motion

Motion to adopt a proclamation recognizing Saturday, November 26, 2022 as "Small Business Saturday" in Apex and urge all residents to support small businesses and merchants on Small Business Saturday and throughout the year.

Approval Recommended?

NA

Item Details

The Saturday following Thanksgiving has become known as Small Business Saturday. Small Business Saturday is a day to celebrate and support small businesses and all they do for their communities. This day has become a vital part of the small businesses' busiest shopping season. Please join the Town of Apex and the Apex Chamber of Commerce in supporting your local small businesses by shopping at a small business on this day and throughout the year.

Attachments

- Proclamation





"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Small Business Saturday 2022

from the Office of the Mayor

WHEREAS, the Town of Apex, North Carolina celebrates our local small businesses and the contributions they make to our economy and to our unique and vibrant community character; and

WHEREAS, Small businesses need our support as they navigate and retool from the effects of a global pandemic; and

WHEREAS, According to the United States Small Business Administration, there are 33.2 million small businesses employing 46.4 percent of the private workforce in the United States; and

WHEREAS, according to the United States Small Business Administration in North Carolina, there are 994,576 small businesses in North Carolina and they account for 99.6 percent of North Carolina businesses; and

WHEREAS, according to the 2021 Small Business Saturday Consumer Insights Survey, sales at independent retailers and restaurants on Small Business Saturday reached an estimated \$23.3 billion in 2021, up 18% from \$19.8 in 2020; and

WHEREAS, Small Business Saturday celebrates the remarkable spirit of Apex, North Carolina small businesses and shows how essential they are to our community; and

WHEREAS, companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season, and contributes significantly to their holiday sales each year; and

WHEREAS, public awareness of the contributions made by Apex local businesses is the key to sustaining a healthy business climate; and



"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

WHEREAS, the citizens of Apex are grateful to the small businesses of Apex for their presence in our community; and

WHEREAS, the Town of Apex joins the U.S. Chamber of Commerce and the Apex Chamber of Commerce in supporting America's small businesses;

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim Saturday, November 26, 2022 as SMALL BUSINESS SATURDAY in Apex and urge all residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

I hereby set my hand and have caused the Seal of the
Town of Apex, North Carolina, to be affixed.
This the 8th day of November 2022.

A handwritten signature in black ink, appearing to read "Jacques K. Gilbert". The signature is stylized and cursive.

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 8, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor
Ed Gray, Councilmember (co-sponsor)

Department(s): Governing Body

Requested Motion

Motion to adopt a proclamation recognizing Friday, November 11, 2022 as Veterans Day.

Approval Recommended?

Yes

Item Details

World War I - known at the time as "The Great War" - officially ended when the Treaty of Versailles was signed on June 28, 1919, in the Palace of Versailles outside the town of Versailles, France. However, fighting ceased seven months earlier when an armistice, or temporary cessation of hostilities, between the Allied nations and Germany went into effect on the eleventh hour of the eleventh day of the eleventh month. For that reason, November 11, 1918, is generally regarded as the end of "the war to end all wars."

In November 1919, President Wilson proclaimed November 11 as the first commemoration of Armistice Day with the following words: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations..."

The original concept for the celebration was for a day observed with parades and public meetings and a brief suspension of business beginning at 11:00 a.m.

An Act (52 Stat. 351; 5 U. S. Code, Sec. 87a) approved May 13, 1938, made the 11th of November in each year a legal holiday—a day to be dedicated to the cause of world peace and to be thereafter celebrated and known as "Armistice Day." Armistice Day was primarily a day set aside to honor veterans of World War I, but in 1954, after World War II had required the greatest mobilization of soldiers, sailors, Marines and airmen in

the Nation's history; after American forces had fought aggression in Korea, the 83rd Congress, at the urging of the veterans service organizations, amended the Act of 1938 by striking out the word "Armistice" and inserting in its place the word "Veterans." With the approval of this legislation (Public Law 380) on June 1, 1954, November 11th became a day to honor American veterans of all wars.

Later that same year, on October 8th, President Dwight D. Eisenhower issued the first "Veterans Day Proclamation" which stated: "In order to insure proper and widespread observance of this anniversary, all veterans, all veterans' organizations, and the entire citizenry will wish to join hands in the common purpose. Toward this end, I am designating the Administrator of Veterans' Affairs as Chairman of a Veterans Day National Committee, which shall include such other persons as the Chairman may select, and which will coordinate at the national level necessary planning for the observance. I am also requesting the heads of all departments and agencies of the Executive branch of the Government to assist the National Committee in every way possible."

Veterans Day continues to be observed on November 11, regardless of what day of the week on which it falls. The restoration of the observance of Veterans Day to November 11 not only preserves the historical significance of the date, but helps focus attention on the important purpose of Veterans Day: A celebration to honor America's veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good.

Attachments

- Proclamation





"The Peak of Good Living"

TOWN OF APEX
NORTH CAROLINA

Proclamation

Honoring Veterans

from the Office of the Mayor

WHEREAS, The greatest acknowledgement of our freedom is to honor our armed forces veterans who have sacrificed and, in many instances, paid the ultimate price for our freedom; and

WHEREAS, The Town of Apex recognizes the service and sacrifice veterans have provided to our community and the nation; and

WHEREAS, Apex is home to over two thousand veterans and their families; and

WHEREAS, Veterans' Day was first proposed in 1919 as Armistice Day, a day to celebrate world peace and veterans of World War I; and

WHEREAS, Former President Dwight D. Eisenhower issued the first Veterans Day proclamation on October 8, 1954 and within that proclamation stated "it has long been our custom to commemorate November 11, the anniversary of the ending of World War I, by paying tribute to the heroes of that tragic struggle and by rededicating ourselves to the cause of peace"; and

WHEREAS, both men and women of our armed forces continue to be an inspiration to all of us through their demonstration of courage, leadership and commitment in service to our community and country; and

WHEREAS, we in the Town of Apex will always remember and pay homage to our military community, both active and inactive, for their contribution, dedication and commitment to the cause of our freedom.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby recognize Friday, November 11, 2022, as Veterans Day in Apex and urges the Apex community to proudly join together with the rest of our nation to salute and give special honor and recognition to the men and women who have courageously served us in our armed forces.

I hereby set my hand and have caused the Seal of the
Town of Apex, North Carolina, to be affixed.
This the 8th day of November 2022.

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 08, 2022

Item Details

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

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 7805 Green Level Church Road, Mildred C. Duke Property, containing 2.24 acres, Annexation No. 744 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

The annexation has been certified and a public hearing has been posted as required.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2022-120
ANNEXATION PETITION NO. 744
7805 Green Level Church Road - 2.24 acres

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 November 08, 2022, 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 November 08, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex - Mildred C. Duke, White Oak Township, Wake County, North Carolina (PIN#0723914584), dated September 20, 2022" and recorded in Book of Maps book number 2022 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 8th day of November, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in White Oak Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southeastern corner of David Lee Strickland on the northern right-of-way of Secluded Acres Road (N.C.S.R. No. 1783); thence with the eastern property line of aforesaid Strickland, North 31°26'00" West, 312.55 feet to a calculated point being in the southern property line of James Alton Segroves; thence with the southern property line of aforesaid Segroves and beyond North 58°34'00" East, 277.92 feet to a calculated point on the former eastern right-of-way of Green Level Church Road (N.C.S.R. No. 1600); thence with the former eastern right-of-way, a curve in a counterclockwise direction having a radius of 2,017.55 feet, a length of 357.47 feet and a chord of South 38°09'18" East, 357.01 feet to a calculated point on the former eastern right-of-way of Green Level Church Road (N.C.S.R. No. 1600); thence to and

with the northern right-of-way of Secluded Acres Road (N.C.S.R. No. 1783), South 66°03'00" West, 322.45 feet to the point and place of BEGINNING, containing 2.24 acres more or less. The above-described tract of land is all of Wake County PIN 0723914584 and a portion of the intervening Green Level Church Road (N.C.S.R. No. 1600) right-of-way as shown in Book of Maps 2016, Page 2224.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-120, adopted at a meeting of the Town Council, on the 8th day of November, 2022, 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 8th day of November, 2022.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (October 26, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **8th day of November, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #744
7805 Green Level Church Road – 2.24 acres





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 744" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, November 8, 2022.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

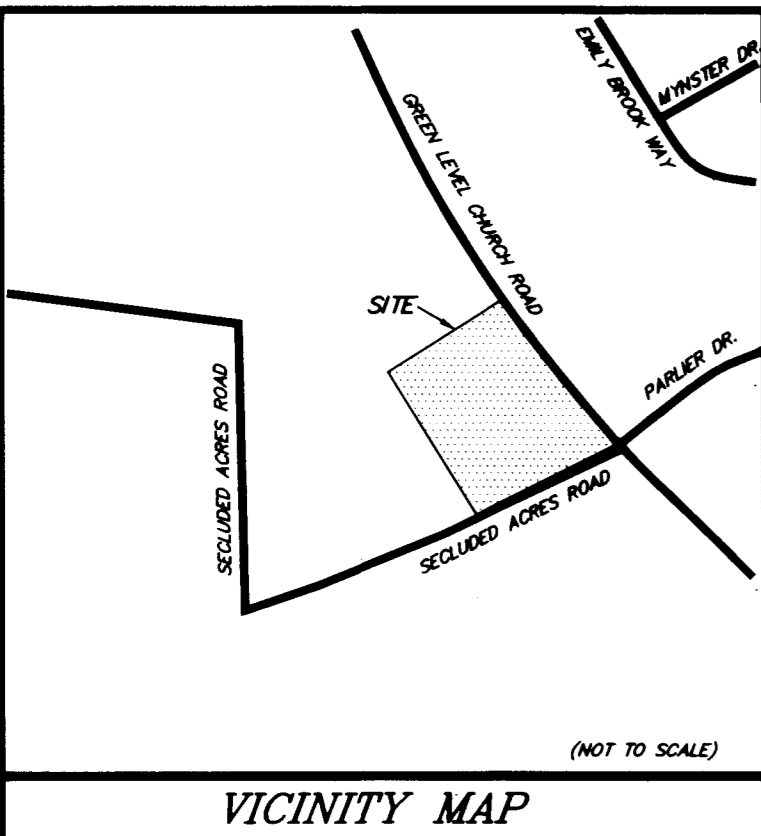
###

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 White Oak Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southeastern corner of David Lee Strickland on the northern right-of-way of Secluded Acres Road (N.C.S.R. No. 1783); thence with the eastern property line of aforesaid Strickland, North 31°26'00" West, 312.55 feet to a calculated point being in the southern property line of James Alton Segroves; thence with the southern property line of aforesaid Segroves and beyond North 58°34'00" East, 277.92 feet to a calculated point on the former eastern right-of-way of Green Level Church Road (N.C.S.R. No. 1600); thence with the former eastern right-of-way, a curve in a counterclockwise direction having a radius of 2,017.55 feet, a length of 357.47 feet and a chord of South 38°09'18" East, 357.01 feet to a calculated point on the former eastern right-of-way of Green Level Church Road (N.C.S.R. No. 1600); thence to and with the northern right-of-way of Secluded Acres Road (N.C.S.R. No. 1783), South 66°03'00" West, 322.45 feet to the point and place of BEGINNING, containing 2.24 acres more or less. The above-described tract of land is all of Wake County PIN 0723914584 and a portion of the intervening Green Level Church Road (N.C.S.R. No. 1600) right-of-way as shown in Book of Maps 2016, Page 2224.

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary rezoning.



I, STALEY C. SMITH, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Deed Book N/A, Page N/A, that the boundaries not surveyed are clearly indicated as drawn from information found in Book 4391, Page 662; that the ratio of precision as calculated is: 1: N/A; This map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30 (j).

Witness my hand and seal this 13 TH day of October, 2022.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

REFERENCE: ESTATE FILE # 03-E-1996
DEED BOOK 4391, PAGE 662 Back Reference
BOOK OF MAPS 1982, PG. 90

- SURVEYOR NOTES:**
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE 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.
 - NOT A PHYSICAL SURVEY ON THIS DATE.
 - THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
 - ALL DISTANCES ARE EXPRESSED AS PRESUMPTIVE HORIZONTAL GROUND U.S. SURVEY FEET MEASUREMENTS.
 - AREA DETERMINED USING LEGAL DESCRIPTION PREPARED BY OTHERS.

- LEGEND**
- XXXX - Street Address (Typical)
 - TL - Total
 - R/W - Right Of Way
 - Unsurveyed Right Of Way Line
 - Unsurveyed Line
 - Unsurveyed Line
 - Existing Town of Apex Corporate Limit Line (Unsurveyed)

ANNEXATION # 744

I, Allen Coleman, CMC, NCCCO, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2022, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2022.

Allen Coleman, CMC, NCCCO, Town Clerk

JAMES ALTON SEAGROVES
GLORIA C. SEAGROVES
D.B. 18964, PG. 961
B.M. 1981, PG. 725
PIN 0723912723

ANNA E. NEELY
NATHAN M. NEELY
D.B. 16967, PG. 2163
PIN 0723911556

DAVID LEE STRICKLAND
CONNIE LYNN STRICKLAND
D.B. 4714, PG. 677
B.M. 1982, PG. 90
PIN 0723912328

ANNEXATION AREA "A"
= 2.00 ACRES
MILDRED C. DUKE
ESTATE FILE # 03-E-1996
D.B. 4391, PG. 662
B.M. 1982, PG. 90
PIN 0723914584
(IMPROVEMENTS NOT SHOWN)

GREENMOOR HOMEOWNERS ASSOCIATION, INC.
D.B. 18741, PG. 349
B.M. 2018, PG. 1781
PIN 0723917781
ANNEXATION # 542 ~ B.M. 2015, PG. 1346

DANIEL S. SHULTS
JENNIFER JONES SHULTS
D.B. 16930, PG. 29
B.M. 1993, PG. 1662
PIN 0723917200

ANNEXATION AREA SUMMARY	
AREA "A"	2.00 ACRES
+ AREA "B"	0.24 ACRE
TOTAL AREA	2.24 ACRES

±2.24 ACRES TOTAL AREA ANNEXED
(NOT A PHYSICAL SURVEY)

ANNEXATION MAP FOR THE TOWN OF APEX

MILDRED C. DUKE
WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
MILDRED C. DUKE
7805 GREEN LEVEL CHURCH ROAD
APEX, N.C. 27523-9467

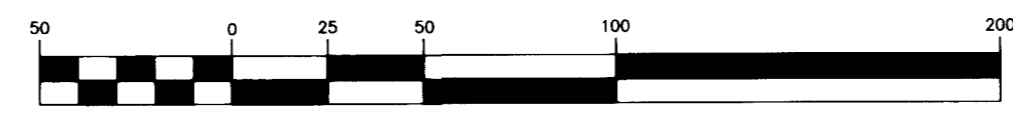
P.I.N. 0723914584

Smith and Smith,
Surveyors, P.A.

P.O. BOX 457
APEX, N.C. 27602
(919) 962-7111

FIRM LICENSE No. C-0155

DATE SEPTEMBER 20, 2022
SCALE 1" = 50'
DRAWN BY J.A.B.
PROJECT NO. 2022-64



(U.S. SURVEY FEET)
1 inch = 50 ft.

RECORDED IN BOOK OF MAPS 2022, PAGE _____



Annexation #744

Secluded Acres Rd

Parlier Dr

Greenmoor

Castlereagh North, Section 2

Green Level Church Rd

Our Estate

0 100 200 Feet

February 2022 Aerial Photography, October 2022 Prepared by: Town of Apex Planning Department

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 #: 2022-021 Submittal Date: 10-3-2022
 Fee Paid \$ 200.⁰⁰ Check # 3218

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, Chatham 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

<u>Mildred Cayer Duke</u> Owner Name (Please Print)	<u>0723 91 4584</u> Property PIN or Deed Book & Page #
<u>919-218-1626</u> Phone	<u>None</u> 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: Smith & Smith
 Phone: 919 362-7111 Fax: n/a
 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>2.000 2.24</u>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed: <u>2</u>	Need sewer service due to septic system failure <input checked="" type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>1</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>RR</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 Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2022-021

Submittal Date: 10-3-22

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Mildred C Duke, widow
Please Print

Mildred C Duke
Signature

Please Print

Signature

Please Print

Signature

Please Print

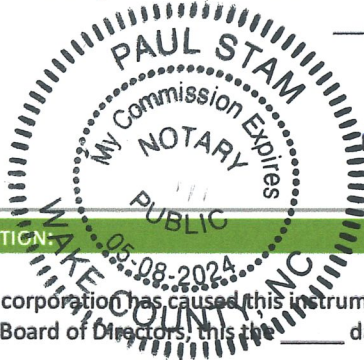
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paul Stam, a Notary Public for the above State and County,
this the 21 day of September, 2022.

Paul Stam
Notary Public

SEAL



My Commission Expires: May 8, 2024

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: _____

Attest: _____
President (Signature)

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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 08, 2022

Item Details

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

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex the Utley Farms Planned Unit Development (PUD), containing 56.59 acres, Annexation No. 734 into the Town's corporate limits.

Approval Recommended?

Yes

Item Details

The annexation has been certified and a public hearing has been posted as required.

Attachments

- Annexation Ordinance
- Public Hearing Notice
- Legal Description
- Maps
- Annexation Petition





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

After recording, please return to: Town Clerk, Town of Apex, P.O. Box 250, Apex, NC 27502

ORDINANCE NO. 2022-121
ANNEXATION PETITION NO. 734
Utley Farms PUD - 56.59 acres

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 November 08, 2022, 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 November 08, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex - Buckhorn Township, Wake County, North Carolina (PIN#0710714834 and #0710736732), dated March 29, 2022" and recorded in Book of Maps book number 2022 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 8th day of November, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

BEING THE OUTER BOUNDARY OF 2 PARCELS, ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR

FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, 88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT

Page 4 of 4

*IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT
IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT
OF BEGINNING.*

*SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR
LESS.*

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-121, adopted at a meeting of the Town Council, on the 8th day of November, 2022, 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 8th day of November, 2022.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)



"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Media Contact:

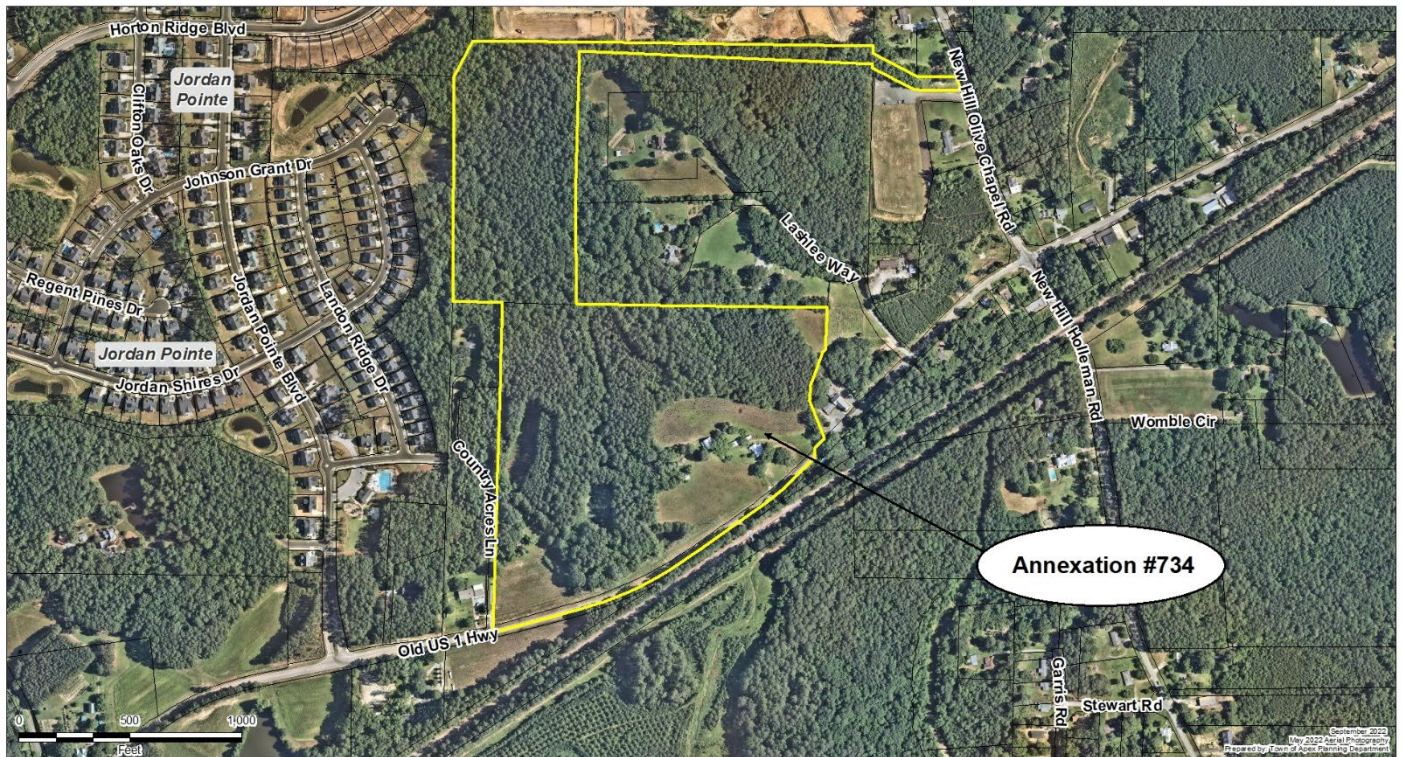
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (October 26, 2022) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **8th day of November, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

**Annexation Petition #734
Utley Farms PUD – 56.59 acres**





"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 734" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, November 8, 2022.

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260. We request at least 48 hours' notice prior to the meeting to make the appropriate arrangements.

Questions should be directed to the Town Clerk's Office.

###

HORTON AND WELLONS/JOHNSON PROEPRTY

"UTLEY FARMS"

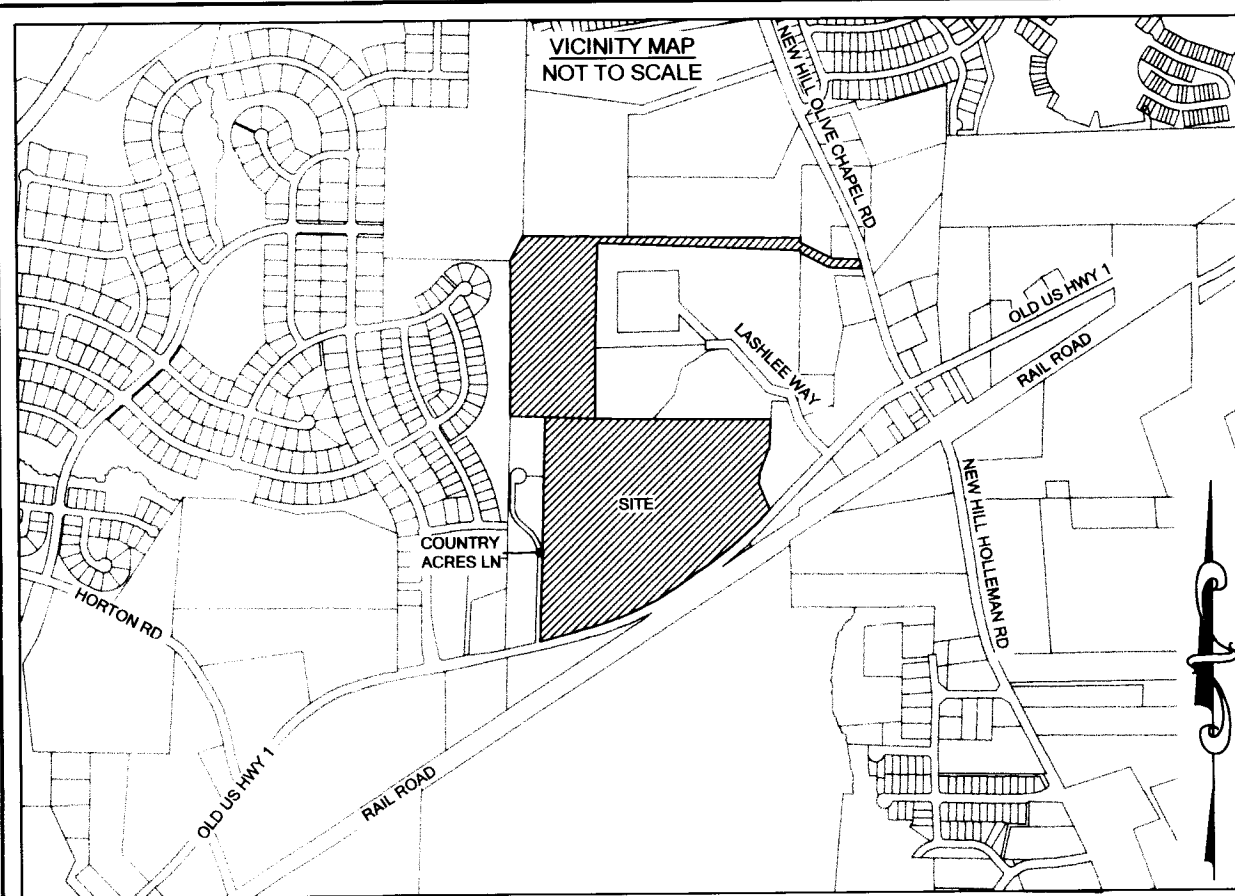
PROJECT BOUNDARY AND ANNEXATION LEGAL DESCRIPTION

BEING THE OUTER BOUNDARY OF 2 PARCELS, ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A

DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING.

SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.



LEGEND

- EXISTING BOUNDARY CORNER FOUND
- BOUNDARY CORNER SET
- COMPUTED POINT
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- EASEMENTS
- PAVEMENT
- TOWN OF APEX CORPORATE LIMITS (PER WAKE COUNTY GIS)
- EIP EXISTING IRON PIPE
- EIR EXISTING IRON REBAR
- BM BOOK OF MAPS
- DB DEED BOOK
- PG PAGE
- R/W RIGHT OF WAY
- TIE (INDICATES 2 PARTS OF THE SAME PROPERTY)



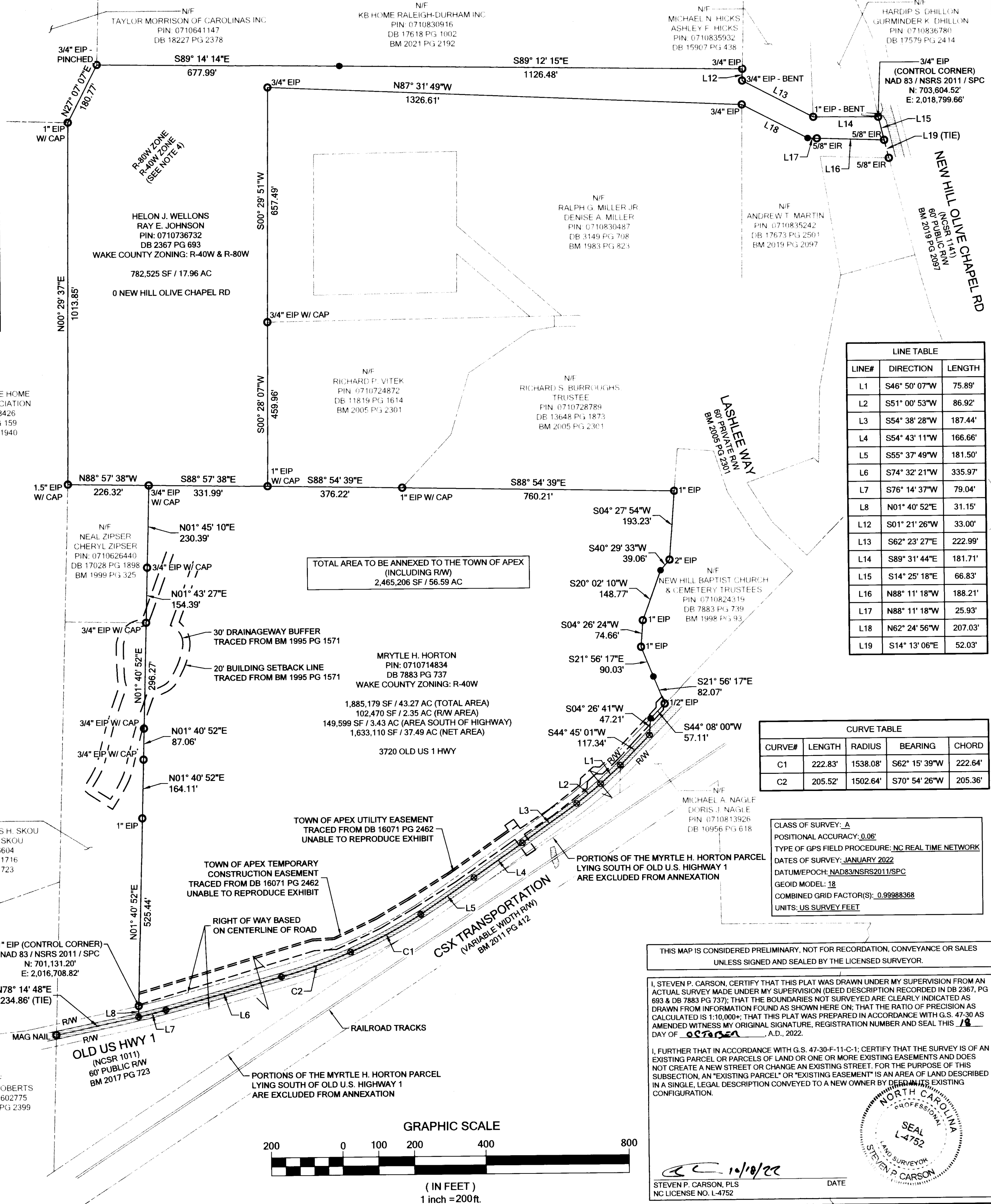
NOTES

- THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.
- ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE AND ALL BEARINGS ARE BASED ON GPS OBSERVATIONS, NAD83 / NSRS 2011 / SPC, UNLESS OTHERWISE SHOWN.
- PROPERTY LIES IN ZONE "X" PER NATIONAL INSURANCE PROGRAM FLOOD INSURANCE RATE MAP #3720071000K, DATED 02/02/2007.
- SITE ZONED "R-40W" & "R-80W" FOR WAKE COUNTY PER COUNTY GIS.
- AREAS COMPUTED BY COORDINATE METHOD.
- THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
- ALL BOUNDARY CORNERS SET ARE 3/4" IRON PIPE SET (3/4" IPS), UNLESS OTHERWISE NOTED.

ANNEXATION # _____

I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____ DAY/MONTH/YEAR

ALLEN COLEMAN, CMC, NCCCC,
TOWN CLERK



LINE TABLE

LINE#	DIRECTION	LENGTH
L1	S46° 50' 07"W	75.89'
L2	S51° 00' 53"W	86.92'
L3	S54° 38' 28"W	187.44'
L4	S54° 43' 11"W	166.66'
L5	S55° 37' 49"W	181.50'
L6	S74° 32' 21"W	335.97'
L7	S76° 14' 37"W	79.04'
L8	N01° 40' 52"E	31.15'
L12	S01° 21' 26"W	33.00'
L13	S62° 23' 27"E	222.99'
L14	S89° 31' 44"E	181.71'
L15	S14° 25' 18"E	66.83'
L16	N88° 11' 18"W	188.21'
L17	N88° 11' 18"W	25.93'
L18	N62° 24' 56"W	207.03'
L19	S14° 13' 06"E	52.03'

CURVE TABLE

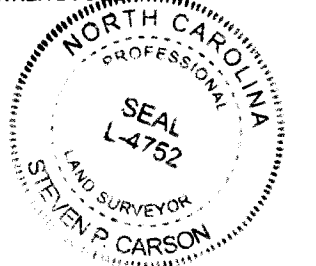
CURVE#	LENGTH	RADIUS	BEARING	CHORD
C1	222.83'	1538.08'	S62° 15' 39"W	222.64'
C2	205.52'	1502.64'	S70° 54' 26"W	205.36'

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.06'
 TYPE OF GPS FIELD PROCEDURE: NC REAL TIME NETWORK
 DATES OF SURVEY: JANUARY 2022
 DATUM/EPOCH: NAD83/NSRS2011/SPC
 GEOID MODEL: 18
 COMBINED GRID FACTOR(S): 0.99988368
 UNITS: US SURVEY FEET

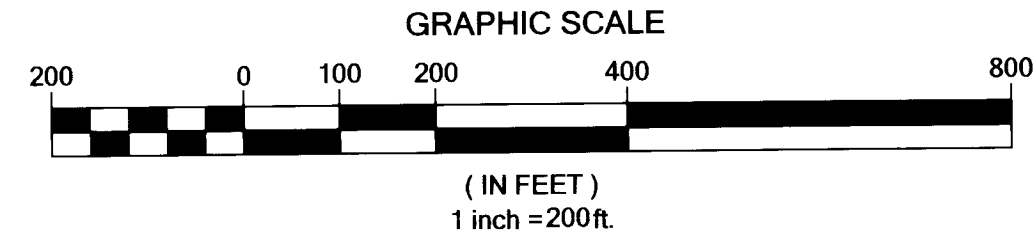
THIS MAP IS CONSIDERED PRELIMINARY, NOT FOR RECORDATION, CONVEYANCE OR SALES UNLESS SIGNED AND SEALED BY THE LICENSED SURVEYOR.

I, STEVEN P. CARSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 2367, PG 693 & DB 7883 PG 737); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HERE ON; 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, REGISTRATION NUMBER AND SEAL THIS 18 DAY OF OCTOBER, A.D., 2022.

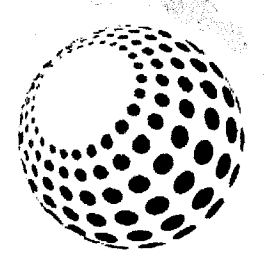
I, FURTHER THAT IN ACCORDANCE WITH G.S. 47-30-F-11-C-1; CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSE OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION CONVEYED TO A NEW OWNER BY DEED OR AN EXISTING CONFIGURATION.



STEVEN P. CARSON, PLS
 NC LICENSE NO. L-4752
 DATE 10/10/22



BATEMAN CIVIL SURVEY COMPANY
 ENGINEERS • SURVEYORS • PLANNERS
 2524 RELIANCE AVENUE, APEX, NC 27539
 PHONE: (919) 577-1080 FAX: (919) 577-1081
 INFO@BATEMANCIVILSURVEY.COM
 NCBELS FIRM# C-2378



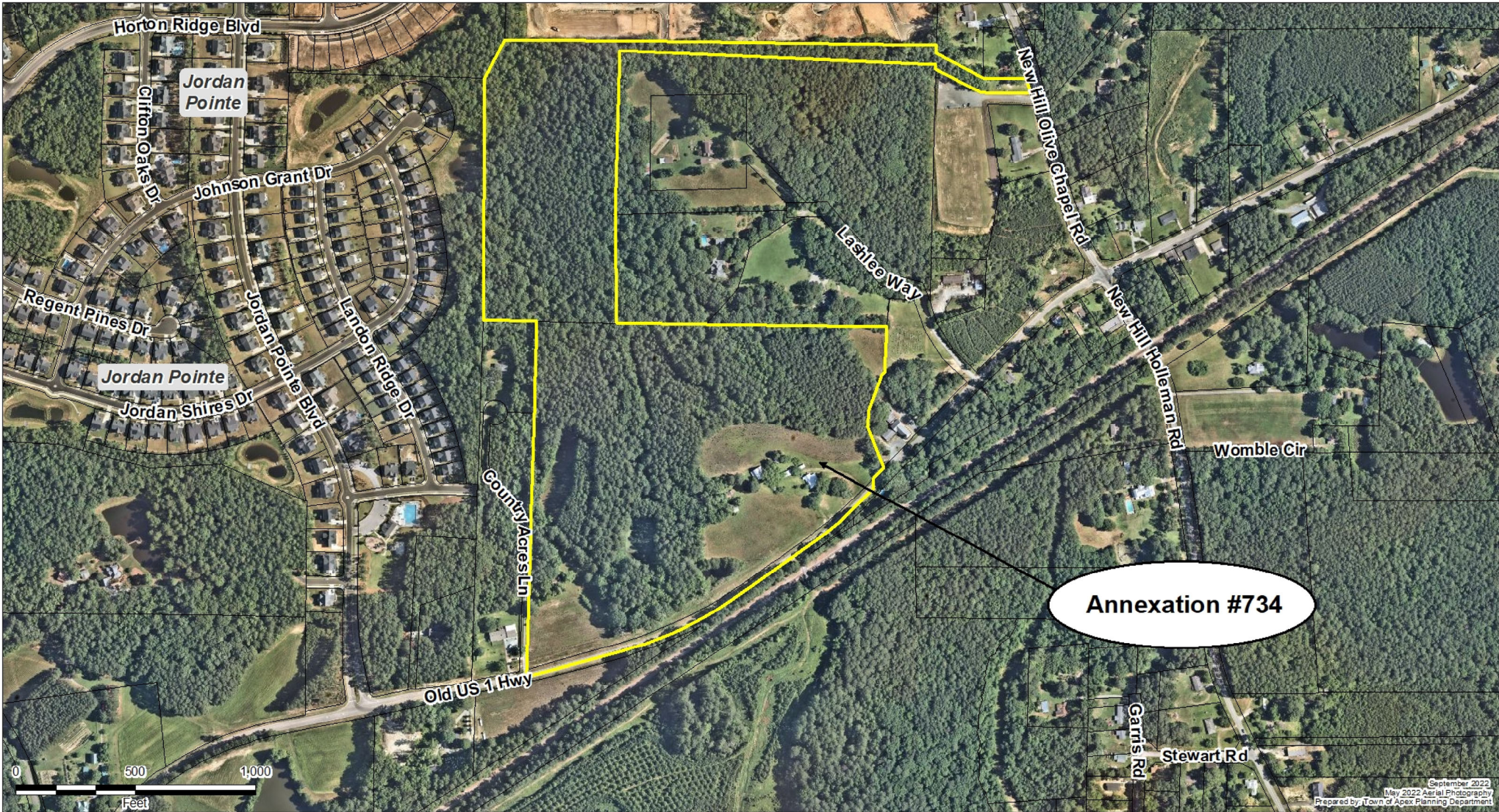
ANNEXATION MAP FOR THE TOWN OF APEX
 PARCEL ID NUMBER(S): 0710714834 & 0710736732
 AS RECORDED IN DB 7883 PG 737 & DB 2367 PG 693
 BUCKHORN TWP • WAKE COUNTY • NORTH CAROLINA

REVISIONS

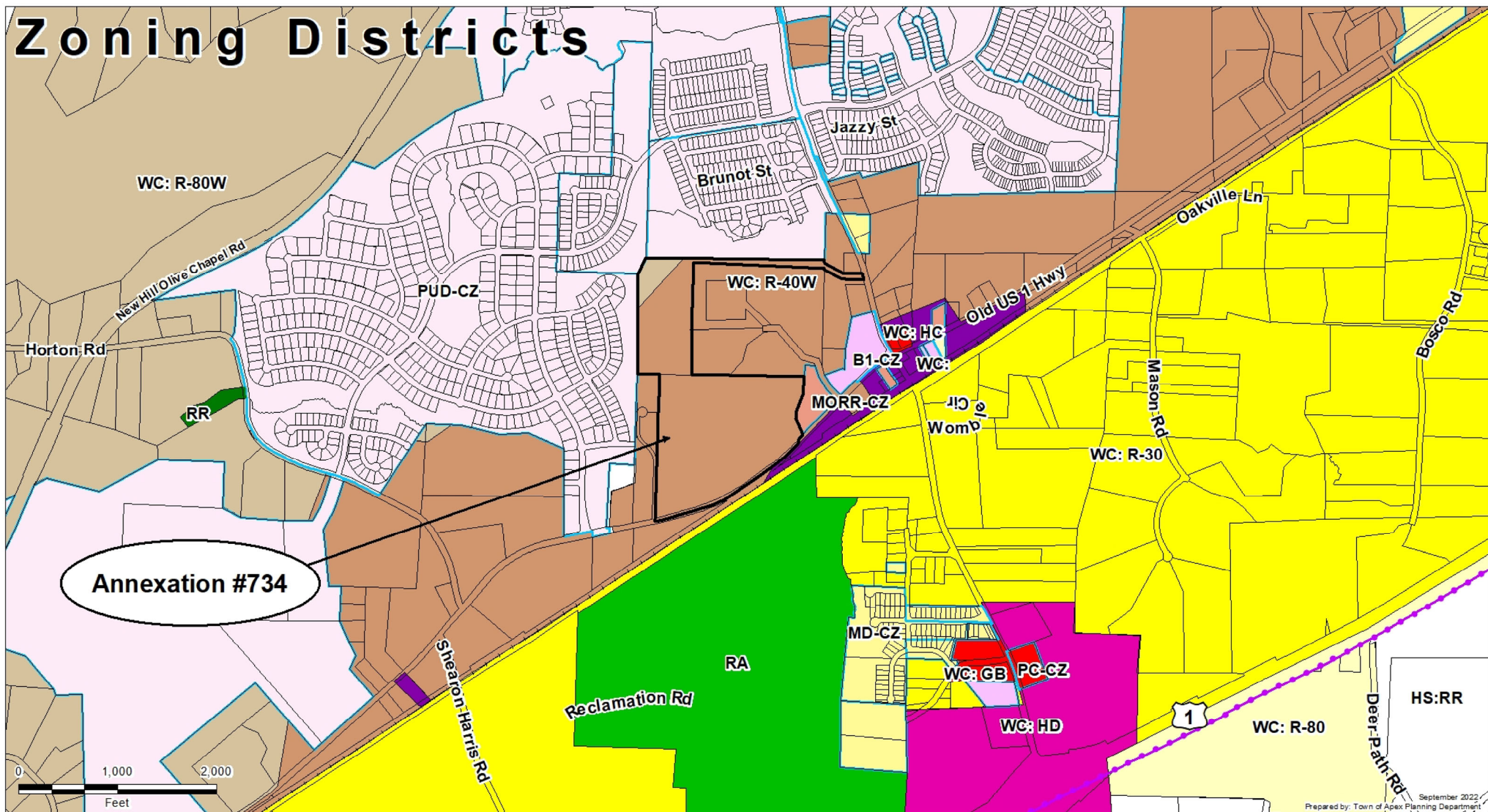
- REVISED PER TOWN OF APEX COMMENTS (5/13/22)
- REVISED TO REMOVE LAND SOUTH OF OLD US 1 (6/30/22)
- REVISED PER TOWN OF APEX COMMENTS (7/27/22)
-

DESIGNED BY: N/A
 DRAWN BY: ELS
 CHECKED BY: SPC
 SCALE: 1" = 200'
 DATE: 03/29/2022
 JOB NUMBER: 210950

SHEET 1 OF 1



Zoning Districts



September 2022
Prepared by: Town of Apex Planning Department

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 #: 2022-012 Submittal Date: 5/2/22
 Fee Paid: \$ 200.00 Check #: 3358

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, Chatham 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

<u>Horton, Myrtle H.</u> Owner Name (Please Print)	<u>0710-71-4834 (DB 13-E Pg 2029)</u> Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address
<u>Hellon Joy Wellons & Ray E. Johnson</u> Owner Name (Please Print)	<u>0710-73-6732 (DB 20-E Pg 556)</u> 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: Bateman Civil Survey Company (Steven Carson & Josh Davidson)
 Phone: (919) 577-1080 Fax: (919) 577-1081
 E-mail Address: steven@batemancivilsurvey.com (Engineering contact: Jeff Roach, Peak Engineering & Design)

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>56.59</u> 61.24 acres	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>2</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>122</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 Department of Planning and Community Development with questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

MYRLE HOLT HORTON
Please Print

Myrle Holt Horton
Signature

Please Print

Signature

Please Print

Signature

Please Print

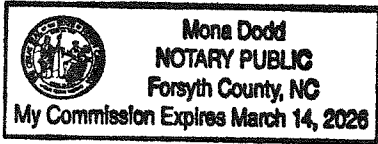
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Mona Dodd, a Notary Public for the above State and County,
this the 27 day of, April, 2022

Mona Dodd
Notary Public

SEAL



My Commission Expires: March 14, 2026

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: _____

Attest:

President (Signature)

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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Helen J. Wellons
Please Print

Helen J. Wellons
Signature

John D. Wellons Jr.
Please Print

John D. Wellons Jr.
Signature

Please Print

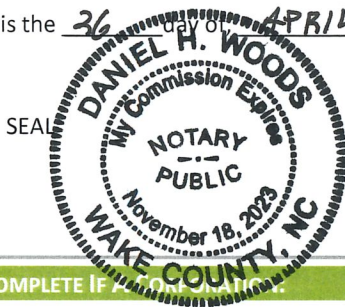
Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County,
this the 36 day of APRIL, 2022.



Daniel H. Woods
DANIEL H. WOODS Notary Public

My Commission Expires: 11/18/2023

COMPLETE IF _____

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 ____.

SEAL Corporate Name _____

Attest: By: _____
President (Signature)

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: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

RAY E JOHNSON

Please Print

Ray E Johnson

Signature

Janet O. Johnson
Please Print

Janet O Johnson
Signature

Please Print

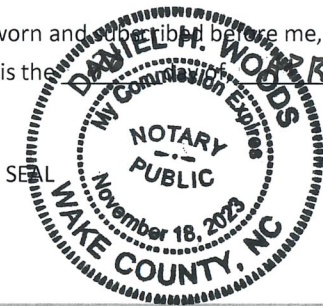
Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, this the APRIL, 2022.



Daniel H Woods
DANIEL H. WOODS Notary Public

My Commission Expires: 11/18/2023

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: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 8, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Continued from the October 25, 2022 Town Council meeting.

Public Hearing and possible motion to approve Rezoning Application #22CZ09 Utley Farms PUD and Ordinance. The applicant, Thurm Bowen, KB Home, Inc. Carolinas Division, seeks to rezone approximately 56.59 acres from Wake County Residential-40 (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development -Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on October 11, 2022 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0710714834 and 0710736732.

Attachments

- Staff Report
- Vicinity Map
- Application
- Statement of Town Council and Ordinance



STAFF REPORT

Rezoning #22CZ09 Utley Farms PUD

November 8, 2022 Town Council Meeting



All property owners, tenants, and neighborhood associations within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 3720 Old US 1 Highway & 0 New Hill Olive Chapel Road
Applicant/Agent: Thurm Bowen, KB Home, Inc. Carolinas Division/Jeff Roach, Peak Engineering & Design, LLC.
Owners: Myrtle H. Horton, Helon Joy Wellons, & Ray E. Johnson

PROJECT DESCRIPTION:

Acreage: ±56.59 acres
PINs: 0710714834 & 0710736732
Current Zoning: Wake County Residential-40W (R-40W) & Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Low Density Residential & Low Density Residential/Office Employment
Town Limits: Currently in Wake County jurisdiction; to be annexed with rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ17)	Single-family Residential (Belterra Subdivision)
South:	Wake County Residential-40W (R-40W)	Single-family Residential; Old US 1 Highway
East:	Wake County Residential-40W (R-40W); Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ #19CZ19)	Single-family Residential; Place of Worship and Cemetery
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ30 & #18CZ05); Wake County Residential-40W (R-40W)	Single-family Residential (Country Acres, Jordan Pointe and Jordan Oaks Subdivisions)

EXISTING CONDITIONS:

The properties are situated on the north side of Old US 1 Highway and west of New Hill Olive Chapel Road. The properties are south of the Belterra subdivision and east of the Jordan Pointe subdivision. The northern property is vacant with existing vegetation and a stream that bisects the property from north to south. The southern property contains existing historic structures and residential structures, a stream that bisects the property from north to south, and existing vegetation.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 27, 2022. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated.

STAFF REPORT

Rezoning #22CZ09 Utley Farms PUD

November 8, 2022 Town Council Meeting



School expansion or construction within the next five years may address concerns at the elementary, middle, and high school grade level.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Low Density Residential and Low Density Residential/Office Employment. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with those Land Use Map designations.

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development Plan with uses and development standards as follows:

Permitted Uses:

The development will include residential uses. The Rezoned Lands may be used for, and only for, the uses listed below. The permitted uses are subject to the limitation and regulations stated in the UDO and any additional limitation 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.

- Single-family
- Greenway
- Recreation facility, private
- Accessory apartment
- Park, active
- Park, passive
- Utility, minor

Proposed Design Controls:

Maximum Density: 2.0 units per acre

Maximum Number of units: 113 units

Minimum Lot Size: 6,000 sf

Maximum Built-Up Area: 60%

Minimum Lot Width: 50 feet

Maximum Building Height: 36 feet, no more than 2 stories

Setbacks

	Proposed Minimum Setbacks	
Single-family	Front	10'
	Front (garage) (from sidewalk or back-of-curb where no sidewalk exists)	20'
	Side	5'
	Side (corner)	10'
	Rear	10'
	Building to buffer/RCA	10'
	Parking to buffer/RCA	5'
Private Recreation Facility	Front	10'
	Front (garage)	N/A
	Side	10'
	Side (corner)	10'

STAFF REPORT

Rezoning #22CZ09 Utley Farms PUD

November 8, 2022 Town Council Meeting



Proposed Minimum Setbacks	
Rear	10'
Building to buffer/RCA	10'
Parking to buffer/RCA	5'

Proposed RCA & Buffers

Per UDO Sec. 8.1.2.C *Size of the RCA*, this development is exempt from initially providing RCA since the proposed low density single-family development has a maximum density of two (2) dwelling units per gross acre. However, per UDO Sec. 7.2.5.B.8, if any mass grading is proposed in the single-family sections of the PUD, the development shall provide an additional five percent (5%) RCA.

Residential Buffers:

Perimeter Buffers:	UDO Required	Proposed
North (Belterra)	10' Type B	10' Type B
Northern boundary (along existing properties Miller, Vitek, & Burroughs)	20' Type B	10' Type B & 20' Type B
West (Jordan Pointe & Country Acres Lane)	10' Type B & 20' Type B	10' Type B
East (along existing properties, existing church, and cemetery)	20' Type B & 20' Type A	10' Type B
Old US 1 Highway**	30' Type B	30' Type B
** Old Us 1 Highway- historic preservation frontage	30' Type E	30' Type B
New Hill Olive Chapel Road	30' Type B	30' Type B

Thoroughfare and Collector Street Buffers:

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Old US 1 Highway with an exception for a Type 'E' buffer fronting the existing historic farmhouse and accessory structures, as requested by Capital Area Preservation and the State Historic Preservation Office.

Adjacent property redevelopment buffer:

The buffer can be removed in those locations along the following parcels or portion of parcels if the Wellons property (identified as the "Future Development Area" within the PUD Drawings) is redeveloped in conjunction with the adjacent N/F Andrew Martin (PIN 0710-83-5242), the N/F Ralph Miller property (PIN 0710-83-0487), and/or the N/F Richard Vitek property (PIN 0710-72-4872) as the Wellons property is too narrow to develop independent of such properties.

ZONING CONDITIONS

The following conditions shall also apply:

- A) A maximum of 113 residential units shall be permitted upon the property.
- B) No covenant shall be placed on the property which prohibits accessory apartment as a use.
- C) All residential dwellings and any amenity constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
- D) Stormwater controls for development shall be increased to the 25-year storm as provided for in this PUD.
- E) There shall not be any tree clearing, stormwater control measures (SCM), or other infrastructure



in either zone of riparian buffers except for UDO permitted crossings and utilities.

- F) Signage shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G) The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H) The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I) Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J) Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K) A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L) The project shall increase biodiversity within the amenity area and recreational areas within the development by selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)
- M) The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N) The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
 - a. The project within an amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O) A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- P) A minimum 4kW solar PV system shall be installed on at least 3 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 development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
- Q) Of the permitted residential single family detached dwellings, at least two (2) restricted median-income affordable housing single family detached ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by households earning no more than one hundred percent (100% - Median-Income) of the Raleigh, NC MSA AMI, adjusted



for family size as most recently published by HUD. The two (2) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. lot reservation agreement) shall be recorded against the two (2) Affordable Housing Unit lots prior to the issuance of a building permit for such lots and a separate restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years shall be recorded against each of the Affordable Housing Units at purchase closing to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

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. 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 Master Subdivision submittal. Except with respect to the existing historic home, the following conditions shall apply:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Primary building materials shall be brick, stone, and fiber cement siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features 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.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- G. Front facing garage doors must have windows, decorative details, or carriage-style adornments.
- H. Entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.
- I. Porches constructed with a dwelling unit shall be a minimum of six feet (6') deep.
- J. The front façade of any front-loaded garage shall not protrude farther than one (1) foot forward of (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

HISTORIC STRUCTURES

The North Carolina State Historic Preservation Office (SHPO) shows the properties are located within the New Hill Historic District and include the existing Utley-Horton Farm (Nommie Horton Farm – SHPO ID WA1098). In coordination with Capital Area Preservation, the PUD proposes to retain and preserve the historic home (in its current location) and two barns on the property (one relocation and one preservation).

NATURAL RESOURCE AND ENVIRONMENTAL DATA



The project is located within the Little Beaver Creek Basin and Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

PARKING

Parking for the development shall meet the requirements of UDO Section 8.3.

SIGNAGE

All signage for this PUD shall comply with Apex UDO Section 8.7 *Signs*.

PUBLIC FACILITIES:

The proposed PUD shall be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. The development will be served water and sewer by the Town of Apex.

STORMWATER MANAGEMENT:

The PUD stormwater control devices shall be designed and constructed to exceed UDO standards so that the post development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 10-year, and 25-year, 24-hour storm events. The development shall meet all stormwater management requirements for quality and quantity treatment in accordance with UDO Section 6.1.7.

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan and Bicycle Pedestrian System Plan.

- **Potential Access Points:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

Old US 1 and New Hill Olive Chapel Road/New-Hill Holleman Road:

- Developer shall construct an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper. In the event there is insufficient right-of-way for this off-site transportation improvement, Developer shall use commercially reasonable efforts to acquire the right-of-way through good faith negotiations starting with an offer to the third party land owner(s) based upon an appraised value of the right-of-way to be acquired. In the event such negotiations are unsuccessful and the Town of Apex is unable or unwilling to assist Developer in acquiring the requisite right-of-way,



Developer shall pay a fee-in-lieu in the amount of the appraised cost of the required right-of-way plus estimated construction cost of the turn lane.

Old US 1 and Site Driveways:

The Developer shall construct two access points on Old US 1 consisting of:

- Site Drive 1: A full-movement stop-controlled public street intersection approximately 1,200 feet west of the intersection of New Hill Olive Chapel Road, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.
- Site Drive 2: A full-movement stop-controlled public street intersection approximately 1,050 feet west of the intersection of Old US 1 and Site Drive 1, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 21, 2022. The zoning conditions suggested by the EAB are listed below along with the applicant’s response to each condition.

EAB Suggested Condition	Applicant’s Response
Recommend that all homes be pre-wired for solar PV systems	Added
Recommend the storm water management system provide for the minimum 25-year storm with preference for managing the 100-year storm	Added
Twenty homes each have a solar PV system of minimum 4kw (about 12 panels)	Added; zoning condition references at least three (3) homes.
Increase design storm pre- and post-attenuation requirement to the 25-year storm	Added
Add a permit condition which does not allow for tree clearing, stormwater control measures (SCM), or infrastructure in either zone of the riparian buffer	Added
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none"> o Reduce pet waste near SCM drainage areas o Eliminate fertilizer near SCM drainage areas 	Added
Plant trees as designed for efficiency <ul style="list-style-type: none"> o Plant deciduous shade trees on southern side of buildings o Plant evergreen trees as a windbreak on northern side of buildings 	Added
Increase biodiversity <ul style="list-style-type: none"> o Plant pollinator-friendly flora o Plant native flora (Refer to the Apex Design & Development Manual for approved native species) 	Added
Increase landscaping that requires less irrigation and chemical use <ul style="list-style-type: none"> o Plant warm season grasses for drought-resistance 	Added
Increase the number of native hardwood tree species planted to 3	Added
Add information signage or other marking at the boundary of lots when they are adjacent to a wooded or natural condition resource conservation area (RCA) indicating that the area beyond the sign is RCA and is not to be disturbed	Not added

STAFF REPORT

Rezoning #22CZ09 Utley Farms PUD

November 8, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
Install pet waste stations in neighborhoods	Added
Include International Dark Sky Association compliance standards <ul style="list-style-type: none">○ Outdoor lighting shall be shielded in a way that focuses lighting to the ground○ Lighting that minimizes the emission of blue light to reduce glare shall be used○ Lighting with a color temperature of 3000K or less shall be used for outside installations	Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Utley Farms PUD project at their August 31, 2022 meeting. The Commission made a recommendation for a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be deposited with the Town at the time the first final subdivision plat is approved for the units within each phase.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on October 10, 2022 and unanimously recommended approval with conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #22CZ09 Utley Farms PUD as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the subject properties as Low Density Residential and Low Density Residential/Office Employment. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is consistent with that Land Use Map designation.

Approval of the proposed rezoning is reasonable and in the public interest because it will allow development for single-family residential uses in a manner to be generally consistent with the surrounding properties. The proposed rezoning also provides additional environmental conditions and a minimum of two affordable housing units.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.



1. *Planned Unit Development (PUD-CZ) District*

In approving a Planned Development (PD) Zoning District designation for a PUD-CZ, the Town Council shall find the PUD-CZ district designation and PD Plan for PUD-CZ demonstrates compliance with the following standards:

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
 - (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of 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 in 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.
 - (iii) The dimensional standards in Sec. 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.
 - (iv) 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 Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, 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.
 - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
 - (vi) 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.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide 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.
- b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced



by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

- (i) A non-residential component;
- (ii) An overall density of 7 residential units per acre or more; or
- (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs*. Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities*. The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.



- (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.
- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the PUD-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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.

- 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.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 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.
- 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.



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



Public Works & Transportation

September 9, 2022

Danielle Troutman, E.I.
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: **Staff summary and comments for the Utlely Farms TIA (04/29/2022).**

Ms. Troutman:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The TIA includes analysis of two (2) new full movement access driveways off of Old US Hwy 1 as well as the intersection of Old US Hwy 1 and New Hill Olive Chapel Road/New Hill Holleman Road.

Trip Generation

The proposed development is proposed to consist of 140 single-family detached homes. The projected trip generation is approximately 26 new trips entering and 75 new trips exiting the site during the weekday A.M. peak hour and 86 new trips entering and 50 new trips exiting the site during the weekday P.M. peak hour. The development is expected to add a total of 1,380 new weekday trips to the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth from base year (2022) compounded to projected build out year (2026), and traffic from the following approved developments:

- Gracewood PUD
- Belterra
- Olive Ridge
- Jordan Manors (20% of remaining build-out traffic)

TOWN OF APEX

The Peak of Good Living

Trip Distribution and Assignment

Trip distribution to and from the development is as follows:

- 10% to/from the north via New Hill Olive Chapel Road
- 50% to/from the south via New Hill-Holleman Road
- 35% to/from the east via Old US Hwy 1
- 5% to/from the west via Old US Hwy 1

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 3 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "NA" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2022** - Existing year 2022 traffic.
- **No Build 2026** - Projected year (2026) with background growth and background improvements.
- **Build 2026** - Projected year (2026) with background traffic, background improvements, site build-out traffic, and recommended improvements.

Old US Hwy 1 and Site Drive 1

Table 1: Weekday A.M. / P.M. Unsignalized Peak Hour Levels of Service Old US Hwy 1 and Site Drive 1	
	Build 2026
<u>Overall</u>	<u>NA</u>
<i>Eastbound (Old US Hwy 1)</i>	<i>A / A¹</i>
<i>Westbound (Old US Hwy 1)</i>	<i>NA</i>
<i>Southbound (Site Drive 1)</i>	<i>C / C²</i>

1. Level of service for major-street left turning vehicles
2. Level of service for stop controlled minor-street

TIA recommendations:

- The TIA recommends the construction of a full movement stop-controlled southbound approach with a single lane of ingress and a single lane of egress on Old US Hwy 1, approximately 1,200 feet west of the intersection of Old US Hwy 1 and New Hill Olive Chapel Road/New Hill Holleman Road. Additionally, the TIA recommends construction of a westbound right turn lane with 50 feet of storage and appropriate deceleration length and taper as it's warranted per NCDOT turn lane warrants. Alternatively, the TIA recommends construction of an eastbound left turn lane with 50 feet of storage and appropriate deceleration length and taper. Even though it's not warranted per NCDOT turn lane warrants, it's common safety practice to provide a left turn lane on rural type major thoroughfares with higher speed limits.

Apex staff recommendations:

- Apex staff recommends providing an eastbound left turn lane at Site Drive 1 in lieu of the westbound right turn lane, as recommended in the TIA.
- With the recommended improvements the stop-controlled minor street approach will operate at LOS C during both peak hours. Queues are projected to be minimal.

Old US Hwy 1 and Site Drive 2

Table 2: Weekday A.M. / P.M. Unsignalized Peak Hour Levels of Service Old US Hwy 1 and Site Drive 2	
	Build 2026
Overall	<u>NA</u>
Eastbound (Old US Hwy 1)	A / A ¹
Westbound (Old US Hwy 1)	NA
Southbound (Site Drive 2)	C / C ²

1. Level of service for major-street left turning vehicles
2. Level of service for stop controlled minor-street

TIA recommendations:

- The TIA recommends the construction of a full movement stop-controlled southbound approach with a single lane of ingress and a single lane of egress on Old US Hwy 1, approximately 1,050 feet west of the intersection of Old US Hwy 1 and Site Drive 1. Additionally, the TIA recommends construction of a westbound right turn lane with 50 feet of storage and appropriate deceleration length and taper as it's warranted per NCDOT turn lane warrants. Alternatively, the TIA recommends construction of an eastbound left turn lane with 50 feet of storage and appropriate deceleration length and taper. Even though it's not warranted per NCDOT turn lane warrants, it's common safety practice to provide a left turn lane on rural type major thoroughfares with higher speed limits.

Apex staff recommendations:

- Apex staff recommends providing an eastbound left turn lane at Site Drive 2 in lieu of the westbound right turn lane, as recommended in the TIA.
- With the recommended improvements the stop-controlled minor street approach will operate at LOS C during both peak hours. Queues are projected to be minimal.

Table 3: Weekday A.M. / P.M. Signalized Peak Hour Levels of Service Old US 1 and New Hill Olive Chapel Road/New Hill Holleman Road					
	Existing 2022	No Build 2026 w/out Gracewood	Build 2026 w/out Gracewood	No Build 2026 w/ Gracewood	Build 2026 w/ Gracewood
<u>Overall</u>	<u>B / B</u>	<u>C / F</u>	<u>C / E</u>	<u>D / E</u>	<u>D / E</u>
<i>Eastbound (Old US 1)</i>	<i>B / B</i>	<i>C / B</i>	<i>C / C</i>	<i>D / E</i>	<i>E / E</i>
<i>Westbound (Old US 1)</i>	<i>B / B</i>	<i>B / C</i>	<i>B / F</i>	<i>D / D</i>	<i>D / E</i>
<i>Northbound (New Hill Holleman Road)</i>	<i>B / B</i>	<i>C / F</i>	<i>C / F</i>	<i>D / D</i>	<i>D / D</i>
<i>Southbound (New Hill Olive Chapel Road)</i>	<i>B / B</i>	<i>D / E</i>	<i>C / C</i>	<i>D / F</i>	<i>D / F</i>

TIA recommendations:

- The TIA recommends that an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper be constructed to mitigate traffic impacts by the development. This recommendation was a result of a TIA Addendum submitted by the Engineer. The Addendum also notes that this length is shorter than the NCDOT recommendation of 225 feet of eastbound right turn storage. Based on Synchro and SimTraffic analysis the 175 feet of storage capacity is projected to adequately meet the right turn queue demand for this movement.
- It should be noted that previously the Gracewood development has also committed to constructing the following improvements at this intersection:
 - Eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.
 - Northbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
 - Southbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
 - Southbound right-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.

Apex staff recommendations:

- Apex staff concurs with the recommendation in the TIA. The 175-foot long eastbound right turn storage lane mitigates traffic impacts of the development at this intersection per the UDO. It should be noted that this intersection is still projected to operate with long delays and queues in the PM peak hour in the build condition without the improvements committed by Gracewood. Additional geometric improvements committed by the Gracewood development will further improve traffic operations at this intersection.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with NCDOT staff to discuss improvements on state maintained roadways as needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Serge Grebenschikov".

Serge Grebenschikov, P.E.
Traffic Engineer
919-372-7448



Rezoning #22CZ09

PLANNED UNIT DEVELOPMENT APPLICATION

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 #: 22CZ09 Submittal Date: 5/2/2022
Fee Paid: \$ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Utley Farms
Address(es): 3720 Old US 1 Highway (Horton) & 0 New Hill Olive Chapel Rd (Wellons)
PIN(s) 0710-71-4834 & 0710-73-6732

_____ Acreage: 56.59
Current Zoning: R-40W & R-80W Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Low Density Residential and Low Density/Office Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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:	<u>N/A</u>
Area proposed as non-residential development:	Acreage:	<u>N/A</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>N/A</u>

Applicant Information

Name: KB Home, Inc. - Carolinas Division (attn: Thurm Bowen)
Address: 4506 S. Miami Blvd #100
City: Durham State: NC Zip: 27703
Phone: (919) 768-7976 E-mail: rtbowen@kbhome.com

Owner Information

Name: See attached
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC (attn: Jeff Roach, P.E.)
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com
Other contacts: Jason Barron - Morningstar Law Group (jbarron@morningstarlawgroup.com)

UTLEY FARMS PUD

Property Owner – Exhibit ‘A’

Lot No.	Property Owner	Contact Information	Property Address	PIN	Real Estate ID (REID)	DB/Pg Reference	Acreage (acres)	Current Zoning
1	Horton, Myrtle H.	P.O. Box 312 New Hill, NC 27560-0312	3720 Old US 1 Highway	0710-71-4834	0033299	DB 7883 Pg 737	43.27 (39.84)	R-40W
2	Wellons, Helon Joy Johnson, Ray E.	400 Johnson Farm Road New Hill, NC 27562-8839	0 New Hill Olive Chapel Road	0710-73-6732	0043207	DB 2367 Pg 693	17.96	R-40W R/80W

AREA TOTAL: 61.24 acres
 AREA TOTAL (MINUS R/W): 58.89 acres
 FINAL ZONING AREA: 56.59 acres

Applicant and Owners’ Representative:

Mr. Thurm Bowen & Mr. Roman Acosta
 KB Home, Inc. (Carolinas Division)
 4506 S. Miami Blvd #100
 Durham, NC 27703
 (919) 768-7976 / (919) 768-7972
rtbowen@kbhome.com / racosta@kbhome.com

Civil Engineer and Applicant’s Representative

Mr. Jeff Roach, P.E. - Peak Engineering & Design, PLLC
 1125 Apex Peakway
 Apex, NC 27502
 (919) 439-0100
jroach@peakengineering.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22C22CZ09 /09

Submittal Date: 5/2/22

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town’s adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

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.

Answered within the PD Text document.

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

Answered within the PD Text document.

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

Answered within the PD Text document.

PETITION PROCESS INFORMATION

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.

Answered within the PD Text document.

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.

Answered within the PD Text document.

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.

Answered within the PD Text document.

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.

Answered within the PD Text document.

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

Answered within the PD Text document.

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.

Answered within the PD Text document.

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.

Answered within the PD Text document.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ09 Submittal Date: 5/2/22

Proposed Subdivision/Development Information

Description of location: north side of Old US 1 Highway west of New Hill Baptist Church & Cemetery
Nearest intersecting roads: Old US 1 Highway west of New Hill and west of Lashlee Lane
Wake County PIN(s): 0710-71-4834 (43.28 acres) & 0710-73-6732 (17.96 acres)
Township: Buckhorn Township

Contact Information (as appropriate)

Contact person: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)
Phone number: (919) 439-0100 Fax number: N/A
Address: 1125 Apex Peakway, Apex, NC 27502
E-mail address: jroach@peakengineering.com
Owner: See attached documents
Phone number: _____ Fax number: _____
Address: _____
E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Utlely Farms
2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

UTLEY FARMS PUD

Property Owner – Exhibit ‘A’

Lot No.	Property Owner	Contact Information	Property Address	PIN	Real Estate ID (REID)	DB/Pg Reference	Acreage (acres)	Current Zoning
1	Horton, Myrtle H.	P.O. Box 312 New Hill, NC 27560-0312	3720 Old US 1 Highway	0710-71-4834	0033299	DB 7883 Pg 737	43.27 (39.84)	R-40W
2	Wellons, Helon Joy Johnson, Ray E.	400 Johnson Farm Road New Hill, NC 27562-8839	0 New Hill Olive Chapel Road	0710-73-6732	0043207	DB 2367 Pg 693	17.96	R-40W R/80W

AREA TOTAL: 61.24 acres
 AREA TOTAL (MINUS R/W): 58.89 acres
 FINAL ZONING AREA: 56.59 acres

Applicant and Owners’ Representative:

Mr. Thurm Bowen & Mr. Roman Acosta
 KB Home, Inc. (Carolinas Division)
 4506 S. Miami Blvd #100
 Durham, NC 27703
 (919) 768-7976 / (919) 768-7972
rtbowen@kbhome.com / racosta@kbhome.com

Civil Engineer and Applicant’s Representative

Mr. Jeff Roach, P.E. - Peak Engineering & Design, PLLC
 1125 Apex Peakway
 Apex, NC 27502
 (919) 439-0100
jroach@peakengineering.com

UTLEY FARMS

PUD ZONING DOCUMENTS

MYRTLE H. HORTON PROPERTY

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____

Submission Date: _____

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utlely Farms (Horton and Wellons properties)

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

_____, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: _____

TOWN OF APEX

BY: [Signature] For
Authorized Agent PROPERTY OWNERS

BY: _____
Authorized Agent

DATE: 4/26/2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

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

- 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: 3720 Old US 1 (04710-71-4834)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Myrtle Holt Horton
Myrtle Holt Horton
Type or print name

4-27-22
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, Myrtle Holt Horton (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

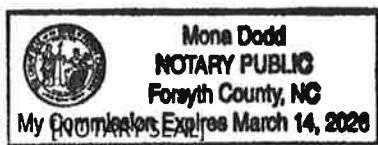
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3720 Old US 1 Highway, New Hill, NC and legally described in **Exhibit "A"** attached hereto and incorporated herein (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 6/22/2012, and recorded in the Wake County Register of Deeds Office on 6/22/2012, in Book 13-E Page 2029.
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 6/22/2012, 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 6/22/2012, 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 27 day of April, 2022.

x Myrtle Holt Horton (seal)
Myrtle Holt Horton
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Forsyth

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



Mona Dodd
Notary Public
State of North Carolina
My Commission Expires: March 14, 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

Submittal Date:

Insert legal description below.

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

UTLEY FARMS

PUD ZONING DOCUMENTS

HELON JOY WELLONS & RAY E. JOHNSON PROPERTY

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____

Submission Date: _____

**Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400**

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utlely Farms (Horton and Wellons properties)

(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

_____, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

The sale, delivery, and use of electric power by Customer at the Premises shall be subject to, and in accordance with, all the terms and conditions of the Town's service regulations, policies, procedures and the Code of Ordinances of the Town.

Customer understands that the Town, based upon this Agreement, will take action and expend funds to provide the requested service. By signing this Agreement the undersigned signifies that he or she has the authority to select the electric service provider, for both permanent and temporary power, for the Premises identified above.

Any additional terms and conditions to this Agreement are attached as Appendix 1. If no appendix is attached this Agreement constitutes the entire agreement of the parties.

Acceptance of this Agreement by the Town constitutes a binding contract to purchase and sell electric power.

Please note that under North Carolina General Statute §160A-332, you may be entitled to choose another electric supplier for the Premises.

Upon acceptance of this Agreement, the Town of Apex Electric Utilities Division will be pleased to provide electric service to the Premises and looks forward to working with you and the owner(s).

ACCEPTED:

CUSTOMER: _____

TOWN OF APEX

BY: [Signature] For
Authorized Agent PROPERTY OWNERS

BY: _____
Authorized Agent

DATE: 4/26/2022

DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

John V. Wellons Jr. is the owner* of the property for which the attached application is being submitted: Helon J. Wellons

- 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: 0 New Hill Olive Chapel Road (0710-73-6732)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Helon J. Wellons

Helon J. Wellons
Type or print name

4/26/2022
Date

John V. Wellons Jr.

John V. Wellons Jr.
Type or print name

4/26/2022
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, John V. Wellons Jr (the "Affiant") first being duly sworn, hereby swears or affirms as follows: Helon J. Wellons

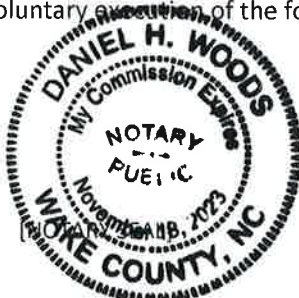
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 New Hill Olive Chapel Road, New Hill, NC and legally described in **Exhibit "A"** attached hereto and incorporated 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 10/1/2020, and recorded in the Wake County Register of Deeds Office on 10/1/2020, in Book 20-E Page 556.
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 10/1/2020, 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 10/1/2020, 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 _____ day of _____, 20_____.

John V. Wellons Jr (seal)
John V. Wellons Jr
Helon J. Wellons Type or print name
Helon J. Wellons

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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



Daniel H. Woods
 Notary Public DANIEL H. WOODS
 State of North Carolina
 My Commission Expires: 11/18/2023

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, JANET O JOHNSON
RAY E. JOHNSON (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 0 New Hill Olive Chapel Road, New Hill, 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 10/1/2020, and recorded in the Wake County Register of Deeds Office on 10/1/2020, in Book 20-E Page 556.
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 10/1/2020, 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 10/1/2020, 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.

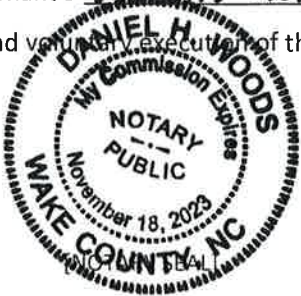
This the 26th day of April, 2022.

Ray E Johnson RAY E JOHNSON (seal)
Janet O. Johnson Janet O. Johnson

 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 RAY & JANET JOHNSON, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods
 Notary Public DANIEL H. WOODS
 State of North Carolina
 My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

RAY E. JOHNSON JANET O. JOHNSON is the owner* of the property for which the attached application is being submitted:

- 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: 0 New Hill Olive Chapel Road (0710-73-6732)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E.

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Ray E Johnson
RAY E JOHNSON
 Type or print name

4/26/2022
 Date

Janet O Johnson
Janet O. Johnson
 Type or print name

4/26/2022
 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: EXHIBIT A – LEGAL DESCRIPTION

Application #:

Submission Date:

Insert legal description below.

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

Developer Company Information	
Company Name	KB Home
Company Phone Number	(919) 768-7972
Developer Representative Name	Thurm Bowen
Developer Representative Phone Number	same
Developer Representative Email	rtbowen@kbhome.com

New Residential Subdivision Information	
Date of Application for Subdivision	May 2, 2022
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Utley Farms
Address of Subdivision (if unknown enter nearest cross streets)	3720 Old US 1 Highway, New Hill, NC
REID(s)	0033299 & 0080810
PIN(s)	0710-71-4834 & 0710-73-6732

Please complete each section of this form and submit with your application.

Town of Apex staff will enter this information into the online WCPSS form.

Please send any questions about this form to:
studentassignment-gis-group@wcpss.net

Projected Dates Information	
Subdivision Completion Date	August 2026
Subdivision Projected First Occupancy Date	August 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	113						113	1445	3174			2024	30	2025	50	2026	33
Townhomes																	
Condos																	
Apartments																	
Other																	

NOTICE OF 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.

April 13, 2022

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at

0 New Hill Olive Chapel Road

0710-73-6732

3720 Old US 1 Highway

0710-71-4834

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Board of Adjustment cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

KB Homes is proposing to annex and rezone the Property to facilitate the development of a residential

community consisting of around 110 single family detached homes. Currently, the property is zone R-80W &

R40-W in Wake County. KB Homes is proposing to rezone it to PUD-CZ in Apex.

Estimated submittal date: May 3, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Ray Wellons & Mrytle Horton

Applicant(s): KB Homes

Contact information (email/phone): jbarron@morningstarlawgroup.com/919-590-0371

Meeting Address: https://morningstarlaw.group/04272022mtg

Date/Time of meeting** : Wednesday, April 27, 2022 starting at 5PM

Welcome: 5:00PM Project Presentation: 5:03PM Question & Answer: 5:10PM

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.

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: ~~Belterra~~ Utley Farms Zoning: PUD-CZ

Location: 0 New Hill Olive Chapel Road & 3720 Old Us 1 Hwy

Property PIN(s): 0710-71-4834& 0710-73-6732 Acreage/Square Feet: 59.32 acres

Property Owner: Mrytle Horton and Ray Wellons

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: KB Homes

Address: 4506 S Miami Blvd Ste 100

City: Durham State: NC Zip: 27703

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): KB Homes

Address: 4506 S Miami Blvd Ste 100

City: Durham State: NC Zip: 27502

Phone: _____ Fax: _____ Email: _____

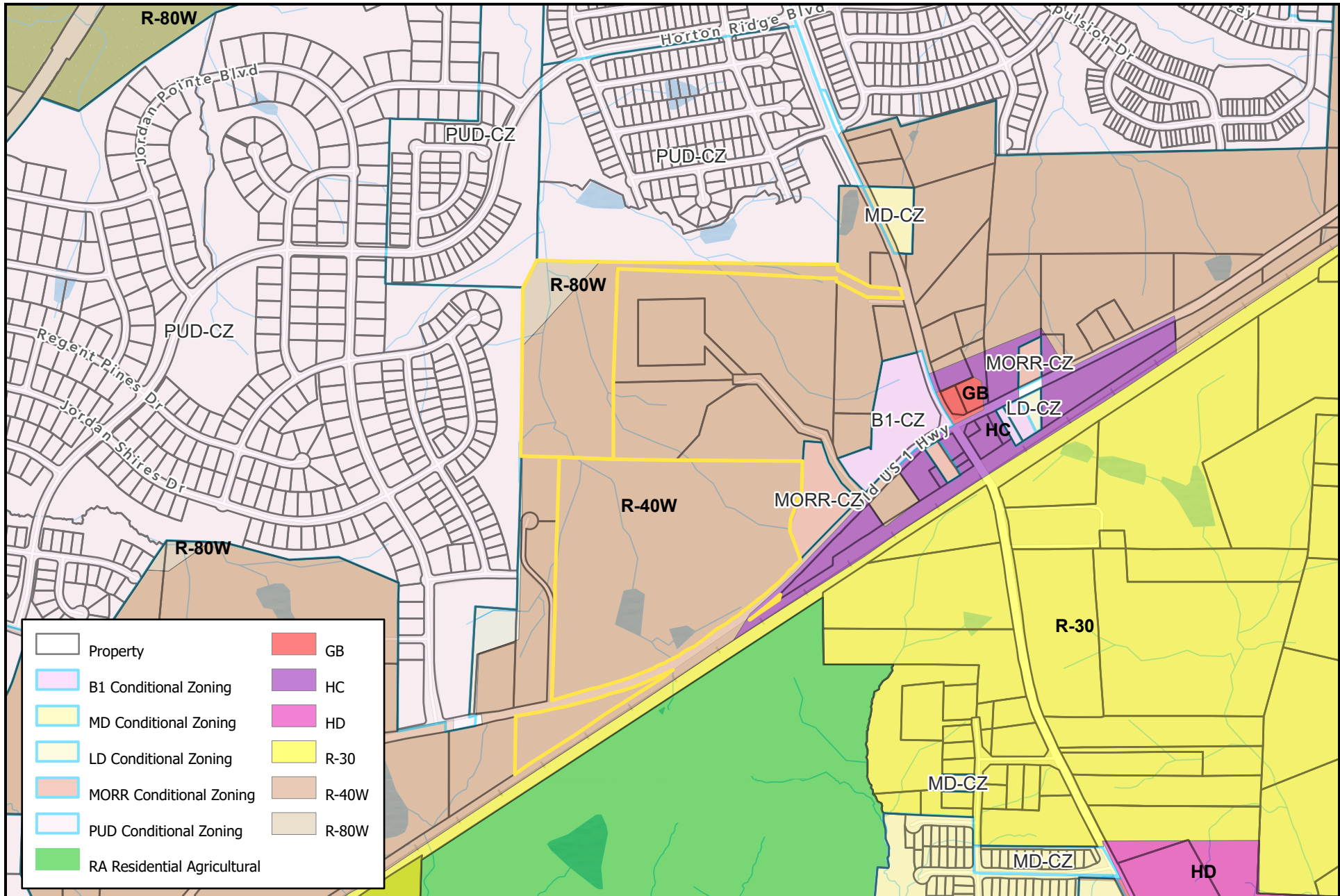
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts	
Planning and Community Development 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 and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

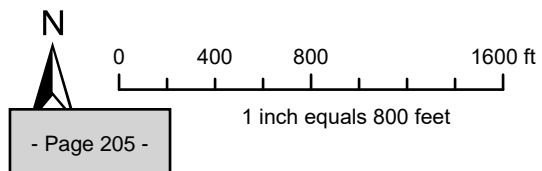
SITE ADDRESS	OWNER	MAILING ADDRESS	
3500 RECLAMATION RD	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
2625 NEW HILL OLIVE CHAPEL RD	ATKINS, LAURA B	PO BOX 217	NEW HILL NC 27562-0217
3437 JORDAN SHIRES DR	BOISVERT-ROACH, NOELLE ROACH, SHAD	3437 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3429 JORDAN SHIRES DR	BOWERS, SARA BOWERS, MATTHEW	3429 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2704 NEW HILL OLIVE CHAPEL RD	BROADWELL, ANNIE RUTH L	2704 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9176
2508 LASHLEE WAY	BURROUGHS, RICHARD S TRUSTEE	2508 LASHLEE WAY	NEW HILL NC 27562-9607
3507 JOHNSON GRANT DR	CAPANO, NICHOLAS G JR CAPANO, THERESA F	3507 JOHNSON GRANT DR	NEW HILL NC 27562-9313
3413 JORDAN SHIRES DR	CLARK, MARSLYN KAY CLARK, JEFFERY ALAN	3413 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3409 JORDAN SHIRES DR	COSTAKES, GREGORY EUBANKS, AMBER	3409 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2609 NEW HILL OLIVE CHAPEL RD	CUSUMANO, JOSEPH DAVID CUSUMANO, REAGAN LAYNE	2609 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9175
2620 NEW HILL OLIVE CHAPEL RD	DHILLON, HARDIP SINGH DHILLON, GURMINDER KAUR	5785 OLD US 1 HWY	NEW HILL NC 27562-8965
3445 JORDAN SHIRES DR	DICUS, DERRIN LEE DICUS, ANDREA KAY	3445 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3401 JORDAN SHIRES DR	EHRHARDT, VINCENT ROBERT SANTAMARIA, AMANDA DELIA	3401 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3912 OLD US 1 HWY	ESKRIDGE, CAMPBELL D JR ESKRIDGE, JO ANN	PO BOX 187	NEW HILL NC 27562-0187
0 OLD US 1 HWY	ESKRIDGE, CAMPBELL D JR ESKRIDGE, JOANN	PO BOX 187	NEW HILL NC 27562-0187
2912 NEW HILL HOLLEMAN RD	GARDNER, THELMA D	2912 NEW HILL HOLLEMAN RD	NEW HILL NC 27562-9242
3405 JORDAN SHIRES DR	HAROLD, ADAM J HAROLD, LAUREN E	3405 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3433 JORDAN SHIRES DR	HENAO, MANUEL IGNACIO MALDONADO, MONICA	3433 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2537 LASHLEE WAY	HEPBURN, DAVID M	1976 OLD BYRE WAY	APEX NC 27502-9113
2600 NEW HILL OLIVE CHAPEL RD	HICKS, MICHAEL N HICKS, ASHLEY FAY	2600 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9174
2937 LONDON RIDGE DR	HOPFER, PAUL A HOPFER, ELIZABETH N	2937 LONDON RIDGE DR	NEW HILL NC 27562-9305
3720 OLD US 1 HWY	HORTON, MRYTLE H	PO BOX 312	NEW HILL NC 27562-0312
2701 NEW HILL OLIVE CHAPEL RD	HUDSON, CLAUDE LEE JR HUDSON, JUDY A	PO BOX 7	NEW HILL NC 27562-0007
0 JOHNSON GRANT DR	JORDAN POINTE HOMEOWNERS ASSOCIATION INC	PPM	11010 RAVEN RIDGE RD
2713 LADOGA PL	KB HOME RALEIGH-DURHAM INC	4506 S MIAMI BLVD STE 100	DURHAM NC 27703-8001
3425 JORDAN SHIRES DR	LISI, BETHANY A BUIE, RYAN P	3425 JORDAN SHIRES DR	NEW HILL NC 27562-9310
8621 ATHLETE DR	MARTIN, ANDREW T	105 DUNEDIN CT	CARY NC 27511-6405
3500 JOHNSON GRANT DR	MEYERS, BRADLEY C JOHNSTON-MEYERS, ERIN E	3500 JOHNSON GRANT DR	NEW HILL NC 27562-9313
2509 LASHLEE WAY	MILLER, RALPH G JR MILLER, DENISE A	2509 LASHLEE WAY	NEW HILL NC 27562-9608
3421 JORDAN SHIRES DR	NAFKE, ALEXA J	3421 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3701 OLD US 1 HWY	NAGLE, MICHAEL A NAGLE, DORIS J	3701 OLD US 1 HWY # 1	NEW HILL NC 27562-9763
3700 OLD US 1 HWY	NEW HILL BAPTIST CHURCH & CEMETERY TRUSTEES	3700 OLD US 1 HWY	NEW HILL NC 27562-9762

RALEIGH NC 27614-8837

Mailing list provided by the Town
of Apex Addressing and GIS staff.



Parcel and Current Zoning Map



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.

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: See attached information regarding the neighborhood meeting and sign in sheet

Date of meeting: April 27, 2022 Time of meeting: 5:00 - 7:00

Property Owner(s) name(s): See attached documents

Applicant(s): _____

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. For virtual meetings, applicants must include all known participants and request the information below.

	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.

UTLEY FARMS – NEIGHBORHOOD MEETING ATTENDEE LIST

Name	email address	Address 1	Address 2
David Hepburn		1976 Old Byre Way	Apex, NC 27502
Neal Zipser		5020 Darcy Woods Ln	Fuquay Varina, NC 27526
Cheryl Zipser		5020 Darcy Woods Ln	Fuquay Varina, NC 27526
Martin Skou		3900 Old US 1 Highway	New Hill, NC 27562
David Horton		1581 Martin Road	Mount Airy, NC 27030
Andrew MacNair			Apex, NC 27539
Daniel Strandh		3501 Johnson Grant Dr	New Hill, NC 27562
Leslie Fetzer		4208 Olive Branch Ln	New Hill, NC 27562
Cate Vetter		3449 Jordan Shires Dr	New Hill, NC 27562
Billy Jones		1024 Bolejack Road	Germanton, NC 27019
Jeff Roach		1125 Apex Peakway	Apex, NC 27502
Jason Barron		421 Fayetteville St Suite 350	Raleigh, NC 27601
Roman Acosta		4506 S. Miami Blvd	Durham, NC 27703
Thurm Bowen		4506 S. Miami Blvd	Durham, NC 27703
Doug Schwartz		4506 S. Miami Boulevard	Durham, NC 27703

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): Horton and Wellons/Johnson

Applicant(s): _____

Contact information (email/phone): Jeff Roach, Peak Engineering & Design & Jason Barron (Morningstar Law)

Meeting Address: VIRTUAL MEETING

Date of meeting: April 27, 2022 Time of meeting: 5:00 - 7:00

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

See attached list of comments/questions from the neighborhood meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

UTLEY FARMS

NEIGHBORHOOD MEETING REPORT

- Q. Looking for the timeline. When will clearing begin? Start of construction?
- A. "Zoning - Takes about 4 to 5.5 months;
 - B. Subdivision Process - Takes about 9 - 12 months;
 - C. Build out - Start about Fall of 2023. About an 11 month development cycle."
- Q. What privacy barriers will be put in place between neighboring land?
- A. Proposing perimeter buffers consistent with the Town's ordinances. 10-ft buffer along along most of the boundary. Along US-1, a 30-ft buffer. 20-ft buffer in some areas.
- Q. Has apex already annexed the property?
- A. No. We will be applying for annexation which should be voted upon at the same time as the rezoning.
- Q. Also it seems this is a done deal if the land has already purchased by a developer. True?
- A. The developer is under contract to purchase the land and has not yet purchased it. The developer would not close on the property if the rezoning is not approved.
- Q. Units would be in the 'yellow' sections, correct?
- A. Yes. Single-family homes are proposed in the areas shaded in yellow.
- Q. Or rather - Not 'below' the red asterisks in the section w/ the 'arm' branch.
- A. There will not be anything developed on the west side of the stream
- Q. Will there be a wood fence with landscaping around the buffer zone?
- A. Our plans do not include a wood fence at this time.
- Q. So historic home would go across US1?
- A. That is what we believe but this has not yet been decided.
- Q. 10 foot buffer on country acres land seems narrow.
- A. This was discussed with the attendees and due to the existing stream buffer and adjacent access easement (Country Acres Lane), the 10' buffer is proposed in this location. We will continue to evaluate buffers throughout the development during zoning and MSP designs.
- Q. This question is probably for Jeff, I'm wondering about the availability of water and sewer access for the future commercial properties to the north/east off Lashlee Way (Hepburn), plus Patel's gas station on the corner of NHOC and Old US1, plus Martin's property behind Miss Annie's property on NHOC Rd.
- A. This project does not contemplate extending sewer towards Patel's gas station. The property in question is not upstream of the Utley Farm project and therefore will not be served through this development.

Q. On the Wellon's property, will all the trees be left in place to the west side of the larger creek? (between the creek and Jordan Pointe)

A. Yes. Anything shown in grey will be left along except where sewer crosses over. Specifically in a location along the western boundary of the Wellons property abutting the Jordan Pointe HOA property.

Q. Our Country Acres road is a legal easement that is to be maintained by our neighbor and us. It appears you have a road joining to our easement. Does that mean that be taken by the City and they would pave and manage the road?

A. No, it does not. We will not be sending traffic towards a privately maintained road. We will be providing street stubs to some adjacent properties to allow for future connectivity. This is one of those street stubs for future connection by others.

Q. Are you aware of the sewer odor from Jordan Pointe. Will this development use this as air relief ?

A. The pump station west of Jordan Point is a public pump station. The sewage from this project should be going north towards Beaver Creek. We are not aware of an odor issue or from where it may be stemming. Contact public works about this.

** Additional information was provided and the Town of Apex Public Works Department contacted concerning the Air Release Value (ARV) on Old US 1 near 3900 Old US 1 property. This has been an ongoing discussion with the property owner and Town of Apex staff.

Q. The easement along country acres lane is our property. Why only 10 feet?

A. The use adjacent to Utley Farms is a roadway access. Any redevelopment of the property would be in keeping with the proposed Utley Farms density/use which would require the 10' buffer. Being adjacent to the street dictates the 10' buffer as a reasonable transition between uses.

Q. If I understand correctly where the existing historic house temporary move was contemplated, across Us 1 that is not part of the current property under contract.

A. The property on the south side of Old US 1 **IS** part of the Horton property. The attendees were shown the Wake County GIS website for the property boundaries.

Q. We have tried.

A. A question concerning the Jordan Pointe pump station odor. Comment addressed above with a conversation with staff after the neighborhood meeting.

Q. If construction vehicles do use our road, who do we contact to prevent that? It can be expensive to maintain if big construction vehicles use it. It can get quite muddy and create ruts, and we would want recourse. We had to chain our driveway to to prevent Jordan Pointe construction folks from driving up and down our driveway, thinking it was an access.

A. This project has direct access and a large amount of frontage on Old US 1. The construction vehicles will not be directed to Country Acres Ln so we do not expect this to be an issue during construction. Signage will be posted on the site to notify contractors of the project access points.

Q. We live on old us 1. There have been several exchanges with govt. folks regarding the smell in JP.

A. (live answered) See above response concerning the Jordan Pointe pump station odor.

Q. 3900 old us 1. Air release is on our property (concerning the pump station ARV)

A. Comment related to the Jordan Pointe pump station ARV.

Q. Is the being recorded? If so will it be made available?

A. Yes.

Q. Just to be clear no land will be moved or trees taken down until fall 2023?

A. yes, it will take that long to go through the design and approval process (estimated approval time)

Q. Is the Wellons section of the neighborhood going to be developed at roughly the same time? It looks like there is no access to the wellons side from the horton side.

A. no, construction will not occur until access can be provided. Access from Horton to Wellons is restricted by buffers and other environmental features.

Q. And we presume all 2 story homes?

A. Yes, with the possibility of a ranch plans.

Q. How frequent will meetings like this be held so neighbors can stay informed?

A. No additional rezoning neighborhood meeting, but we are happy to meet to discuss further if folks desire. The design team and builder is also available to answer questions via email/phone.

Q. So to know when you are close to taking down trees, starting construction, etc. We can learn this by attending public hearings?

A. In addition to those public meetings, there also will be a neighborhood meeting for the subdivision that will occur after the rezoning. The design team also provided a link to the Town's Interactive Development Map and contacts for Jason Barron (Morningstar Law Group) and Jeff Roach (Peak Engineering & Design) to answer additional questions after this meeting.

Q. So roughly 9-12 months before commencement of activities would be the Master Subdivision meeting? And thank you!

A. That is correct.

Q. Do you know if the sewer air relief from new development will also be going to the one on our property? 3900 old us 1 We believe our sewer line with go north of Jordan Pointe. It will follow the same path, but we are not pumping directly to that point. So will get worse with new homes!

A. This was answered above and the Town contacted to determine what is going on. We hope that is not the case and will work with the town to help you get to the root of the issue.

Q. Maybe town of apex could move it to their land? (Jordan Pointe pump station question)

A. We are not sure, but will work with you and the Town to get to the root of the issue

Q. It can be moved but they didn't want to spend the \$\$\$. FYI (Jordan Pointe pump station ARV question)

A. Good to know. Thanks.

Q. Thank you all! Was helpful. very welcome

Q. In Martin's defense, that valve can smell pretty ripe. Anyone that lives along that row of homes on country acres and old US1 may have certain times of day they would not be comfortable sitting in their new backyard. 🤢

A. Understand. We will talk with staff to see what the situation is. Thanks

Q. Is there somewhere we can get a PDF or equivalent of the map you showed? I took a screenshot but the image is scaled down.

A. Yes, we will send a pdf to everyone after the meeting. Please remember that the sketch are preliminary and WILL CHANGE through the Master Subdivision Plan design reviews.

Q. Thanks guys, signing off now. Will follow up with Jeff.

A. Thanks. I will let him know to be on the lookout.

Q. Did you say you'll send out the recording?

A. Yes, we will send out the recording as well as the maps that were shared.

Q. I remember seeing the 2045 map of Apex that showed the entire North-west corner of the Old US 1_New Hill Olive Chapel Road intersection (to include the horton and wellons property) as commercial/business. It sounds like you're anticipating the Lashlee properties to become residential neighborhoods as well at some point. Should be assume any of the north-west corner of that intersection becomes commercial?

A. yes, the Town updated its plans to shift the residential limits to the east. These parcels (north of the Horton property) are now designated low density residential.

Q. Gotcha. Thanks. Gas/grocery/coffee? (corner of Old US 1 and NHOC/NHH Road)

A. Not sure what type, but the land use plan calls for commercial for the parcels in the vicinity of the intersection of NHOC and Old HWY1.

Q. Did you mention anything regarding entrances to the property from Old US 1? Jordan point has a short dedicated turn lane to enter the neighborhood from the westbound direction. Would there be the same type of setup for Wellons property? I would guess in the future the road would need to be widened to handle the traffic increase. Any idea on future outlook in that regard?

A. Widening will occur along the frontage of our site, with two anticipated access points along Old HWY 1. We will know more details on turn lanes into the site when we get into the subdivision stage, as NCDOT will have to approve driveway permits for the property. This is also being reviewed as part of the TIA related to the zoning application but it will take some time to get the final improvements confirmed with Town and NCDOT staff.

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, Jeffrey A. Roach, P.E., do hereby declare as follows:
Print Name

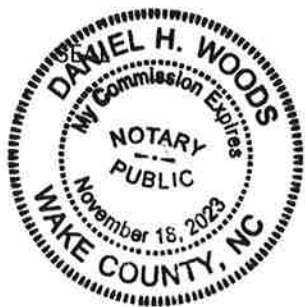
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at a ZOOM meetings (location/address) on April 27, 2022 (date) from 5:00 pm (start time) to 7:00 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.

April 28, 2022
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 28 day of APRIL, 2022.



[Signature]
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

Utley Farms PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: April 29, 2022

Resubmitted: August 12, 2022

Resubmitted: September 9, 2022

PREPARED BY:



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: Design Controls

Section 7: 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

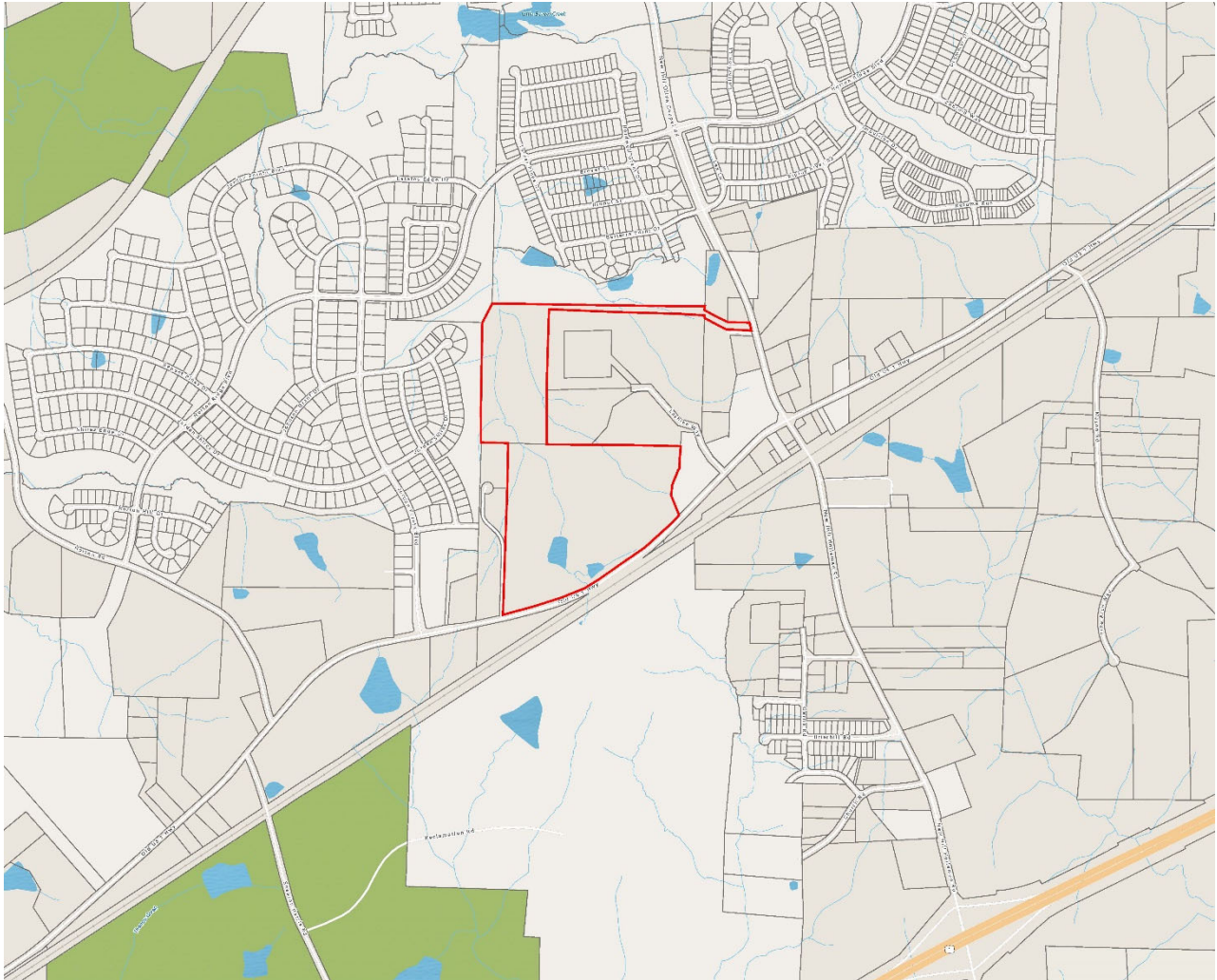
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Utley Farms PUD is located in New Hill, Buckhorn Township, and is anticipated to be developed within the Town of Apex corporate limits. The property sits along the north side of Old US 1 Highway, with limited frontage along New Hill Olive Chapel Road. North and west of the site have been developed for single-family homes located within Belterra and Jordan Pointe, respectively. To the west of the site are rural developments on large lots. To the east are parcels planned for office and commercial uses.

Section 3: Project Data

A. Name of Project:

Utley Farms PUD

B. Property Owners:

Myrtle H. Morton

PO Box 312

New Hill, NC 27562-0312

Helon J. Wellons

Raye E. Johnson

400 Johnson Farm Road

New Hill, NC 27562-8839

Prepared By:

Jason Barron and Nil Ghosh

Morningstar Law Group

421 Fayetteville St | Ste 530

Raleigh, NC 27601

C. Current Zoning Designation:

R-40W and R-80W (Wake County)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Low Density Residential

F. Proposed Use

- Single-family Residential

G. Size of Project

A total of +/-56.59 acres

Section 4: Purpose Statement

The Utlely Farms PUD development will be a single-family detached residential community developed at low density residential along Old US 1 Highway west of its intersection with New Hill Olive Chapel Road. The intent is for the site to develop consistent with the land use intensities contemplated by the recent updates to the Town's 2045 Land Use Designation Map.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer low density housing in an area that was very recently updated by the Town to include such uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Preserve the existing historic home on the property along with two existing barns.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.

Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

- Single-family
- Greenway
- Recreation facility, private
- Accessory apartment
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall apply:

- A. A maximum of 113 residential units shall be permitted upon the property.
- B. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- C. All residential dwellings and any amenity constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
- D. Stormwater controls for development shall be increased to the 25-year storm as provided for in this PUD.
- E. There shall not be any tree clearing, stormwater control measures (SCM), or other infrastructure in either zone of riparian buffers except for UDO permitted crossings and utilities.
- F. Signage shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to

Utley Farms PUD

Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)

- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
 - a. The project within an amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- P. A minimum 4kW solar PV system shall be installed on at least 3 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 development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
- Q. Of the permitted residential single family detached dwellings, at least two (2) restricted median-income affordable housing single family detached ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by households earning no more than one-hundred percent (100% - Median-Income) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The two (2) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. lot reservation agreement) shall be recorded against the two (2) Affordable Housing Unit lots prior to the issuance of a building permit for such lots and a separate restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years shall be recorded against each of the Affordable Housing Units at purchase closing to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

Section 6: Proposed Design Controls

A. Residential Densities and Design Controls

Maximum Density:	2.0 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	113
Minimum Lot Size:	6,000 SF
Maximum Built-Upon Area:	60%
Minimum Lot Width:	50 feet
Maximum Building Height:	36 feet, no more than 2 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Single-family (feet)	Private Recreation Facility
Front	10	10
Front (garage)	20 (from sidewalk or back-of-curb where no sidewalk exists)	N/A
Side	5	10
Side (corner)	10	10
Rear	10	10
Building-to-buffer/RCA	10	10
Parking-to-buffer/RCA	5	5

Utlely Farms PUD

B. Buffers

Perimeter Buffers: as per Sheet C100 of PUD Plan as noted below.

Location	Buffer Provided	UDO Standard	Property Notes
North (Belterra)	10' Type B	10' Type B	
Northern boundary (ex properties)	10' Type B & 20' Type B	20' Type B	Includes Miller, Vitek, & Burroughs property
West (Jordan Pointe & Country Acres Lane)	10' Type B	10' Type B & 20' Type B	Includes Jordan Pointe & Country Acres Lane property
East (ex properties)	10' Type B	20' Type B & 20' Type A	MORR-CZ for the ex Church and Cemetery
Old US 1 Highway **	30' Type B	30' Type B	Frontage
**Old US 1 Highway – historic preservation frontage	30' Type E	30' Type B	Exception for the frontage of the historic preservation (as shown on PD Map)
New Hill Olive Chapel Road	30' Type B	30' Type B	Frontage

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Old US 1 Highway with an exception for a Type 'E' buffer fronting the existing historic farmhouse and accessory structures, as requested by Capital Area Preservation and the State Historic Preservation Office.

Adjacent property redevelopment buffer:

The buffer can be removed in those locations along the following parcels or portion of parcels if the Wellons property (identified as the "Future Development Area" within the PUD Drawings) is redeveloped in conjunction with the adjacent N/F Andrew Martin (PIN 0710-83-5242), the N/F Ralph Miller property (PIN 0710-83-0487), and/or the N/F Richard Vitek property (PIN 0710-72-4872) as the Wellons property is too narrow to develop independent of such properties.

Section 7: Proposed Architectural Controls

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. 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 Master Subdivision submittal.

Except with respect to the existing historic home, the following conditions shall apply:

Single-family Residential:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Primary building materials shall be brick, stone, and fiber cement siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features 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.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- G. Front facing garage doors must have windows, decorative details, or carriage-style adornments.
- H. Entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.
- I. Porches constructed with a dwelling unit shall be a minimum of six feet (6') deep.
- J. The front façade of any front-loaded garage shall not protrude farther than one (1) foot forward of (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

Section 8: Parking and Loading

Parking for the development shall meet requirements of UDO Section 8.3.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Little Beaver Creek Basin and Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

B. 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*. Per UDO Section 7.2.5.B.8, if any mass grading is proposed in the single-family sections of the PUD, the following provision will apply to lot coverage area for single-family: An additional five percent (5%) Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C Size of the RCA.

C. Historic structures

The North Carolina State Historic Preservation Office (SHPO) shows the properties within the new Hill Historic District and the existing Utlely-Horton Farm (Nommie Horton Farm – SHPO ID WA1098). In coordination with Capital Area Preservation, the PUD proposes to retain and preserve the historic home (in its current location) and two barns on the property (one relocation and one preservation).

Section 11: Stormwater Management

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 10-year, and 25-year, 24-hour storm events. The development 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 rate for the storm events previously noted.

Section 12: Parks and Recreation

Utlely Farms PUD #22CZ09 was reviewed at the August 31, 2022 PRCR Advisory Commission. Following is the recommendation which was provided:

Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be deposited with the Town at the time the first final subdivision plat is approved for the units within each phase.

The language has been added to the PUD Drawing documents as well as the PD Text.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer’s estimate of probable cost for greenway construction.

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 and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

Utley Farms PUD

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to sheet C100 of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity.

- **Potential Access Points:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

- a. Old US 1 and New Hill Olive Chapel Road/New-Hill Holleman Road.
 - Developer shall construct an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper. In the event there is insufficient right-of-way for this off-site transportation improvement, Developer shall use commercially reasonable efforts to acquire the right-of-way through good faith negotiations starting with an offer to the third party land owner(s) based upon an appraised value of the right-of-way to be acquired. In the event such negotiations are unsuccessful and the Town of Apex is unable or unwilling to assist Developer in acquiring the requisite right-of-way, Developer shall pay a fee-in-lieu in the amount of the appraised cost of the required right-of-way plus estimated construction cost of the turn lane.

Utley Farms PUD

b. Old US 1 and Site Driveways

The Developer shall construct two access points on Old US 1 consisting of:

- Site Drive 1: A full-movement stop-controlled public street intersection approximately 1,200 feet west of the intersection of New Hill Olive Chapel Road, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.
- Site Drive 2: A full-movement stop-controlled public street intersection approximately 1,050 feet west of the intersection of Old US 1 and Site Drive 1, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.

- **Wayfinding Improvements**

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**

All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town Water and Sewer Master Plans.

- **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 and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

Section 16: Compliance with the 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). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans submitted pursuant to this rezoning shall comply with the adopted Advance Apex: The 2045 Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle and Pedestrian System Plan in effect at the time of the development plan submittal.

<REZONING>

UTLEY FARMS PUD

3720 OLD US 1 HIGHWAY
 NEW HILL, NORTH CAROLINA 27562
 PROJECT NUMBER: 210504
 DATE MAY 2, 2022

RIPARIAN BUFFERS AND WETLANDS:
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY
 S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF
 ENGINEERS AND TOWN OF APEX.



OWNER

MYRTLE H. HORTON
 3720 OLD US 1 HIGHWAY
 NEW HILL, NC 27562

HELON J. WELLONS/RAY E. JOHNSON
 0 NEW HILL OLIVE CHAPEL ROAD
 NEW HILL, NC 27562

APPLICANT

KB HOME - RALEIGH
 THURM BOWEN / ROMAN ACOSTA
 4506 S. MIAMI BLVD #100
 DURHAM, NC 27703
 P: (919) 768-7976
 www.KBHome.com

ENGINEER/LAND PLANNER

PEAK ENGINEERING & DESIGN, PLLC
 JEFF ROACH, P.E.
 1125 APEX PEAKWAY
 APEX, NC 27502
 P: (919) 439-0100
 www.PeakEngineering.com

SURVEYOR

BATEMAN CIVIL SURVEY COMPANY
 STEVEN CARSON
 2524 RELIANCE AVENUE
 APX, NC 27502
 P: (919) 577-1080
 www.batemancivilsurvey.com

ENVIRONMENTAL CONSULTANT

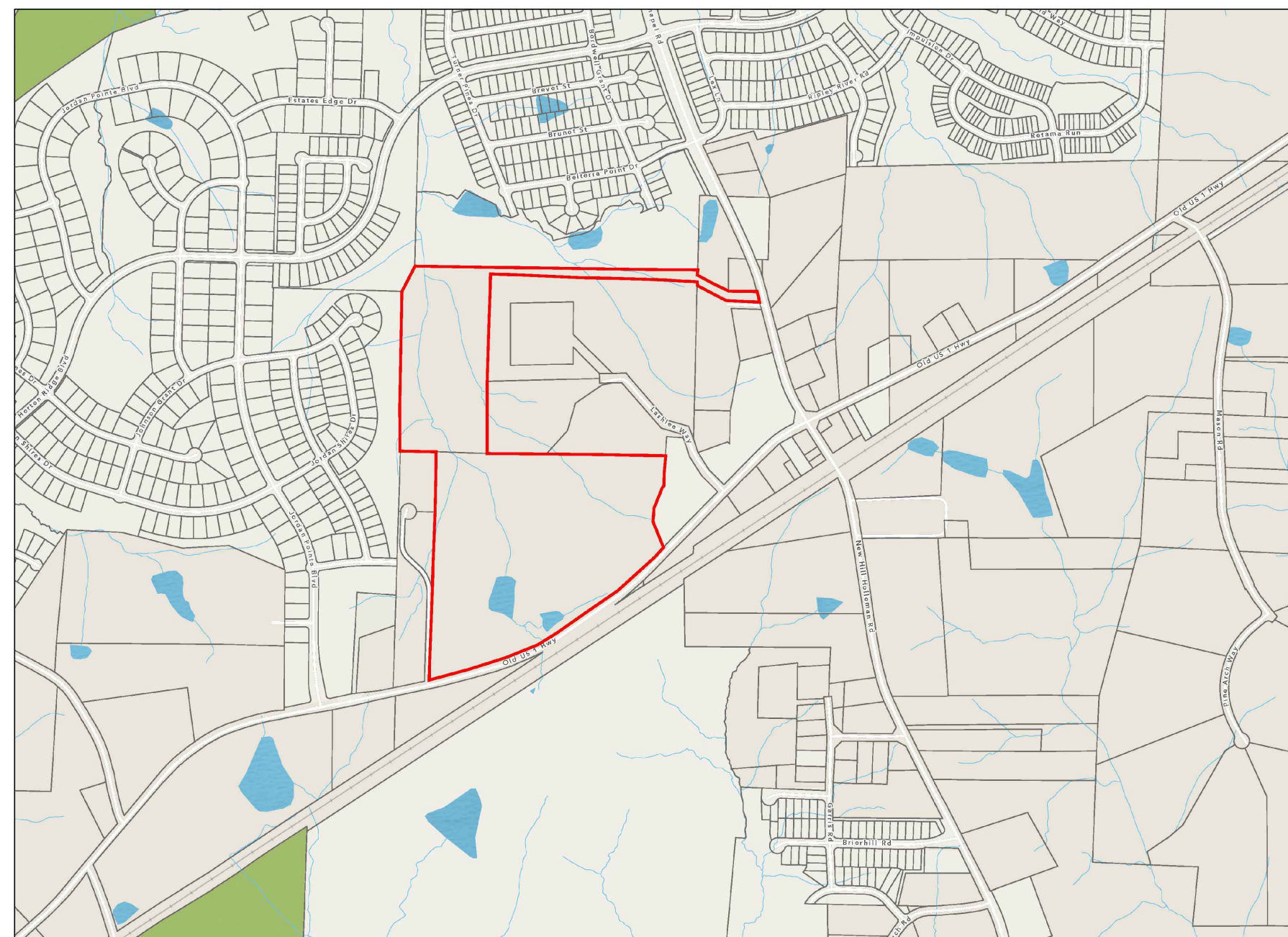
SOIL & ENVIRONMENTAL CONSULTANTS, PA
 STEVEN BALL, RF, PWS
 8412 FALLS OF NEUSE ROAD, SUITE 104
 RALEIGH, NC 27615
 P: (919) 846-5900
 www.SandEC.com

TRAFFIC ENGINEER

RAMEY KEMP & ASSOCIATES, INC.
 RYNAL STEPHENSON, P.E.
 5805 FARINGDON PLACE, SUITE 100
 RALEIGH, NC 27609
 P: (919) 872-5115
 www.RameyKemp.com



PROJECT AERIAL NOT TO SCALE



VICINITY MAP NOT TO SCALE

SITE INFORMATION:

Property Owner	Site Address	PIN	REID	Deeded Acreage	Deed Book/Plat Book
HORTON, MYRTLE H. PO BOX 312 NEW HILL, NC 27562-0312	3720 OLD US 1 HWY	0710-71-4834	0033299 (area included in development)	43.27 acres	DB 7883 PG 737/DB 686 PG 49 DB 422 PG 84/DB 730 PG 122 DB 7556 PG 521/DB 6711 PG 832
WELLONS, HELON J. JOHNSON, RAY E. 400 JOHNSON FARM ROAD NEW HILL, NC 27562-8839	0 NEW HILL OLIVE CHAPEL RD	0710-73-6732	0080810	17.96 acres	DB 02367 PG 0693

Total Deeded Acreage: 61.24 acres
Total Project Acreage: 56.59 acres
 (area south of Old US 1 Highway centerline is excluded from the N/F Myrtle H. Horton property for this development)

Township: Buckhorn Township

Flood Zone Information: Firm Panel 3720071000K dated February 2, 2007 does not show the presence of flood zones on the properties.

Watershed Information: Primary Watershed Protection Overlay District, Little Beaver Creek Basin, Cape Fear River Basin.

Historical: NC SHPO shows the properties within the New Hill Historic District and the existing Utley-Horton Farm (Nommie Horton Farm) - SHPO ID WA1098

Annexation: annexation required as the property is located OUTSIDE of the Apex ETJ

Existing Zoning: R-40W and R-80W
 Proposed Zoning: PUD - CZ (Planned Unit Development - Conditional Zoning)
 2045 Land Use Map: Low Density Residential

Existing Use: Single Family Residential and vacant
 Proposed Uses: Single-family Park, active
 Greenway Park, passive
 Recreation facility, private Utility, minor
 Accessory apartment

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units

Maximum Number of Lots: 113 dwelling units
 Proposed Project Density: 2.00 dwelling units/acre or less (< 3.0 units/acre for Low Density Residential districts)

Lots:

	Min Lot Size	Min Lot Width	Max Building Height
Single-family detached	6,000 SF	50 feet	36 feet

Building Setbacks (minimum setbacks unless otherwise noted):

	Residential	Private Recreation Facility
Front:	10 feet	10 feet
Front (garage):	20 feet from sidewalk or back-of-curb	N/A
Rear:	10 feet	10 feet
Side:	5 feet	10 feet
Side (Corner Lot):	10 feet	10 feet
From Buffer or RCA	10 feet	10 feet
Parking setback to buffer or RCA	5 feet	5 feet

Parking Requirements:
 Single Family Detached: 2 spaces/dwelling unit required
 Single Family parking provided by driveway and garage (min 2 spaces/lot)

Private Recreation Facility: Parking shall be based upon size and use within the recreation facility

Maximum Built Upon Area: 33.96 acres or 60%

RCA Required: UDO Section 8.1

Grading:
 Site to be "Mass Graded"
 % of lots graded prior to first plat: 50% (limited by Apex UDO to a maximum acreage for mass grading)
 maximum of 20 acres of clearing for single-family detached developments

% of pre-development drainage areas preserved within their natural basins: 90%

PARKS AND RECREATION DATA TABLE:

DATE REVIEWED BY PRCR ADVISORY COMMISSION: **AUGUST 31, 2022**

FEES-IN-LIEU:

SINGLE-FAMILY DETACHED UNITS	\$3,753.89 / DWELLING UNIT x 113 UNITS = \$424,189.57
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

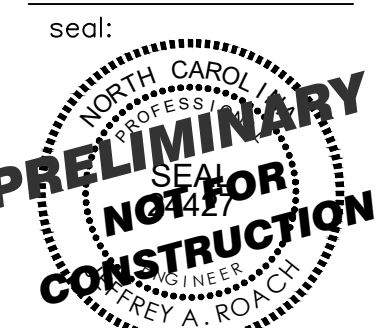
ACRES OF LAND DEDICATION: n/a ACRES
 PUBLIC GREENWAY TRAIL CONSTRUCTION YES NO X
 Following is the recommendation from the PRCR Advisory Commission:
 Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be consistent with the Town at the time the first final subdivision plat is approved for the units within each

INDEX OF DRAWINGS:

- C000 COVER SHEET
- C002 EXISTING CONDITIONS
- C100 CONCEPTUAL SITE PLAN/UTILITY PLAN
- C120 BUILDING ELEVATIONS

REZONING CASE # 22CZ09
 (SUBMITTED ON MAY 2, 2022)

Project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562



NO.	DATE	REVISION
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS

title:
PUD COVER SHEET

proj #:
210504

date:
MAY 2, 2022

dwg by: chkd by:
FS JR

scale:
As Noted

sheet:
C000
 (PUD PLAN)



RIPARIAN BUFFERS AND WETLANDS:
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

- EXISTING CONDITIONS NOTES:**
- BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY).
 - TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.
 - NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
 - HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITHIN THE SITE DATA TABLE.
 - NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAY BE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.
 - TREE SURVEY INFORMATION PROVIDED BY S&EC, INC.
 - 100-YR FLOOD PLAIN IS NOT LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
 - PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, LITTLE BEAVER CREEK BASIN, AND THE CAPE FEAR RIVER BASIN.

FUTURE DEVELOPMENT (Cross-hatched pattern)

BUFFERS/RCA (Green cross-hatched pattern)

SINGLE FAMILY - DETACHED (Yellow square)

HISTORIC PRESERVATION AREA (Red asterisk symbol)

PROJECT PERIMETER BOUNDARY (Dashed line)

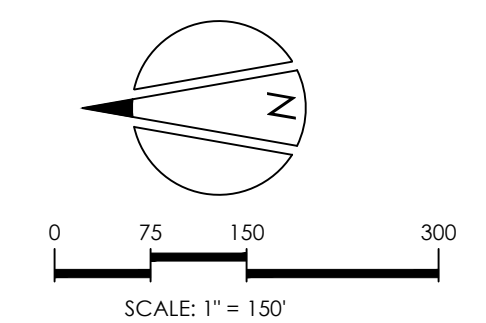
PROPOSED WATER CONNECTIONS (Upward arrow)

PROPOSED SEWER CONNECTIONS (Star symbol)

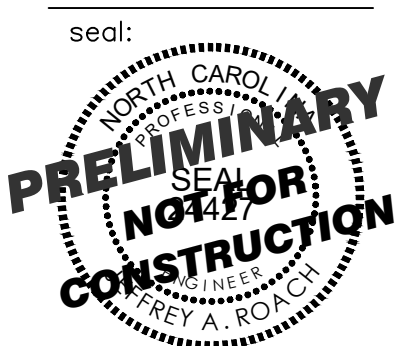
POTENTIAL ACCESS POINTS (Double-headed arrow)

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

- SITE AND UTILITY NOTES:**
- DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
 - REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 - ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
 - PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
 - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
 - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.



1 EXISTING CONDITIONS PLAN
 C001 SCALE: 1"=150'

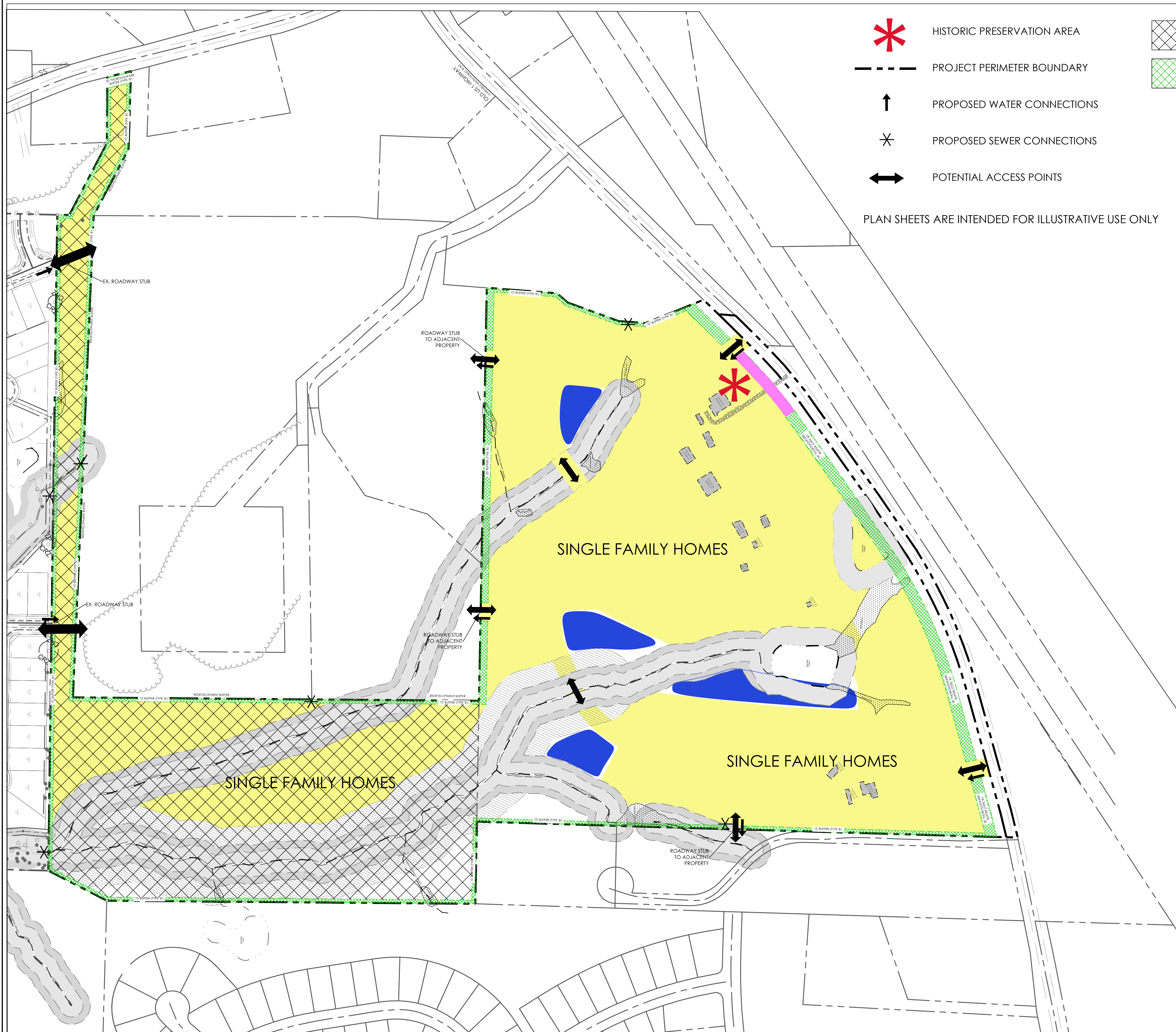







NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

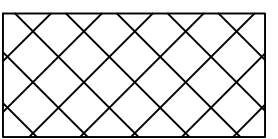
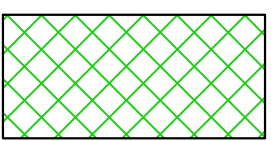

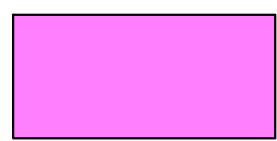
title:
 EXISTING CONDITIONS PLAN

proj #:
 210504
 date:
 MAY 2, 2022
 dwg by: chkd by:
 FS JR
 scale:
 As Noted

sheet:
C001
 (PUD PLAN)



-  HISTORIC PRESERVATION AREA
-  PROJECT PERIMETER BOUNDARY
-  PROPOSED WATER CONNECTIONS
-  PROPOSED SEWER CONNECTIONS
-  POTENTIAL ACCESS POINTS

-  FUTURE DEVELOPMENT
-  BUFFERS/RCA
-  SINGLE FAMILY - DETACHED
-  HISTORIC PRESERVATION PERIMETER BUFFER

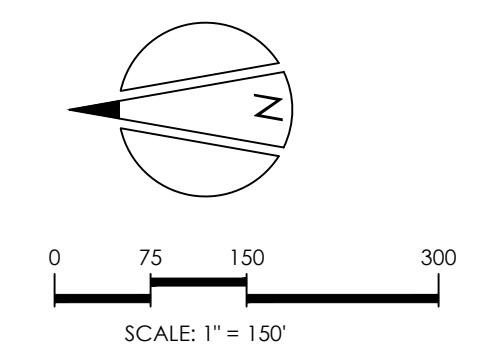
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

SITE AND UTILITY NOTES:

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. TREE PROTECTION FENCING MUST BE PLACED:
 - a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
 - b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
 - c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
13. ADDITIONAL TREE 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.).

POTENTIAL ACCESS POINTS:

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.



**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**
SCALE: 1"=150'



NC License #P-0673

Project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562



NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:
**CONCEPTUAL SITE PLAN/
UTILITY PLAN**

proj #:
210504
date:
MAY 2, 2022
dwg by: chkd by:
FS JR
scale:
As Noted

sheet:
C100
(PUD PLAN)



SINGLE FAMILY DETACHED
MODEL 1455



SINGLE FAMILY DETACHED
MODEL 1582



SINGLE FAMILY DETACHED
MODEL 2177



SINGLE FAMILY DETACHED
MODEL 2160 & 2338



SINGLE FAMILY DETACHED
MODEL 2539



SINGLE FAMILY DETACHED
MODEL 2723



SINGLE FAMILY DETACHED
MODEL 3174

TYPICAL BUILDING ELEVATIONS. WINDOW CONFIGURATIONS, DOOR STYLES, COLORS, AND OTHER ARCHITECTURAL STANDARDS WILL VARY FROM HOME-TO-HOME.

ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. CONDITIONS ARE INCLUDED WITHIN THE ZONING PD TEXT DOCUMENT.

1 CONCEPTUAL BUILDING ELEVATIONS
C120 SCALE: 1"=N/A

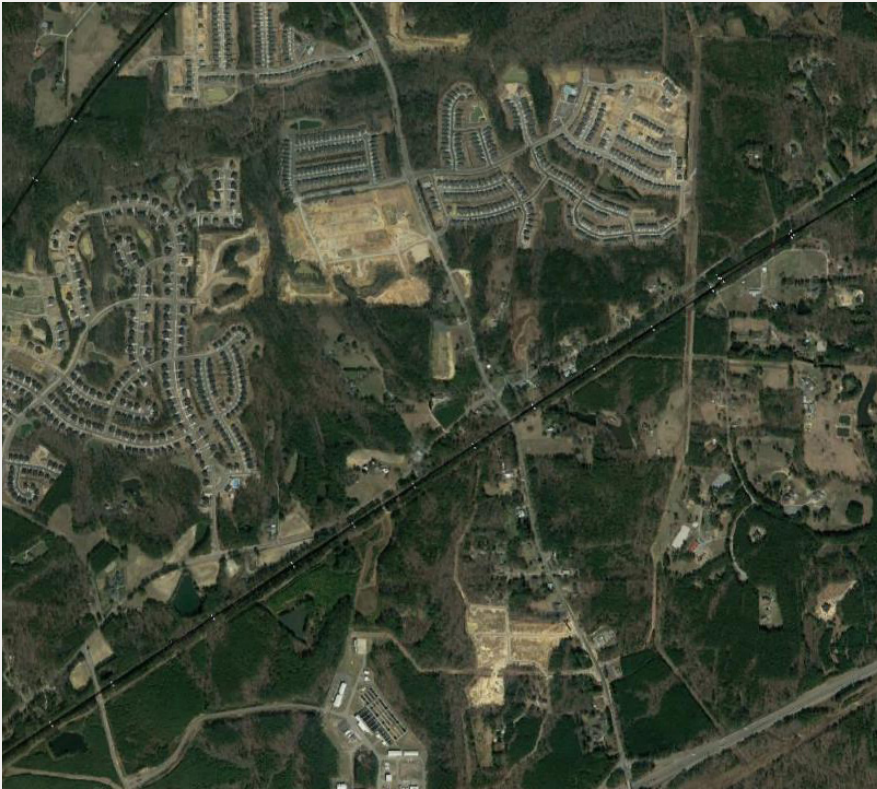


NO.	DATE	REVISION	BY
1	AUGUST 15, 2022	TOWN OF APEX - 1ST ZONING CONFORMANCE	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING CONFORMANCE	JR

title:
CONCEPTUAL BUILDING ELEVATIONS

proj #:
210504
date:
MAY 2, 2022
dwg by: chkd by:
FS JR
scale:
As Noted

sheet:
C120
(PUD PLAN)



Utley Farms
Traffic Impact Analysis
Apex, North Carolina



TRAFFIC IMPACT ANALYSIS

FOR

UTLEY FARMS

LOCATED

IN

APEX, NC

Prepared For:
Peak Engineering & Design, PLLC
1125 Apex Peakway
Apex, NC 27502

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

APRIL 2022

RKA Project No. 22093



A handwritten signature in blue ink, appearing to read "Nathaniel Bouquin".

Prepared By: DT

Reviewed By: NB

TRAFFIC IMPACT ANALYSIS
UTLEY FARMS
APEX, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Utley Farms development in accordance with the Apex (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located north of Old US Highway 1, west of New Hill-Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be a maximum of 140 single-family home development and estimated to be built out by 2026. Site access is proposed via two (2) full movement driveways along Old US Highway 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions without Gracewood Improvements
- 2026 No-Build Traffic Conditions with Gracewood Improvements
- 2026 Build Traffic Conditions without Gracewood Improvements
- 2026 Build Traffic Conditions with Gracewood Improvements

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersection:

- Old US Highway 1 and New Hill - Olive Chapel Road / New Hill - Holleman Road

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection of Old US Highway 1 and New Hill - Olive Chapel Road / New Hill -

Holleman Road in February of 2022 during typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods, while schools were in session for in person learning.

3. Site Trip Generation

The proposed development is assumed to consist of a maximum of 140 single-family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

LAND USE (ITE Code)	INTENSITY	DAILY TRIPS (VPD)	WEEKDAY AM PEAK HOUR (VPH)		WEEKDAY PM PEAK HOUR (VPH)	
			Enter	Exit	Enter	Exit
Single Family Homes (210)	140 units	1,380	26	75	86	50

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Gracewood Residential
- Olive Ridge
- Jordan Manors – 80% built out, 20% included as adjacent development traffic
- Belterra (New Hill Assembly aka Jordan Vistas)

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2022 existing, 2026 no-build, and 2026 build conditions. Refer to Section 7 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Background Improvements by Gracewood Residential Development Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

- Construct exclusive eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive northbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.

Recommended Improvements by Developer

Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

A proportional fee-in-lieu is recommended for these improvements based on an engineering estimate for their construction prior to the 51st unit.

- Construct exclusive eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.

Old US Highway 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide stop-control for the southbound approach.

- *Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.*

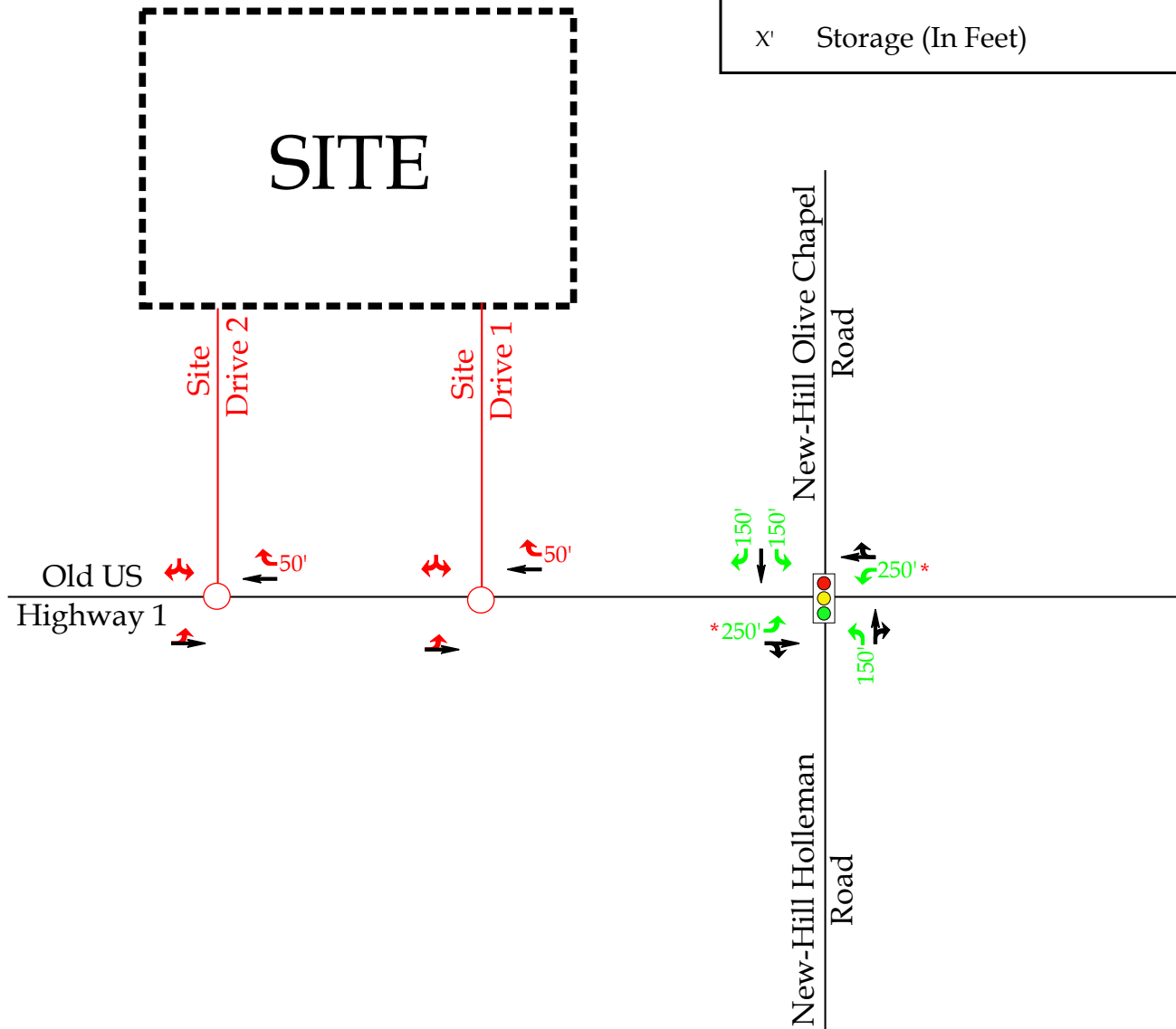
Old US Highway 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide stop-control for the southbound approach.
- *Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.*



LEGEND

- Unsignalized Intersection
- ⬆️⬆️⬆️ Signalized Intersection
- ➡️ Existing Lane
- ➡️ Improvement by Developer
- ➡️ Background Improvement by Gracewood Residential
- x' Storage (In Feet)



*Note: Proportional fee-in-lieu by Developer


	<p>Utley Farms Apex, NC</p>	<p>Recommended Lane Configurations</p>	
			<p>Scale: Not to Scale Figure E-1</p>

TABLE OF CONTENTS

1. INTRODUCTION 1

1.1. Site Location and Study Area 1

1.2. Proposed Land Use and Site Access 2

1.3. Adjacent Land Uses 2

1.4. Existing Roadways 2

2. 2022 EXISTING PEAK HOUR CONDITIONS 6

2.1. 2022 Existing Peak Hour Traffic Volumes 6

2.2. Analysis of 2022 Existing Peak Hour Traffic Conditions 6

3. 2026 NO-BUILD PEAK HOUR CONDITIONS 8

3.1. Ambient Traffic Growth 8

3.2. Adjacent Development Traffic 8

3.3. Future Roadway Improvements 9

3.4. 2026 No-Build Peak Hour Traffic Volumes 10

3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions 10

4. SITE TRIP GENERATION AND DISTRIBUTION 16

4.1. Trip Generation 16

4.2. Site Trip Distribution and Assignment 16

5. 2026 BUILD TRAFFIC CONDITIONS 19

5.1. 2026 Build Peak Hour Traffic Volumes 19

5.2. Analysis of 2026 Build Peak Hour Traffic Conditions 19

6. TRAFFIC ANALYSIS PROCEDURE 22

6.1. Adjustments to Analysis Guidelines 22

7. CAPACITY ANALYSIS 23

7.1. Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road 23

7.2. Old US Highway 1 and Site Drive 1 27

7.3. Old US Highway 1 and Site Drive 2 28

8. CONCLUSIONS 29

9. RECOMMENDATIONS 33

LIST OF FIGURES

Figure 1 – Site Location Map 3

Figure 2 – Preliminary Site Plan..... 4

Figure 3 – Existing Lane Configurations 5

Figure 4 – 2022 Existing Peak Hour Traffic..... 7

Figure 5 – 2026 Projected Peak Hour Traffic11

Figure 6a – Adjacent Development Trips without Gracewood Improvements
.....12

Figure 6b – Adjacent Development Trips with Gracewood Improvements.13

Figure 7a – 2026 No-Build Peak Hour Traffic without Gracewood
Improvements.....14

Figure 7b – 2026 No-Build Peak Hour Traffic with Gracewood Improvements
.....15

Figure 8 – Site Trip Distribution.....17

Figure 9 – Site Trip Assignment.....18

Figure 10a – 2026 Build Peak Hour Traffic without Gracewood Improvements
.....20

Figure 10b – 2026 Build Peak Hour Traffic with Gracewood Improvements
.....21

Figure 11 – Recommended Lane Configurations35

LIST OF TABLES

Table 1: Existing Roadway Inventory 2

Table 2: Adjacent Development Information..... 9

Table 3: Trip Generation Summary 16

Table 4: Highway Capacity Manual – Levels-of-Service and Delay22

Table 5: Analysis Summary of Old US Highway 1 and New Hill-Olive Chapel Road /
New Hill-Holleman Road23

Table 6: Analysis Summary of Old US Highway 1 and Site Drive 127

Table 7: Analysis Summary of Old US Highway 1 and Site Drive 228

TECHNICAL APPENDIX

- Appendix A: Scoping Documentation
- Appendix B: Traffic Counts
- Appendix C: Adjacent Development Information
- Appendix D: Capacity Calculations – Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road
- Appendix E: Capacity Calculations – Old US Highway 1 and Site Drive 1
- Appendix F: Capacity Calculations – Old US Highway 1 and Site Drive 2
- Appendix G: SimTraffic Queuing Reports
- Appendix H: Turn Lane Warrant Charts

TRAFFIC IMPACT ANALYSIS
UTLEY FARMS
APEX, NORTH CAROLINA

1. INTRODUCTION

The contents of this report present the findings of the Traffic Impact Analysis (TIA) conducted for the proposed Utley Farms development to be located north of Old US Highway 1, west of New Hill-Olive Chapel Road in Apex, North Carolina. The purpose of this study is to determine the potential impacts to the surrounding transportation system created by traffic generated by the proposed development, as well as recommend improvements to mitigate the impacts.

The proposed development, anticipated to be completed by 2026, is assumed to consist of a maximum amount of 140 single family homes.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions without Gracewood Improvements
- 2026 No-Build Traffic Conditions with Gracewood Improvements
- 2026 Build Traffic Conditions without Gracewood Improvements
- 2026 Build Traffic Conditions with Gracewood Improvements

1.1. Site Location and Study Area

The development is proposed to be located north of Old US Highway 1, west of New Hill-Olive Chapel Road in Apex, North Carolina. Refer to Figure 1 for the site location map.

The study area for the TIA was determined through coordination with the North Carolina Department of Transportation (NCDOT) and the Town of Apex (Town) and consists of the following existing intersections:

- Old US Highway 1 and New Hill - Olive Chapel Road / New Hill - Holleman Road

Refer to Appendix A for the approved memorandum of understanding (MOU).

1.2. Proposed Land Use and Site Access

The site is expected to be located north of Old US Highway 1, west of New Hill - Olive Chapel Road. The proposed development, anticipated to be completed by 2026, is assumed to consist of a maximum amount of 140 single family homes.

Site access is proposed via two (2) full movement driveways along Old US Highway 1. Refer to Figure 2 for a copy of the preliminary site plan.

1.3. Adjacent Land Uses

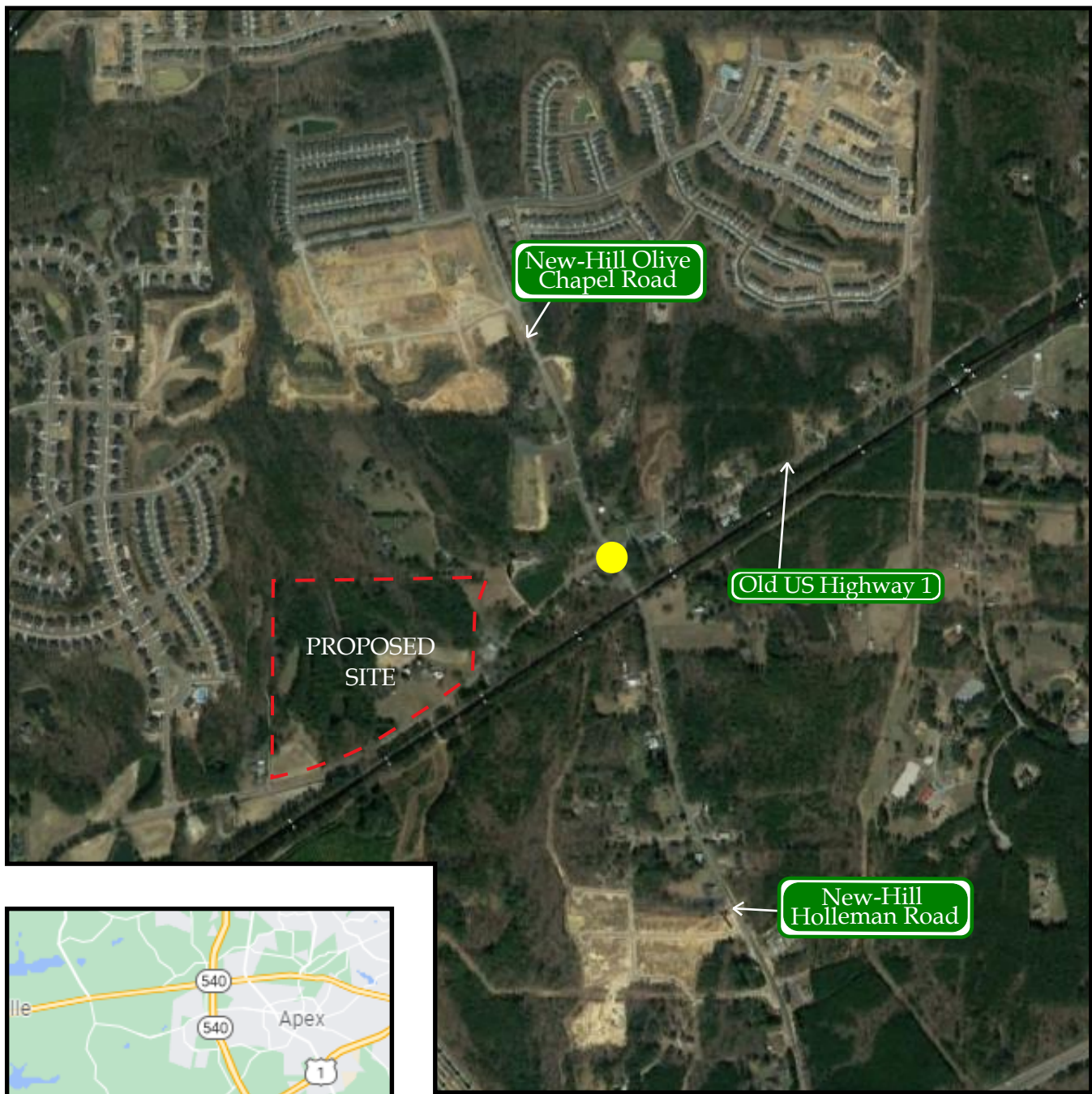
The proposed development is located in an area consisting primarily of undeveloped land and residential development.

1.4. Existing Roadways

Existing lane configurations (number of traffic lanes on each intersection approach), lane widths, storage capacities, and other intersection and roadway information within the study area are shown in Figure 3. Table 1 provides a summary of this information, as well.

Table 1: Existing Roadway Inventory

Road Name	Route Number	Typical Cross Section	Speed Limit	Maintained By	2020 AADT (vpd)
Old US Highway 1	SR 1011	2-lane undivided	55 mph	NCDOT	10,500
New Hill-Olive Chapel / New Hill-Holleman	SR 1141	2-lane undivided	45 mph	NCDOT	4,900



LEGEND

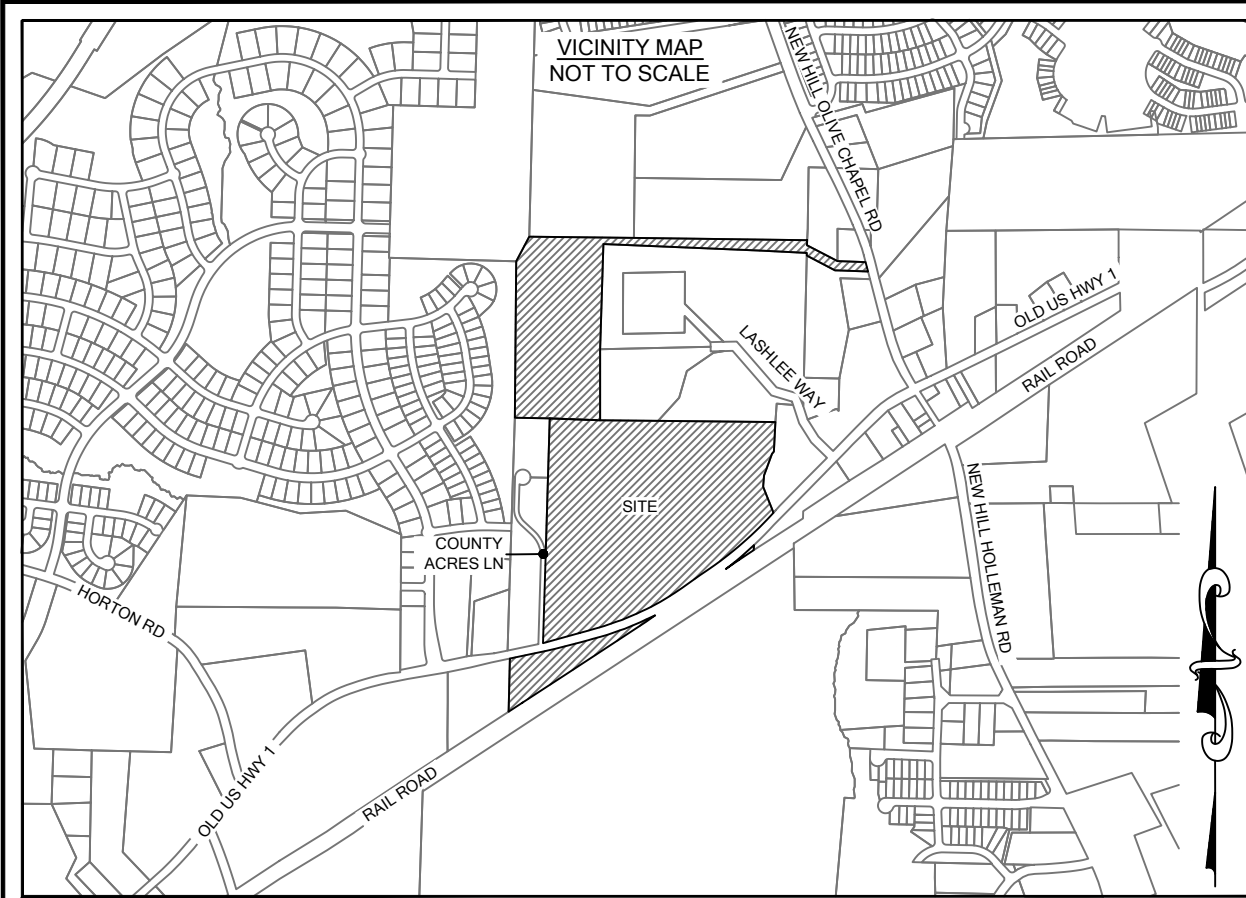
- Proposed Site Location
- Existing Study Intersection
- Study Area



Utlely Farms
Apex, NC

Site Location Map

Scale: Not to Scale Figure 1



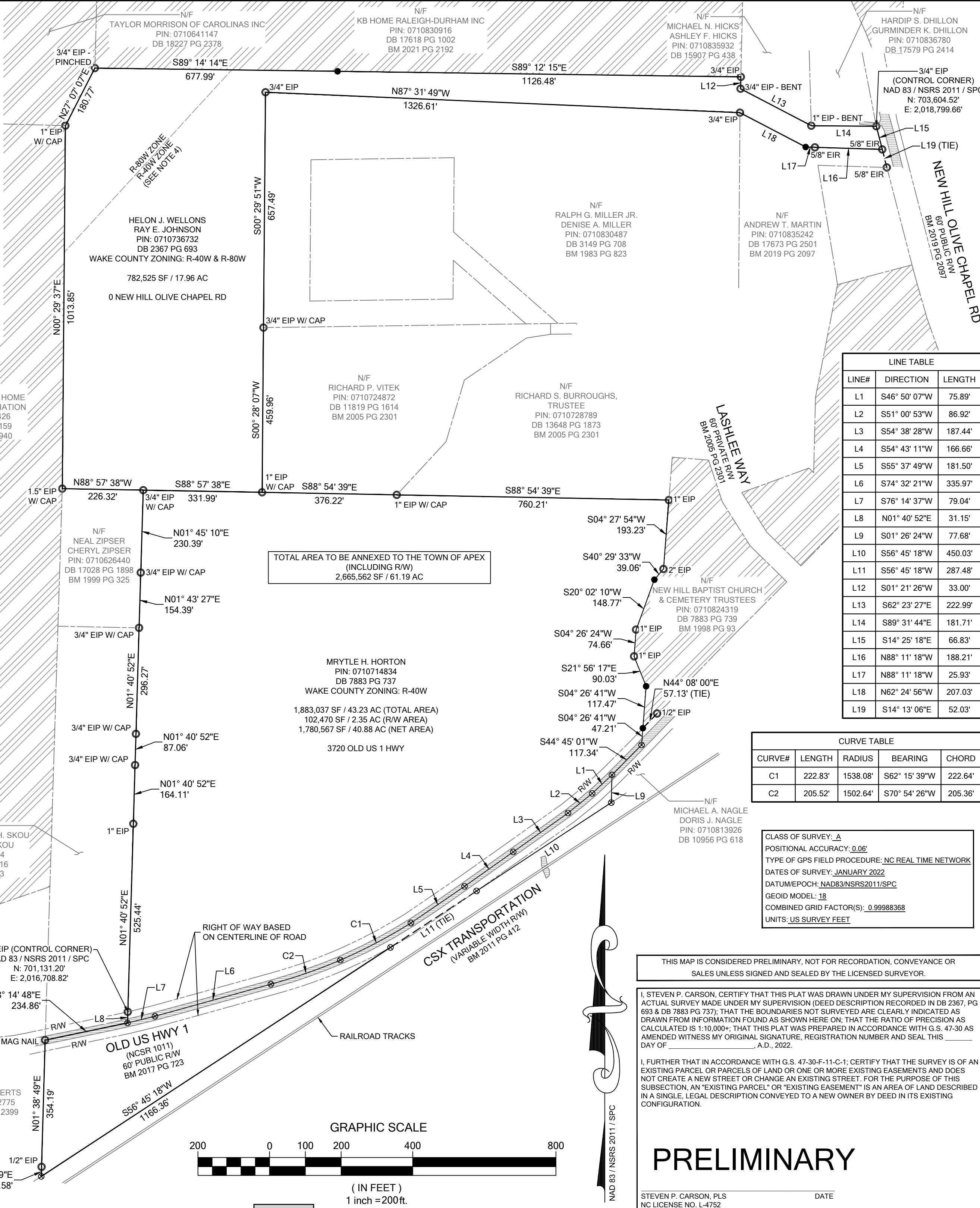
LEGEND

- EXISTING BOUNDARY CORNER FOUND
- ⊗ BOUNDARY CORNER SET COMPUTED POINT
- PROPERTY LINE SURVEYED
- - - PROPERTY LINE NOT SURVEYED
- - - EASEMENTS
- ▨ PAVEMENT
- ▨ TOWN OF APEX CORPORATE LIMITS (PER WAKE COUNTY GIS)
- EIP EXISTING IRON PIPE
- EIR EXISTING IRON REBAR
- BM BOOK OF MAPS
- DB DEED BOOK
- PG PAGE
- R/W RIGHT OF WAY

- NOTES**
- THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.
 - ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE AND ALL BEARINGS ARE BASED ON GPS OBSERVATIONS, NAD83 / NSRS 2011 / SPC, UNLESS OTHERWISE SHOWN.
 - PROPERTY LIES IN ZONE "X" PER NATIONAL INSURANCE PROGRAM FLOOD INSURANCE RATE MAP #3720071000K, DATED 02/02/2007.
 - SITE ZONED "R-40W" & "R-80W" FOR WAKE COUNTY PER COUNTY GIS.
 - AREAS COMPUTED BY COORDINATE METHOD.
 - THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
 - ALL BOUNDARY CORNERS SET ARE 3/4" IRON PIPE SET (3/4" IPS), UNLESS OTHERWISE NOTED.

ANNEXATION #
 I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____ DAY/MONTH/YEAR

 DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK



TOTAL AREA TO BE ANNEXED TO THE TOWN OF APEX (INCLUDING R/W)
 2,665,562 SF / 61.19 AC

MRYTLE H. HORTON
 PIN: 0710714834
 DB 7883 PG 737
 WAKE COUNTY ZONING: R-40W
 1,883,037 SF / 43.23 AC (TOTAL AREA)
 102,470 SF / 2.35 AC (R/W AREA)
 1,780,567 SF / 40.88 AC (NET AREA)
 3720 OLD US 1 HWY

LINE TABLE

LINE#	DIRECTION	LENGTH
L1	S46° 50' 07"W	75.89'
L2	S51° 00' 53"W	86.92'
L3	S54° 38' 28"W	187.44'
L4	S54° 43' 11"W	166.66'
L5	S55° 37' 49"W	181.50'
L6	S74° 32' 21"W	335.97'
L7	S76° 14' 37"W	79.04'
L8	N01° 40' 52"E	31.15'
L9	S01° 26' 24"W	77.68'
L10	S56° 45' 18"W	450.03'
L11	S56° 45' 18"W	287.48'
L12	S01° 21' 26"W	33.00'
L13	S62° 23' 27"E	222.99'
L14	S89° 31' 44"E	181.71'
L15	S14° 25' 18"E	66.83'
L16	N88° 11' 18"W	188.21'
L17	N88° 11' 18"W	25.93'
L18	N62° 24' 56"W	207.03'
L19	S14° 13' 06"E	52.03'

CURVE TABLE

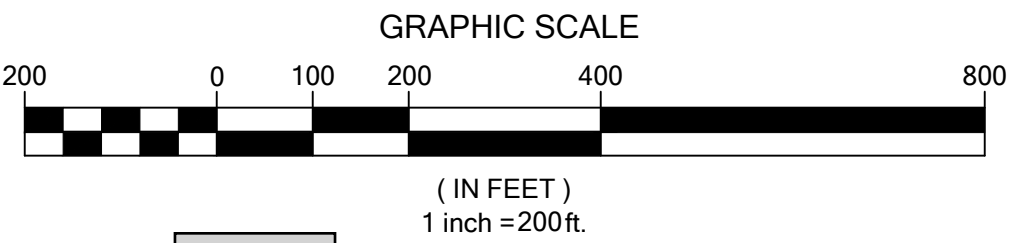
CURVE#	LENGTH	RADIUS	BEARING	CHORD
C1	222.83'	1538.08'	S62° 15' 39"W	222.64'
C2	205.52'	1502.64'	S70° 54' 26"W	205.36'

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.06'
 TYPE OF GPS FIELD PROCEDURE: NC REAL TIME NETWORK
 DATES OF SURVEY: JANUARY 2022
 DATUM/EPOCH: NAD83/NSRS2011/SPC
 GEOID MODEL: 18
 COMBINED GRID FACTOR(S): 0.99988368
 UNITS: US SURVEY FEET

THIS MAP IS CONSIDERED PRELIMINARY, NOT FOR RECORDATION, CONVEYANCE OR SALES UNLESS SIGNED AND SEALED BY THE LICENSED SURVEYOR.

I, STEVEN P. CARSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 2367, PG 693 & DB 7883 PG 737); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HERE ON; 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 WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF _____, A.D., 2022.

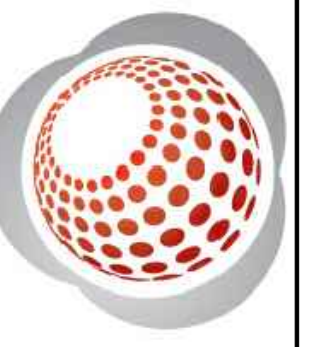
I, FURTHER THAT IN ACCORDANCE WITH G.S. 47-30-F-11-C-1, CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSE OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.



PRELIMINARY

STEVEN P. CARSON, PLS DATE
 NC LICENSE NO. L-4752

BATEMAN CIVIL SURVEY COMPANY
 ENGINEERS • SURVEYORS • PLANNERS
 2524 RELIANCE AVENUE, APEX, NC 27539
 PHONE: (919) 577-1080 FAX: (919) 577-1081
 INFO@BATEMANCIVILSURVEY.COM
 NCBELS FIRM# C-2378



ANNEXATION MAP FOR THE TOWN OF APEX
 PARCEL ID NUMBER(S): 0710714834 & 0710736732
 AS RECORDED IN DB 7883 PG 737 & DB 2367 PG 693
 BUCKHORN TWP • WAKE COUNTY • NORTH CAROLINA

REVISIONS

-
-
-
-
-

DESIGNED BY: N/A
 DRAWN BY: ELS
 CHECKED BY: SPC
 SCALE: 1" = 200'
 DATE: 03/23/2022
 JOB NUMBER: 210950

SHEET 1 OF 2



LEGEND



Signalized Intersection



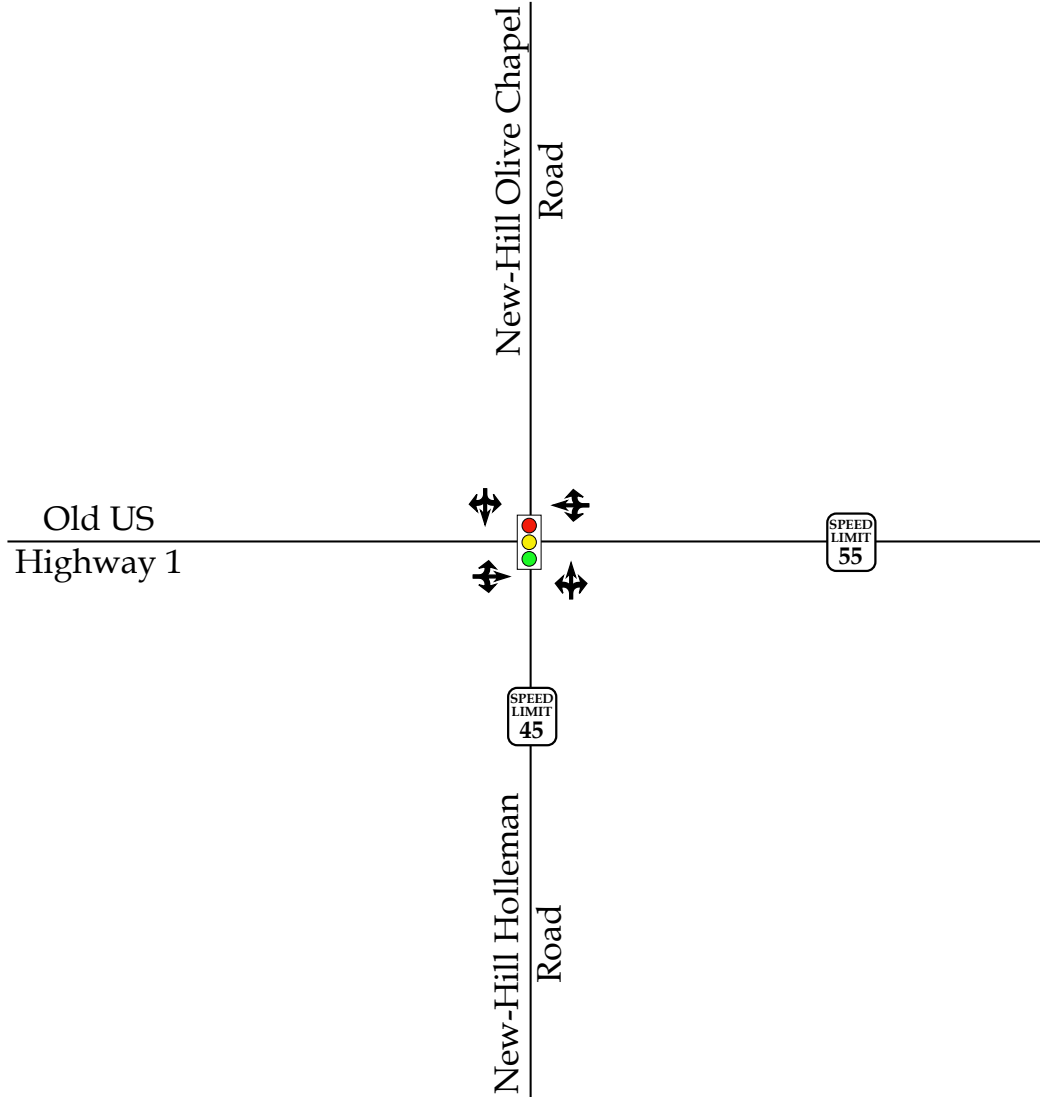
Existing Lane

X'

Storage (In Feet)



Posted Speed Limit



RAMEY KEMP ASSOCIATES

Utley Farms
Apex, NC

2022 Existing
Lane Configurations

Scale: Not to Scale | Figure 3

2. 2022 EXISTING PEAK HOUR CONDITIONS

2.1. 2022 Existing Peak Hour Traffic Volumes

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection of Old US Highway 1 and New Hill - Olive Chapel Road / New Hill - Holleman Road in February of 2022 during typical weekday AM (7:00 AM - 9:00 AM) and PM (4:00 PM - 6:00 PM) peak periods, while schools were in session for in person learning.


Refer to Figure 4 for 2022 existing weekday AM and PM peak hour traffic volumes. A copy of the count data is located in Appendix B of this report.

2.2. Analysis of 2022 Existing Peak Hour Traffic Conditions

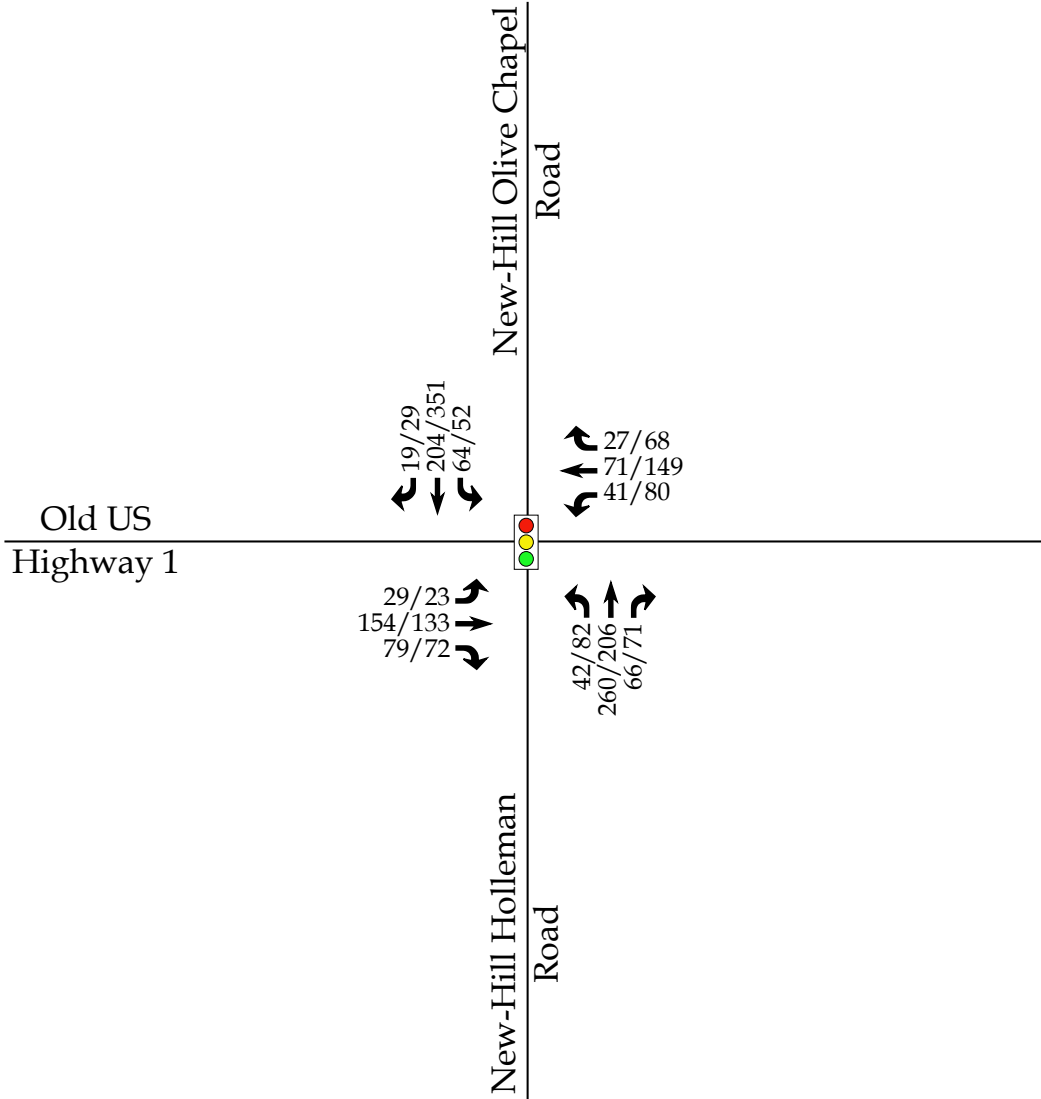
The 2022 existing weekday AM and PM peak hour traffic volumes were analyzed to determine the current levels of service at the study intersections under existing roadway conditions. Signal information was obtained from NCDOT and is included in Appendix C. The results of the analysis are presented in Section 7 of this report.




LEGEND

 Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



	<p>Utlely Farms Apex, NC</p>	<p>2022 Existing Peak Hour Traffic</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 4</p>

3. 2026 NO-BUILD PEAK HOUR CONDITIONS

In order to account for growth of traffic and subsequent traffic conditions at a future year, no-build traffic projections are needed. No-build traffic is the component of traffic due to the growth of the community and surrounding area that is anticipated to occur regardless of whether or not the proposed development is constructed. No-build traffic is comprised of existing traffic growth within the study area and additional traffic created as a result of adjacent approved developments.

3.1. Ambient Traffic Growth

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 3% would be used to generate 2026 projected weekday AM and PM peak hour traffic volumes. Refer to Figure 5 for 2026 projected peak hour traffic.

3.2. Adjacent Development Traffic

Through coordination with the Town and NCDOT, the following adjacent developments were identified to be included as an approved adjacent development in this study:

- Gracewood Residential
- Olive Ridge
- Jordan Manors – 80% built out, 20% included as adjacent development traffic
- Belterra (New Hill Assembly aka Jordan Vistas)

Table 2, on the following page, provides a summary of the adjacent developments.

Table 2: Adjacent Development Information

Development Name	Location	Build-Out Year	Land Use / Intensity	TIA Performed
Gracewood Residential	Northwest of the intersection of Old US 1 at Horton Road	2024	448 single family homes	April 2021 by KHA
Olive Ridge	East of New Hill Olive Chapel Road, across from Jordan Manors Drive	2022	169 single family homes	December 2018 by RKA
Jordan Manors	West side of New Hill Olive Chapel Road	2018	240 single family homes	May 2015 by KHA
Belterra (New Hill Assembly aka Jordan Vistas)	West of New Hill Olive Chapel Road, north of Old US 1	2022	152 single family homes	April 2018 by RKA

For the purposes of this study, future conditions were analyzed with and without future roadway improvements associated with the Gracewood Residential development. Under future conditions without Gracewood Improvements, the Gracewood Residential development is expected to consist of 270 single family homes. Analysis of future conditions with Gracewood Improvements includes 85% of the development’s density at full build out as adjacent development trips as this study assumes 85% of the Gracewood Residential development is to be constructed prior to the build out of the proposed development. It should be noted that the adjacent developments were approved, during scoping, by the Town and NCDOT. Adjacent development trips are shown in Figure 6. Adjacent development information can be found in Appendix D.

3.3. Future Roadway Improvements

Based on coordination with the NCDOT and the Town, it was determined that the roadway improvements associated with the Gracewood Residential development would be analyzed under future conditions with Gracewood Improvements.

The following improvements are committed by the Gracewood Residential development:

Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

- Construct exclusive eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive northbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Install a traffic signal when warranted.


3.4. 2026 No-Build Peak Hour Traffic Volumes

The 2026 no-build traffic volumes were determined by projecting the 2022 existing peak hour traffic to the year 2022, and adding the adjacent development trips. Refer to Figure 7a for an illustration of the 2026 no-build peak hour traffic volumes without Gracewood Improvements and Figure 7b for the 2026 no-build peak hour traffic with Gracewood Improvements at the study intersections.

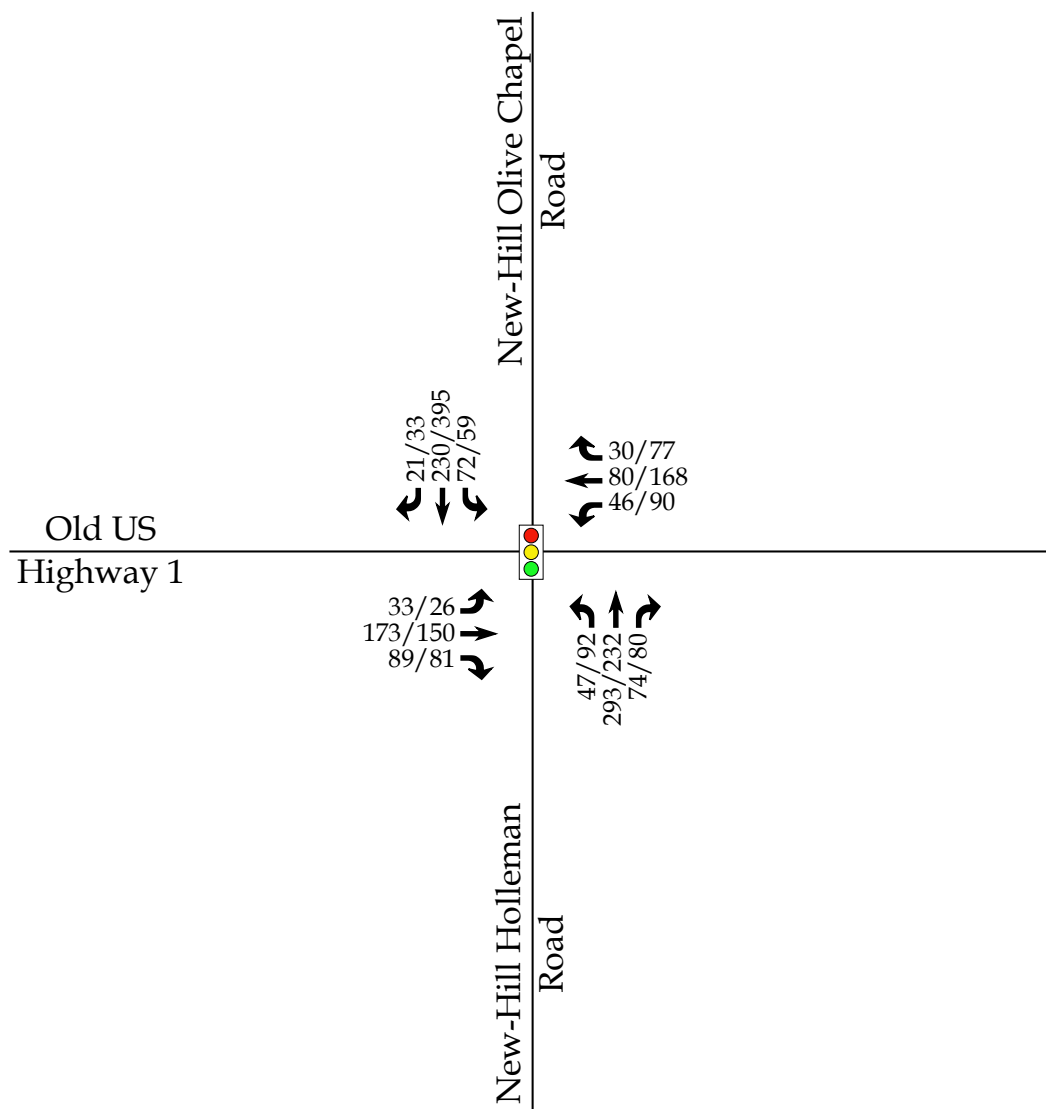
3.5. Analysis of 2026 No-Build Peak Hour Traffic Conditions


The 2026 no-build AM and PM peak hour traffic volumes at the study intersections were analyzed with future geometric roadway conditions and traffic control. The analysis results are presented in Section 7 of this report.

LEGEND

 Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



	<p>Utlely Farms Apex, NC</p>	<p>2026 Projected Peak Hour Traffic</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 5</p>



LEGEND

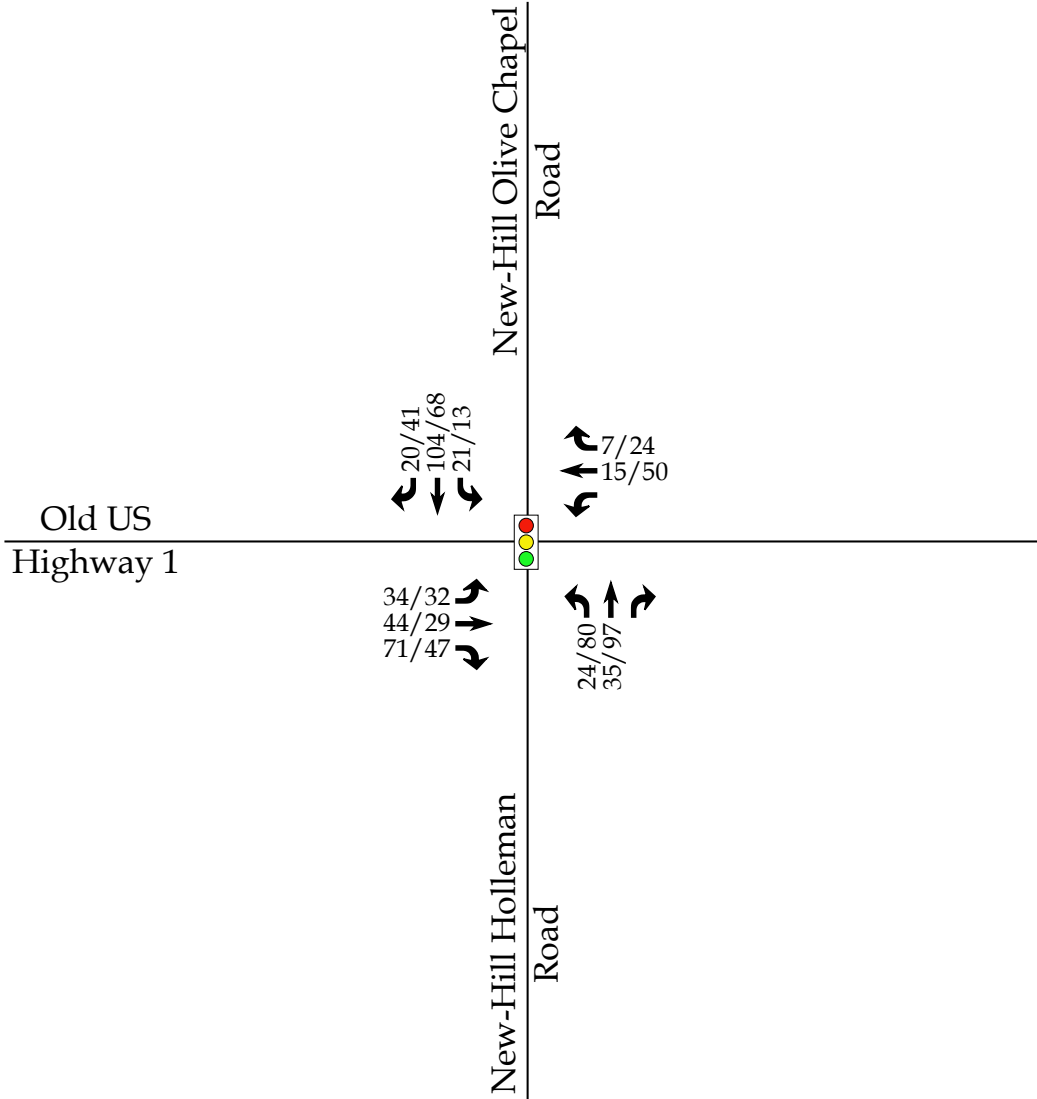


Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour

Adjacent Development Trips



RAMEY KEMP ASSOCIATES

Utlely Farms
Apex, NC

Adjacent Development
Trips - without
Gracewood Improvements

Scale: Not to Scale | Figure 6a



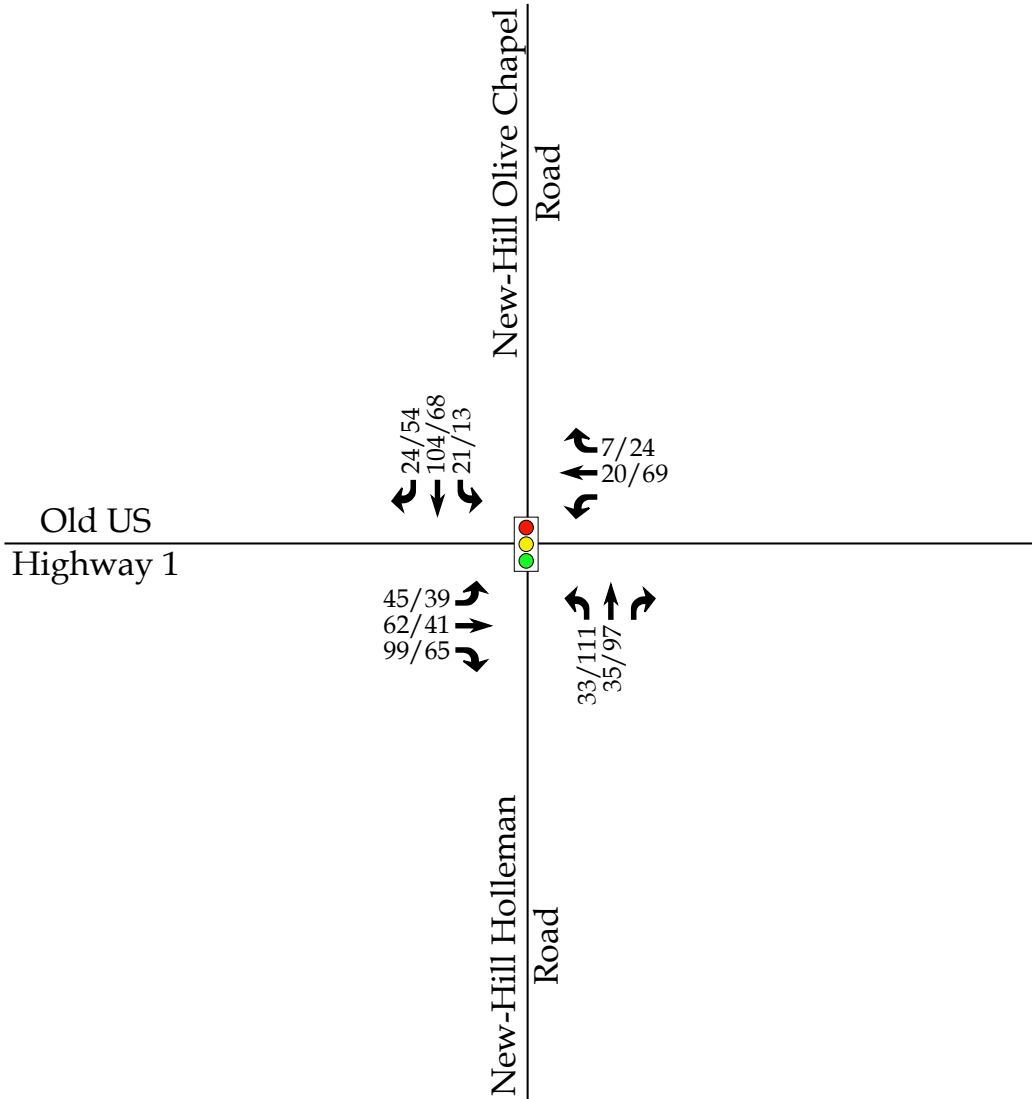
LEGEND



Signalized Intersection

X / Y →

Weekday AM / PM Peak Hour
Adjacent Development Trips




RAMEY KEMP ASSOCIATES

Utlely Farms
Apex, NC

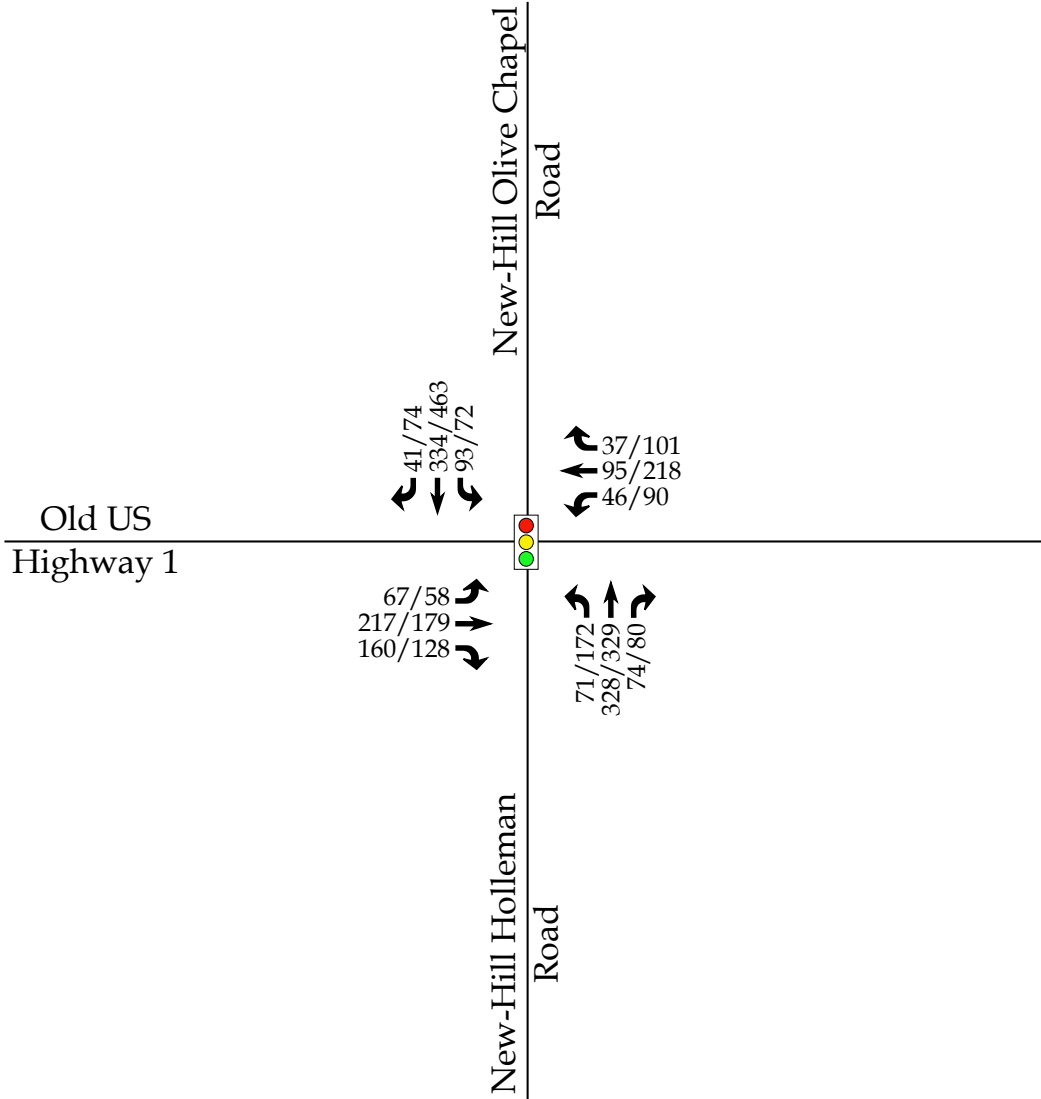
Adjacent Development
Trips - with Gracewood
Improvements


Scale: Not to Scale | Figure 6b

LEGEND

 Signalized Intersection


X / Y → Weekday AM / PM Peak Hour Traffic



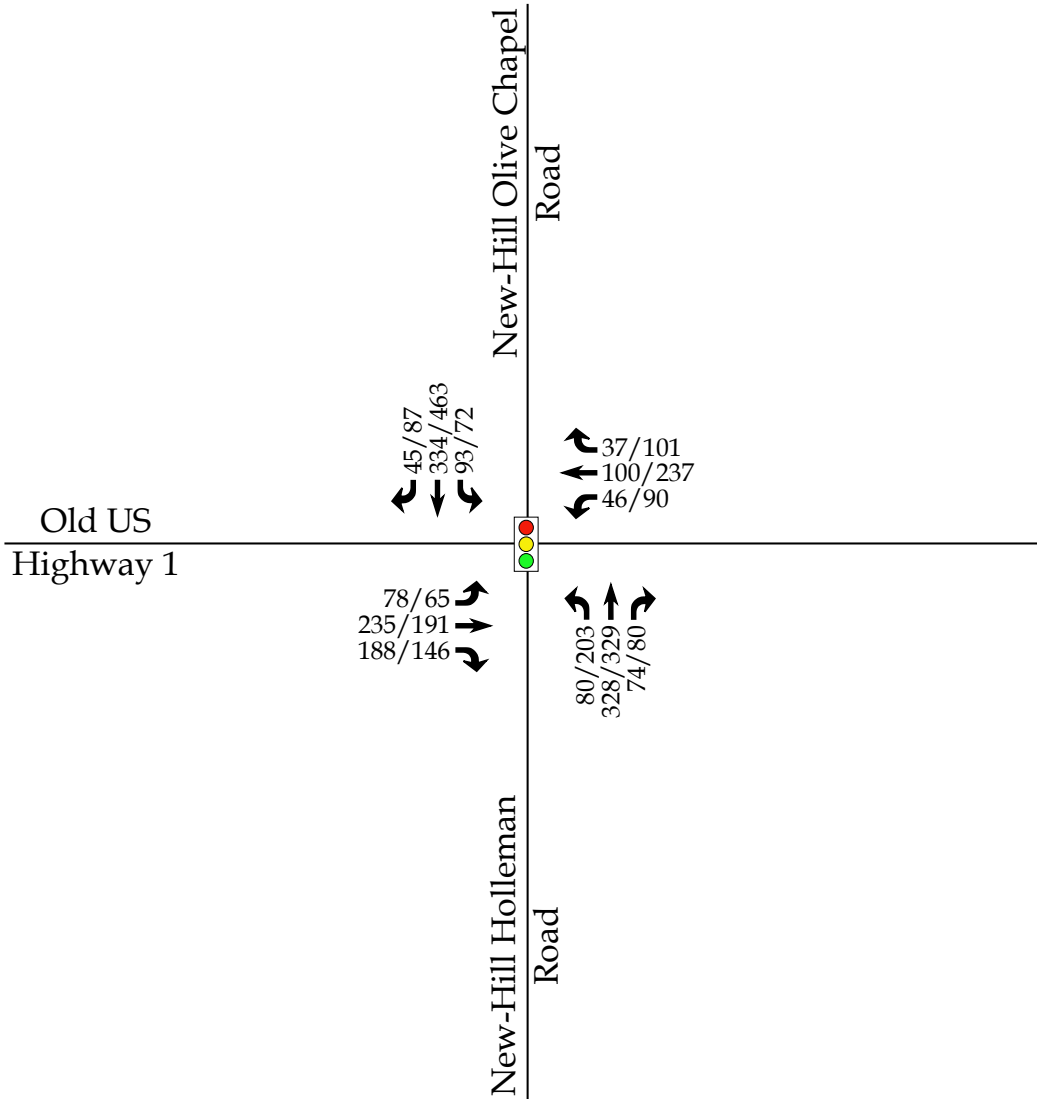
	<p>Utlely Farms Apex, NC</p>	<p>2026 No-Build Peak Hour Traffic - without Gracewood Improvements</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 7a</p>



LEGEND

 Signalized Intersection

X / Y → Weekday AM / PM Peak Hour Traffic



Utlely Farms
Apex, NC

2026 No-Build
Peak Hour Traffic - with
Gracewood Improvements

Scale: Not to Scale | Figure 7b

4. SITE TRIP GENERATION AND DISTRIBUTION

4.1. Trip Generation

The proposed development is assumed to consist of a maximum amount of 140 single family homes. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11th Edition. Table 3 provides a summary of the trip generation potential for the site.

Table 3: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single Family Homes	140 units	1,380	26	75	86	50

It is estimated that the proposed development will generate approximately 1,380 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 101 trips (26 entering and 75 exiting) will occur during the weekday AM peak hour and 136 trips (86 entering and 50 exiting) will occur during the weekday PM peak hour.

4.2. Site Trip Distribution and Assignment

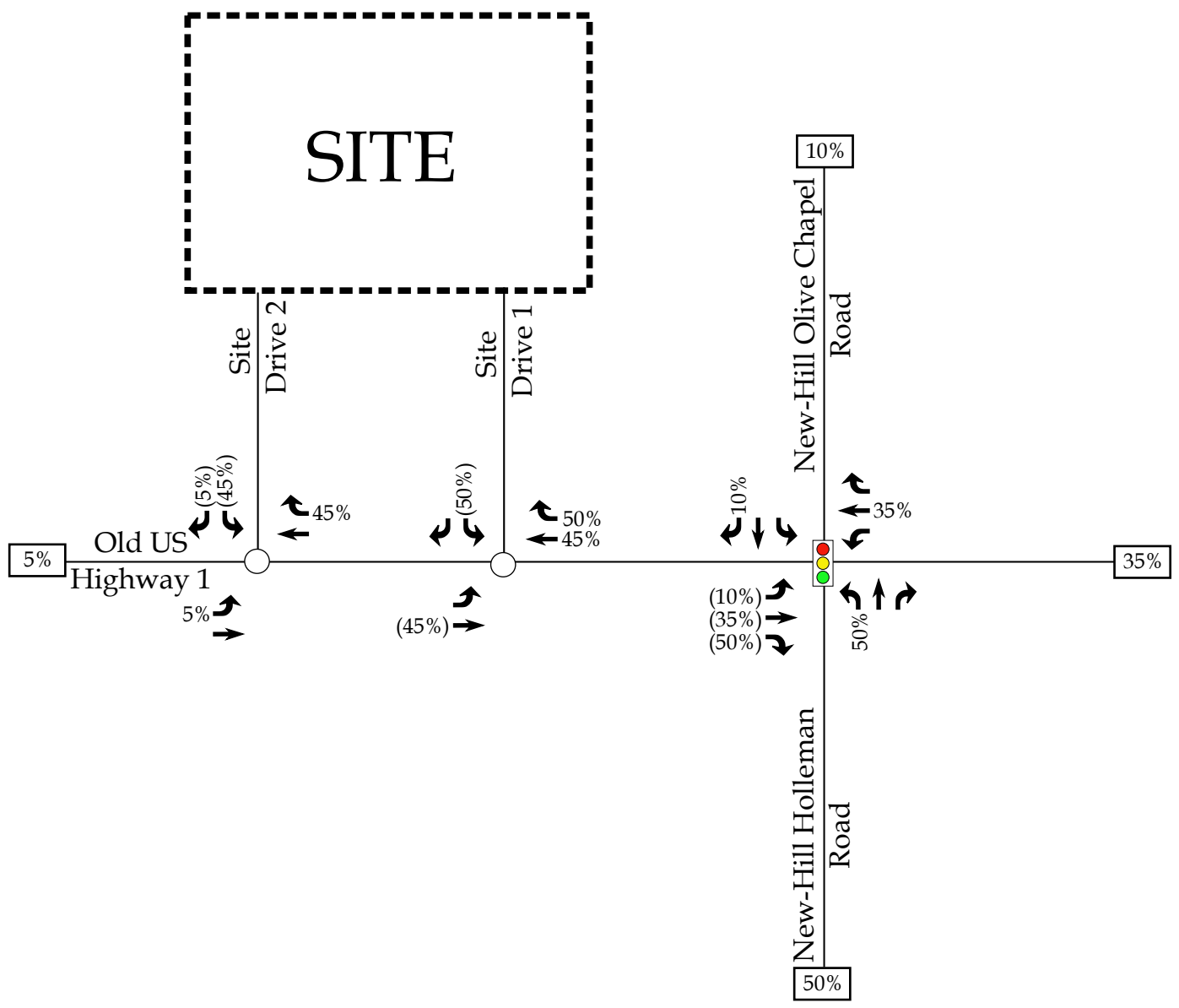
Trip distribution percentages used in assigning site traffic for this development were estimated based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. It is estimated that the site trips will be regionally distributed as follows:

- 10% to/from the north via New-Hill Olive Chapel Road
- 50% to/from the south via New-Hill Holleman Road
- 35% to/from the east via Old US Highway 1
- 5% to/from the west via Old US Highway 1

Refer to Figure 8 for the site trip distribution and Figure 9 for the site trip assignment.

LEGEND

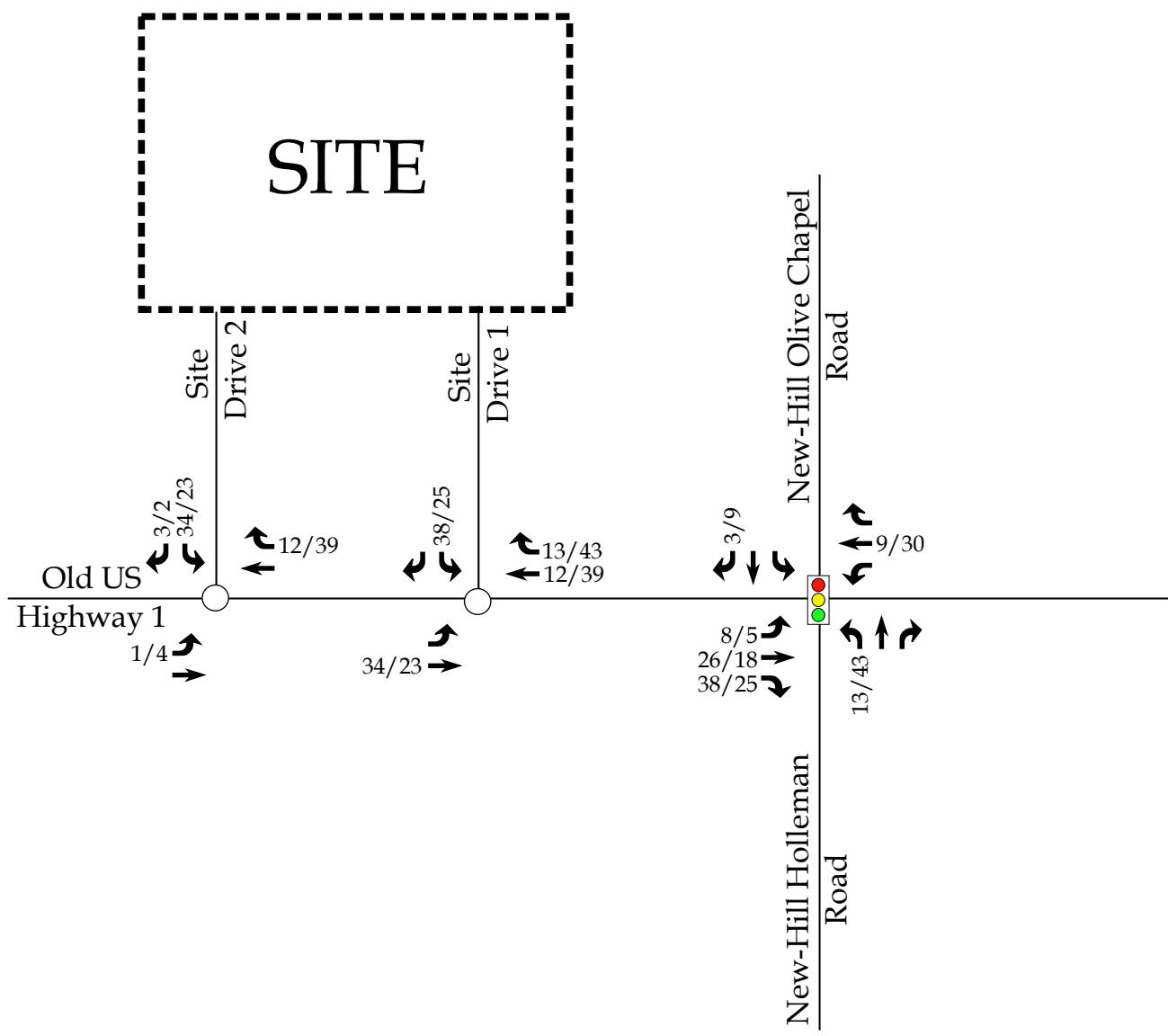
- Unsignalized Intersection
- 🚦 Signalized Intersection
- X% → Entering Trip Distribution
- (Y%) → Exiting Trip Distribution
- XX% Regional Trip Distribution



	<p>Utlely Farms Apex, NC</p>	<p>Site Trip Distribution</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 8</p>

LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Site Trips



	<p>Utlely Farms Apex, NC</p>	<p>Site Trip Assignment</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 9</p>

5. 2026 BUILD TRAFFIC CONDITIONS

5.1. 2026 Build Peak Hour Traffic Volumes

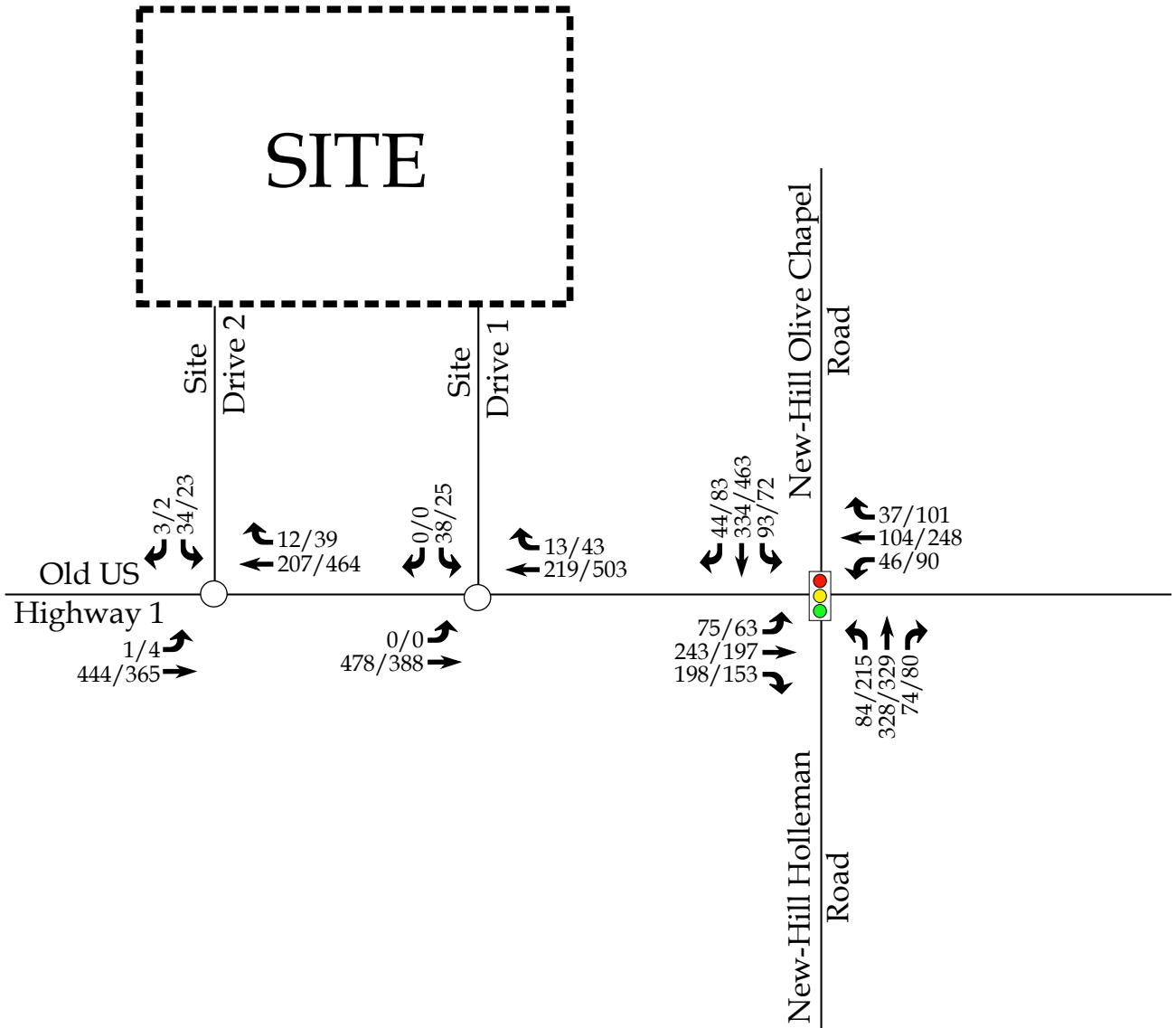
To estimate traffic conditions with the site fully built-out, the total site trips were added to the 2026 no-build traffic volumes to determine the 2026 build traffic volumes. Refer to Figure 10a and Figure 10b for an illustration of the 2026 build peak hour traffic volumes without and with the Gracewood Improvements, respectively, both with the proposed site fully developed.

5.2. Analysis of 2026 Build Peak Hour Traffic Conditions

Study intersections were analyzed with the 2026 build traffic volumes using the same methodology previously discussed for existing and no-build traffic conditions. Intersections were analyzed with improvements necessary to accommodate future traffic volumes. The results of the capacity analysis for each intersection are presented in Section 7 of this report.

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



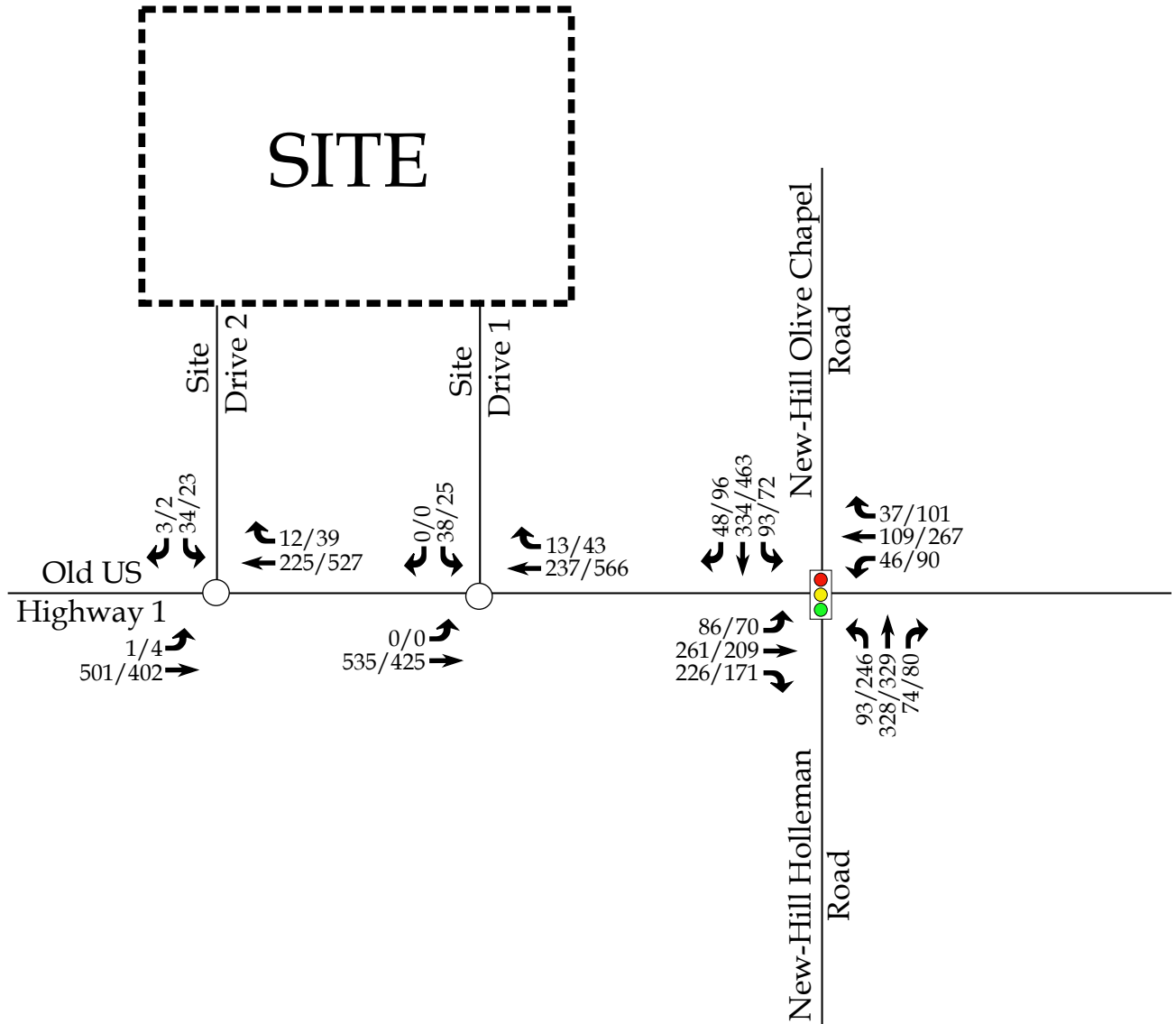
Utlely Farms
Apex, NC

2026 Build
Peak Hour Traffic - without
Gracewood Improvements
Scale: Not to Scale Figure 10a



LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



	<p>Utlely Farms Apex, NC</p>	<p>2026 Build Peak Hour Traffic - with Gracewood Improvements</p>	
		<p>Scale: Not to Scale</p>	<p>Figure 10b</p>

6. TRAFFIC ANALYSIS PROCEDURE

Study intersections were analyzed using the methodology outlined in the *Highway Capacity Manual* (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study area intersections. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement.

The HCM defines capacity as “the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or roadway during a given time period under prevailing roadway, traffic, and control conditions.” Level of service (LOS) is a term used to represent different driving conditions, and is defined as a “qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and/or passengers.” Level of service varies from Level “A” representing free flow, to Level “F” where breakdown conditions are evident. Refer to Table 4 for HCM levels of service and related average control delay per vehicle for both signalized and unsignalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”. An average control delay of 50 seconds at a signalized intersection results in LOS “D” operation at the intersection.

Table 4: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

6.1. Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to the NCDOT Congestions Management Guidelines.

7. CAPACITY ANALYSIS

7.1. Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

The existing unsignalized intersection of Old US Highway 1 and New Hill-Olive Chapel Road was analyzed under 2022 existing, 2026 no-build without Gracewood Improvements, 2026 no-build with Gracewood Improvements, 2026 build without Gracewood Improvements and 2026 build with Gracewood Improvements traffic conditions with lane configurations and traffic control shown in Table 5. Refer to Table 5 for a summary of the analysis results. The with Gracewood Improvement scenarios under 2026 no-build and 2026 build conditions analyzed the intersection with exclusive turn lanes on all approaches to be constructed by the Gracewood Residential development at its build out. Refer to Appendix E for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix H.

Table 5: Analysis Summary of Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2022 Existing	EB	1 LT-TH-RT	B	(14)	B	(16)
	WB	1 LT-TH-RT	B			
	NB	1 LT-TH-RT	B			
	SB	1 LT-TH-RT	B			
2026 No-Build without Gracewood Improvements	EB	1 LT-TH-RT	C	(29)	B	(108)
	WB	1 LT-TH-RT	B			
	NB	1 LT-TH-RT	C			
	SB	1 LT-TH-RT	D			
2026 No-Build with Gracewood Improvements	EB	<u>1 LT</u> , 1 TH-RT	D	(45)	E	(60)
	WB	<u>1 LT</u> , 1 TH-RT	D			
	NB	<u>1 LT</u> , 1 TH-RT	D			
	SB	<u>1 LT</u> , 1 TH, <u>1 RT</u>	D			
2026 Build without Gracewood Improvements	EB	1 LT-TH-RT	C	(44)	B	(160)
	WB	1 LT-TH-RT	B			
	NB	1 LT-TH-RT	E			
	SB	1 LT-TH-RT	E			

Background improvements by the Gracewood Residential development shown underlined.

Table 5: Analysis Summary of Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road (continued)

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build with Gracewood Improvements	EB	<u>1 LT</u> , 1 TH-RT	E	D (53)	E	E (67)
	WB	<u>1 LT</u> , 1 TH-RT	D		E	
	NB	<u>1 LT</u> , 1 TH-RT	D		D	
	SB	<u>1 LT</u> , 1 TH, <u>1 RT</u>	D		F	
2026 Build without Gracewood Improvements - 50 Lots	EB	1 LT-TH-RT	C	C (29)	D	E (64)
	WB	1 LT-TH-RT	B		F	
	NB	1 LT-TH-RT	C		F	
	SB	1 LT-TH-RT	C		C	
2026 Build without Gracewood Improvements - with FIL Improvements	EB	1 LT , 1 TH-RT	D	D (43)	F	E (79)
	WB	1 LT , 1 TH-RT	C		F	
	NB	1 LT-TH-RT	D		F	
	SB	1 LT-TH-RT	D		C	
2026 Build with Gracewood Improvements - Signal Timing Modifications	EB	<u>1 LT</u> , 1 TH-RT	E	D (47)	E	E (58)
	WB	<u>1 LT</u> , 1 TH-RT	D		E	
	NB	<u>1 LT</u> , 1 TH-RT	D		D	
	SB	<u>1 LT</u> , 1 TH, <u>1 RT</u>	D		E	

Background improvements by the Gracewood Residential development shown underlined. Improvements to be paid via fee-in-lieu by the Developer shown in **bold**.

Capacity analysis of 2022 existing conditions indicates that the intersection of Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road is expected to operate at an overall LOS B during the weekday AM peak hour and PM peak hours. Under 2026 no-build and 2026 build conditions without Gracewood Improvements the intersection is expected to operate at an overall LOS D or better during the weekday AM peak hour and an overall LOS F during the weekday PM peak hour. For the purposes of this study, future conditions were also analyzed with improvements committed to by the Gracewood Residential development. These improvements include providing exclusive turn lanes on all approaches. Capacity analysis of 2026 no-build and 2026 build conditions with the

Gracewood Improvements indicates that the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour.

Signal timing modifications were considered at this intersection under 2026 build conditions with the Gracewood Improvements to mitigate an overall poor level of service experienced during the weekday PM peak hour. With this improvement, the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour with delays better than 2026 no-build conditions during the weekday PM peak hour. The signal timing modifications are expected to improve delay to the better than 2026 no-build conditions during the weekday PM peak hour. While this study analyzes the signal with optimization, NCDOT periodically undertakes this at all signals to account for changes in traffic patterns.

2026 build conditions without Gracewood Improvements was analyzed with 50 single family homes built out to determine the impacts on the surrounding roadway network. With 50 single family homes, the intersection is expected to operate at an overall LOS C during the weekday AM peak hour and LOS E during the weekday PM peak hour with delays equal to or better than 2026 no-build conditions without Gracewood Improvements.

Under 2026 build – without Gracewood Improvements conditions, the intersection was analyzed with exclusive eastbound and westbound left-turn lanes along the major-street (Old US Highway 1) in order to mitigate poor levels-of-service experienced during the weekday PM peak hour. With these improvements, the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour under 2026 build conditions with delays better than 2026 no-build conditions during the weekday PM peak hour.

These improvements are not recommended to be constructed by the proposed development as they are already committed to by the Gracewood Residential development to be built out once completed. The Gracewood development has additional improvements at the subject intersection that will be constructed at time of their improvements. In order to not have

continuous intersection improvements being undertaken at the subject intersection, it is recommended that these turn lanes be constructed once triggered by the Gracewood Residential development. The costs of these improvements are significant and beyond the impacts caused solely by the proposed development; therefore, a proportional fee in lieu is recommended for the Utley Farms development. An additional phased analysis scenario was provided to demonstrate the operations at the intersection with buildout of 50 units. Acceptable levels of service are expected under this scenario; therefore, it is recommended that the proportional fee in lieu for these improvements be assessed prior to the 51st single family home.

Per Section 13.19.2 of the Town's Unified Development Ordinance (UDO), improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours with the Gracewood Improvements. Without the Gracewood Improvements, the proposed development is expected to only account for approximately 6% of the overall traffic during the weekday AM peak hour and approximately 7% of overall traffic during the weekday PM peak hour. Additionally, the proposed development is only expected to add approximately eight seconds to the overall delay during the weekday AM peak hour and approximately seven seconds to the overall delay during the weekday PM peak hour under 2026 build conditions with Gracewood Improvements.

7.2. Old US Highway 1 and Site Drive 1

The proposed unsignalized intersection of Old US Highway 1 and Site Drive 1 was analyzed under 2026 build without Gracewood Improvements and 2026 build with Gracewood Improvements traffic conditions with lane configurations and traffic control shown in Table 6. Refer to Table 6 for a summary of the analysis results. Refer to Appendix F for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix H.

Table 6: Analysis Summary of Old US Highway 1 and Site Drive 1

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build without Gracewood Improvements	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT-RT	A ¹ -- C ²	N/A	A ¹ -- C ²	N/A
2026 Build with Gracewood Improvements	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT-RT	A ¹ -- C ²	N/A	A ¹ -- C ²	N/A

1. Level of service for major-street left-turn movement.

2. Level of service for minor-street approach.

Improvements by Developer shown in bold.

Capacity analysis of 2026 build with Gracewood Improvements and 2026 build without Gracewood Improvements indicates that the major-street left-turn movement and the minor-street approach at the intersection of Old US Highway 1 and Site Drive 1 are expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered at this intersection according to the NCDOT *Policy on Street and Driveway Access to NC Highways* (Driveway Manual). Based on the Driveway Manual, an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length is warranted and recommended by the proposed development. Turn lane warrant charts can be found in Appendix H. Due to a low volume of left-turning movements into the proposed development, an exclusive eastbound left-turn lane is not

warranted based on the criteria within the Driveway Manual. Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.

7.3. Old US Highway 1 and Site Drive 2

The proposed unsignalized intersection of Old US Highway 1 and Site Drive 2 was analyzed under 2026 build without Gracewood Improvements and 2026 build with Gracewood Improvements traffic conditions with lane configurations and traffic control shown in Table 7. Refer to Table 7 for a summary of the analysis results. Refer to Appendix G for the Synchro capacity analysis reports. SimTraffic queuing reports can be found in Appendix H.

Table 7: Analysis Summary of Old US Highway 1 and Site Drive 2

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2026 Build without Gracewood Improvements	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT-RT	A ¹ -- B ²	N/A	A ¹ -- C ²	N/A
2026 Build with Gracewood Improvements	EB WB SB	1 LT-TH 1 TH, 1 RT 1 LT-RT	A ¹ -- C ²	N/A	A ¹ -- C ²	N/A

3. Level of service for major-street left-turn movement.

4. Level of service for minor-street approach.

Improvements by Developer shown in bold.

Capacity analysis of 2026 build with Gracewood Improvements and 2026 build without Gracewood Improvements indicates that the major-street left-turn movement and the minor-street approach at the intersection of Old US Highway 1 and Site Drive 1 are expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered at this intersection according to the NCDOT *Policy on Street and Driveway Access to NC Highways* (Driveway Manual). Based on the Driveway Manual, an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length is warranted and recommended by the proposed development. Turn lane warrant charts can be found in Appendix H. Due to a low volume of left-turning movements into the proposed development, an exclusive eastbound left-turn lane is not

warranted based on the criteria within the Driveway Manual. Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.

8. CONCLUSIONS

This Traffic Impact Analysis was conducted to determine the potential traffic impacts of the proposed development, located north of Old Highway US 1, west of New Hill-Olive Chapel Road in Apex, North Carolina. The proposed development is expected to be a residential development and be built out by 2026. Site access is proposed via two (2) full movement driveways along Old US Highway 1.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions without Gracewood Improvements
- 2026 No-Build Traffic Conditions with Gracewood Improvements
- 2026 Build Traffic Conditions without Gracewood Improvements
- 2026 Build Traffic Conditions with Gracewood Improvements

Trip Generation

It is estimated that the proposed development will generate approximately 1,380 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 101 trips (26 entering and 75 exiting) will occur during the weekday AM peak hour and 136 trips (86 entering and 50 exiting) will occur during the weekday PM peak hour.

Adjustments to Analysis Guidelines

Capacity analysis at all study intersections was completed according to NCDOT Congestion Management Guidelines. Refer to section 6.1 of this report for a detailed description of any adjustments to these guidelines made throughout the analysis.

Intersection Capacity Analysis Summary

All the study area intersections (including the proposed site driveways) are expected to operate at acceptable levels-of-service under existing and future year conditions with the

exception of the intersections listed below. A summary of the study area intersections that are expected to need improvements are as follows:

Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

Under 2026 no-build and 2026 build conditions without Gracewood Improvements the intersection is expected to operate at an overall LOS D or better during the weekday AM peak hour and an overall LOS F during the weekday PM peak hour. For the purposes of this study, future conditions were also analyzed with improvements committed to by the Gracewood Residential development. These improvements include installing a signal at the intersection and providing exclusive turn lanes on all approaches. Capacity analysis of 2026 no-build and 2026 build conditions with the Gracewood Improvements indicates that the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour.

Signal timing modifications were considered at this intersection under 2026 build conditions with the Gracewood Improvements to mitigate an overall poor level of service experienced during the weekday PM peak hour. With this improvement, the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour with delays better than 2026 no-build conditions during the weekday PM peak hour. The signal timing modifications are expected to improve delay to the better than 2026 no-build conditions during the weekday PM peak hour. While this study analyzes the signal with optimization, NCDOT periodically undertakes this at all signals to account for changes in traffic patterns.

2026 build conditions without Gracewood Improvements was analyzed with 50 single family homes built out to determine the impacts on the surrounding roadway network. With 50 single family homes, the intersection is expected to operate at an overall LOS C during the weekday AM peak hour and LOS E during the weekday PM peak hour with delays equal to or better than 2026 no-build conditions without Gracewood Improvements.

Under 2026 build – without Gracewood Improvements conditions, the intersection was analyzed with exclusive eastbound and westbound left-turn lanes along the major-street (Old US Highway 1) in order to mitigate poor levels-of-service experienced during the weekday PM peak hour. With these improvements, the intersection is expected to operate at an overall LOS D during the weekday AM peak hour and LOS E during the weekday PM peak hour under 2026 build conditions with delays better than 2026 no-build conditions during the weekday PM peak hour.

These improvements are not recommended to be constructed by the proposed development as they are already committed to by the Gracewood Residential development to be built out once completed. The Gracewood development has additional improvements at the subject intersection that will be constructed at time of their improvements. In order to not have continuous intersection improvements being undertaken at the subject intersection, it is recommended that these turn lanes be constructed once triggered by the Gracewood Residential development. The costs of these improvements are significant and beyond the impacts caused solely by the proposed development; therefore, a proportional fee in lieu is recommended for the Utley Farms development. An additional phased analysis scenario was provided to demonstrate the operations at the intersection with buildout of 50 units. Acceptable levels of service are expected under this scenario; therefore, it is recommended that the proportional fee in lieu for these improvements be assessed prior to the 51st single family home.

Per Section 13.19.2 of the Town’s Unified Development Ordinance (UDO), improvements to minimize delay are to be required for intersections operating at poor levels of service under future conditions when the traffic generated by the proposed development is at least 10% of the projected total weekday AM or PM peak hour traffic at the intersection. The proposed development is expected to only account for approximately 6% of the overall traffic at the intersection during the weekday AM and PM peak hours with the Gracewood Improvements. Without the Gracewood Improvements, the proposed development is expected to only account for approximately 6% of the overall traffic during the weekday AM peak hour and approximately 7% of overall traffic during the weekday PM peak hour. Additionally, the

proposed development is only expected to add approximately eight seconds to the overall delay during the weekday AM peak hour and approximately seven seconds to the overall delay during the weekday PM peak hour under 2026 build conditions with Gracewood Improvements.

9. RECOMMENDATIONS

Based on the findings of this study, specific geometric improvements have been identified and are recommended to accommodate future traffic conditions. See a more detailed description of the recommended improvements below. Refer to Figure 11 for an illustration of the recommended lane configuration for the proposed development.

Background Improvements by Gracewood Residential Development

Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

- Construct exclusive eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive northbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound left-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.
- Construct an exclusive southbound right-turn lane with a minimum of 150 feet of storage and appropriate deceleration and taper length.

Recommended Improvements by Developer

Old US Highway 1 and New Hill-Olive Chapel Road / New Hill-Holleman Road

A proportional fee-in-lieu is recommended for these improvements based on an engineering estimate for their construction prior to the 51st unit.

- Construct exclusive eastbound and westbound left-turn lanes along Old US Highway 1 with a minimum of 250 feet of storage and appropriate deceleration and taper length.

Old US Highway 1 and Site Drive 1

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide stop-control for the southbound approach.

- *Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.*

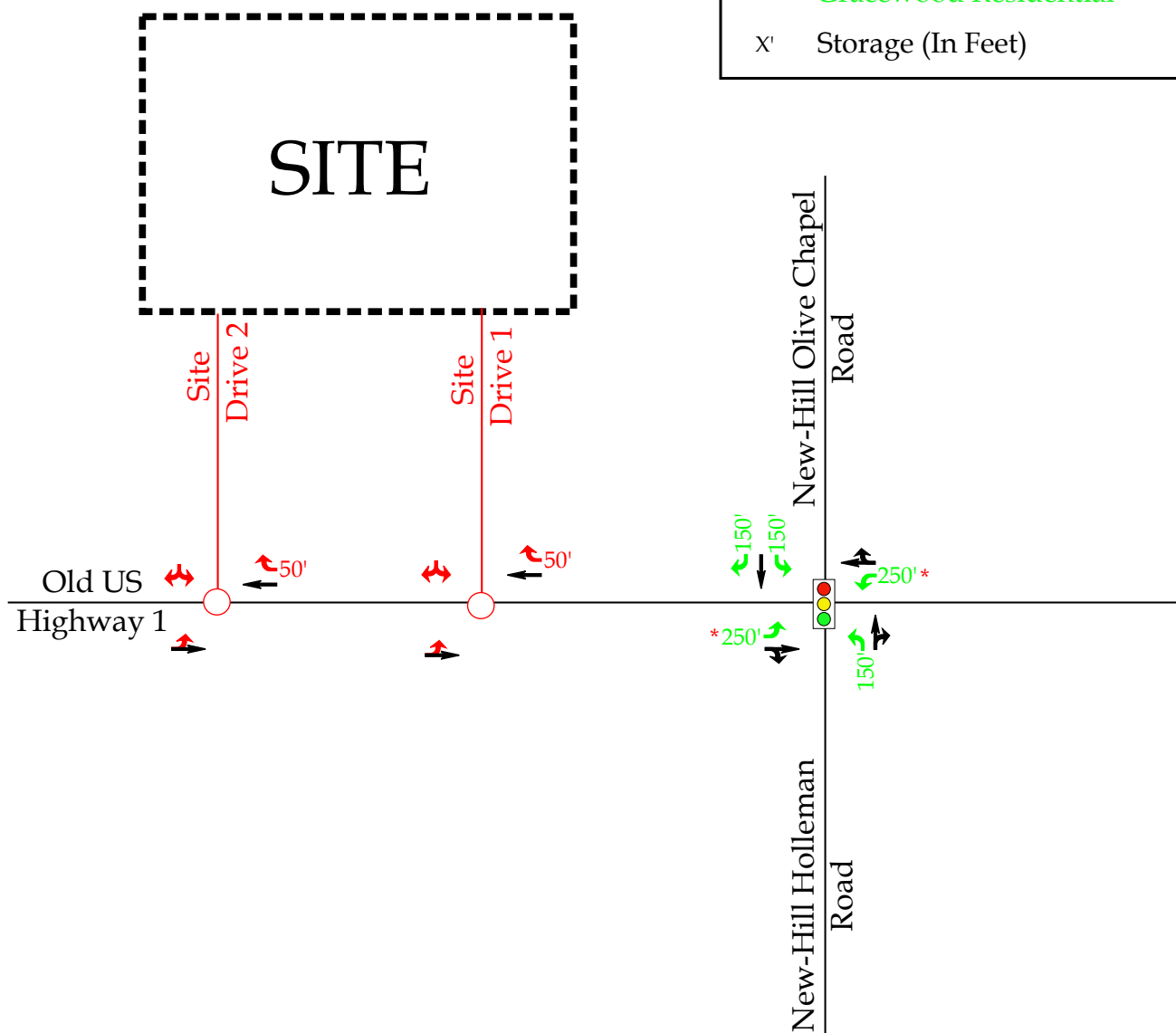
Old US Highway 1 and Site Drive 2

- Construct the southbound approach with one (1) ingress lane and one (1) egress lane.
- Provide an exclusive westbound right-turn lane with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Provide stop-control for the southbound approach.
- *Although an exclusive eastbound left-turn lane is not warranted, this improvement would not be uncommon along the major thoroughfare (Old US Highway 1) due to the high posted speed limit (55 mph) and the traffic growth expected in the future. At this site driveway, the proposed development could construct an exclusive eastbound left-turn lane in place of the recommended exclusive westbound right-turn lane.*




LEGEND

- Unsignalized Intersection
- 🚦 Signalized Intersection
- ➡ Existing Lane
- ➡ Improvement by Developer
- ➡ Background Improvement by Gracewood Residential
- x' Storage (In Feet)



*Note: Proportional fee-in-lieu by Developer

	Utley Farms Apex, NC	Recommended Lane Configurations	
		Scale: Not to Scale	Figure 11

TECHNICAL APPENDIX

APPENDIX A

SCOPING DOCUMENTATION



February 23, 2022

Russell Dalton, PE
Town of Apex
73 Hunter Street
Apex, NC 27502
P: 919-429-3358
E: russell.dalton@apexnc.org

Subject: **Memorandum of Understanding** – Belterra Section II
Apex, North Carolina

Dear Mr. Dalton:

The following is a Memorandum of Understanding (MOU) outlining the proposed scope of work and assumptions related to the Traffic Impact Analysis (TIA) for the proposed Belterra Section II development, to be located north of Old US Highway 1 and west of New Hill - Olive Chapel Road in Apex, North Carolina.

It is our understanding that the proposed development is expected be fully built out by 2026 and consist of a maximum amount of 140 single family homes. Access to the development is proposed via two (2) full movement driveways along Old US Highway 1. An internal connection to the existing phase 1 of the Belterra development, north of the site, is expected to provide site access to the proposed development. For the purposes of this study, this access will not be analyzed under future conditions as the traffic that is is expected to utilize this connection is negligible. This MOU contains information based on a scoping call with the Town of Apex (Town) on December 29, 2021 and with the North Carolina Department of Transportation (NCDOT) on December 28, 2021. A site location map and preliminary site plan has been attached for your reference.

Study Area

Based on coordination with the Town and NCDOT, the study area is proposed to consist of the following existing intersection:

- Old US Highway 1 and New Hill - Olive Chapel Road / New Hill – Holleman Road

Analysis Scenarios

All capacity analyses will be performed utilizing Synchro (Version 10.3). All study intersections will be analyzed during typical weekday AM and PM peak hours under the following proposed traffic scenarios:

- 2022 Existing Traffic Conditions
- 2026 No-Build Traffic Conditions with Gracewood Improvements
- 2026 No-Build Traffic Conditions without Gracewood Improvements
- 2026 Build Traffic Conditions with Gracewood Improvements



- 2026 Build Traffic Conditions without Gracewood Improvements

Existing Traffic Volumes

Peak hour turning movement counts were collected at the study intersection in February 2022 during weekday AM (7:00 – 9:00 AM) and PM (4:00 – 6:00 PM) peak periods, while schools are in session, to determine 2022 existing peak hour traffic volumes.

No-Build Traffic Volumes

Per coordination with Town and NCDOT Staff, no-build traffic volumes will be determined by projecting 2022 existing traffic volumes to the build-out year using a proposed 3% annual growth rate.

Adjacent Developments

Based on coordination with the Town, the following adjacent developments are to be included in this study:

- Gracewood Residential – April 2021 by KHA
 - Without Gracewood Improvements – this study will assume Gracewood consist of 270 single family homes.
 - With Gracewood Improvements – this study will consider 85% of the Gracewood development as adjacent development traffic as 15% of the development is currently built-out.
- Olive Ridge – December 2018 by RKA
- Jordan Manors – May 2015 by KHA
 - 20% of the Jordan Manors development will be considered as adjacent development traffic as 80% of the development is currently built out.
- Belterra (New Hill Assembly aka Jordan Vistas) – April 2018 by RKA

All other future developments will be accounted for with the proposed 3% growth rate.

Future Roadway Improvements

Through coordination with NCDOT and the Town, future roadway improvements associated with the Gracewood Residential development are to be included in this study under future conditions. For the purposes of this study, under future conditions without Gracewood Improvements, the Gracewood adjacent development is expected to consist of 270 single family homes. Analysis of future conditions with Gracewood Improvements will include 85% of the development’s density as adjacent development traffic as 15% of the development is currently built-out.

Trip Generation

Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE *Trip Generation Manual*, 11th Edition. Refer to Table 1, on the following page, for a detailed breakdown of the buildout site trip generation.

Table 1: Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	AM Peak Hour Trips (vph)		PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Single-Family Homes (210)	140 units	1,380	26	75	86	50

It is estimated that the proposed site will generate approximately 1,380 total site trips on the roadway network during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 101 trips (26 entering and 75 exiting) would occur during the weekday AM peak hour and 136 trips (86 entering and 50 exiting) would occur during the weekday PM peak hour.

Trip Distribution

The primary site trips are distributed based on a combination of existing traffic patterns, population centers adjacent to the study area, and engineering judgment. A summary of the proposed regional trip distributions is as follows:

- 10% to/from the north via New-Hill Olive Chapel Road
- 50% to/from the south via New-Hill Holleman Road
- 35% to/from the east via Old US Highway 1
- 5% to/from the west via Old US Highway 1

Refer to the attachments for a figure showing the anticipated site trip distributions for the site.

Report

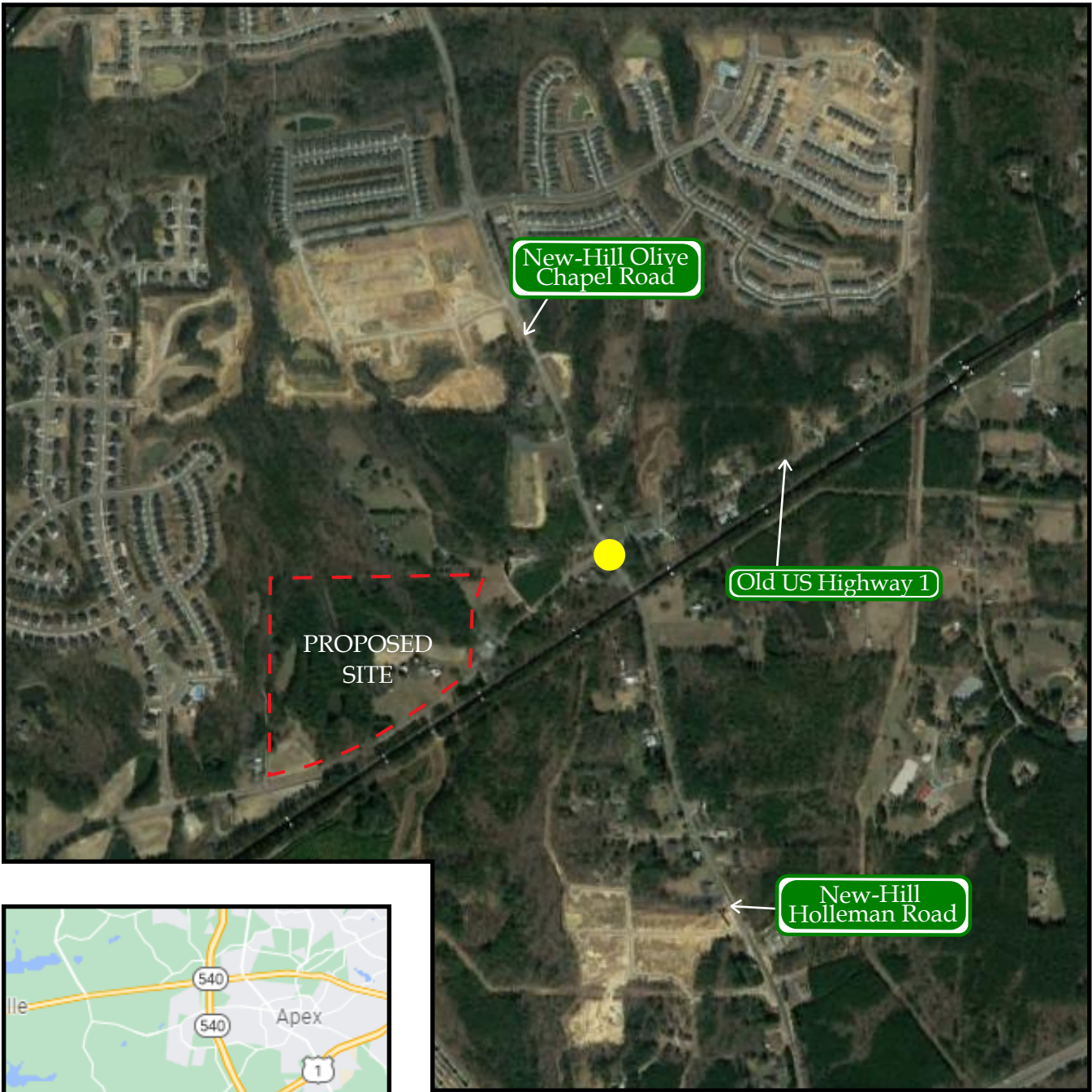
The Traffic Impact Analysis report will be prepared based on the Town and NCDOT guidelines. If you find this memorandum of understanding acceptable, please let me know so that we may include it in the TIA report. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Ramey Kemp & Associates, Inc.



Nate Bouquin, PE, PTOE
Traffic Engineering Project Manager

- Attachments: Site Location Map
Preliminary Site Plan
2022 Existing Peak Hour Traffic
Proposed Site Trip Distribution Figure



LEGEND

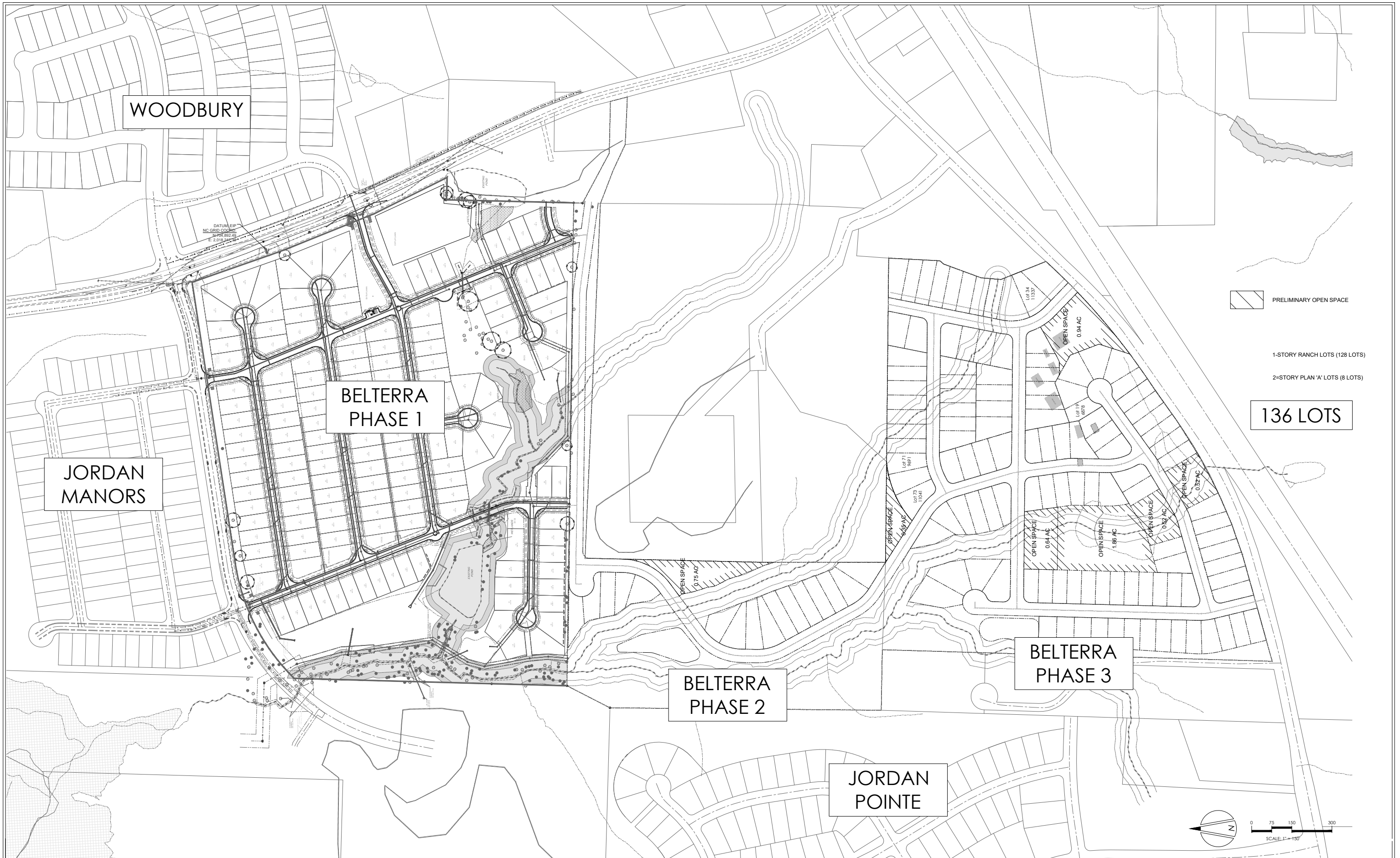
- Proposed Site Location
- Existing Study Intersection
- Study Area



Belterra Section II
Apex, NC

Site Location Map

Scale: Not to Scale



WOODBURY

BELTERRA
PHASE 1

JORDAN
MANORS

BELTERRA
PHASE 2

BELTERRA
PHASE 3

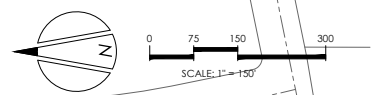
JORDAN
POINTE

PRELIMINARY OPEN SPACE

1-STORY RANCH LOTS (128 LOTS)

2-STORY PLAN 'A' LOTS (8 LOTS)

136 LOTS



NO.	DATE	REVISION	BY

Designer: FS Scale: 1" = 150'
 Drawn By: FS Date: 06/30/2021
 Checked By: JR Job No.: 210504

BELTERRA PHASE 2
 NEW HILL, NORTH CAROLINA

- Page 286 -

SKETCH PLAN 1

PEAK Engineering & Design
 1125 Apex Parkway | Apex, NC 27502
 ph: 919.439.0100
 www.PeakEngineering.com

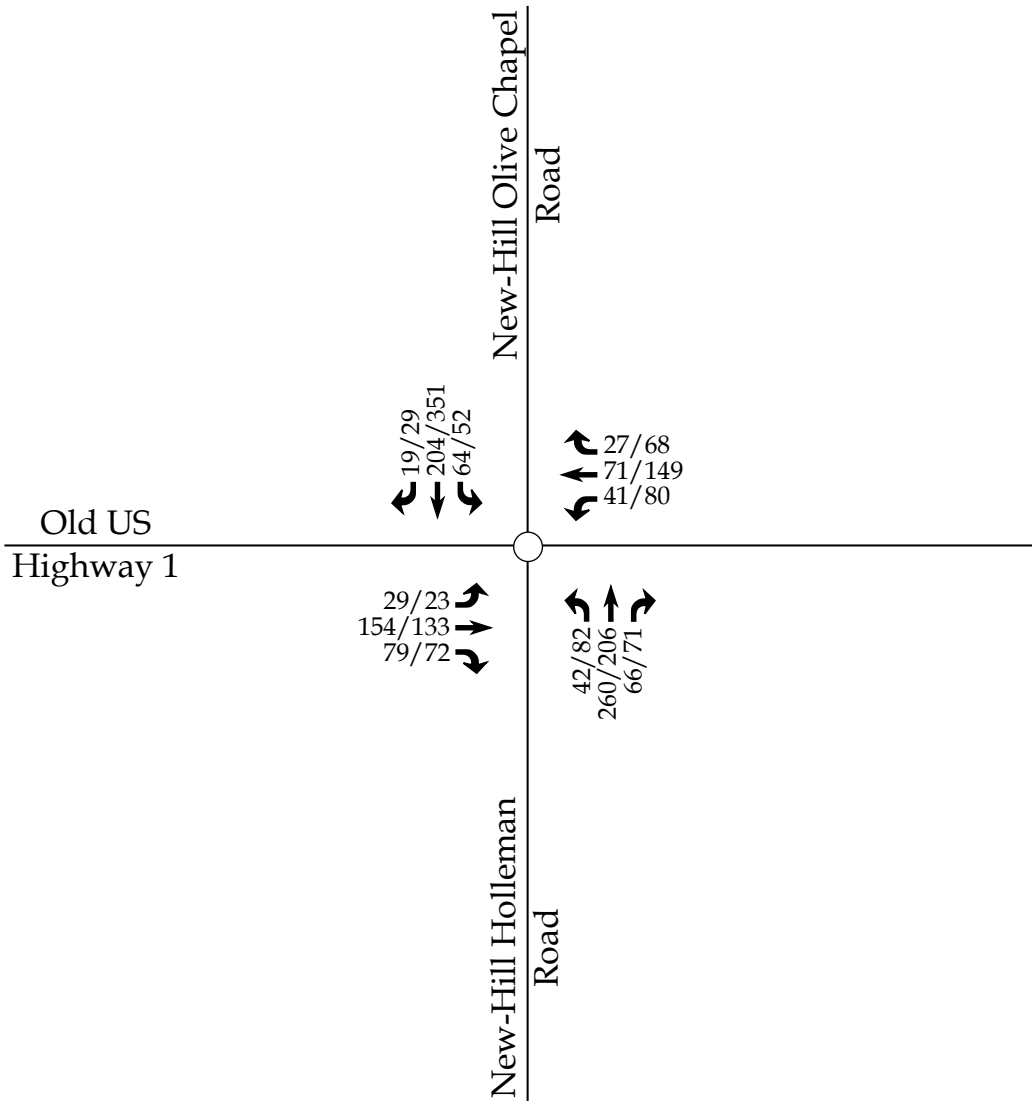
Sheet No.
SP-1

© 2020 Peak Engineering & Design. All Rights Reserved



LEGEND

- Unsignalized Intersection
- X / Y → Weekday AM / PM Peak Hour Traffic



RAMEY KEMP ASSOCIATES

Belterra Section II
Apex, NC

2022 Existing
Peak Hour Traffic

Scale: Not to Scale

LEGEND

○ Unsignalized Intersection

🚦 Signalized Intersection

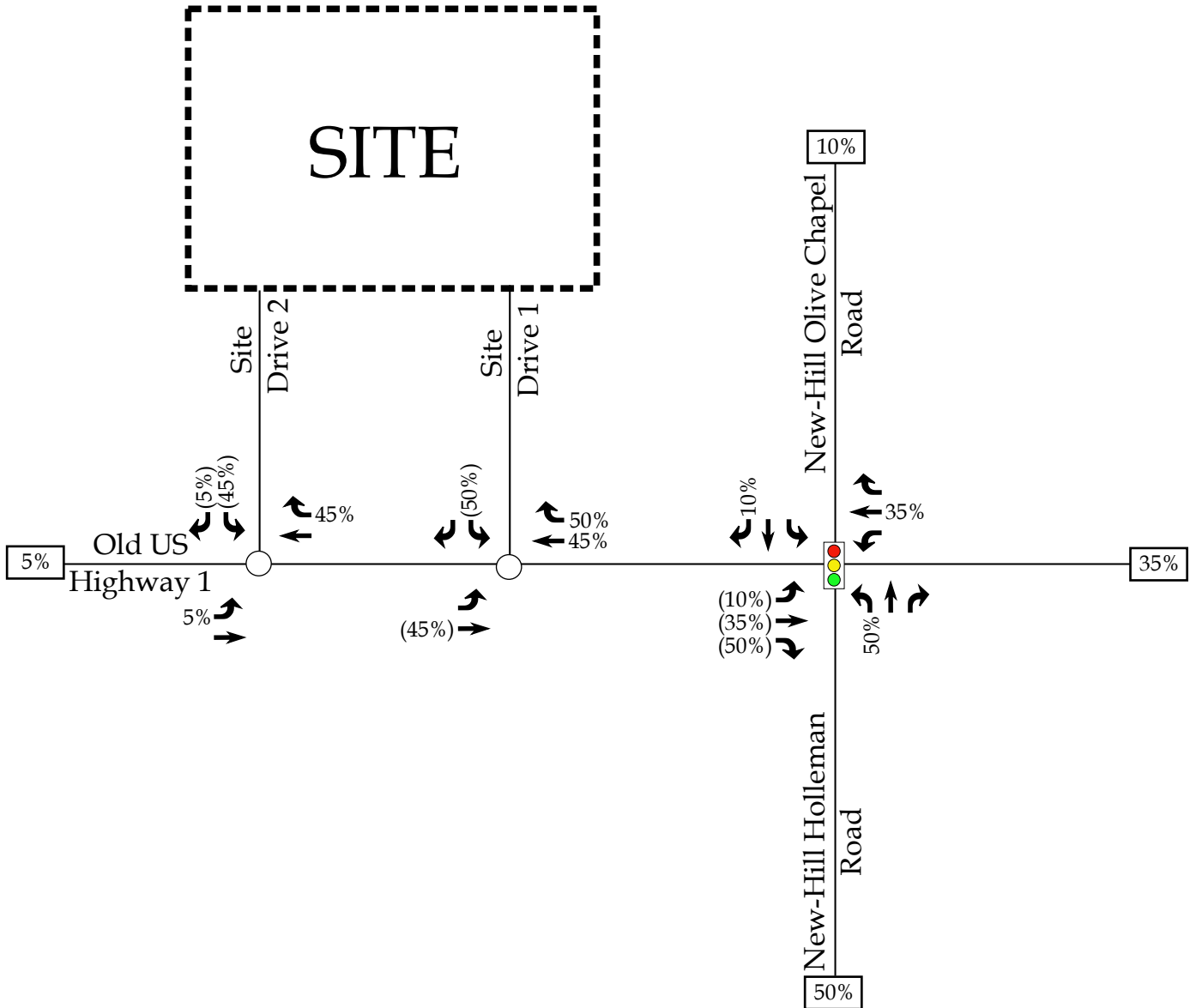
X% → Entering Trip Distribution

(Y%) → Exiting Trip Distribution

XX% Regional Trip Distribution



SITE



Belterra Section II
Apex, NC

Proposed
Site Trip Distribution

Scale: Not to Scale

APPENDIX B

TRAFFIC COUNTS



TRAFFIC DATA COLLECTION

File Name : Apex(Old US Hwy 1 and New Hill)
 Site Code :
 Start Date : 2/16/2022
 Page No : 1

Groups Printed- Cars + - Trucks

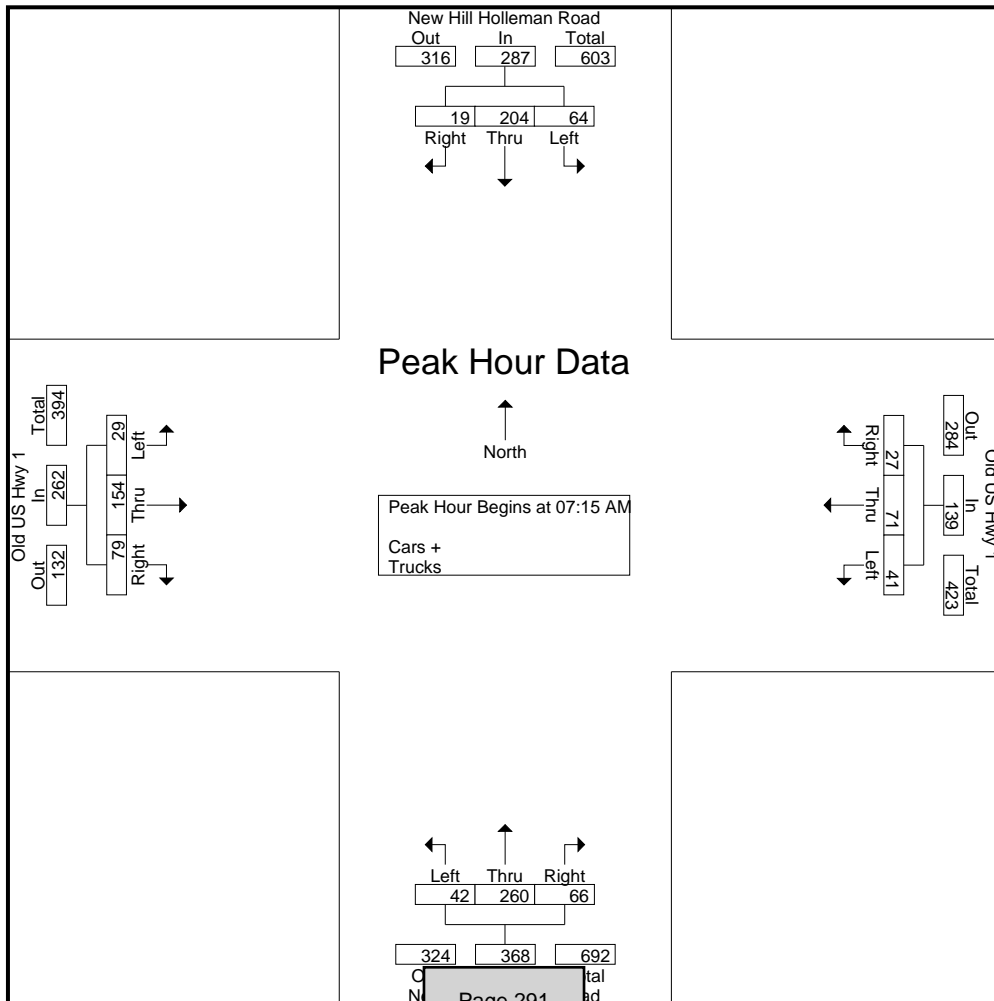
Start Time	New Hill Holleman Road Southbound				Old US Hwy 1 Westbound				New Hill Holleman Road Northbound				Old US Hwy 1 Eastbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
07:00 AM	5	48	13	66	3	7	11	21	17	59	7	83	8	34	16	58	228
07:15 AM	2	76	24	102	7	10	8	25	15	54	9	78	29	35	6	70	275
07:30 AM	7	53	15	75	3	13	6	22	13	83	6	102	21	47	6	74	273
07:45 AM	6	39	7	52	6	23	17	46	19	63	14	96	14	45	8	67	261
Total	20	216	59	295	19	53	42	114	64	259	36	359	72	161	36	269	1037
08:00 AM	4	36	18	58	11	25	10	46	19	60	13	92	15	27	9	51	247
08:15 AM	11	42	18	71	7	24	10	41	14	83	5	102	14	31	10	55	269
08:30 AM	7	42	25	74	4	30	8	42	14	60	15	89	11	53	10	74	279
Grand Total	42	336	120	498	41	132	70	243	111	462	69	642	112	272	65	449	1832
Apprch %	8.4	67.5	24.1		16.9	54.3	28.8		17.3	72	10.7		24.9	60.6	14.5		
Total %	2.3	18.3	6.6	27.2	2.2	7.2	3.8	13.3	6.1	25.2	3.8	35	6.1	14.8	3.5	24.5	
Cars +	34	300	114	448	37	119	65	221	108	417	61	586	105	262	63	430	1685
% Cars +	81	89.3	95	90	90.2	90.2	92.9	90.9	97.3	90.3	88.4	91.3	93.8	96.3	96.9	95.8	92
Trucks	8	36	6	50	4	13	5	22	3	45	8	56	7	10	2	19	147
% Trucks	19	10.7	5	10	9.8	9.8	7.1	9.1	2.7	9.7	11.6	8.7	6.2	3.7	3.1	4.2	8



TRAFFIC DATA COLLECTION

File Name : Apex(Old US Hwy 1 and New Hill)
 Site Code :
 Start Date : 2/16/2022
 Page No : 2

	New Hill Holleman Road Southbound				Old US Hwy 1 Westbound				New Hill Holleman Road Northbound				Old US Hwy 1 Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:15 AM																	
07:15 AM	2	76	24	102	7	10	8	25	15	54	9	78	29	35	6	70	275
07:30 AM	7	53	15	75	3	13	6	22	13	83	6	102	21	47	6	74	273
07:45 AM	6	39	7	52	6	23	17	46	19	63	14	96	14	45	8	67	261
08:00 AM	4	36	18	58	11	25	10	46	19	60	13	92	15	27	9	51	247
Total Volume	19	204	64	287	27	71	41	139	66	260	42	368	79	154	29	262	1056
% App. Total	6.6	71.1	22.3		19.4	51.1	29.5		17.9	70.7	11.4		30.2	58.8	11.1		
PHF	.679	.671	.667	.703	.614	.710	.603	.755	.868	.783	.750	.902	.681	.819	.806	.885	.960





TRAFFIC DATA COLLECTION

File Name : Apex(Old US Hwy 1 and New Hill)
 Site Code :
 Start Date : 2/16/2022
 Page No : 1

Groups Printed- Cars + - Trucks

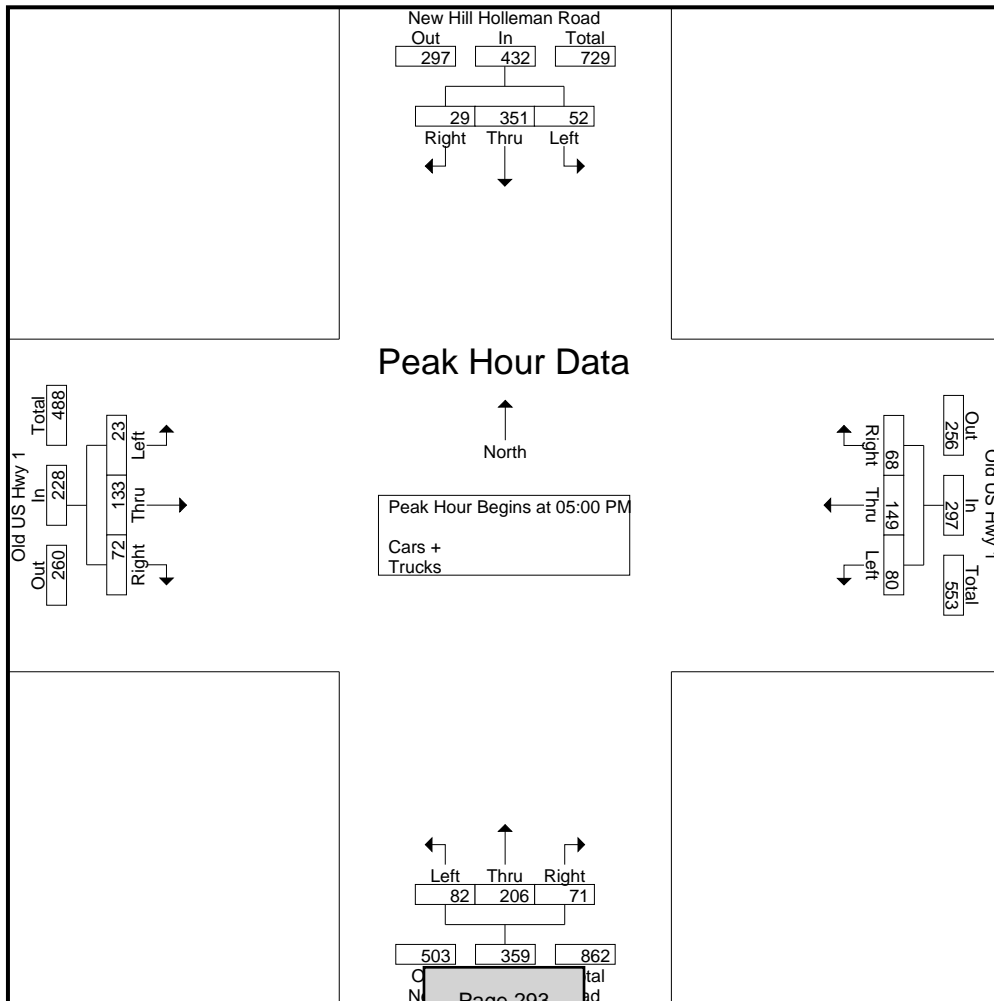
Start Time	New Hill Holleman Road Southbound				Old US Hwy 1 Westbound				New Hill Holleman Road Northbound				Old US Hwy 1 Eastbound				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
04:00 PM	5	67	10	82	21	46	23	90	14	43	11	68	21	21	6	48	288
04:15 PM	13	73	5	91	17	33	25	75	16	56	10	82	16	18	8	42	290
04:30 PM	9	60	6	75	13	43	26	82	9	52	29	90	15	28	8	51	298
04:45 PM	7	68	8	83	15	39	27	81	18	45	17	80	20	18	7	45	289
Total	34	268	29	331	66	161	101	328	57	196	67	320	72	85	29	186	1165
05:00 PM	6	55	14	75	17	36	18	71	14	39	16	69	15	26	2	43	258
05:15 PM	6	135	15	156	18	31	26	75	25	59	24	108	24	38	11	73	412
05:30 PM	9	91	11	111	22	51	20	93	22	47	18	87	16	30	3	49	340
05:45 PM	8	70	12	90	11	31	16	58	10	61	24	95	17	39	7	63	306
Total	29	351	52	432	68	149	80	297	71	206	82	359	72	133	23	228	1316
Grand Total	63	619	81	763	134	310	181	625	128	402	149	679	144	218	52	414	2481
Apprch %	8.3	81.1	10.6		21.4	49.6	29		18.9	59.2	21.9		34.8	52.7	12.6		
Total %	2.5	24.9	3.3	30.8	5.4	12.5	7.3	25.2	5.2	16.2	6	27.4	5.8	8.8	2.1	16.7	
Cars +	56	587	78	721	133	305	175	613	124	384	147	655	137	211	51	399	2388
% Cars +	88.9	94.8	96.3	94.5	99.3	98.4	96.7	98.1	96.9	95.5	98.7	96.5	95.1	96.8	98.1	96.4	96.3
Trucks	7	32	3	42	1	5	6	12	4	18	2	24	7	7	1	15	93
% Trucks	11.1	5.2	3.7	5.5	0.7	1.6	3.3	1.9	3.1	4.5	1.3	3.5	4.9	3.2	1.9	3.6	3.7



TRAFFIC DATA COLLECTION

File Name : Apex(Old US Hwy 1 and New Hill)
 Site Code :
 Start Date : 2/16/2022
 Page No : 2

	New Hill Holleman Road Southbound				Old US Hwy 1 Westbound				New Hill Holleman Road Northbound				Old US Hwy 1 Eastbound				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 05:00 PM																	
05:00 PM	6	55	14	75	17	36	18	71	14	39	16	69	15	26	2	43	258
05:15 PM	6	135	15	156	18	31	26	75	25	59	24	108	24	38	11	73	412
05:30 PM	9	91	11	111	22	51	20	93	22	47	18	87	16	30	3	49	340
05:45 PM	8	70	12	90	11	31	16	58	10	61	24	95	17	39	7	63	306
Total Volume	29	351	52	432	68	149	80	297	71	206	82	359	72	133	23	228	1316
% App. Total	6.7	81.2	12		22.9	50.2	26.9		19.8	57.4	22.8		31.6	58.3	10.1		
PHF	.806	.650	.867	.692	.773	.730	.769	.798	.710	.844	.854	.831	.750	.853	.523	.781	.799



APPENDIX C

ADJACENT DEVELOPMENT INFORMATION

Traffic Impact Analysis New Hill Assembly Apex, NC



RAMEY KEMP
- - - - -
ASSOCIATES
TRANSPORTATION ENGINEERS

TRAFFIC IMPACT ANALYSIS

FOR

NEW HILL ASSEMBLY

LOCATED

IN

APEX, NORTH CAROLINA

Prepared For:
Forsyth Investments Company, LLC
414 Forsyth Street
Raleigh, NC 27609

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910



April 2018

RKA Project No. 18120

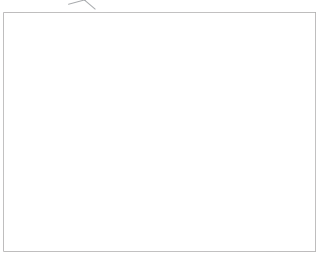
Prepared By: NB

Reviewed By: JM



0 50 100 200
SCALE 1" = 100'

1 SKETCH PLAN 1
SCALE 1" = 100'



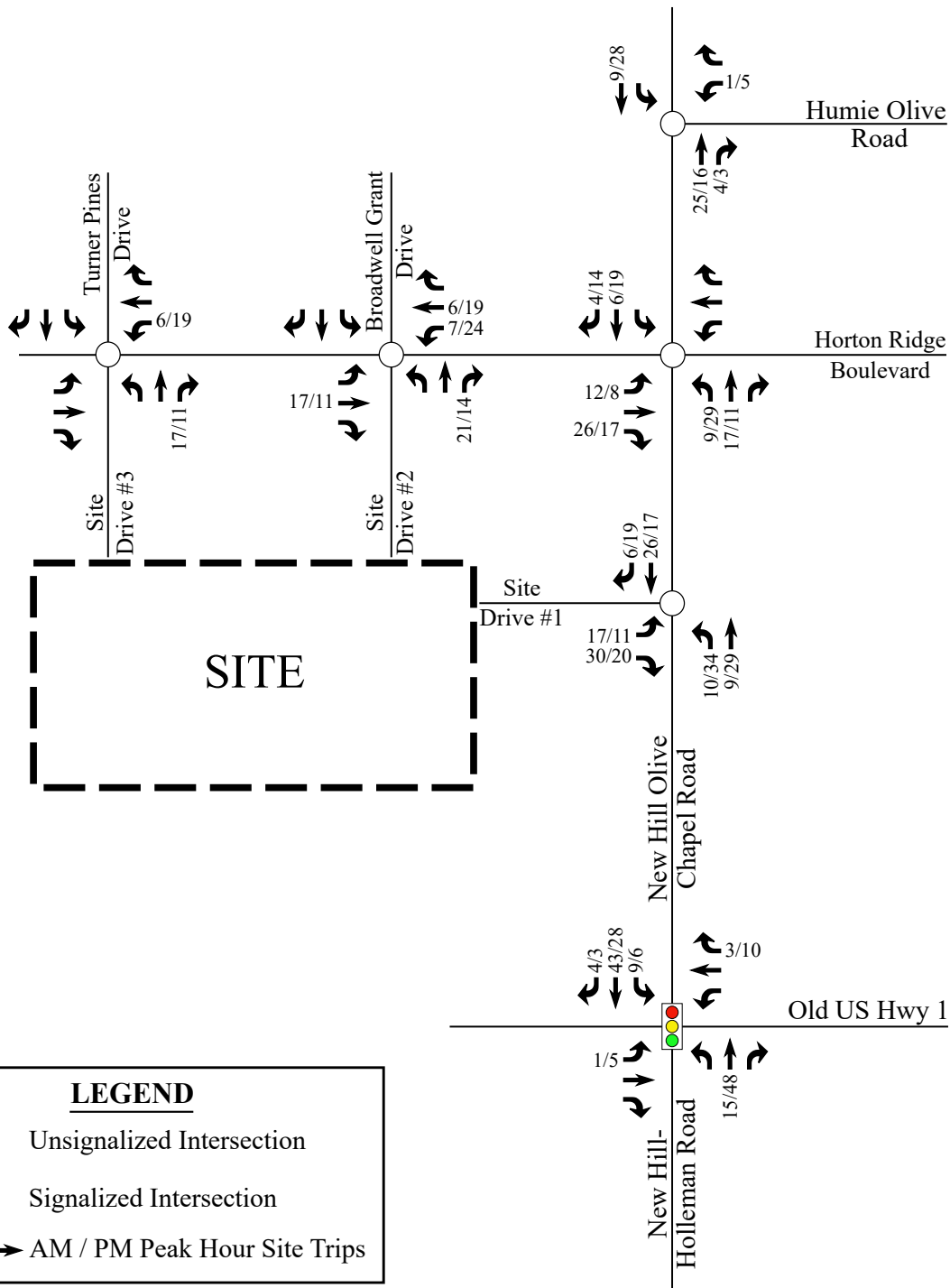
sheet: **SP-1**
 project: **NEW HILL ASSEMBLY**
 title: **SKETCH PLAN**
 date: **MARCH 5, 2018**
 dwn by: **ckd**
 jn
 scale: **1" = 100'**

No.	DATE	REVISION BY

project: **NEW HILL ASSEMBLY**
HILL OLIVE CHAPEL ROAD @
TON RIDGE ROAD
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA

PEAK
 Engineering & Design
 5448 Apex Parkway #308 | Apex, NC 27502
 ph: 919.439.0100 | fax: 919.439.4411
 www.PeakEngineeringDesign.com

© 2017 Peak Engineering & Design, All Rights Reserved.



LEGEND

○ Unsignalized Intersection

⬆️⬆️⬆️ Signalized Intersection

X/Y → AM / PM Peak Hour Site Trips

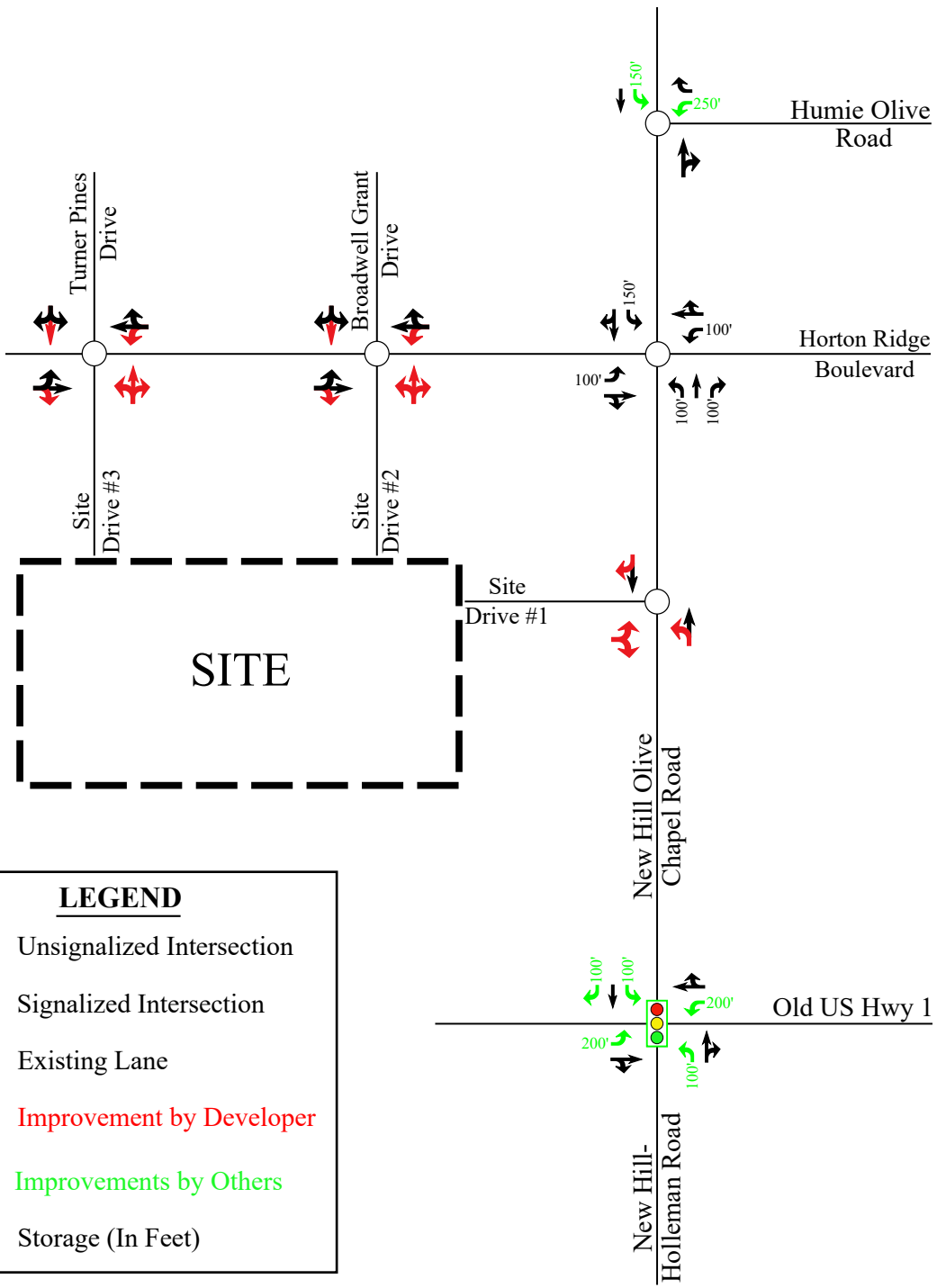


New Hill Assembly
Apex, NC






Site
Trip Assignment

Scale: Not to Scale

Figure 9



LEGEND

-  Unsignalized Intersection
-  Signalized Intersection
-  Existing Lane
-  Improvement by Developer
-  Improvements by Others
- X' Storage (In Feet)



New Hill Assembly
Apex, NC

Recommended
Lane Configurations

Scale: Not to Scale

Figure 11



Traffic Impact Analysis

Gracewood Residential Apex, NC

Prepared for:
Community Properties, Inc.

Kimley»Horn

© Kimley-Horn and Associates, Inc. 2021

Updated Traffic Impact Analysis for
Gracewood Residential
Apex, North Carolina

Prepared for:
Community Properties, Inc.
Raleigh, NC

Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
300 Morris Street, Suite 200
Durham, NC 27701
(919) 682-3583

April 2021
018723000



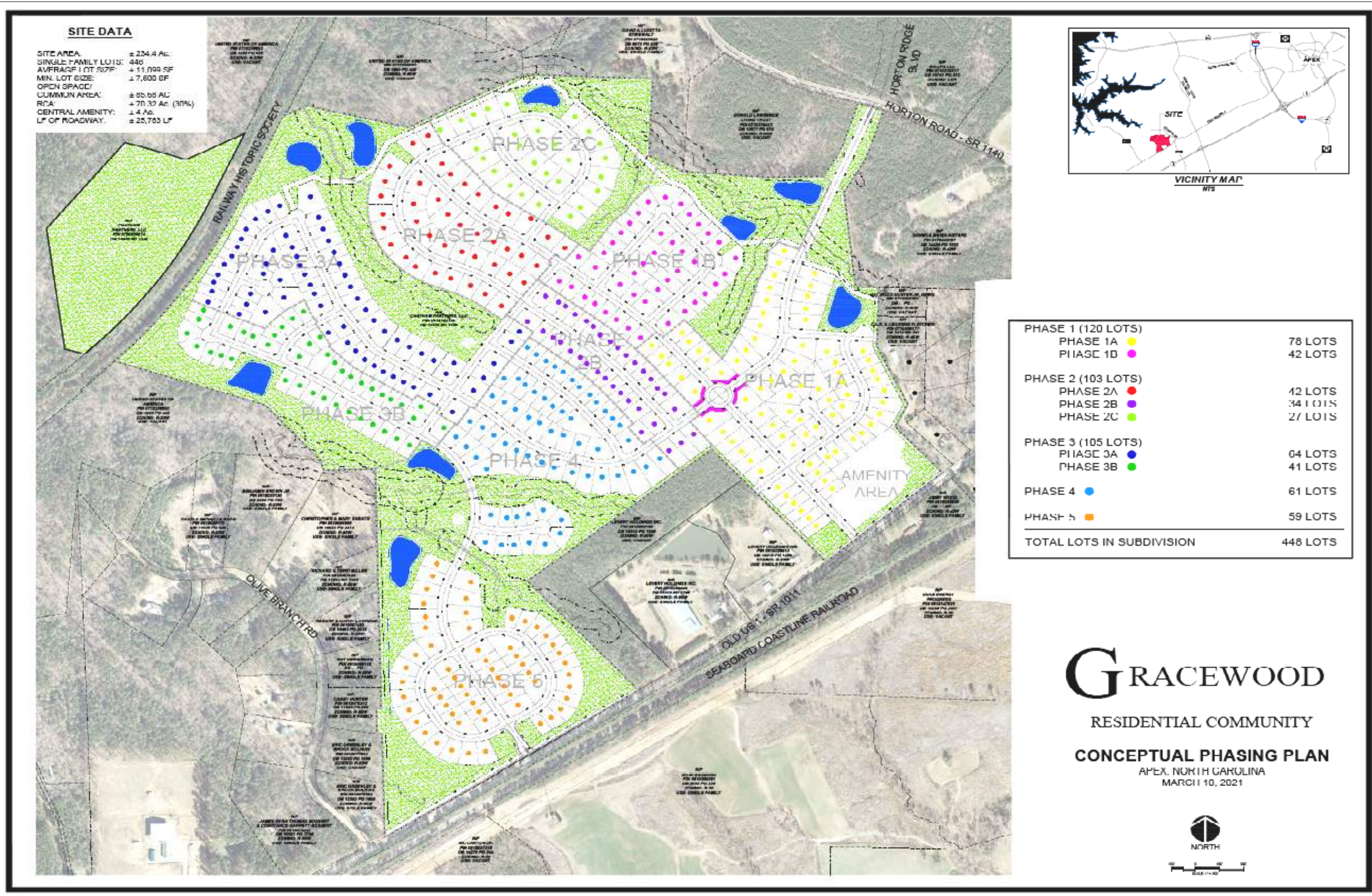


FIGURE 2.2

PROPOSED SITE PLAN

GRACEWOOD RESIDENTIAL APEX, NC TRAFFIC IMPACT ANALYSIS



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

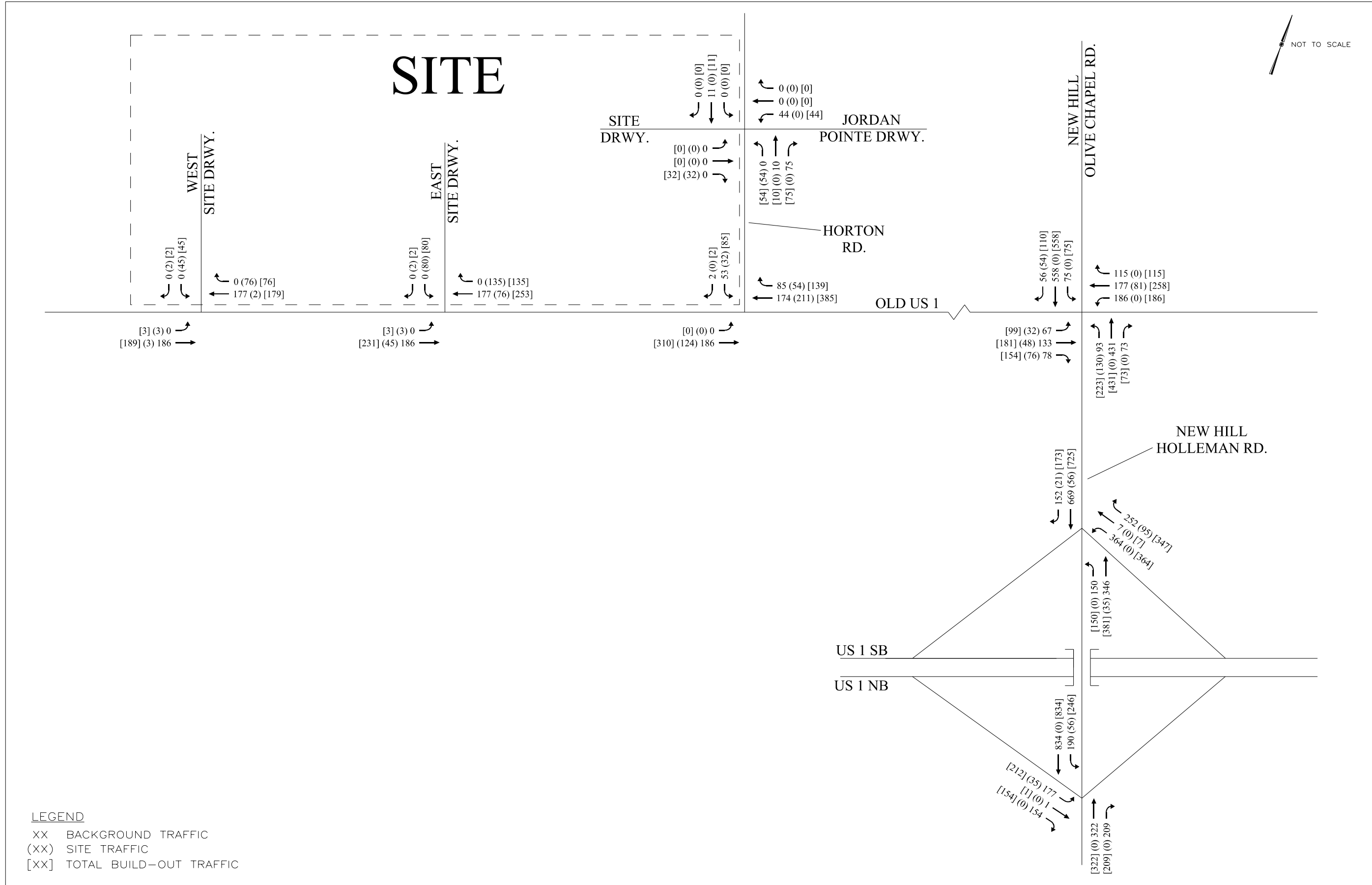


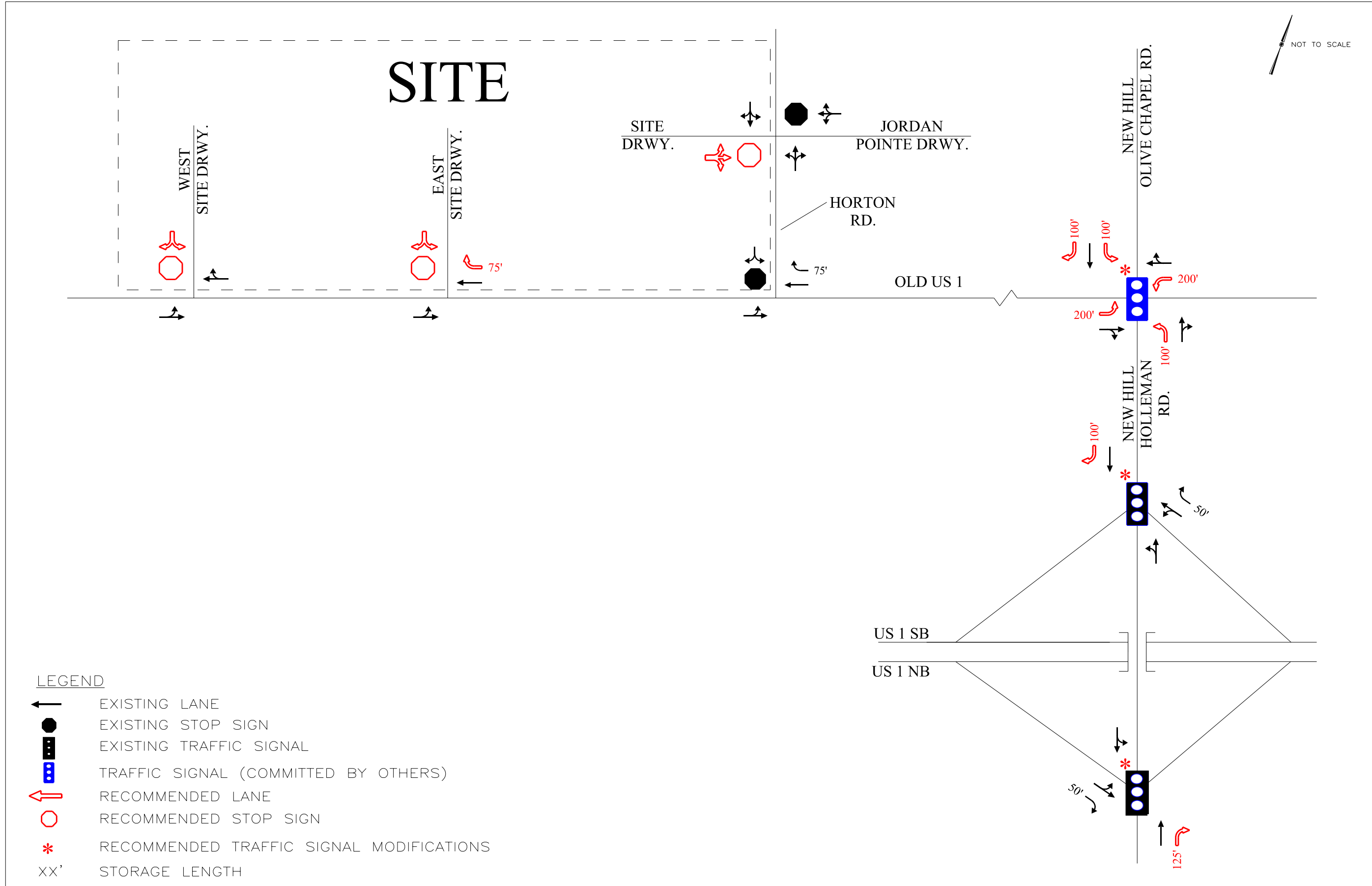
FIGURE 5.4

PROJECTED (2027) BUILD-OUT PM PEAK HOUR TRAFFIC VOLUMES

GRACEWOOD RESIDENTIAL APEX, NC TRAFFIC IMPACT ANALYSIS



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



May 29, 2015

Mr. Colen Davidson
Milestone Developments, LLC.
140 Towerview Ct.
Cary, NC 27513



RE: *Finkle and Haus Assemblage – Traffic Impact Analysis*

5/29/2015

Dear Mr. Davidson:

Kimley-Horn and Associates, Inc. has revised the Traffic Impact Analysis (originally dated February 27, 2015) for the proposed residential development located on the west side of New Hill Olive Chapel Road in Apex, NC. The proposed development will consist of approximately 240 single-family homes split between 2 parcels (approximately 160 units in the northern parcel and 80 units in the southern parcel) and is expected to be completed (built-out) by the year 2018. The northern parcel is proposed to be accessed by two full-movement driveways on New Hill Olive Chapel Road, and the southern parcel is proposed to be access by two full-movement driveways on the Proposed Collector Road that will tie to New Hill Olive Chapel Road along the south end of the site. Figure 1 shows the site location, and Figure 2 shows the proposed site plan.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the development. The three traffic conditions studied include the existing (2015) traffic condition, the projected (2018) background traffic condition, and the projected (2018) build-out traffic condition. Analyses were performed for the weekday AM and PM peak hours. The study area consists of the following intersections:

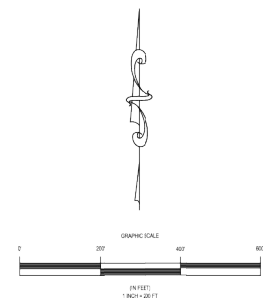
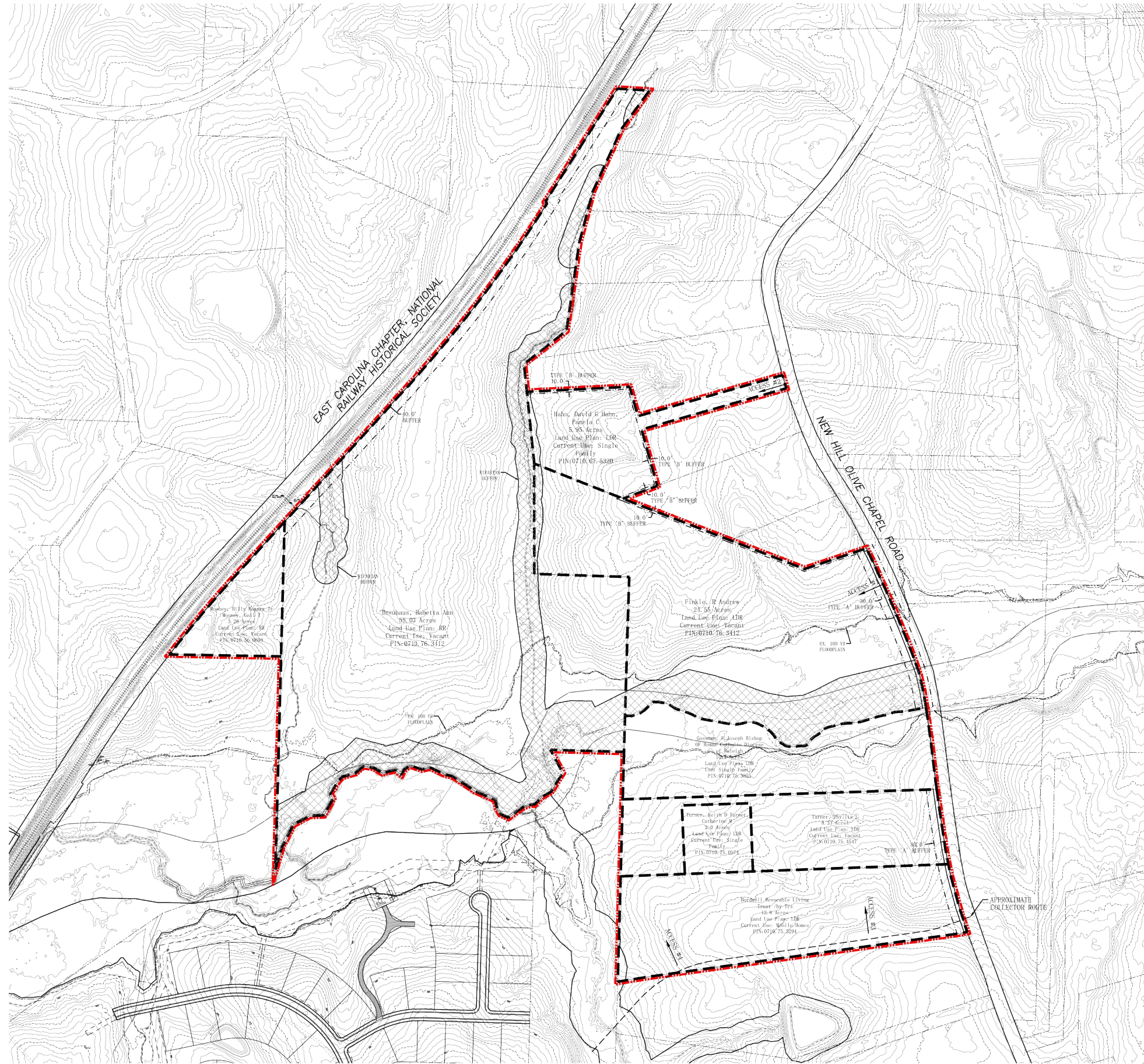
- New Hill Olive Chapel Road & Old US Hwy 1
- New Hill Olive Chapel Road & Humie Olive Road
- New Hill Olive Chapel Road & Proposed Site Access 1
- New Hill Olive Chapel Road & Proposed Site Access 2
- New Hill Olive Chapel Road & Proposed Collector Road (to connect with Site Access 3, 4)

Background Traffic

AM and PM peak hour traffic counts were performed at the following intersections on January 22, 2015:

- New Hill Olive Chapel Road & Old US Hwy 1
- New Hill Olive Chapel Road & Humie Olive Road

The existing AM and PM peak hour turning movement volumes are shown on Figures 3 and 4, respectively. A 3% annual growth factor was applied to the existing volumes to account for ambient



240 UNITS

Wm. G. Daniel & Assoc.
 Engineering Planning
 Site Design
 1150 SE MAYNARD ROAD
 SUITE 260
 CARY, NC 27511
 (919) 467-9708
 C-0329

Revisions
 05/13/15 Added parcels
 and increased unit count to 240

DEVELOPER:
 Milestone Developments, LLC
 142 Towerview Court
 Cary, NC 27513
 (919) 417-4429

Project
 Finkle and Haus
 New Hill Olive Chapel Road

Basemap

Date
 February 20, 2015

Scale
 1" = 200'

Sheet

CS-0

FIGURE 2

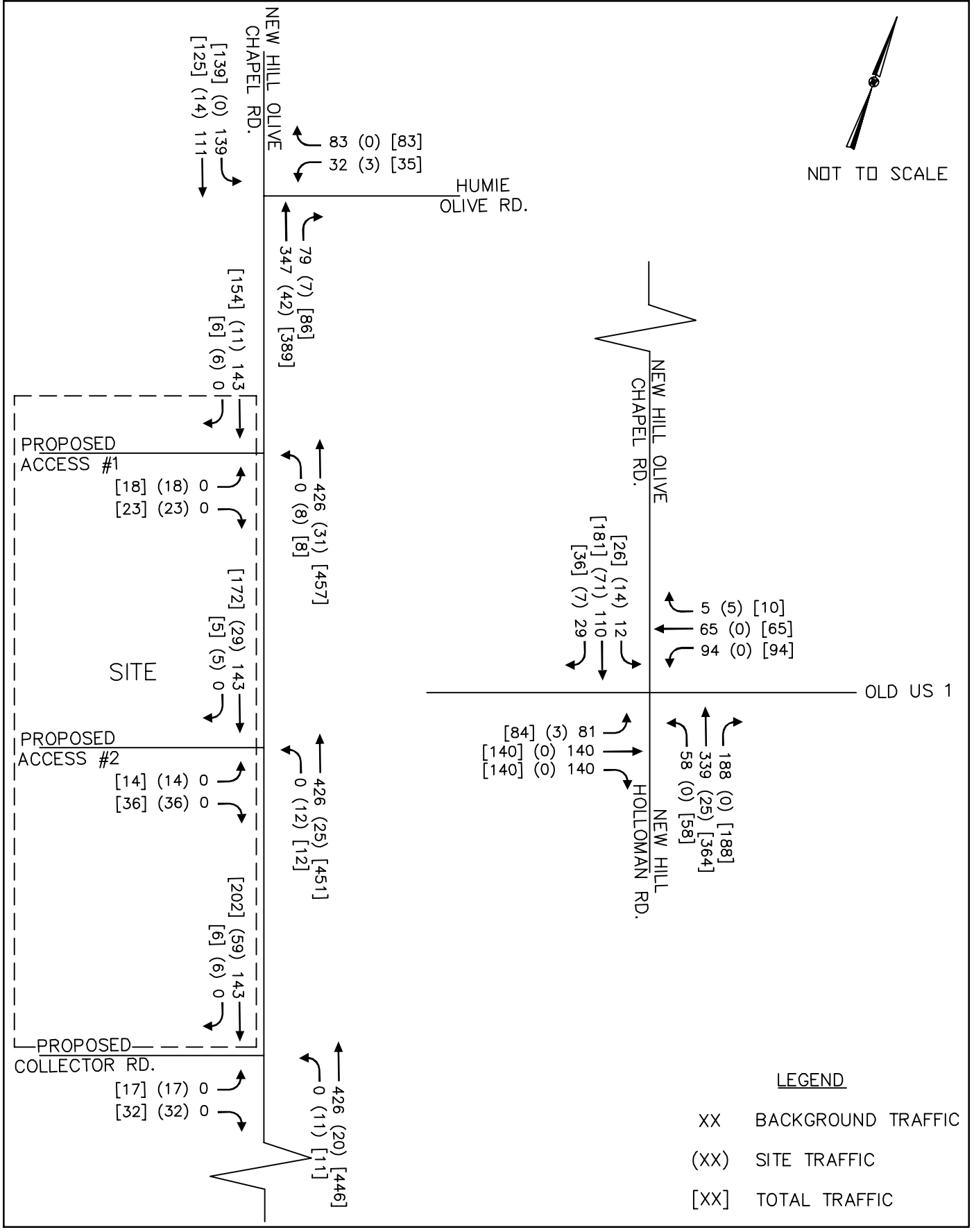
SITE PLAN

FINKLE & HAUS ASSEMBLAGE
 APEX, NC
 TRAFFIC IMPACT ANALYSIS

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



NOT TO SCALE



FINKLE & HAUS ASSEMBLAGE
 APEX, NC
 TRAFFIC IMPACT ANALYSIS

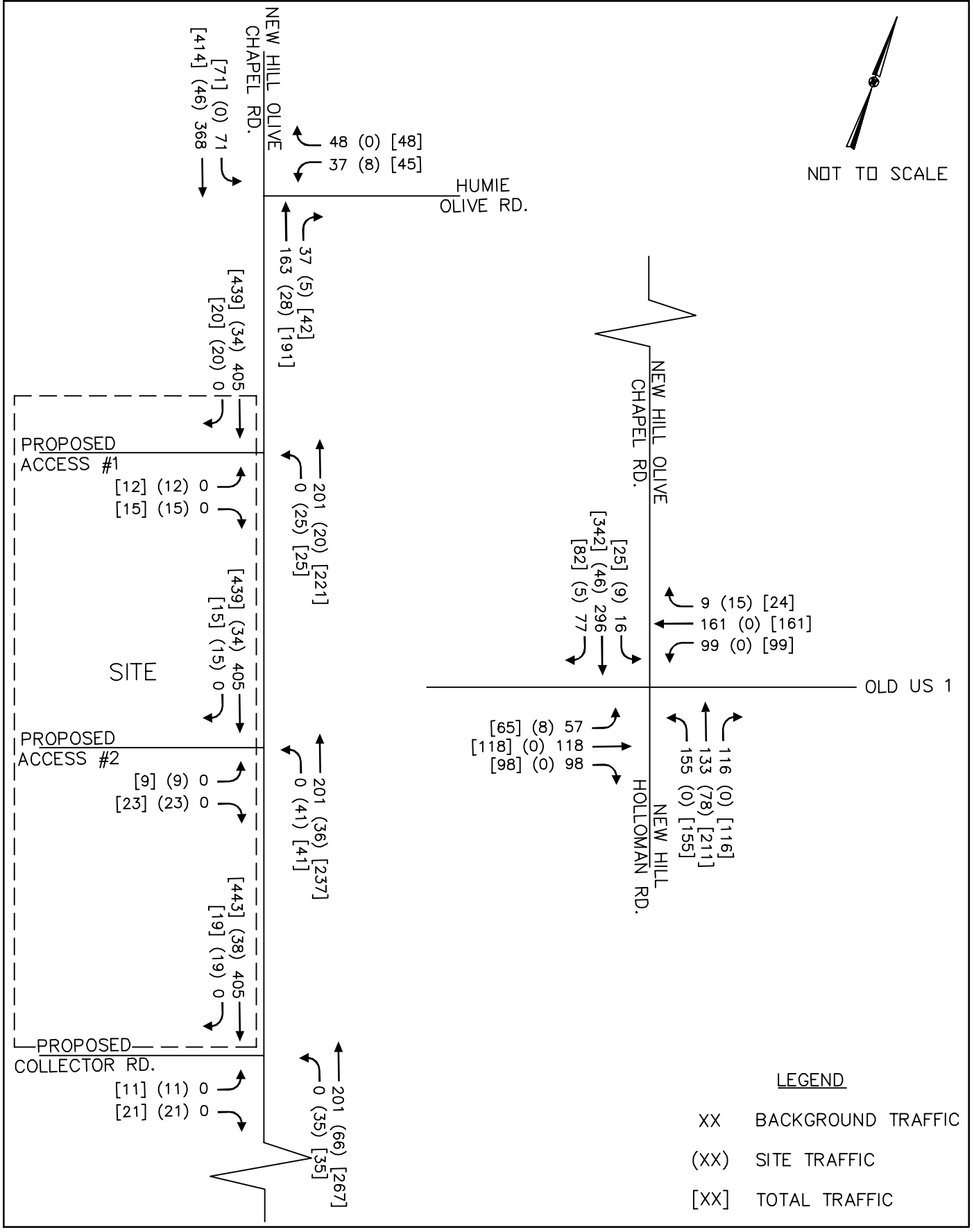
PROJECTED (2018)
 BUILD-OUT AM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 6

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER ADAPTATION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. WILL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



NOT TO SCALE



LEGEND

- XX BACKGROUND TRAFFIC
- (XX) SITE TRAFFIC
- [XX] TOTAL TRAFFIC

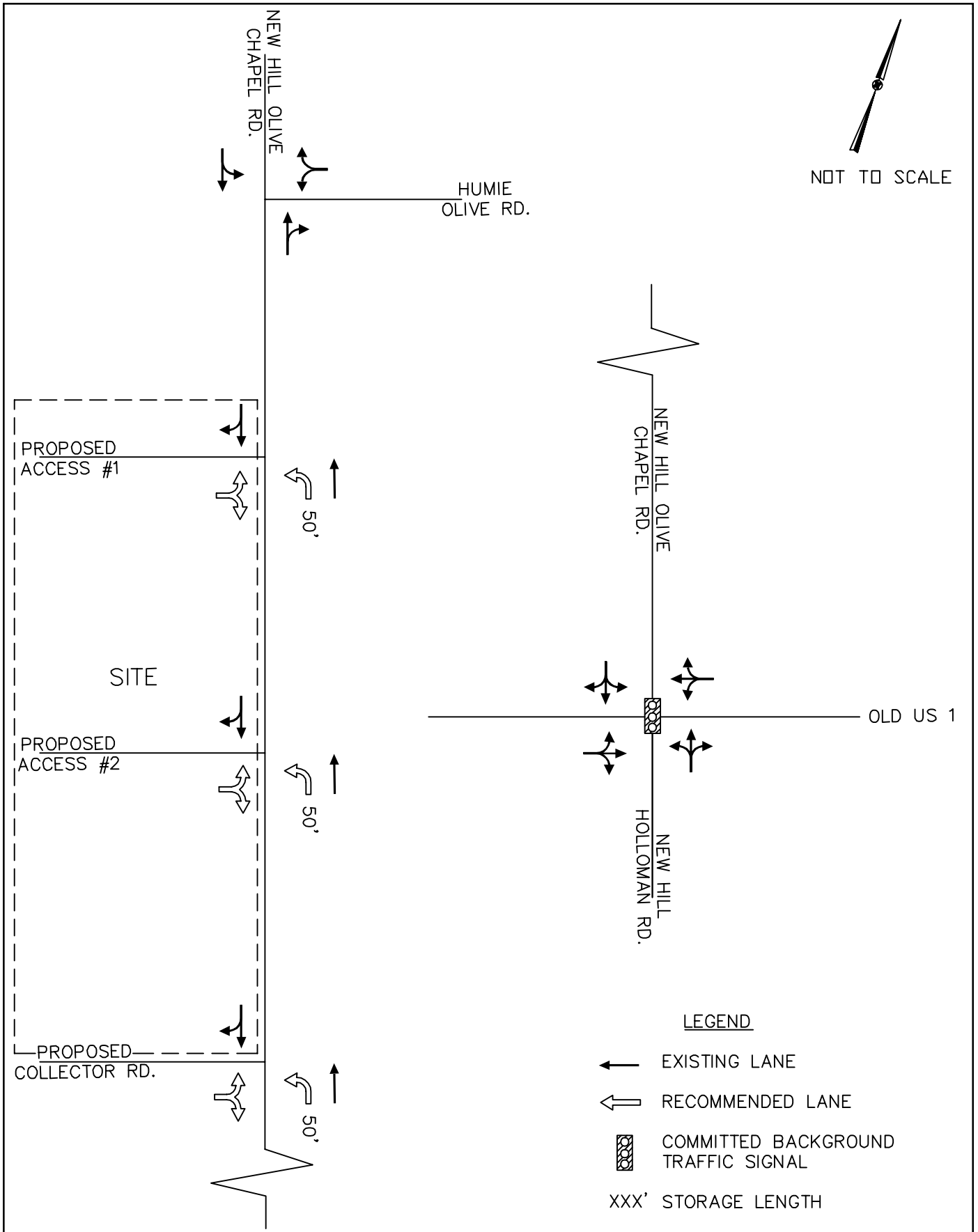


FINKLE & HAUS ASSEMBLAGE
 APEX, NC
 TRAFFIC IMPACT ANALYSIS

PROJECTED (2018)
 BUILD-OUT PM PEAK HOUR
 TRAFFIC VOLUMES

FIGURE
 7

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. IT IS TO BE USED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER ADAPTATION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. WILL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



FINKLE & HAUS ASSEMBLAGE
APEX, NC
TRAFFIC IMPACT ANALYSIS

RECOMMENDED ROADWAY
LANEAGE

FIGURE
8

Traffic Impact Analysis Olive Ridge Apex, North Carolina



TRAFFIC IMPACT ANALYSIS

FOR

OLIVE RIDGE

LOCATED

IN

APEX, NORTH CAROLINA

Prepared For:
Rob Tessar
Weekley Homes, LLC
1901 N. Harrison Avenue, Suite 200
Cary, NC 27513

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

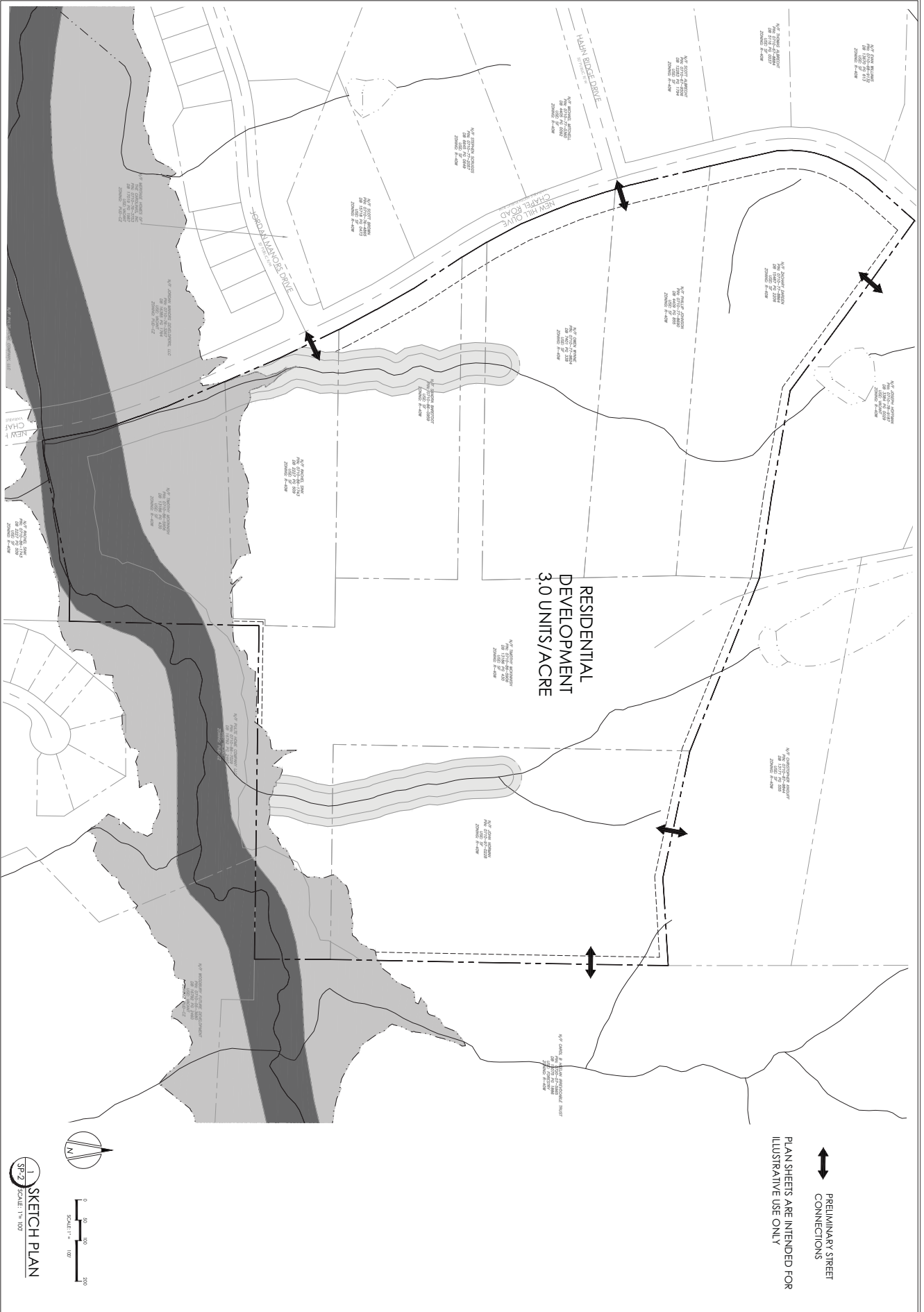
December 2018

RKA Project No. 18357



Prepared By: NB

Reviewed By: RS




 PRELIMINARY STREET CONNECTIONS
 PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY


 SKETCH PLAN
 SCALE: 1" = 100'



sheet: **SP-2**
 sketch: SP-2
 title: SKETCH PLAN
 project: OLIVE RIDGE SUBDIVISION
 HILL OLIVE CHAPEL ROAD
 KHORN TOWNSHIP
 PEAK, NORTH CAROLINA

NO.	DATE	REVISION BY

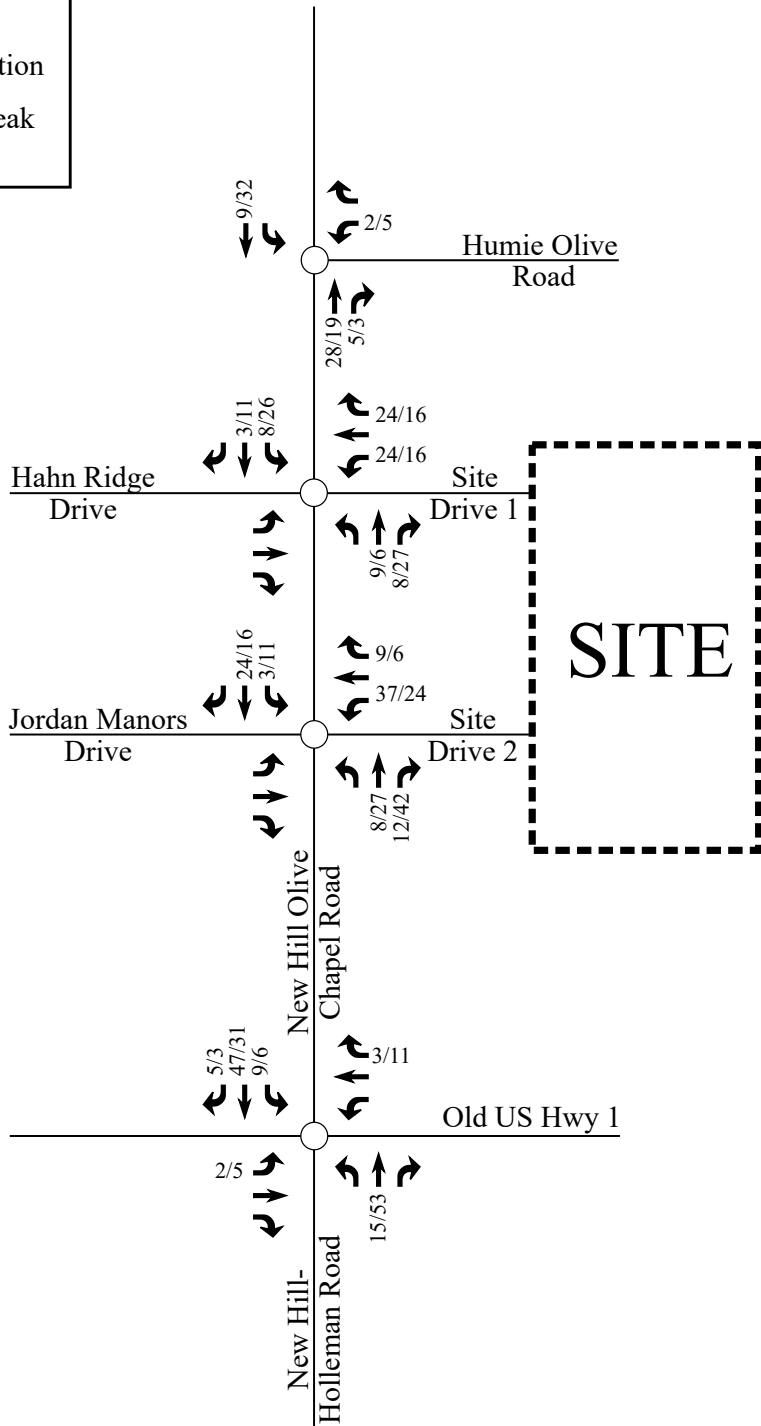
- Page 313 -
 project: OLIVE RIDGE SUBDIVISION
 HILL OLIVE CHAPEL ROAD
 KHORN TOWNSHIP
 PEAK, NORTH CAROLINA


 5448 Iron Ridge Road #318 | Apex, NC 27502
 ph: 919.439.0100 fax: 919.439.6411
 www.PeakEngineeringDesign.com

SP-2

LEGEND

- Unsignalized Intersection
- X/Y → Weekday AM / PM Peak Hour Site Trips



Olive Ridge Residential
Apex, NC

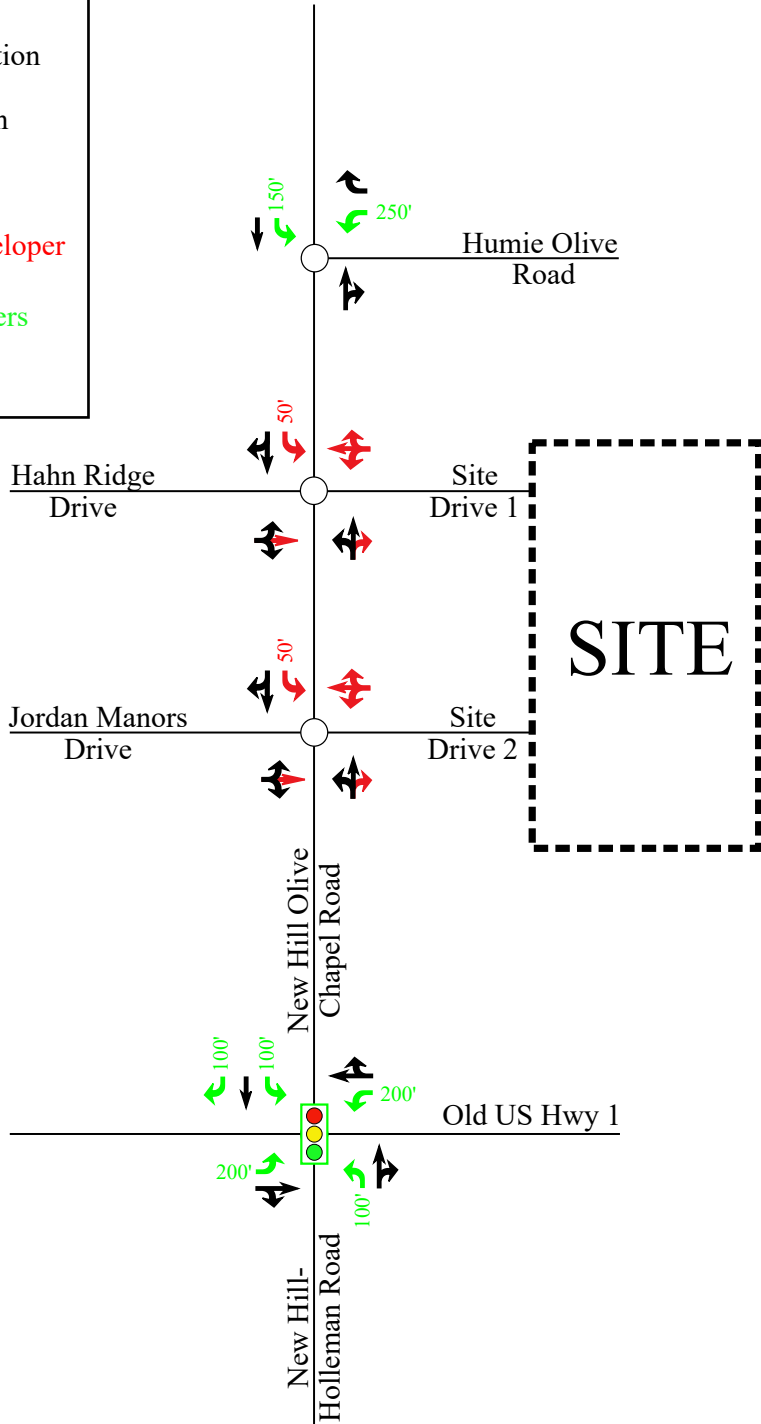
Site
Trip Assignment

Scale: Not to Scale

Figure 9

LEGEND

- Unsignalized Intersection
- ◫ Signalized Intersection
- ➡ Existing Lane
- ➡ Improvement by Developer
- ➡ Improvements by Others
- X' Storage (In Feet)



Olive Ridge Residential
Apex, NC

Recommended
Lane Configurations

Scale: Not to Scale

Figure 11

APPENDIX D

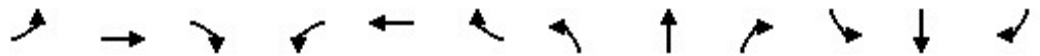
CAPACITY ANALYSIS CALCULATIONS

OLD US HIGHWAY 1

&

NEW HILL-OLIVE CHAPEL ROAD / NEW

HILL-HOLLEMAN ROAD



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	29	154	79	41	71	27	42	260	66	64	204	19
Future Volume (vph)	29	154	79	41	71	27	42	260	66	64	204	19
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.959			0.974			0.976			0.991	
Fl _t Protected		0.995			0.985			0.994			0.989	
Satd. Flow (prot)	0	1777	0	0	1787	0	0	1807	0	0	1826	0
Fl _t Permitted		0.954			0.842			0.931			0.853	
Satd. Flow (perm)	0	1704	0	0	1528	0	0	1693	0	0	1575	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	32	171	88	46	79	30	47	289	73	71	227	21
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	291	0	0	155	0	0	409	0	0	319	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		16.2			16.2			20.1			20.1	
Actuated g/C Ratio		0.35			0.35			0.43			0.43	
v/c Ratio		0.49			0.29			0.56			0.47	
Control Delay		14.8			12.3			14.2			12.9	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		14.8			12.3			14.2			12.9	
LOS		B			B			B			B	
Approach Delay		14.8			12.3			14.2			12.9	
Approach LOS		B			B			B			B	

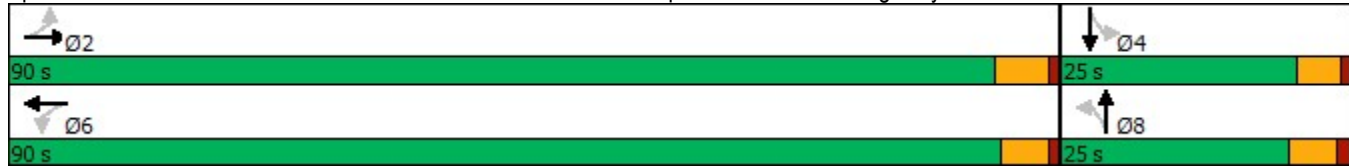


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		59			29			75			55	
Queue Length 95th (ft)		109			61			168			129	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1704			1528			734			682	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.17			0.10			0.56			0.47	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	46.3
Natural Cycle:	40
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	0.56
Intersection Signal Delay:	13.8
Intersection LOS:	B
Intersection Capacity Utilization	50.9%
ICU Level of Service	A
Analysis Period (min)	15

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2022 Existing

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

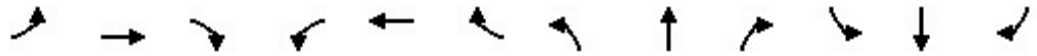


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	23	133	72	80	149	68	82	206	71	52	351	29
Future Volume (vph)	23	133	72	80	149	68	82	206	71	52	351	29
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.957			0.969			0.973			0.991	
Fl _t Protected		0.995			0.987			0.989			0.994	
Satd. Flow (prot)	0	1774	0	0	1782	0	0	1793	0	0	1835	0
Fl _t Permitted		0.939			0.859			0.829			0.914	
Satd. Flow (perm)	0	1674	0	0	1550	0	0	1503	0	0	1687	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	26	148	80	89	166	76	91	229	79	58	390	32
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	254	0	0	331	0	0	399	0	0	480	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		15.1			15.1			20.1			20.1	
Actuated g/C Ratio		0.33			0.33			0.44			0.44	
v/c Ratio		0.46			0.64			0.60			0.64	
Control Delay		14.6			19.1			15.1			15.9	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		14.6			19.1			15.1			15.9	
LOS		B			B			B			B	
Approach Delay		14.6			19.1			15.1			15.9	
Approach LOS		B			B			B			B	

Lanes, Volumes, Timings

2022 Existing

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

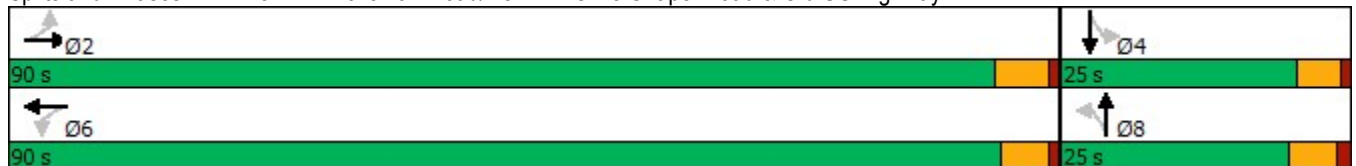


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		50			70			70			86	
Queue Length 95th (ft)		96			133			#170			#213	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1674			1550			667			749	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.15			0.21			0.60			0.64	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	45.2
Natural Cycle:	50
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	0.64
Intersection Signal Delay:	16.2
Intersection LOS:	B
Intersection Capacity Utilization:	75.4%
ICU Level of Service:	D
Analysis Period (min):	15
# 95th percentile volume exceeds capacity, queue may be longer.	
Queue shown is maximum after two cycles.	

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 No Build

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	67	217	160	46	95	37	71	328	74	93	334	41
Future Volume (vph)	67	217	160	46	95	37	71	328	74	93	334	41
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.951			0.972			0.979			0.988	
Fl _t Protected		0.993			0.987			0.993			0.990	
Satd. Flow (prot)	0	1759	0	0	1787	0	0	1811	0	0	1822	0
Fl _t Permitted		0.920			0.838			0.859			0.795	
Satd. Flow (perm)	0	1630	0	0	1517	0	0	1566	0	0	1463	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	74	241	178	51	106	41	79	364	82	103	371	46
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	493	0	0	198	0	0	525	0	0	520	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		20.6			20.6			20.2			20.2	
Actuated g/C Ratio		0.40			0.40			0.40			0.40	
v/c Ratio		0.75			0.32			0.85			0.90	
Control Delay		20.6			11.5			32.5			39.5	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		20.6			11.5			32.5			39.5	
LOS		C			B			C			D	
Approach Delay		20.6			11.5			32.5			39.5	
Approach LOS		C			B			C			D	

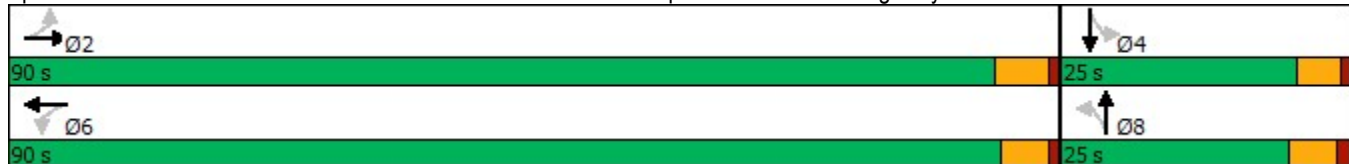


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		118			38			136			139	
Queue Length 95th (ft)		207			74			#349			#357	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1630			1517			620			579	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.30			0.13			0.85			0.90	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	50.9
Natural Cycle:	60
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	0.90
Intersection Signal Delay:	28.8
Intersection LOS:	C
Intersection Capacity Utilization	74.5%
ICU Level of Service	D
Analysis Period (min)	15
# 95th percentile volume exceeds capacity, queue may be longer.	
Queue shown is maximum after two cycles.	

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



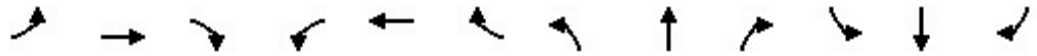
Lanes, Volumes, Timings

2026 No Build

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	58	179	128	90	218	101	172	329	80	72	463	74
Future Volume (vph)	58	179	128	90	218	101	172	329	80	72	463	74
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.953			0.967			0.981			0.984	
Fl _t Protected		0.992			0.989			0.985			0.994	
Satd. Flow (prot)	0	1761	0	0	1781	0	0	1800	0	0	1822	0
Fl _t Permitted		0.884			0.833			0.584			0.869	
Satd. Flow (perm)	0	1569	0	0	1500	0	0	1067	0	0	1593	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	64	199	142	100	242	112	191	366	89	80	514	82
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	405	0	0	454	0	0	646	0	0	676	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		19.9			19.9			20.2			20.2	
Actuated g/C Ratio		0.40			0.40			0.40			0.40	
v/c Ratio		0.65			0.76			1.51			1.06	
Control Delay		17.5			22.2			261.0			73.0	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		17.5			22.2			261.0			73.0	
LOS		B			C			F			E	
Approach Delay		17.5			22.2			261.0			73.0	
Approach LOS		B			C			F			E	

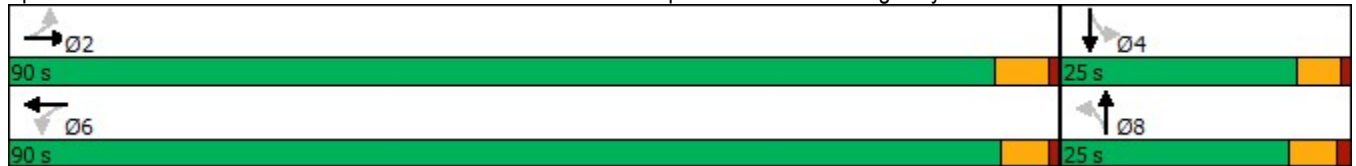


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		91			109			~274			~226	
Queue Length 95th (ft)		162			195			#520			#477	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1569			1500			429			640	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.26			0.30			1.51			1.06	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	50.2
Natural Cycle:	80
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	1.51
Intersection Signal Delay:	107.8
Intersection LOS:	F
Intersection Capacity Utilization	106.1%
ICU Level of Service	G
Analysis Period (min)	15
~ Volume exceeds capacity, queue is theoretically infinite. Queue shown is maximum after two cycles.	
# 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.	

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 No-Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	78	235	188	46	100	37	80	328	74	93	334	45
Future Volume (vph)	78	235	188	46	100	37	80	328	74	93	334	45
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.933			0.960			0.972				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1738	0	1770	1788	0	1770	1811	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1738	0	1770	1788	0	1770	1811	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	87	261	209	51	111	41	89	364	82	103	371	50
Shared Lane Traffic (%)												
Lane Group Flow (vph)	87	470	0	51	152	0	89	446	0	103	371	50
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	27.0	33.0		27.0	33.0		27.0	33.0		27.0	33.0	27.0
Total Split (%)	22.5%	27.5%		22.5%	27.5%		22.5%	27.5%		22.5%	27.5%	22.5%
Maximum Green (s)	20.0	26.0		20.0	26.0		20.0	26.0		20.0	26.0	20.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	12.4	28.9		10.7	27.2		12.5	28.9		13.1	29.5	47.1
Actuated g/C Ratio	0.13	0.31		0.11	0.29		0.13	0.31		0.14	0.31	0.50
v/c Ratio	0.37	0.88		0.25	0.29		0.38	0.81		0.42	0.64	0.06
Control Delay	45.6	54.7		45.3	32.7		45.6	46.4		45.4	37.0	15.5
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	45.6	54.7		45.3	32.7		45.6	46.4		45.4	37.0	15.5
LOS	D	D		D	C		D	D		D	D	B
Approach Delay		53.2			35.9			46.3			36.6	
Approach LOS		D			D			D			D	

Lanes, Volumes, Timings

2026 No-Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

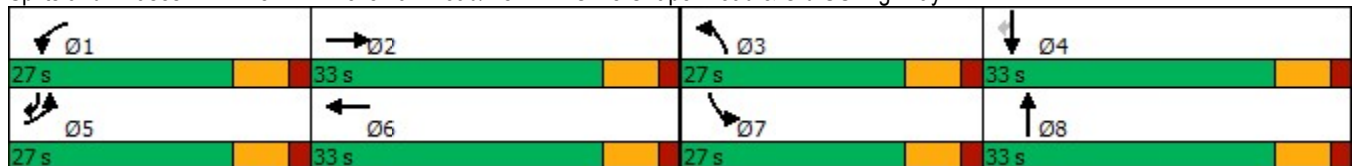
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	52	292		30	78		53	268		61	208	17
Queue Length 95th (ft)	102	#547		69	149		104	#495		116	342	40
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	426	532		426	547		426	554		426	583	963
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.20	0.88		0.12	0.28		0.21	0.81		0.24	0.64	0.05

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 94.2
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.88
 Intersection Signal Delay: 44.5
 Intersection Capacity Utilization 73.9%
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Intersection LOS: D
 ICU Level of Service D

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 No-Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	65	191	146	90	237	101	203	329	80	72	463	87
Future Volume (vph)	65	191	146	90	237	101	203	329	80	72	463	87
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.935			0.955			0.971				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1742	0	1770	1779	0	1770	1809	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1742	0	1770	1779	0	1770	1809	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	72	212	162	100	263	112	226	366	89	80	514	97
Shared Lane Traffic (%)												
Lane Group Flow (vph)	72	374	0	100	375	0	226	455	0	80	514	97
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	27.0	33.0		27.0	33.0		27.0	33.0		27.0	33.0	27.0
Total Split (%)	22.5%	27.5%		22.5%	27.5%		22.5%	27.5%		22.5%	27.5%	22.5%
Maximum Green (s)	20.0	26.0		20.0	26.0		20.0	26.0		20.0	26.0	20.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	12.0	27.1		13.5	28.5		19.4	38.3		12.4	28.1	45.2
Actuated g/C Ratio	0.11	0.25		0.12	0.26		0.18	0.35		0.11	0.26	0.42
v/c Ratio	0.37	0.86		0.45	0.80		0.71	0.71		0.39	1.06	0.15
Control Delay	51.4	59.7		51.7	52.0		55.8	40.5		51.5	98.4	21.4
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	51.4	59.7		51.7	52.0		55.8	40.5		51.5	98.4	21.4
LOS	D	E		D	D		E	D		D	F	C
Approach Delay		58.4			51.9			45.6			82.1	
Approach LOS		E			D			D			F	

Lanes, Volumes, Timings

2026 No-Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	49	255		67	249		150	287		54	~415	43
Queue Length 95th (ft)	96	#447		123	#413		247	#508		104	#663	80
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	361	453		361	486		361	640		361	484	808
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.20	0.83		0.28	0.77		0.63	0.71		0.22	1.06	0.12

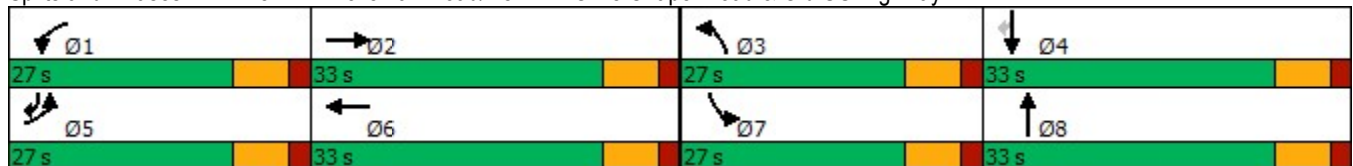
Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 108.2
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.06
 Intersection Signal Delay: 60.4
 Intersection Capacity Utilization 77.1%
 Analysis Period (min) 15

Intersection LOS: E
 ICU Level of Service D

- ~ Volume exceeds capacity, queue is theoretically infinite.
Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

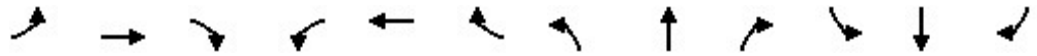
2026 Build

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	75	243	198	46	104	37	84	328	74	93	334	44
Future Volume (vph)	75	243	198	46	104	37	84	328	74	93	334	44
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.948			0.973			0.979			0.987	
Fl _t Protected		0.993			0.988			0.991			0.990	
Satd. Flow (prot)	0	1754	0	0	1791	0	0	1807	0	0	1820	0
Fl _t Permitted		0.921			0.829			0.805			0.766	
Satd. Flow (perm)	0	1626	0	0	1503	0	0	1468	0	0	1408	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	83	270	220	51	116	41	93	364	82	103	371	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	573	0	0	208	0	0	539	0	0	523	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		24.2			24.2			20.2			20.2	
Actuated g/C Ratio		0.44			0.44			0.37			0.37	
v/c Ratio		0.79			0.31			0.99			1.00	
Control Delay		21.9			10.7			60.3			64.3	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		21.9			10.7			60.3			64.3	
LOS		C			B			E			E	
Approach Delay		21.9			10.7			60.3			64.3	
Approach LOS		C			B			E			E	

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

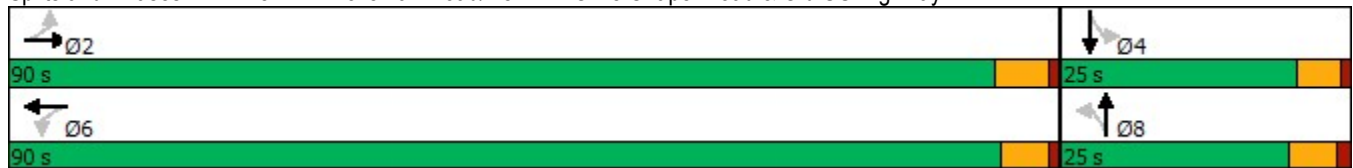


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		148			40			~169			~168	
Queue Length 95th (ft)		251			75			#424			#417	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1626			1503			544			521	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.35			0.14			0.99			1.00	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	54.6
Natural Cycle:	75
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	1.00
Intersection Signal Delay:	43.9
Intersection LOS:	D
Intersection Capacity Utilization	77.8%
ICU Level of Service	D
Analysis Period (min)	15
~ Volume exceeds capacity, queue is theoretically infinite. Queue shown is maximum after two cycles.	
# 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.	

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

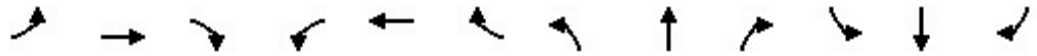
2026 Build

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	63	197	153	90	248	101	215	329	80	72	463	83
Future Volume (vph)	63	197	153	90	248	101	215	329	80	72	463	83
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.950			0.969			0.983			0.982	
Fl _t Protected		0.992			0.990			0.983			0.994	
Satd. Flow (prot)	0	1755	0	0	1787	0	0	1800	0	0	1818	0
Fl _t Permitted		0.879			0.828			0.526			0.865	
Satd. Flow (perm)	0	1555	0	0	1495	0	0	963	0	0	1582	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	70	219	170	100	276	112	239	366	89	80	514	92
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	459	0	0	488	0	0	694	0	0	686	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		21.7			21.7			20.2			20.2	
Actuated g/C Ratio		0.42			0.42			0.39			0.39	
v/c Ratio		0.71			0.78			1.86			1.12	
Control Delay		19.0			22.8			415.2			94.8	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		19.0			22.8			415.2			94.8	
LOS		B			C			F			F	
Approach Delay		19.0			22.8			415.2			94.8	
Approach LOS		B			C			F			F	

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

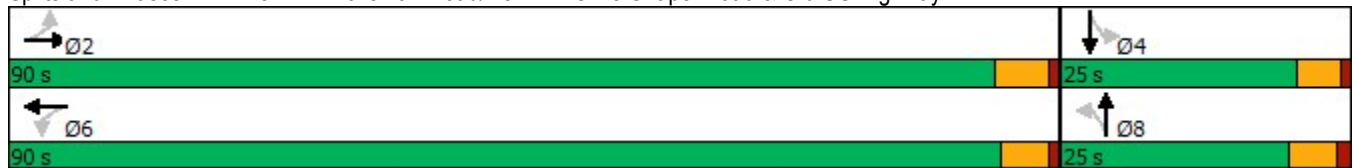


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		109			121			~334			~249	
Queue Length 95th (ft)		190			214			#601			#514	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1555			1495			374			615	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.30			0.33			1.86			1.12	

Intersection Summary

Area Type:	Other
Cycle Length:	115
Actuated Cycle Length:	52
Natural Cycle:	90
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	1.86
Intersection Signal Delay:	160.3
Intersection LOS:	F
Intersection Capacity Utilization	115.9%
ICU Level of Service	H
Analysis Period (min)	15
~ Volume exceeds capacity, queue is theoretically infinite. Queue shown is maximum after two cycles.	
# 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.	

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	86	261	226	46	109	37	93	328	74	93	334	48
Future Volume (vph)	86	261	226	46	109	37	93	328	74	93	334	48
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.930			0.962			0.972				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1732	0	1770	1792	0	1770	1811	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1732	0	1770	1792	0	1770	1811	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	96	290	251	51	121	41	103	364	82	103	371	53
Shared Lane Traffic (%)												
Lane Group Flow (vph)	96	541	0	51	162	0	103	446	0	103	371	53
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	27.0	33.0		27.0	33.0		27.0	33.0		27.0	33.0	27.0
Total Split (%)	22.5%	27.5%		22.5%	27.5%		22.5%	27.5%		22.5%	27.5%	22.5%
Maximum Green (s)	20.0	26.0		20.0	26.0		20.0	26.0		20.0	26.0	20.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	12.8	28.9		10.7	26.8		13.1	28.9		13.1	28.9	46.8
Actuated g/C Ratio	0.14	0.31		0.11	0.28		0.14	0.31		0.14	0.31	0.50
v/c Ratio	0.40	1.02		0.25	0.32		0.42	0.81		0.42	0.65	0.07
Control Delay	45.5	81.3		45.3	33.5		45.4	46.4		45.4	38.3	15.7
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	45.5	81.3		45.3	33.5		45.4	46.4		45.4	38.3	15.7
LOS	D	F		D	C		D	D		D	D	B
Approach Delay		75.9			36.3			46.2			37.4	
Approach LOS		E			D			D			D	

Lanes, Volumes, Timings

2026 Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	57	~393		30	84		61	268		61	210	18
Queue Length 95th (ft)	110	#660		69	159		116	#495		116	#367	42
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	426	530		426	549		426	554		426	570	952
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.23	1.02		0.12	0.30		0.24	0.81		0.24	0.65	0.06

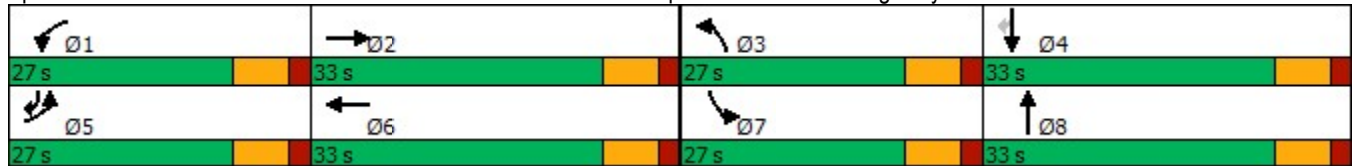
Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 94.2
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.02
 Intersection Signal Delay: 52.5
 Intersection Capacity Utilization 77.6%
 Analysis Period (min) 15

Intersection LOS: D
 ICU Level of Service D

- ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	70	209	171	90	267	101	246	329	80	72	463	96
Future Volume (vph)	70	209	171	90	267	101	246	329	80	72	463	96
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.932			0.959			0.971				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1736	0	1770	1786	0	1770	1809	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1736	0	1770	1786	0	1770	1809	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	78	232	190	100	297	112	273	366	89	80	514	107
Shared Lane Traffic (%)												
Lane Group Flow (vph)	78	422	0	100	409	0	273	455	0	80	514	107
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	27.0	33.0		27.0	33.0		27.0	33.0		27.0	33.0	27.0
Total Split (%)	22.5%	27.5%		22.5%	27.5%		22.5%	27.5%		22.5%	27.5%	22.5%
Maximum Green (s)	20.0	26.0		20.0	26.0		20.0	26.0		20.0	26.0	20.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	12.3	28.0		13.6	29.3		21.1	39.7		12.5	28.0	45.4
Actuated g/C Ratio	0.11	0.25		0.12	0.26		0.19	0.36		0.11	0.25	0.41
v/c Ratio	0.40	0.96		0.46	0.87		0.81	0.70		0.40	1.09	0.17
Control Delay	52.2	76.6		52.5	59.4		62.9	40.2		52.2	108.6	21.8
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	52.2	76.6		52.5	59.4		62.9	40.2		52.2	108.6	21.8
LOS	D	E		D	E		E	D		D	F	C
Approach Delay		72.8			58.0			48.7			88.9	
Approach LOS		E			E			D			F	

Lanes, Volumes, Timings

2026 Build with Gracewood Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	53	301		68	281		187	287		54	~419	48
Queue Length 95th (ft)	101	#531		123	#477		#335	#508		104	#663	87
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	351	439		351	471		351	648		351	471	787
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.22	0.96		0.28	0.87		0.78	0.70		0.23	1.09	0.14

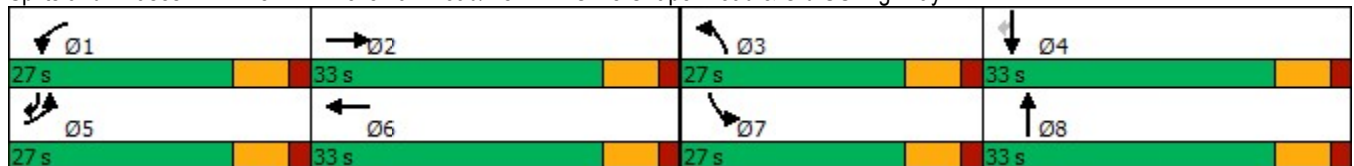
Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 110.8
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.09
 Intersection Signal Delay: 67.2
 Intersection Capacity Utilization 81.9%
 Analysis Period (min) 15

Intersection LOS: E
 ICU Level of Service D

- ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build - 50 lots

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	70	226	173	46	98	37	76	328	74	93	334	42
Future Volume (vph)	70	226	173	46	98	37	76	328	74	93	334	42
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.950			0.972			0.979			0.988	
Flt Protected		0.993			0.987			0.992			0.990	
Satd. Flow (prot)	0	1757	0	0	1787	0	0	1809	0	0	1822	0
Flt Permitted		0.920			0.835			0.842			0.786	
Satd. Flow (perm)	0	1628	0	0	1512	0	0	1535	0	0	1447	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	78	251	192	51	109	41	84	364	82	103	371	47
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	521	0	0	201	0	0	530	0	0	521	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	90.0	90.0		90.0	90.0		25.0	25.0		25.0	25.0	
Total Split (%)	78.3%	78.3%		78.3%	78.3%		21.7%	21.7%		21.7%	21.7%	
Maximum Green (s)	84.3	84.3		84.9	84.9		19.6	19.6		20.2	20.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		21.7			21.7			20.2			20.2	
Actuated g/C Ratio		0.42			0.42			0.39			0.39	
v/c Ratio		0.77			0.32			0.89			0.93	
Control Delay		21.1			11.2			38.6			45.4	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		21.1			11.2			38.6			45.4	
LOS		C			B			D			D	
Approach Delay		21.1			11.2			38.6			45.4	
Approach LOS		C			B			D			D	

Lanes, Volumes, Timings

2026 Build - 50 lots

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

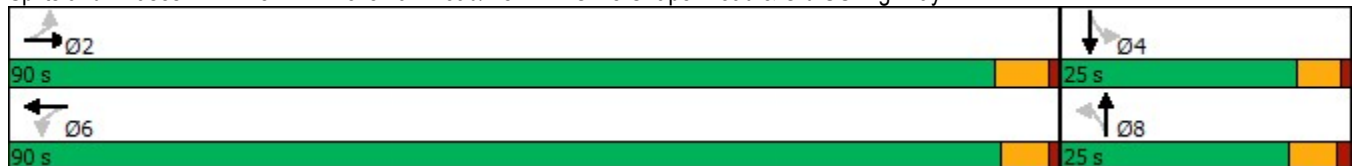
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		128			39			147			148	
Queue Length 95th (ft)		222			74			#374			#378	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		1628			1512			595			561	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.32			0.13			0.89			0.93	

Intersection Summary

Area Type: Other
 Cycle Length: 115
 Actuated Cycle Length: 52
 Natural Cycle: 60
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.93
 Intersection Signal Delay: 32.4
 Intersection Capacity Utilization 75.5%
 Analysis Period (min) 15
 Intersection LOS: C
 ICU Level of Service D

95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build - 50 lots

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	60	185	137	90	229	101	187	329	80	72	463	77
Future Volume (vph)	60	185	137	90	229	101	187	329	80	72	463	77
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.952			0.968			0.982			0.983	
Flt Protected		0.992			0.989			0.985			0.994	
Satd. Flow (prot)	0	1759	0	0	1783	0	0	1802	0	0	1820	0
Flt Permitted		0.802			0.711			0.589			0.859	
Satd. Flow (perm)	0	1422	0	0	1282	0	0	1077	0	0	1573	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	67	206	152	100	254	112	208	366	89	80	514	86
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	425	0	0	466	0	0	663	0	0	680	0
Turn Type	Perm	NA		Perm	NA		Perm	NA		Perm	NA	
Protected Phases		2			6			8			4	
Permitted Phases	2			6			8			4		
Detector Phase	2	2		6	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	12.0	12.0		12.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	17.7	17.7		17.1	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	45.0	45.0		45.0	45.0		70.0	70.0		70.0	70.0	
Total Split (%)	39.1%	39.1%		39.1%	39.1%		60.9%	60.9%		60.9%	60.9%	
Maximum Green (s)	39.3	39.3		39.9	39.9		64.6	64.6		65.2	65.2	
Yellow Time (s)	4.7	4.7		4.1	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)		-0.7			-0.1			-0.4			0.2	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	6.0	6.0		6.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	15.0	15.0		15.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	30.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	Min	Min		Min	Min		None	None		None	None	
Act Effct Green (s)		40.0			40.0			65.0			65.0	
Actuated g/C Ratio		0.35			0.35			0.57			0.57	
v/c Ratio		0.86			1.05			1.09			0.76	
Control Delay		53.5			92.9			89.7			26.3	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		53.5			92.9			89.7			26.3	
LOS		D			F			F			C	
Approach Delay		53.5			92.9			89.7			26.3	
Approach LOS		D			F			F			C	

Lanes, Volumes, Timings

2026 Build - 50 lots

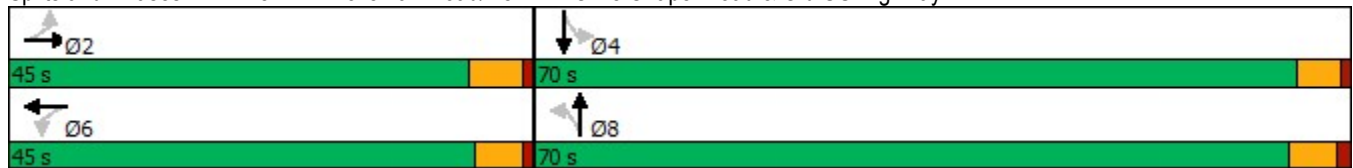
1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)		291			~375			~553			366	
Queue Length 95th (ft)		#473			#580			#780			534	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)												
Base Capacity (vph)		494			445			608			889	
Starvation Cap Reductn		0			0			0			0	
Spillback Cap Reductn		0			0			0			0	
Storage Cap Reductn		0			0			0			0	
Reduced v/c Ratio		0.86			1.05			1.09			0.76	

Intersection Summary

Area Type: Other
 Cycle Length: 115
 Actuated Cycle Length: 115
 Natural Cycle: 80
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.09
 Intersection Signal Delay: 64.2
 Intersection Capacity Utilization 111.0%
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build - with FIL Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	75	243	198	46	104	37	84	328	74	93	334	44
Future Volume (vph)	75	243	198	46	104	37	84	328	74	93	334	44
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.933			0.961			0.979			0.987	
Flt Protected	0.950			0.950				0.991			0.990	
Satd. Flow (prot)	1770	1738	0	1770	1790	0	0	1807	0	0	1820	0
Flt Permitted	0.950			0.950				0.796			0.754	
Satd. Flow (perm)	1770	1738	0	1770	1790	0	0	1452	0	0	1386	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	83	270	220	51	116	41	93	364	82	103	371	49
Shared Lane Traffic (%)												
Lane Group Flow (vph)	83	490	0	51	157	0	0	539	0	0	523	0
Turn Type	Prot	NA		Prot	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases							8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	7.0	12.0		7.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	14.0	17.7		14.0	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	15.0	43.0		15.0	43.0		57.0	57.0		57.0	57.0	
Total Split (%)	13.0%	37.4%		13.0%	37.4%		49.6%	49.6%		49.6%	49.6%	
Maximum Green (s)	8.0	37.3		8.0	37.9		51.6	51.6		52.2	52.2	
Yellow Time (s)	5.0	4.7		5.0	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	2.0	1.0		2.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)	-2.0	-0.7		-2.0	-0.1			-0.4			0.2	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	6.0		3.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	0.0	15.0		0.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	None	Min		None	Min		None	None		None	None	
Act Effct Green (s)	10.8	31.9		10.6	31.7			40.8			40.8	
Actuated g/C Ratio	0.11	0.34		0.11	0.34			0.43			0.43	
v/c Ratio	0.41	0.84		0.26	0.26			0.86			0.87	
Control Delay	54.6	46.2		51.1	28.2			41.3			43.5	
Queue Delay	0.0	0.0		0.0	0.0			0.0			0.0	
Total Delay	54.6	46.2		51.1	28.2			41.3			43.5	

Lanes, Volumes, Timings

2026 Build - with FIL Improvements

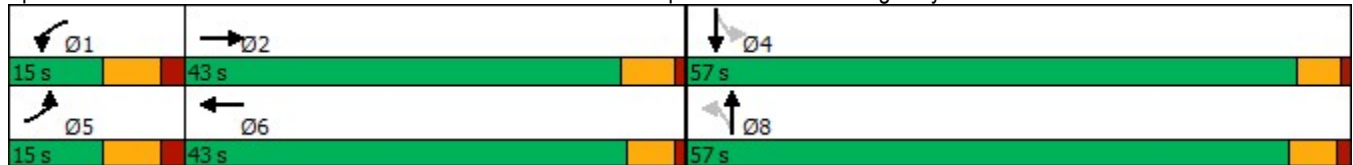
1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	D	D		D	C			D			D	
Approach Delay		47.4			33.8			41.3			43.5	
Approach LOS		D			C			D			D	
Queue Length 50th (ft)	56	310		33	78			330			323	
Queue Length 95th (ft)	113	#521		77	140			#539			#535	
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250								
Base Capacity (vph)	210	785		210	808			864			825	
Starvation Cap Reductn	0	0		0	0			0			0	
Spillback Cap Reductn	0	0		0	0			0			0	
Storage Cap Reductn	0	0		0	0			0			0	
Reduced v/c Ratio	0.40	0.62		0.24	0.19			0.62			0.63	

Intersection Summary

Area Type: Other
 Cycle Length: 115
 Actuated Cycle Length: 94.5
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.87
 Intersection Signal Delay: 43.0
 Intersection Capacity Utilization 78.8%
 Analysis Period (min) 15
 Intersection LOS: D
 ICU Level of Service D
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings

2026 Build - with FIL Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	63	197	153	90	248	101	215	329	80	72	463	83
Future Volume (vph)	63	197	153	90	248	101	215	329	80	72	463	83
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	0		0	0		0
Storage Lanes	1		0	1		0	0		0	0		0
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.934			0.957			0.983			0.982	
Flt Protected	0.950			0.950				0.983			0.994	
Satd. Flow (prot)	1770	1740	0	1770	1783	0	0	1800	0	0	1818	0
Flt Permitted	0.950			0.950				0.569			0.856	
Satd. Flow (perm)	1770	1740	0	1770	1783	0	0	1042	0	0	1566	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	70	219	170	100	276	112	239	366	89	80	514	92
Shared Lane Traffic (%)												
Lane Group Flow (vph)	70	389	0	100	388	0	0	694	0	0	686	0
Turn Type	Prot	NA		Prot	NA		Perm	NA		Perm	NA	
Protected Phases	5	2		1	6			8			4	
Permitted Phases							8			4		
Detector Phase	5	2		1	6		8	8		4	4	
Switch Phase												
Minimum Initial (s)	7.0	12.0		7.0	12.0		7.0	7.0		7.0	7.0	
Minimum Split (s)	14.0	17.7		14.0	17.1		12.4	12.4		11.8	11.8	
Total Split (s)	15.0	28.0		15.0	28.0		72.0	72.0		72.0	72.0	
Total Split (%)	13.0%	24.3%		13.0%	24.3%		62.6%	62.6%		62.6%	62.6%	
Maximum Green (s)	8.0	22.3		8.0	22.9		66.6	66.6		67.2	67.2	
Yellow Time (s)	5.0	4.7		5.0	4.1		4.1	4.1		3.8	3.8	
All-Red Time (s)	2.0	1.0		2.0	1.0		1.3	1.3		1.0	1.0	
Lost Time Adjust (s)	-2.0	-0.7		-2.0	-0.1			-0.4			0.2	
Total Lost Time (s)	5.0	5.0		5.0	5.0			5.0			5.0	
Lead/Lag	Lead	Lag		Lead	Lag							
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	6.0		3.0	6.0		2.0	2.0		2.0	2.0	
Minimum Gap (s)	3.0	3.0		3.0	3.0		2.0	2.0		2.0	2.0	
Time Before Reduce (s)	0.0	15.0		0.0	15.0		0.0	0.0		0.0	0.0	
Time To Reduce (s)	0.0	30.0		0.0	0.0		30.0	30.0		0.0	0.0	
Recall Mode	None	Min		None	Min		None	None		None	None	
Act Effct Green (s)	9.8	23.0		9.9	25.9			67.0			67.0	
Actuated g/C Ratio	0.09	0.20		0.09	0.23			0.58			0.58	
v/c Ratio	0.47	1.12		0.66	0.97			1.14			0.75	
Control Delay	60.7	126.5		72.0	83.2			107.8			24.4	
Queue Delay	0.0	0.0		0.0	0.0			0.0			0.0	
Total Delay	60.7	126.5		72.0	83.2			107.8			24.4	

Lanes, Volumes, Timings

2026 Build - with FIL Improvements

1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

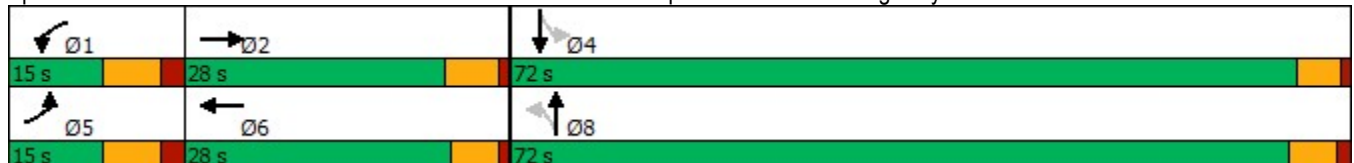
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	E	F		E	F			F				C
Approach Delay		116.5			80.9			107.8				24.4
Approach LOS		F			F			F				C
Queue Length 50th (ft)	50	~332		73	~323			~602				357
Queue Length 95th (ft)	98	#524		#148	#515			#831				520
Internal Link Dist (ft)		1094			959			1204				1011
Turn Bay Length (ft)	250			250								
Base Capacity (vph)	153	348		153	401			607				913
Starvation Cap Reductn	0	0		0	0			0				0
Spillback Cap Reductn	0	0		0	0			0				0
Storage Cap Reductn	0	0		0	0			0				0
Reduced v/c Ratio	0.46	1.12		0.65	0.97			1.14				0.75

Intersection Summary

Area Type: Other
 Cycle Length: 115
 Actuated Cycle Length: 114.9
 Natural Cycle: 150
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.14
 Intersection Signal Delay: 79.3
 Intersection Capacity Utilization 109.7%
 Analysis Period (min) 15
 Intersection LOS: E
 ICU Level of Service H

~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings 2026 Build with Gracewood Improvements - Signal Timing Mods
 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	86	261	226	46	109	37	93	328	74	93	334	48
Future Volume (vph)	86	261	226	46	109	37	93	328	74	93	334	48
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.930			0.962			0.972				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1732	0	1770	1792	0	1770	1811	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1732	0	1770	1792	0	1770	1811	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	96	290	251	51	121	41	103	364	82	103	371	53
Shared Lane Traffic (%)												
Lane Group Flow (vph)	96	541	0	51	162	0	103	446	0	103	371	53
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	15.0	38.0		15.0	38.0		26.0	50.0		17.0	41.0	15.0
Total Split (%)	12.5%	31.7%		12.5%	31.7%		21.7%	41.7%		14.2%	34.2%	12.5%
Maximum Green (s)	8.0	31.0		8.0	31.0		19.0	43.0		10.0	34.0	8.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	10.2	34.9		10.1	30.1		13.8	32.8		11.6	30.6	46.2
Actuated g/C Ratio	0.10	0.34		0.10	0.30		0.14	0.32		0.11	0.30	0.46
v/c Ratio	0.54	0.91		0.29	0.30		0.43	0.76		0.51	0.66	0.07
Control Delay	61.7	58.0		53.7	32.6		50.6	41.5		57.6	39.3	19.1
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	61.7	58.0		53.7	32.6		50.6	41.5		57.6	39.3	19.1
LOS	E	E		D	C		D	D		E	D	B
Approach Delay		58.5			37.6			43.2			40.9	
Approach LOS		E			D			D			D	

Lanes, Volumes, Timings 2026 Build with Gracewood Improvements - Signal Timing Mods
 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: AM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	65	~402		34	86		67	284		69	227	21
Queue Length 95th (ft)	#149	#706		80	163		128	401		138	352	49
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	184	595		184	615		386	848		221	704	725
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.52	0.91		0.28	0.26		0.27	0.53		0.47	0.53	0.07

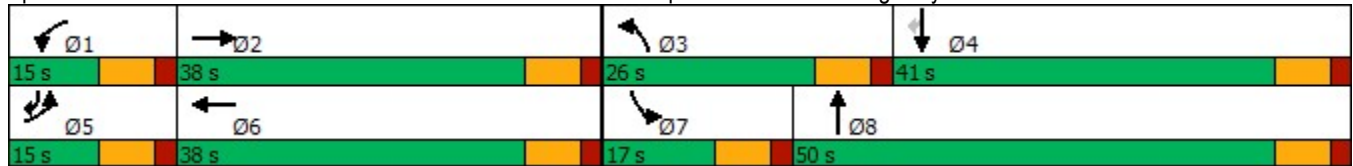
Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 101.4
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.91
 Intersection Signal Delay: 47.0
 Intersection Capacity Utilization 77.6%
 Analysis Period (min) 15

Intersection LOS: D
 ICU Level of Service D

- ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



Lanes, Volumes, Timings 2026 Build with Gracewood Improvements - Signal Timing Mods
 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	70	209	171	90	267	101	246	329	80	72	463	96
Future Volume (vph)	70	209	171	90	267	101	246	329	80	72	463	96
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	250		0	250		0	100		0	150		150
Storage Lanes	1		0	1		0	1		0	1		1
Taper Length (ft)	100			100			100			100		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.932			0.959			0.971				0.850
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	1736	0	1770	1786	0	1770	1809	0	1770	1863	1583
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1770	1736	0	1770	1786	0	1770	1809	0	1770	1863	1583
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		55			55			45			45	
Link Distance (ft)		1174			1039			1284			1091	
Travel Time (s)		14.6			12.9			19.5			16.5	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	78	232	190	100	297	112	273	366	89	80	514	107
Shared Lane Traffic (%)												
Lane Group Flow (vph)	78	422	0	100	409	0	273	455	0	80	514	107
Turn Type	Prot	NA		Prot	NA		Prot	NA		Prot	NA	pm+ov
Protected Phases	5	2		1	6		3	8		7	4	5
Permitted Phases												4
Detector Phase	5	2		1	6		3	8		7	4	5
Switch Phase												
Minimum Initial (s)	7.0	14.0		7.0	14.0		7.0	7.0		7.0	7.0	7.0
Minimum Split (s)	14.0	21.0		14.0	21.0		14.0	14.0		14.0	14.0	14.0
Total Split (s)	15.0	38.0		15.0	38.0		26.0	50.0		17.0	41.0	15.0
Total Split (%)	12.5%	31.7%		12.5%	31.7%		21.7%	41.7%		14.2%	34.2%	12.5%
Maximum Green (s)	8.0	31.0		8.0	31.0		19.0	43.0		10.0	34.0	8.0
Yellow Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0		2.0	2.0	2.0
Lost Time Adjust (s)	-2.0	-2.0		-2.0	-2.0		-2.0	-2.0		-2.0	-2.0	-2.0
Total Lost Time (s)	5.0	5.0		5.0	5.0		5.0	5.0		5.0	5.0	5.0
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lead
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Yes
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	3.0
Recall Mode	None	Min		None	Min		None	None		None	None	None
Act Effct Green (s)	9.8	31.6		9.9	31.8		20.6	47.3		11.2	34.8	49.6
Actuated g/C Ratio	0.08	0.27		0.08	0.27		0.18	0.40		0.10	0.30	0.42
v/c Ratio	0.53	0.90		0.67	0.85		0.88	0.62		0.47	0.93	0.16
Control Delay	66.1	65.0		74.9	57.7		76.2	34.1		60.8	64.9	22.0
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	66.1	65.0		74.9	57.7		76.2	34.1		60.8	64.9	22.0
LOS	E	E		E	E		E	C		E	E	C
Approach Delay		65.2			61.1			49.9			57.9	
Approach LOS		E			E			D			E	

Lanes, Volumes, Timings 2026 Build with Gracewood Improvements - Signal Timing Mods
 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway Timing Plan: PM Peak Hour

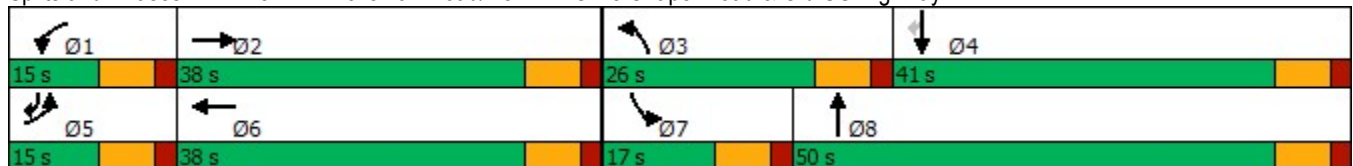
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 50th (ft)	59	314		77	298		208	292		59	385	50
Queue Length 95th (ft)	112	#495		#157	#462		#363	411		112	#591	89
Internal Link Dist (ft)		1094			959			1204			1011	
Turn Bay Length (ft)	250			250			100			150		150
Base Capacity (vph)	151	491		151	505		318	732		182	574	674
Starvation Cap Reductn	0	0		0	0		0	0		0	0	0
Spillback Cap Reductn	0	0		0	0		0	0		0	0	0
Storage Cap Reductn	0	0		0	0		0	0		0	0	0
Reduced v/c Ratio	0.52	0.86		0.66	0.81		0.86	0.62		0.44	0.90	0.16

Intersection Summary

Area Type: Other
 Cycle Length: 120
 Actuated Cycle Length: 117
 Natural Cycle: 90
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.93
 Intersection Signal Delay: 57.7
 Intersection Capacity Utilization 81.9%
 Analysis Period (min) 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Intersection LOS: E
 ICU Level of Service D

Splits and Phases: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1



APPENDIX E

CAPACITY ANALYSIS CALCULATIONS

OLD US HIGHWAY 1

&

SITE DRIVE 1

Intersection

Int Delay, s/veh 0.9

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑	↑	↑	
Traffic Vol, veh/h	4	478	219	13	38	4
Future Vol, veh/h	4	478	219	13	38	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	531	243	14	42	4

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	257	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	1308	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1308	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	15.7
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1308	-	-	-	382
HCM Lane V/C Ratio	0.003	-	-	-	0.122
HCM Control Delay (s)	7.8	0	-	-	15.7
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection

Int Delay, s/veh 0.6

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑	↑	↑	
Traffic Vol, veh/h	4	388	503	43	25	4
Future Vol, veh/h	4	388	503	43	25	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	431	559	48	28	4

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	607	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	971	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	971	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	19
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	971	-	-	-	289
HCM Lane V/C Ratio	0.005	-	-	-	0.111
HCM Control Delay (s)	8.7	0	-	-	19
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection

Int Delay, s/veh	0.9					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↑	↗	↘	
Traffic Vol, veh/h	4	535	237	13	38	4
Future Vol, veh/h	4	535	237	13	38	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	594	263	14	42	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	277	0	0	865	263
Stage 1	-	-	-	263	-
Stage 2	-	-	-	602	-
Critical Hdwy	4.12	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	3.518	3.318
Pot Cap-1 Maneuver	1286	-	-	324	776
Stage 1	-	-	-	781	-
Stage 2	-	-	-	547	-
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1286	-	-	322	776
Mov Cap-2 Maneuver	-	-	-	322	-
Stage 1	-	-	-	777	-
Stage 2	-	-	-	547	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	17.2
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1286	-	-	-	341
HCM Lane V/C Ratio	0.003	-	-	-	0.137
HCM Control Delay (s)	7.8	0	-	-	17.2
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.5

Intersection

Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↑	↑	↔	↔
Traffic Vol, veh/h	4	425	566	43	25	4
Future Vol, veh/h	4	425	566	43	25	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	472	629	48	28	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	677	0	-	0	1109 629
Stage 1	-	-	-	-	629 -
Stage 2	-	-	-	-	480 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	915	-	-	-	232 482
Stage 1	-	-	-	-	531 -
Stage 2	-	-	-	-	622 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	915	-	-	-	231 482
Mov Cap-2 Maneuver	-	-	-	-	231 -
Stage 1	-	-	-	-	528 -
Stage 2	-	-	-	-	622 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	21.6
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	915	-	-	-	249
HCM Lane V/C Ratio	0.005	-	-	-	0.129
HCM Control Delay (s)	9	0	-	-	21.6
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.4

APPENDIX F

CAPACITY ANALYSIS CALCULATIONS

OLD US HIGHWAY 1

&

SITE DRIVE 2

HCM 6th TWSC
 3: Old US Highway 1 & Site Drive 2

2026 Build
 Timing Plan: AM Peak Hour

Intersection

Int Delay, s/veh 0.9

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑	↑	↑	
Traffic Vol, veh/h	4	444	207	12	34	4
Future Vol, veh/h	4	444	207	12	34	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	493	230	13	38	4

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	243	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	1323	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1323	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	14.8
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	409
HCM Lane V/C Ratio	0.003	-	-	-	0.103
HCM Control Delay (s)	7.7	0	-	-	14.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.3

HCM 6th TWSC
 3: Old US Highway 1 & Site Drive 2

2026 Build
 Timing Plan: PM Peak Hour

Intersection

Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↑	↑	↑	↑	
Traffic Vol, veh/h	4	365	464	39	23	4
Future Vol, veh/h	4	365	464	39	23	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	406	516	43	26	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	559	0	-	0	930
Stage 1	-	-	-	-	516
Stage 2	-	-	-	-	414
Critical Hdwy	4.12	-	-	-	6.42
Critical Hdwy Stg 1	-	-	-	-	5.42
Critical Hdwy Stg 2	-	-	-	-	5.42
Follow-up Hdwy	2.218	-	-	-	3.518
Pot Cap-1 Maneuver	1012	-	-	-	297
Stage 1	-	-	-	-	599
Stage 2	-	-	-	-	667
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	1012	-	-	-	296
Mov Cap-2 Maneuver	-	-	-	-	296
Stage 1	-	-	-	-	596
Stage 2	-	-	-	-	667

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	17.5
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1012	-	-	-	318
HCM Lane V/C Ratio	0.004	-	-	-	0.094
HCM Control Delay (s)	8.6	0	-	-	17.5
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.3

Intersection

Int Delay, s/veh 0.8

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↑	↗	↘	
Traffic Vol, veh/h	4	501	225	12	34	4
Future Vol, veh/h	4	501	225	12	34	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	557	250	13	38	4

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	263	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.12	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.218	-	-
Pot Cap-1 Maneuver	1301	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1301	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	16
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1301	-	-	-	368
HCM Lane V/C Ratio	0.003	-	-	-	0.115
HCM Control Delay (s)	7.8	0	-	-	16
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↔	↑	↔	↔	↔
Traffic Vol, veh/h	4	402	527	39	23	4
Future Vol, veh/h	4	402	527	39	23	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	50	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	447	586	43	26	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	629	0	-	0	1041 586
Stage 1	-	-	-	-	586 -
Stage 2	-	-	-	-	455 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	953	-	-	-	255 510
Stage 1	-	-	-	-	556 -
Stage 2	-	-	-	-	639 -
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	953	-	-	-	253 510
Mov Cap-2 Maneuver	-	-	-	-	253 -
Stage 1	-	-	-	-	553 -
Stage 2	-	-	-	-	639 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	19.8
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	953	-	-	-	273
HCM Lane V/C Ratio	0.005	-	-	-	0.11
HCM Control Delay (s)	8.8	0	-	-	19.8
HCM Lane LOS	A	A	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.4

APPENDIX G

SIMTRAFFIC QUEUING REPORTS

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	111	110	332	233
Average Queue (ft)	50	47	126	84
95th Queue (ft)	97	88	255	146
Link Distance (ft)	1134	1004	1249	1051
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	132	149	614	377
Average Queue (ft)	54	81	193	154
95th Queue (ft)	96	127	432	295
Link Distance (ft)	1134	1004	1249	1051
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	306	221	1224	767
Average Queue (ft)	135	75	505	406
95th Queue (ft)	229	165	1130	797
Link Distance (ft)	1134	1004	1249	1051
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	399	381	1312	1103
Average Queue (ft)	127	185	1266	633
95th Queue (ft)	247	330	1282	1301
Link Distance (ft)	1134	1004	1249	1051
Upstream Blk Time (%)			100	39
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	1129	113	190	200	482	250	283	65
Average Queue (ft)	172	518	35	72	92	226	58	156	19
95th Queue (ft)	427	1013	83	144	185	410	130	261	53
Link Distance (ft)		1114		997		1242		1040	
Upstream Blk Time (%)		0							
Queuing Penalty (veh)		0							
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		47			4	37	0	11	
Queuing Penalty (veh)		37			17	30	0	15	

Network Summary

Network wide Queuing Penalty: 100

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	834	350	428	200	433	250	1074	250
Average Queue (ft)	110	295	84	244	144	253	141	611	101
95th Queue (ft)	319	619	181	373	233	411	311	1246	271
Link Distance (ft)		1114		997		1242		1040	
Upstream Blk Time (%)								33	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		25		12	21	40		55	0
Queuing Penalty (veh)		17		11	89	81		89	0

Network Summary

Network wide Queuing Penalty: 286

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	408	91	1301	928
Average Queue (ft)	164	52	894	401
95th Queue (ft)	302	91	1545	737
Link Distance (ft)	1106	1004	1249	1051
Upstream Blk Time (%)			43	
Queuing Penalty (veh)			0	
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	23	41
Average Queue (ft)	1	15
95th Queue (ft)	8	32
Link Distance (ft)	935	953
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	SB
Directions Served	LR
Maximum Queue (ft)	22
Average Queue (ft)	15
95th Queue (ft)	31
Link Distance (ft)	1153
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	349	517	1283	1103
Average Queue (ft)	156	207	1263	673
95th Queue (ft)	279	361	1273	1207
Link Distance (ft)	1106	1004	1249	1051
Upstream Blk Time (%)			100	23
Queuing Penalty (veh)			0	0
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	17
Average Queue (ft)	7
95th Queue (ft)	21
Link Distance (ft)	953
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	24	22
Average Queue (ft)	2	15
95th Queue (ft)	12	32
Link Distance (ft)	1076	1153
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	853	114	191	200	393	249	517	51
Average Queue (ft)	192	481	33	71	88	238	68	187	19
95th Queue (ft)	435	761	80	133	197	370	148	373	49
Link Distance (ft)		1086		997		1242		1040	
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		60			0	41	1	15	
Queuing Penalty (veh)		52			0	39	5	22	

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	53
Average Queue (ft)	17
95th Queue (ft)	37
Link Distance (ft)	972
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	SB
Directions Served	LR
Maximum Queue (ft)	50
Average Queue (ft)	24
95th Queue (ft)	46
Link Distance (ft)	1068
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 118

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	487	349	442	200	637	250	1103	250
Average Queue (ft)	79	237	61	212	167	275	112	791	145
95th Queue (ft)	213	418	168	355	232	471	273	1348	331
Link Distance (ft)		1086		997		1242		1040	
Upstream Blk Time (%)								36	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		14		7	35	41		64	
Queuing Penalty (veh)		10		6	146	101		108	

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	26	36
Average Queue (ft)	2	10
95th Queue (ft)	12	27
Link Distance (ft)	996	972
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	73	50
Average Queue (ft)	9	17
95th Queue (ft)	41	41
Link Distance (ft)	1064	1068
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 371

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	510	334	476	530
Average Queue (ft)	302	152	186	228
95th Queue (ft)	450	289	324	456
Link Distance (ft)	1106	1004	1249	1051
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	22	17
Average Queue (ft)	1	8
95th Queue (ft)	8	21
Link Distance (ft)	935	953
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	51	47
Average Queue (ft)	2	14
95th Queue (ft)	17	37
Link Distance (ft)	1076	1153
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	823	1038	1301	713
Average Queue (ft)	440	975	1265	356
95th Queue (ft)	735	1169	1279	602
Link Distance (ft)	1106	1004	1249	1051
Upstream Blk Time (%)		77	97	
Queuing Penalty (veh)		0	0	
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	42
Average Queue (ft)	9
95th Queue (ft)	26
Link Distance (ft)	953
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	53	42
Average Queue (ft)	2	8
95th Queue (ft)	18	28
Link Distance (ft)	1076	1153
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	SB
Directions Served	L	TR	L	TR	LTR	LTR
Maximum Queue (ft)	350	619	73	148	1004	1108
Average Queue (ft)	101	329	29	61	319	514
95th Queue (ft)	295	554	64	122	706	1083
Link Distance (ft)		1105		1003	1242	1045
Upstream Blk Time (%)						17
Queuing Penalty (veh)						0
Storage Bay Dist (ft)	250		250			
Storage Blk Time (%)		33				
Queuing Penalty (veh)		25				

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	51	40
Average Queue (ft)	2	15
95th Queue (ft)	17	34
Link Distance (ft)	935	952
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	SB
Directions Served	LR
Maximum Queue (ft)	22
Average Queue (ft)	15
95th Queue (ft)	31
Link Distance (ft)	1153
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 25

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	B4	WB	WB	NB	SB
Directions Served	L	TR	T	L	TR	LTR	LTR
Maximum Queue (ft)	350	1213	458	350	937	1294	834
Average Queue (ft)	162	689	29	210	516	1261	283
95th Queue (ft)	410	1379	147	435	867	1279	533
Link Distance (ft)		1105	436		1003	1242	1045
Upstream Blk Time (%)		20	0			96	
Queuing Penalty (veh)		80	1			0	
Storage Bay Dist (ft)	250			250			
Storage Blk Time (%)		59		2	62		
Queuing Penalty (veh)		38		7	56		

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	53	17
Average Queue (ft)	2	7
95th Queue (ft)	18	20
Link Distance (ft)	935	952
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	24	22
Average Queue (ft)	1	15
95th Queue (ft)	8	32
Link Distance (ft)	1076	1153
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 182

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	963	113	130	200	356	250	437	250
Average Queue (ft)	223	563	38	57	73	212	83	224	26
95th Queue (ft)	464	849	87	108	157	328	174	384	104
Link Distance (ft)		1086		997		1242		1040	
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		68			1	36	3	21	
Queuing Penalty (veh)		59			4	34	11	30	

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	SB
Directions Served	LR
Maximum Queue (ft)	39
Average Queue (ft)	17
95th Queue (ft)	34
Link Distance (ft)	972
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	70	49
Average Queue (ft)	4	24
95th Queue (ft)	31	48
Link Distance (ft)	1064	1068
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 139

Intersection: 1: New-Hill Holleman Road/New-Hill Olive Chapel Road & Old US Highway 1

Movement	EB	EB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	TR	L	TR	L	TR	L	T	R
Maximum Queue (ft)	350	472	349	456	200	444	250	948	250
Average Queue (ft)	84	228	75	228	175	269	88	486	131
95th Queue (ft)	217	376	212	368	228	383	232	844	302
Link Distance (ft)		1086		997		1242		1040	
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	250		250		100		150		150
Storage Blk Time (%)		9		10	46	31		55	
Queuing Penalty (veh)		6		10	191	76		92	

Intersection: 2: Old US Highway 1 & Site Drive 1

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	26	36
Average Queue (ft)	2	9
95th Queue (ft)	13	24
Link Distance (ft)	996	972
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Old US Highway 1 & Site Drive 2

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	53	47
Average Queue (ft)	4	17
95th Queue (ft)	23	41
Link Distance (ft)	1064	1068
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 374

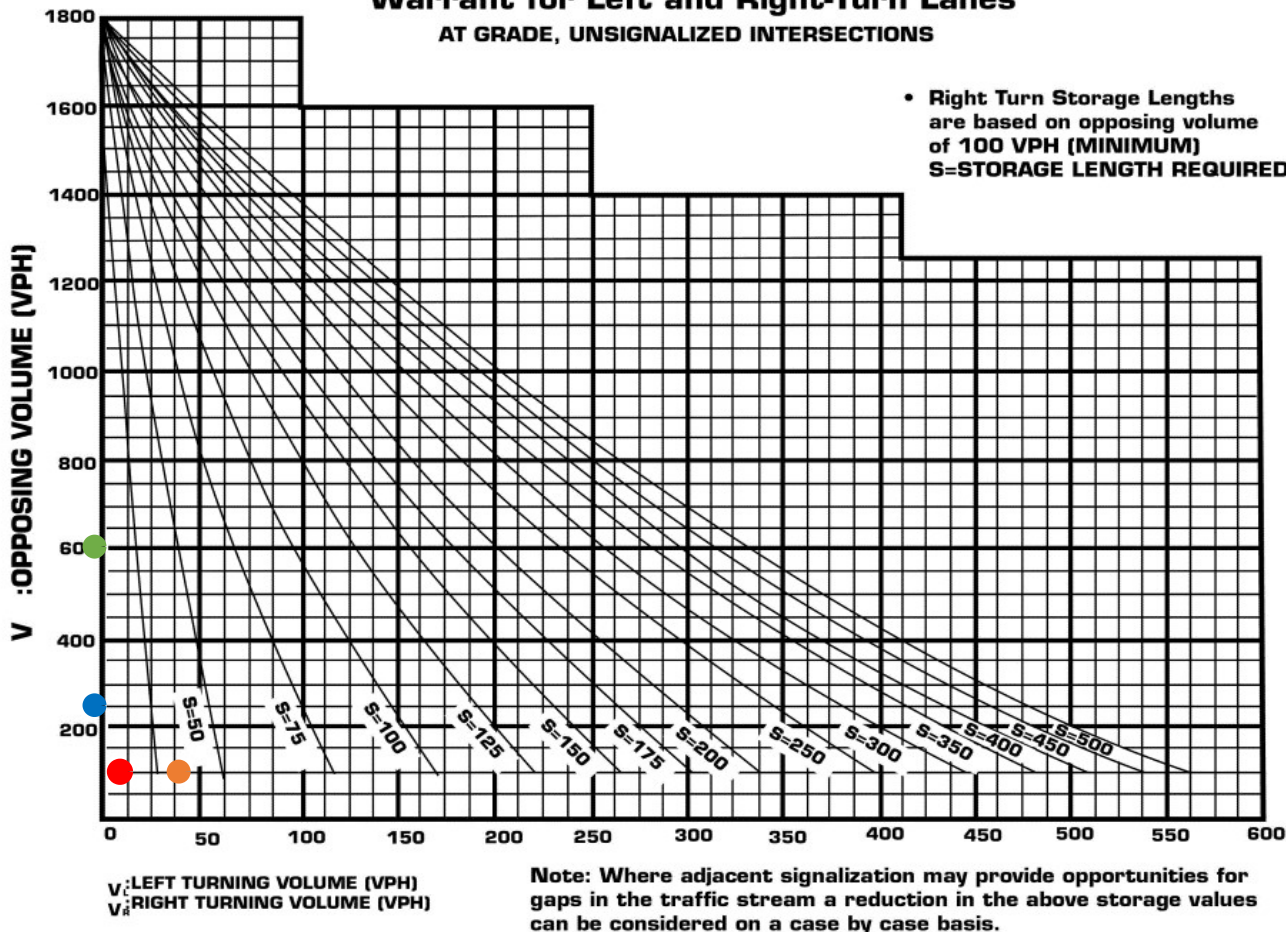
APPENDIX H

TURN LANE WARRANT CHARTS

UTLEY FARMS

TURN LANE STORAGE WARRANTS

**Warrant for Left and Right-Turn Lanes
AT GRADE, UNSIGNALIZED INTERSECTIONS**



Policy On Street And Driveway Access to North Carolina Highways

INTERSECTION: OLD US HIGHWAY 1 & SITE DRIVE 1

SCENARIO	Movement	Turn Lane	Turning Volume (V _R /V _L)	Approach / Opposing Volume (V _A /V _O)	Symbol
AM Build	WBR	Right	13	100	●
AM Build	EBL	Left	0	250	●
PM Build	WBR	Right	43	100	●
PM Build	EBL	Left	0	609	●

Moving forward.

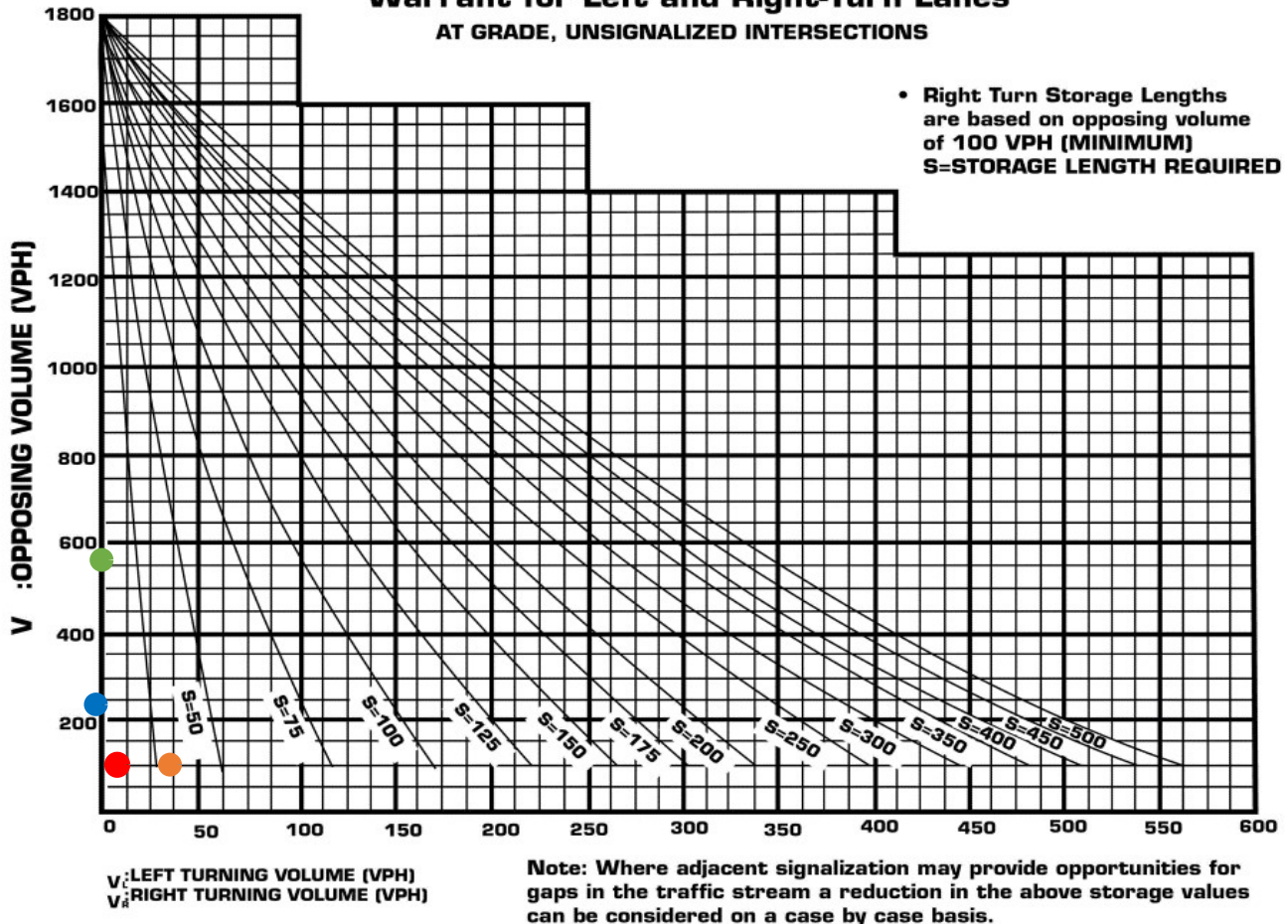


RAMEY KEMP ASSOCIATES

UTLEY FARMS

TURN LANE STORAGE WARRANTS

**Warrant for Left and Right-Turn Lanes
AT GRADE, UNSIGNALIZED INTERSECTIONS**



Policy On Street And Driveway Access to North Carolina Highways

INTERSECTION: OLD US HIGHWAY 1 & SITE DRIVE 2

SCENARIO	Movement	Turn Lane	Turning Volume (V_R/V_L)	Approach / Opposing Volume (V_A/V_O)	Symbol
AM Build	WBR	Right	12	100	●
AM Build	EBL	Left	1	237	●
PM Build	WBR	Right	39	100	●
PM Build	EBL	Left	4	566	●

Moving forward.



RAMEY KEMP ASSOCIATES

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ09 Utley Farms PUD

Planning Board Meeting Date: October 10, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±56.59 acres

PIN(s): 0710714843 & 0710736732

Current Zoning: Wake County Residential-40W (R-40W) & Wake County Residential-80W (R-80W)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Low Density Residential & Low Density Residential/Office Employment

Town Limits: Currently in Wake County jurisdiction; to be annexed with rezoning

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ09 Utley Farms PUD

Planning Board Meeting Date: October 10, 2022



Legislative Considerations:

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.

1. *Consistency with 2045 Land Use Plan.* 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 Plan.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ09 Utley Farms PUD

Planning Board Meeting Date: October 10, 2022



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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 22CZ09 Utley Farms PUD

Planning Board Meeting Date: October 10, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Tina Sherman

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

As presented.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 10th day of October 2022.

Attest:



 Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.10.10 17:52:11
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ09 Utlely Farms PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Thurm Bowen, KB Homes, Inc. Carolinas Division
- Authorized Agents:** Jeff Roach, Peak Engineering & Design
- Property Addresses:** 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
- Acreage:** ±56.59 acres
- Property Identification Numbers (PINs):** 0710714834 and 0710736732
- Current 2045 Land Use Map Designation:** Low Density Residential and Low Density/Office Employment
- Existing Zoning of Properties:** Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39388>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ09
Utley Farms PUD**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Thurm Bowen, KB Homes, Inc. Carolinas Division
Authorized Agents: Jeff Roach, Peak Engineering & Design
Property Addresses: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Acreage: ±56.59 acres
Property Identification Numbers (PINs): 0710714834 and 0710736732
Current 2045 Land Use Map Designation: Low Density Residential and Low Density/Office Employment
Existing Zoning of Properties: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 10, 2022 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>

If you are unable to attend, you may provide a written statement by email to public-hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.ralighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4376. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/40148>

Dianne F. Khrin, AICP
Director of Planning and Community Development

Published Dates: September 26-October 10, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division
Agente autorizado: Jeff Roach, Peak Engineering & Design
Dirección de las propiedades: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Superficie: ±56.59 acres
Números de identificación de las propiedades: 0710714834 and 0710736732



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utlely Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division

Agente autorizado: Jeff Roach, Peak Engineering & Design

Dirección de las propiedades: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road

Superficie: ±56.59 acres

Números de identificación de las propiedades: 0710714834 and 0710736732

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential and Low Density/Office Employment

Ordenamiento territorial existente de las propiedades: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

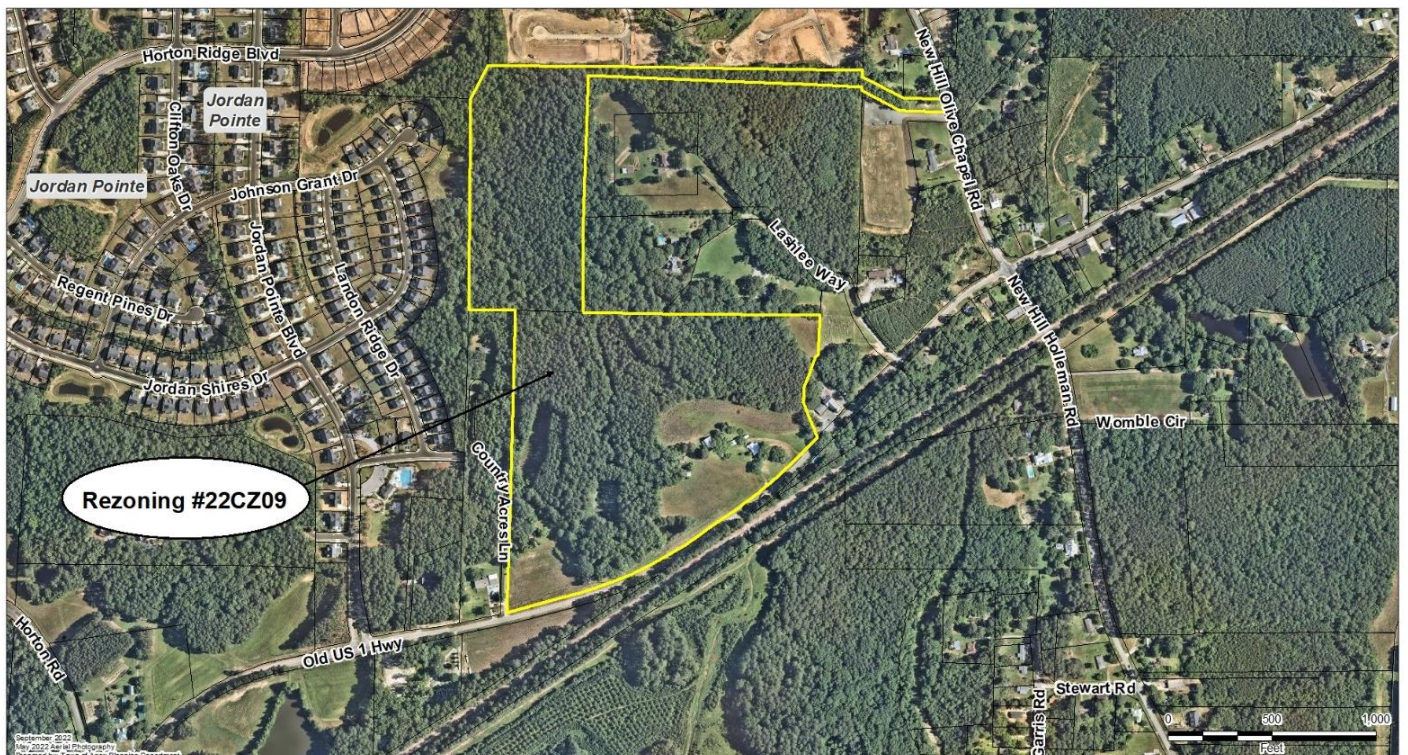
Fecha y hora de la audiencia pública de la Junta de Planificación: **10 de octubre de 2022 4:30 P.M.**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39388>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.apexnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39388>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: September 26-October 10, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division
Agente autorizado: Jeff Roach, Peak Engineering & Design
Dirección de las propiedades: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Superficie: 256.59 acres
Números de identificación de las propiedades: 0710714834 and 0710736732
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential and Low Density/Office Employment
Ordenamiento territorial existente de las propiedades: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de octubre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/watch?v=Hwvncfapexagw>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39388>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de septiembre - 10 de octubre



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ09
Utley Farms PUD
Project Location: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Applicant or Authorized Agent: Thurm Bowen, KB Homes, Inc. Carolinas Division

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

9/26/2022
Date

Maive F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

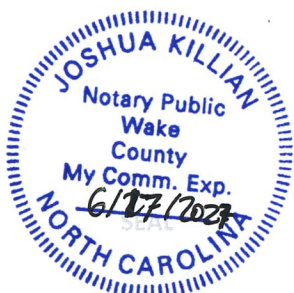
Sworn and subscribed before me,

Joshua Killian

, a Notary Public for the above

State and County, this the

27 day of September, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 6/27/2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #22CZ09 Utleby Farms PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Thurm Bowen, KB Homes, Inc. Carolinas Division

Authorized Agents: Jeff Roach, Peak Engineering & Design

Property Addresses: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road

Acreage: ±56.59 acres

Property Identification Numbers (PINs): 0710714834 and 0710736732

Current 2045 Land Use Map Designation: Low Density Residential and Low Density/Office Employment

Existing Zoning of Properties: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: October 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39388>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division

Agente autorizado: Jeff Roach, Peak Engineering & Design

Dirección de las propiedades: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road

Superficie: ±56.59 acres

Números de identificación de las propiedades: 0710714834 and 0710736732

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential and Low Density/Office Employment

Ordenamiento territorial existente de las propiedades: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de octubre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39388>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Thurm Bowen, KB Homes, Inc. Carolinas Division
- Agente autorizado:** Jeff Roach, Peak Engineering & Design
- Dirección de las propiedades:** 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
- Superficie:** ±56.59 acres
- Números de identificación de las propiedades:** 0710714834 and 0710736732
- Designación actual en el Mapa de Uso Territorial para 2045:** Low Density Residential and Low Density/Office Employment
- Ordenamiento territorial existente de las propiedades:** Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
- Ordenamiento territorial propuesto para las propiedades:** Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de octubre de 2022 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/imagery>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4278. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/39388>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 3 octubre- 25 de octubre de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #22CZ09
Utley Farms PUD
Project Location: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Applicant or Authorized Agent: Thurm Bowen, KB Homes, Inc. Carolinas Division

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 3, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/3/2022
Date

Stanae F. Khun
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above
State and County, this the 3 day of October, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 6 / 17 / 2027

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #22CZ09
Utley Farms PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Thurm Bowen, KB Homes, Inc. Carolinas Division
Authorized Agents: Jeff Roach, Peak Engineering & Design
Property Addresses: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Acreage: ±56.59 acres
Property Identification Numbers (PINs): 0710714834 and 0710736732
Current 2045 Land Use Map Designation: Low Density Residential and Low Density/Office Employment
Existing Zoning of Properties: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: ~~October 31~~ **November 8, 2022 6:00 PM**
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/429. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/39184>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: October 3 - ~~24~~ **November 8, 2022**

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

CONTINUADO
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division
Agente autorizado: Jeff Roach, Peak Engineering & Design
Dirección de las propiedades: 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road
Superficie: ±56.59 acres

Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.ralenghnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/19338>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: October 3 – ~~November 8~~, 2022

TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

CONTINUADO
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #22CZ09
Utley Farms PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Thurm Bowen, KB Homes, Inc. Carolinas Division
Agente autorizado: Jeff Roach, Peak Engineering & Design
Dirección de las propiedades: 3720 Old US 1 Highway and O New Hill Olive Chapel Road
Superficie: ±56.59 acres
Números de identificación de las propiedades: 0710714834 and 0710736732
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential and Low Density/Office Employment
Ordenamiento territorial existente de las propiedades: Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)


Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: ~~25 de octubre~~ **8 de Noviembre de 2022 6:00 P.M.**
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apeenc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

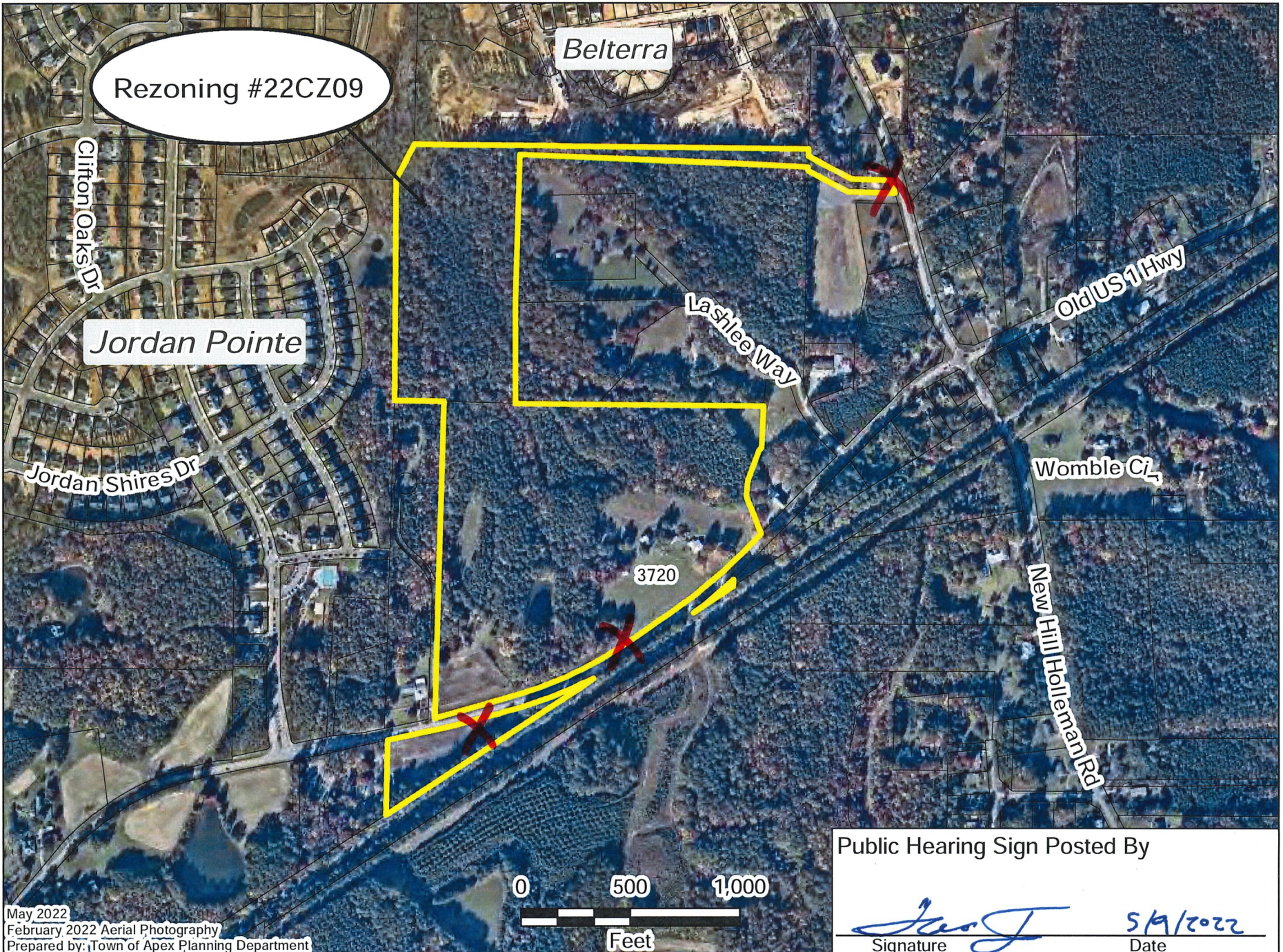
Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.ralenghnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/19338>

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 3 octubre - ~~25 de octubre~~



Rezoning #22CZ09

Belterra

Jordan Pointe

Clifton Oaks Dr

Jordan Shires Dr

Lashlee Way

Old US 1 Hwy

Womble Ct

3720

New Hill Holleman Rd



Public Hearing Sign Posted By

Justin J
Signature

5/19/2022
Date

May 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department



Student Assignment
5625 Dillard Drive
Cary, NC, 27518
Email: studentassignment@wcpss.net

tel: (919) 431-7333
fax: (919) 694-7753

June 24, 2022

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: May 1, 2022
- Name of development: 22CZ09 Utley Farms PUD
- Address of rezoning: 3720 Old US 1 Hwy & 0 New Hill Olive Chapel Rd (PINs 0710704834 & 0710736732)
- Total number of proposed residential units: 122
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
 - Elementary Middle High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- Not applicable – existing school capacity is anticipated to be sufficient.
- School expansion or construction within the next five years is not anticipated to address concerns.
- School expansion or construction within the next five years may address concerns at these grade levels:
 - Elementary Middle High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,

Susan W. Pullium



PROTECT • PROMOTE • EDUCATE

P.O. Box 28072
Raleigh, NC 27611

Phone: 919.833.6404 Fax: 919.834.7314
www.cappresinc.org

October 7, 2022

Lauren Staudenmaier
Planner II, Town of Apex
PO Box 250
Apex, NC 27502

Lauren,

CAP has been working with the developer (KB Homes) and their team for most of 2022 developing a plan to save the Utley-Horton Farmhouse and two contributing outbuildings. A large lot for the house and two outbuildings has been designated for preservation purposes. I have attached the most recent sketch plan that was presented to CAP that satisfies the preservation goals of the property. The developer's intention is to donate the property to CAP, where it will be rehabilitated and protected with a rehabilitation agreement and preservation easement to protect the property in perpetuity.

Sincerely,

A handwritten signature in black ink that reads "Gary Roth". The signature is written in a cursive, flowing style.

Gary G. Roth
President/CEO

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 56.59 ACRES LOCATED AT 3720 OLD US 1 HIGHWAY AND 0 NEW HILL OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) AND WAKE COUNTY RESIDENTIAL-80W (R-80W) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#22CZ09

WHEREAS, Thurm Bowen, KB Home, Inc. Carolinas Division, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of May 2022 (the "Application"). The proposed conditional zoning is designated #22CZ09;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #22CZ09 before the Planning Board on the 10th day of October 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of October 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ09. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ09;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ09 before the Apex Town Council on the 8th day of November 2022;

WHEREAS, the Apex Town Council held a public hearing on the 8th day of November 2022; Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ09 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;

WHEREAS, 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 Low Density Residential and Low Density Residential/Office Employment. 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;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will allow development for single-family residential uses in a manner to be generally consistent with the surrounding properties. The proposed rezoning also provides additional environmental conditions and a minimum of two affordable housing units; and

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #22CZ09 rezoning the subject tract located at 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road from Wake County Residential-40 W (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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."

Ordinance Amending the Official Zoning District Map #22CZ09

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 Wake County Residential-40W (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development 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" Utlely Farms 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.

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 _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ09

Submission Date:

Insert legal description below.

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 22CZ09

Submission Date:

Insert legal description below.

BEING THE OUTER BOUNDARY OF 2 PARCELS; ONE NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON (PIN 0710-73-6732) AND THE OTHER NOW OR FORMERLY OF MYRTLE H. HORTON (PIN 0710-71-4834), EXCLUDING THAT PORTION OF THE MYRTLE H. HORTON PARCEL LYING TO THE SOUTH OF OLD U.S. HIGHWAY 1, LOCATED IN THE TOWN OF NEW HILL, BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A 3/4" IRON PIPE FOUND ON THE NORTHEASTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF HELON J. WELLONS AND RAY E. JOHNSON AND THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 703,604.52' AND E= 2,018,799.66'; THENCE, FROM THE POINT OF BEGINNING AND WITH THE WESTERN RIGHT OF WAY OF NEW HILL OLIVE CHAPEL ROAD, S14°25'18"E A DISTANCE OF 66.83 FEET TO A 5/8" IRON REBAR FOUND; THENCE, LEAVING SAID RIGHT OF WAY, N88°11'18"W A DISTANCE OF 188.21 FEET TO A 5/8" IRON REBAR FOUND; THENCE N88°11'18"W A DISTANCE OF 25.93 FEET TO A 3/4" IRON PIPE SET; THENCE, N62°24'56"W A DISTANCE OF 207.03 FEET TO A 3/4" IRON PIPE FOUND; THENCE, N87°31'49"W A DISTANCE OF 1,326.61 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S00°29'51"W A DISTANCE OF 657.49 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, S00°28'07"W A DISTANCE OF 459.96 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE, S88°54'39"E A DISTANCE OF 376.22 FEET TO A 1" CAPPED IRON PIPE FOUND; THENCE S88°54'39"E A DISTANCE OF 760.21 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°27'54"W A DISTANCE OF 193.23 FEET TO A 2" IRON PIPE FOUND; THENCE S40°29'33"W A DISTANCE OF 39.06 FEET TO A 3/4" IRON PIPE SET; THENCE, S20°02'10"W A DISTANCE OF 148.77 FEET TO A 1" IRON PIPE FOUND; THENCE, S04°26'24"W A DISTANCE OF 74.66 FEET TO A 1" IRON PIPE FOUND; THENCE, S21°56'17"E A DISTANCE OF 90.03 FEET TO A 3/4" IRON PIPE SET; THENCE, S21°56'17"E A DISTANCE OF 82.07 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, WITH SAID RIGHT OF WAY, S44°08'00"W A DISTANCE OF 57.11 FEET TO A 3/4" IRON PIPE SET; THENCE S04°26'41"W A DISTANCE OF 47.21 FEET TO A COMPUTED POINT IN THE CENTERLINE OF OLD US HIGHWAY 1; THENCE, WITH SAID CENTERLINE, S44°45'01"W A DISTANCE OF 117.34 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S46°50'07"W A DISTANCE OF 75.89 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S51°00'53"W A DISTANCE OF 86.92 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°38'28"W A DISTANCE OF 187.44 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S54°43'11"W A DISTANCE OF 166.66 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S55°37'49"W A DISTANCE OF 181.50 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,538.08 FEET AND A CHORD OF 222.64 FEET BEARING S62°15'39"W, A DISTANCE OF 222.83 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,502.64 FEET AND A CHORD OF 205.36 FEET BEARING S70°54'26"W, A DISTANCE OF 205.52 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, S74°32'21"W A DISTANCE OF 335.97 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID CENTERLINE, S76°14'37"W A DISTANCE OF 79.04 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID CENTERLINE, N01°40'52"E A DISTANCE OF 31.15 FEET TO A 1" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF OLD US HIGHWAY 1; THENCE, LEAVING SAID RIGHT OF WAY, N01°40'52"E A DISTANCE OF 525.44 FEET TO A 1" IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 164.11 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 87.06 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°40'52"E A DISTANCE OF 296.27 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°43'27"E A DISTANCE OF 154.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N01°45'10"E A DISTANCE OF 230.39 FEET TO A 3/4" CAPPED IRON PIPE FOUND; THENCE, N88°57'38"W A DISTANCE OF 226.32 FEET TO A 1.5" CAPPED IRON PIPE FOUND; THENCE, N00°29'37"E A DISTANCE OF 1,013.85 FEET TO A 1" CAPPED IRON PIPE FOUND THENCE, N27°07'07"E A DISTANCE OF 180.77 FEET TO A 3/4" PINCHED IRON PIPE FOUND; THENCE, S89°14'14"E A DISTANCE OF 677.99 FEET TO A 3/4" IRON PIPE SET; THENCE, S89°12'15"E A DISTANCE OF 1,126.48 FEET TO A 3/4" IRON PIPE FOUND; THENCE, S01°21'26"W A DISTANCE OF 33.00 FEET TO A 3/4" BENT IRON PIPE FOUND; THENCE, S62°23'27"E A DISTANCE OF 222.99 FEET TO A 1" BENT IRON PIPE FOUND; THENCE, S89°31'44"E A DISTANCE OF 181.71 FEET TO THE POINT OF BEGINNING. SAID BOUNDARY CONTAINING 2,465,206 SQUARE FEET (56.59 ACRES), MORE OR LESS.

Attachment "B"

Utley Farms PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted: April 29, 2022

Resubmitted: August 12, 2022

Resubmitted: September 9, 2022

PREPARED BY:



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: Design Controls

Section 7: 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

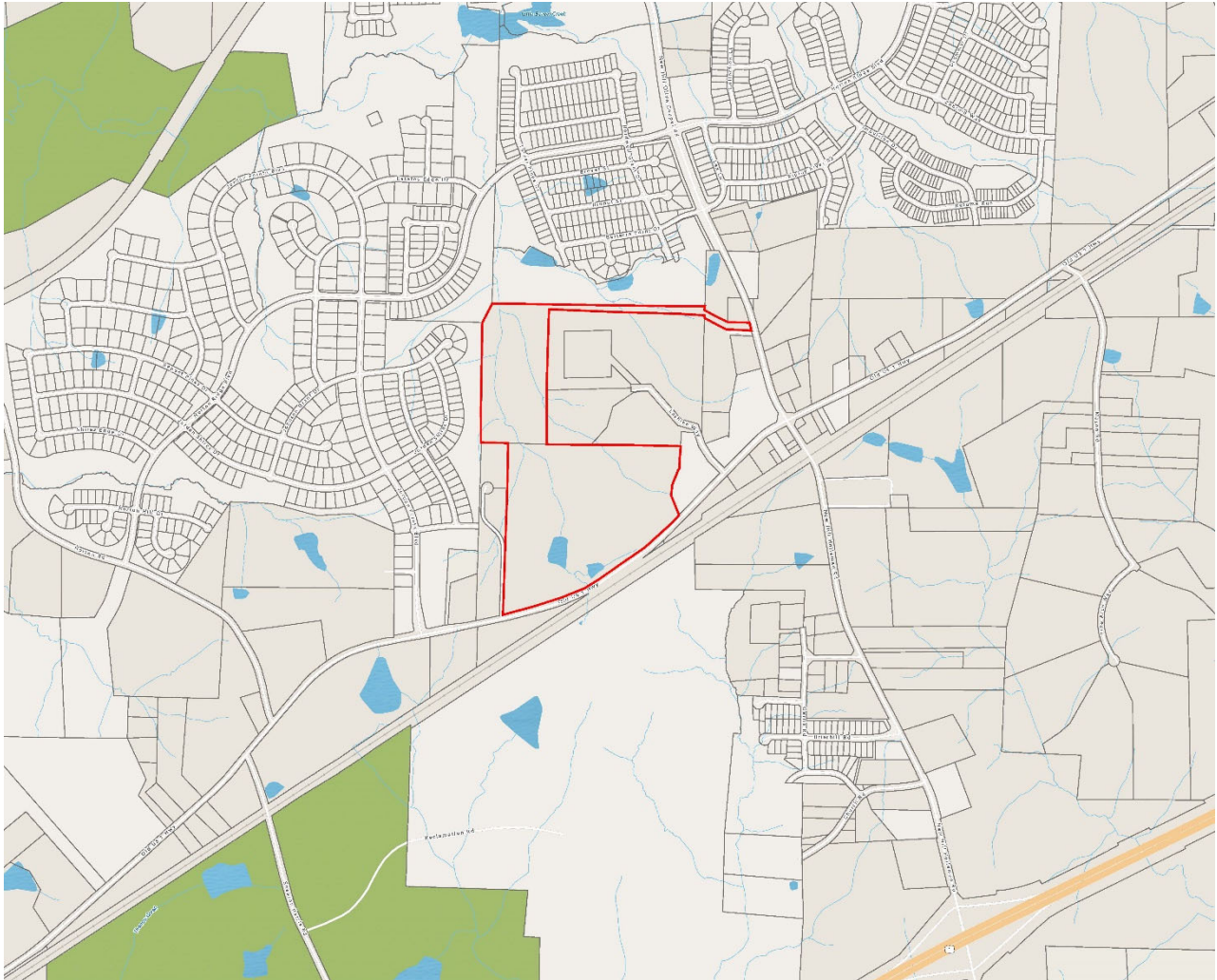
Section 14: Phasing Plan

Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Utley Farms PUD is located in New Hill, Buckhorn Township, and is anticipated to be developed within the Town of Apex corporate limits. The property sits along the north side of Old US 1 Highway, with limited frontage along New Hill Olive Chapel Road. North and west of the site have been developed for single-family homes located within Belterra and Jordan Pointe, respectively. To the west of the site are rural developments on large lots. To the east are parcels planned for office and commercial uses.

Section 3: Project Data

A. Name of Project:

Utley Farms PUD

B. Property Owners:

Myrtle H. Morton

PO Box 312

New Hill, NC 27562-0312

Helon J. Wellons

Raye E. Johnson

400 Johnson Farm Road

New Hill, NC 27562-8839

Prepared By:

Jason Barron and Nil Ghosh

Morningstar Law Group

421 Fayetteville St | Ste 530

Raleigh, NC 27601

C. Current Zoning Designation:

R-40W and R-80W (Wake County)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Low Density Residential

F. Proposed Use

- Single-family Residential

G. Size of Project

A total of +/-56.59 acres

Section 4: Purpose Statement

The Utlely Farms PUD development will be a single-family detached residential community developed at low density residential along Old US 1 Highway west of its intersection with New Hill Olive Chapel Road. The intent is for the site to develop consistent with the land use intensities contemplated by the recent updates to the Town's 2045 Land Use Designation Map.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO
- Provide for the preservation of existing environmentally sensitive areas.
- Provide for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer low density housing in an area that was very recently updated by the Town to include such uses on the 2045 Land Use Designation Map.
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval.
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability, and healthy lifestyles.
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.
- Preserve the existing historic home on the property along with two existing barns.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except as provided for herein. The proposed PUD will provide a development density that is consistent with principles found throughout *Advance Apex 2045*.

Section 5: Permitted Uses

The subject property 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, except as modified herein. 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. Specifically, the permitted uses include:

- Single-family
- Greenway
- Recreation facility, private
- Accessory apartment
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall apply:

- A. A maximum of 113 residential units shall be permitted upon the property.
- B. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- C. All residential dwellings and any amenity constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
- D. Stormwater controls for development shall be increased to the 25-year storm as provided for in this PUD.
- E. There shall not be any tree clearing, stormwater control measures (SCM), or other infrastructure in either zone of riparian buffers except for UDO permitted crossings and utilities.
- F. Signage shall be provided by any homeowner's association regarding the need to reduce pet waste and eliminate fertilizer near SCMs. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area to reduce pet waste and eliminate fertilizer near SCMs. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- G. The project shall provide diverse and abundant pollinator sources and install pollinator-friendly flora within SCM Planting areas.
- H. The project shall include plantings within perimeter buffers and along streetscapes; the selected species shall be native species chosen from the Apex Design & Development Manual or approved by Planning staff.
- I. Deciduous shade trees shall be planted along southern sides of building elevations and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- J. Evergreen trees shall be planted along northern elevations of buildings and the selected species shall be taken from the Apex Design & Development Manual or approved by Planning staff.
- K. A minimum of three (3) native hardwood tree species shall be planted throughout the development.
- L. The project shall increase biodiversity within the amenity area and recreational areas within the development by selecting and installing tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall. Subject to

Utley Farms PUD

Condition K above, no single species shall constitute more than 20% of the selected plants for each landscaping type (trees, shrubs and perennials.)

- M. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses and drought tolerant species for drought-resistance within perimeter buffers, SCMs, and along streets.
- N. The exterior lighting for all non-residential buildings, parking lots, and amenity areas will consist of entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots and private amenity areas.
 - a. The project within an amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K for all exterior lighting located within parking lot, private amenity areas, and building mounted fixtures on non-residential buildings.
- O. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- P. A minimum 4kW solar PV system shall be installed on at least 3 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 development. The lots on which these homes are located shall be identified on Master Subdivision Final Plat, which may be amended from time to time.
- Q. Of the permitted residential single family detached dwellings, at least two (2) restricted median-income affordable housing single family detached ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall be occupied by households earning no more than one-hundred percent (100% - Median-Income) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD. The two (2) Affordable Housing Unit lots shall be identified on the Master Subdivision Final Plat, which may be amended from time to time. A restrictive covenant (i.e. lot reservation agreement) shall be recorded against the two (2) Affordable Housing Unit lots prior to the issuance of a building permit for such lots and a separate restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years shall be recorded against each of the Affordable Housing Units at purchase closing to memorialize the affordable housing terms and conditions of the approved zoning condition. Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.

Section 6: Proposed Design Controls

A. Residential Densities and Design Controls

Maximum Density:	2.0 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	113
Minimum Lot Size:	6,000 SF
Maximum Built-Upon Area:	60%
Minimum Lot Width:	50 feet
Maximum Building Height:	36 feet, no more than 2 stories

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Minimum Building Setbacks:

	Single-family (feet)	Private Recreation Facility
Front	10	10
Front (garage)	20 (from sidewalk or back-of-curb where no sidewalk exists)	N/A
Side	5	10
Side (corner)	10	10
Rear	10	10
Building-to-buffer/RCA	10	10
Parking-to-buffer/RCA	5	5

Utlely Farms PUD

B. Buffers

Perimeter Buffers: as per Sheet C100 of PUD Plan as noted below.

Location	Buffer Provided	UDO Standard	Property Notes
North (Belterra)	10' Type B	10' Type B	
Northern boundary (ex properties)	10' Type B & 20' Type B	20' Type B	Includes Miller, Vitek, & Burroughs property
West (Jordan Pointe & Country Acres Lane)	10' Type B	10' Type B & 20' Type B	Includes Jordan Pointe & Country Acres Lane property
East (ex properties)	10' Type B	20' Type B & 20' Type A	MORR-CZ for the ex Church and Cemetery
Old US 1 Highway **	30' Type B	30' Type B	Frontage
**Old US 1 Highway – historic preservation frontage	30' Type E	30' Type B	Exception for the frontage of the historic preservation (as shown on PD Map)
New Hill Olive Chapel Road	30' Type B	30' Type B	Frontage

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation will be used to meet the buffer width and opacity.

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Old US 1 Highway with an exception for a Type 'E' buffer fronting the existing historic farmhouse and accessory structures, as requested by Capital Area Preservation and the State Historic Preservation Office.

Adjacent property redevelopment buffer:

The buffer can be removed in those locations along the following parcels or portion of parcels if the Wellons property (identified as the "Future Development Area" within the PUD Drawings) is redeveloped in conjunction with the adjacent N/F Andrew Martin (PIN 0710-83-5242), the N/F Ralph Miller property (PIN 0710-83-0487), and/or the N/F Richard Vitek property (PIN 0710-72-4872) as the Wellons property is too narrow to develop independent of such properties.

Section 7: Proposed Architectural Controls

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. 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 Master Subdivision submittal.

Except with respect to the existing historic home, the following conditions shall apply:

Single-family Residential:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
- B. Primary building materials shall be brick, stone, and fiber cement siding.
- C. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
- D. At least four of the following decorative features 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.
- E. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- G. Front facing garage doors must have windows, decorative details, or carriage-style adornments.
- H. Entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.
- I. Porches constructed with a dwelling unit shall be a minimum of six feet (6') deep.
- J. The front façade of any front-loaded garage shall not protrude farther than one (1) foot forward of (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

Section 8: Parking and Loading

Parking for the development shall meet requirements of UDO Section 8.3.

Section 9: Signage

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

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Little Beaver Creek Basin and Cape Fear River Basin. The Town's Watershed Protection Overlay District Map shows the site is within the Primary Watershed Protection Overlay District and contains FEMA designated 100-year floodplain.

B. 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*. Per UDO Section 7.2.5.B.8, if any mass grading is proposed in the single-family sections of the PUD, the following provision will apply to lot coverage area for single-family: An additional five percent (5%) Resource Conservation Area (RCA) shall be set aside. This requirement is added to the standard RCA percentage requirement found in Sec. 8.1.2.C Size of the RCA.

C. Historic structures

The North Carolina State Historic Preservation Office (SHPO) shows the properties within the new Hill Historic District and the existing Utlely-Horton Farm (Nommie Horton Farm – SHPO ID WA1098). In coordination with Capital Area Preservation, the PUD proposes to retain and preserve the historic home (in its current location) and two barns on the property (one relocation and one preservation).

Section 11: Stormwater Management

Development shall meet all stormwater requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 10-year, and 25-year, 24-hour storm events. The development 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 rate for the storm events previously noted.

Section 12: Parks and Recreation

Utlely Farms PUD #22CZ09 was reviewed at the August 31, 2022 PRCR Advisory Commission. Following is the recommendation which was provided:

Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be deposited with the Town at the time the first final subdivision plat is approved for the units within each phase.

The language has been added to the PUD Drawing documents as well as the PD Text.

Per Article 14 of the UDO, any credit for greenway construction against fees requires the approval of construction plans, contingent upon approval of an engineer’s estimate of probable cost for greenway construction.

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 and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

Utley Farms PUD

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site as required by the UDO.

Refer to sheet C100 of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity.

- **Potential Access Points:**

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.

- **Transportation Improvements**

All proposed driveway access and improvements on state-maintained roadways are subject to NCDOT review and approval. Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the TIA and staff review, the following traffic improvements are proposed for this development:

- a. Old US 1 and New Hill Olive Chapel Road/New-Hill Holleman Road.

- Developer shall construct an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper. In the event there is insufficient right-of-way for this off-site transportation improvement, Developer shall use commercially reasonable efforts to acquire the right-of-way through good faith negotiations starting with an offer to the third party land owner(s) based upon an appraised value of the right-of-way to be acquired. In the event such negotiations are unsuccessful and the Town of Apex is unable or unwilling to assist Developer in acquiring the requisite right-of-way, Developer shall pay a fee-in-lieu in the amount of the appraised cost of the required right-of-way plus estimated construction cost of the turn lane.

Utley Farms PUD

b. Old US 1 and Site Driveways

The Developer shall construct two access points on Old US 1 consisting of:

- Site Drive 1: A full-movement stop-controlled public street intersection approximately 1,200 feet west of the intersection of New Hill Olive Chapel Road, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.
- Site Drive 2: A full-movement stop-controlled public street intersection approximately 1,050 feet west of the intersection of Old US 1 and Site Drive 1, including an eastbound left turn lane on Old US 1 with 50 feet of storage and appropriate deceleration length and taper.

- **Wayfinding Improvements**

Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.

- **Water and Sanitary Sewer**

All development within the project shall be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of development plan review and approval upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town Water and Sewer Master Plans.

- **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 and all improvements required to support the uses contemplated by the PUD, including without limitation infrastructure and public facilities, may be completed in multiple phases, with construction anticipated to begin in 2023. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the Town of Apex's 2045 Land Use Map.

Section 16: Compliance with the 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). Any deviations from UDO requirements have been specifically defined within this document. No deviations from the UDO are currently anticipated with the project zoning documents.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

Development plans submitted pursuant to this rezoning shall comply with the adopted Advance Apex: The 2045 Transportation Plan in effect at the time of the development plan submittal, as provided for in the Unified Development Ordinance. Further, development of the property shall be consistent with the Town's adopted Bicycle and Pedestrian System Plan in effect at the time of the development plan submittal.

<REZONING>

UTLEY FARMS PUD

3720 OLD US 1 HIGHWAY
 NEW HILL, NORTH CAROLINA 27562
 PROJECT NUMBER: 210504
 DATE MAY 2, 2022

RIPARIAN BUFFERS AND WETLANDS:
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY
 S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF
 ENGINEERS AND TOWN OF APEX.



NC License #P-0673

OWNER

MYRTLE H. HORTON
 3720 OLD US 1 HIGHWAY
 NEW HILL, NC 27562

HELON J. WELLONS/RAY E. JOHNSON
 0 NEW HILL OLIVE CHAPEL ROAD
 NEW HILL, NC 27562

APPLICANT

KB HOME - RALEIGH
 THURM BOWEN / ROMAN ACOSTA
 4506 S. MIAMI BLVD #100
 DURHAM, NC 27703
 P: (919) 768-7976
 www.KBHome.com

ENGINEER/LAND PLANNER

PEAK ENGINEERING & DESIGN, PLLC
 JEFF ROACH, P.E.
 1125 APEX PEAKWAY
 APEX, NC 27502
 P: (919) 439-0100
 www.PeakEngineering.com

SURVEYOR

BATEMAN CIVIL SURVEY COMPANY
 STEVEN CARSON
 2524 RELIANCE AVENUE
 APX, NC 27502
 P: (919) 577-1080
 www.batemancivilsurvey.com

ENVIRONMENTAL CONSULTANT

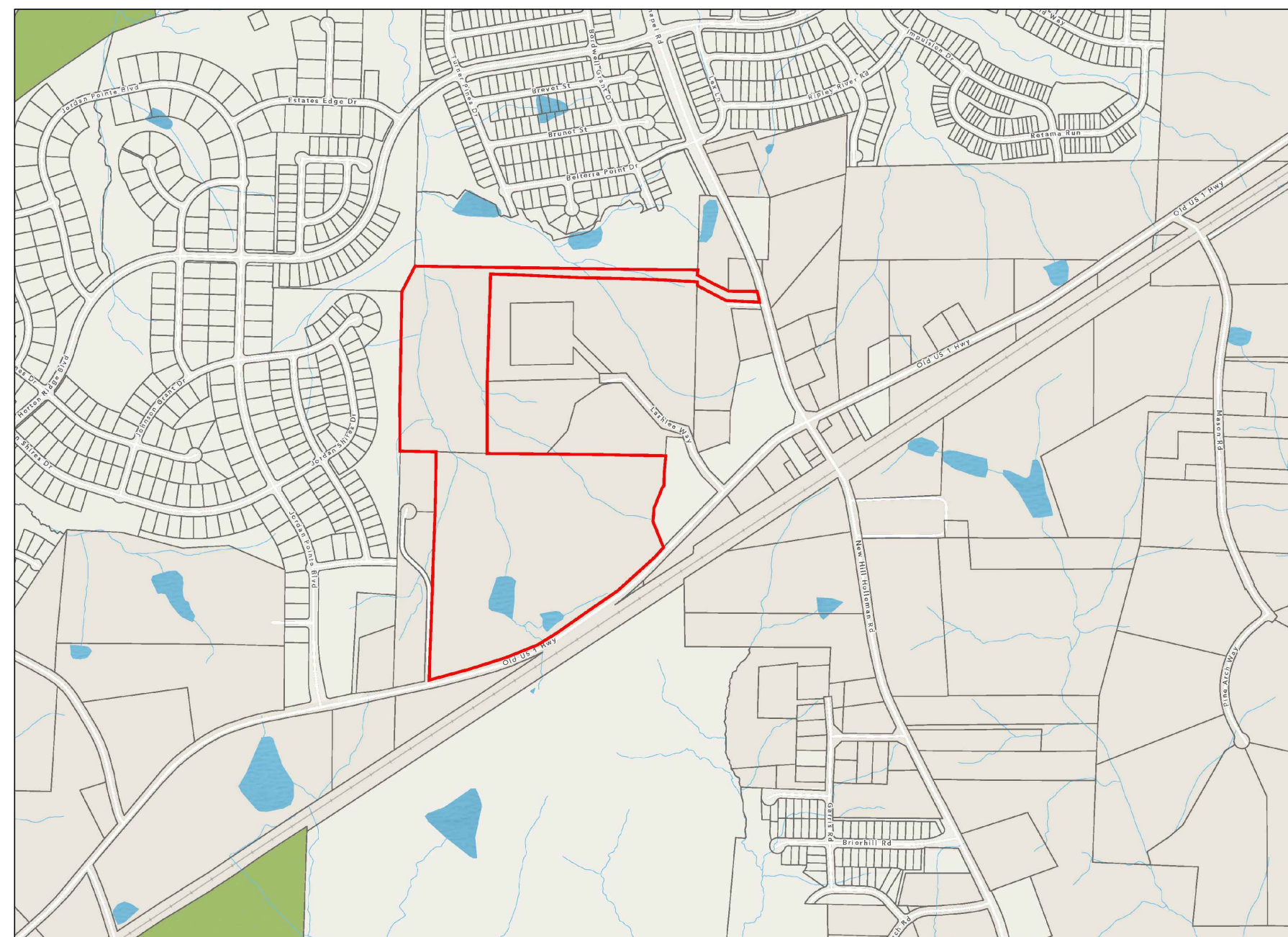
SOIL & ENVIRONMENTAL CONSULTANTS, PA
 STEVEN BALL, RF, PWS
 8412 FALLS OF NEUSE ROAD, SUITE 104
 RALEIGH, NC 27615
 P: (919) 846-5900
 www.SandEC.com

TRAFFIC ENGINEER

RAMEY KEMP & ASSOCIATES, INC.
 RYNAL STEPHENSON, P.E.
 5805 FARINGDON PLACE, SUITE 100
 RALEIGH, NC 27609
 P: (919) 872-5115
 www.RameyKemp.com



PROJECT AERIAL NOT TO SCALE



VICINITY MAP NOT TO SCALE

SITE INFORMATION:					
Property Owner	Site Address	PIN	REID	Deeded Acreage	Deed Book/Plat Book
HORTON, MYRTLE H. PO BOX 312 NEW HILL, NC 27562-0312	3720 OLD US 1 HWY	0710-71-4834	0033299 (area included in development)	43.27 acres	DB 7883 PG 737/DB 686 PG 49 DB 422 PG 84/DB 730 PG 122 DB 7556 PG 521/DB 6711 PG 832
WELLONS, HELON J. JOHNSON, RAY E. 400 JOHNSON FARM ROAD NEW HILL, NC 27562-8839	0 NEW HILL OLIVE CHAPEL RD	0710-73-6732	0080810	17.96 acres	DB 02367 PG 0693
Total Deeded Acreage:		61.24 acres			
Total Project Acreage:		56.59 acres			
(area south of Old US 1 Highway centerline is excluded from the N/F Myrtle H. Horton property for this development)					
Township:	Buckhorn Township				
Flood Zone Information:	Firm Panel 3720071000K dated February 2, 2007 does not show the presence of flood zones on the properties.				
Watershed Information:	Primary Watershed Protection Overlay District, Little Beaver Creek Basin, Cape Fear River Basin.				
Historical:	NC SHPO shows the properties within the New Hill Historic District and the existing Utley-Horton Farm (Nommie Horton Farm) - SHPO ID WA1098				
Annexation:	annexation required as the property is located OUTSIDE of the Apex ETJ				
Existing Zoning:	R-40W and R-80W				
Proposed Zoning:	PUD - CZ (Planned Unit Development - Conditional Zoning)				
2045 Land Use Map:	Low Density Residential				
Existing Use:	Single Family Residential and vacant				
Proposed Uses:	Single-family Park, active Greenway Park, passive Recreation facility, private Utility, minor Accessory apartment				
* Homeowners Association covenants shall not restrict the construction of accessory dwelling units					
Maximum Number of Lots:	113 dwelling units				
Proposed Project Density:	2.00 dwelling units/acre or less (< 3.0 units/acre for Low Density Residential districts)				
Lots:	Min Lot Size	Min Lot Width	Max Building Height		
Single-family detached	6,000 SF	50 feet	36 feet		
Building Setbacks (minimum setbacks unless otherwise noted):					
Front:	Residential		Private Recreation Facility		
Front (garage):	10 feet		10 feet		
Rear:	20 feet from sidewalk or back-of-curb		N/A		
Side:	10 feet		10 feet		
Side (Corner Lot):	5 feet		10 feet		
From Buffer or RCA	10 feet		10 feet		
Parking setback to buffer or RCA	10 feet		10 feet		
	5 feet		5 feet		
Parking Requirements:	2 spaces/dwelling unit required				
Single Family Detached:	Single Family parking provided by driveway and garage (min 2 spaces/lot)				
Private Recreation Facility:	Parking shall be based upon size and use within the recreation facility				
Maximum Built Upon Area:	33.96 acres or 60%				
RCA Required:	UDO Section 8.1				
Grading:	Site to be "Mass Graded"				
% of lots graded prior to first plat:	50% (limited by Apex UDO to a maximum acreage for mass grading)				
% of pre-development drainage areas preserved within their natural basins:	maximum of 20 acres of clearing for single-family detached developments				
	90%				

INDEX OF DRAWINGS:

- C000 COVER SHEET
- C002 EXISTING CONDITIONS
- C100 CONCEPTUAL SITE PLAN/UTILITY PLAN
- C120 BUILDING ELEVATIONS

REZONING CASE # 22CZ09
 (SUBMITTED ON MAY 2, 2022)

Project:
UTLEY FARMS PUD
 3720 OLD US 1 HIGHWAY
 BUCKHORN TOWNSHIP
 NEW HILL, NORTH CAROLINA 27562



NO.	DATE	REVISION
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS

title:
PUD COVER SHEET

proj #:
210504
 date:
MAY 2, 2022
 dwg by: chkd by:
 FS JR
 scale:
As Noted
 sheet:
C000
 (PUD PLAN)

PARKS AND RECREATION DATA TABLE:

DATE REVIEWED BY PRCR ADVISORY COMMISSION: **AUGUST 31, 2022**

DATE REVIEWED BY PRCR ADVISORY COMMISSION:	AUGUST 31, 2022
FEES-IN-LIEU:	
SINGLE-FAMILY DETACHED UNITS	\$3,753.89 / DWELLING UNIT x 113 UNITS = \$424,189.57
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

ACRES OF LAND DEDICATION: n/a ACRES
PUBLIC GREENWAY TRAIL CONSTRUCTION: YES NO X
 Following is the recommendation from the PRCR Advisory Commission:
 Staff recommends a fee-in-lieu of dedication for 122 single-family detached units. The current 2022 rate of \$3,753.89 per single family detached unit would be approved with the Town at the time the first final subdivision plat is approved for the units within each



RIPARIAN BUFFERS AND WETLANDS:
 RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

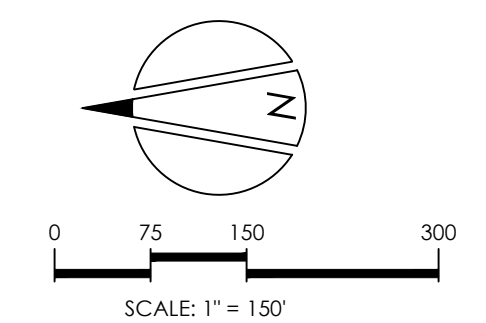
- EXISTING CONDITIONS NOTES:**
- BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY).
 - TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.
 - NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
 - HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITHIN THE SITE DATA TABLE.
 - NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAY BE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.
 - TREE SURVEY INFORMATION PROVIDED BY S&EC, INC.
 - 100-YR FLOOD PLAIN IS NOT LOCATED ON OR WITHIN 100' OF THIS PROPERTY.
 - PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, LITTLE BEAVER CREEK BASIN, AND THE CAPE FEAR RIVER BASIN.

LEGEND:

- FUTURE DEVELOPMENT
- SINGLE FAMILY - DETACHED
- BUFFERS/RCA
- HISTORIC PRESERVATION AREA
- PROJECT PERIMETER BOUNDARY
- PROPOSED WATER CONNECTIONS
- PROPOSED SEWER CONNECTIONS
- POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

- SITE AND UTILITY NOTES:**
- DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
 - REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 - ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
 - PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
 - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
 - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.



1 EXISTING CONDITIONS PLAN
 C001 SCALE: 1"=150'

NC License #P-0673

project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562

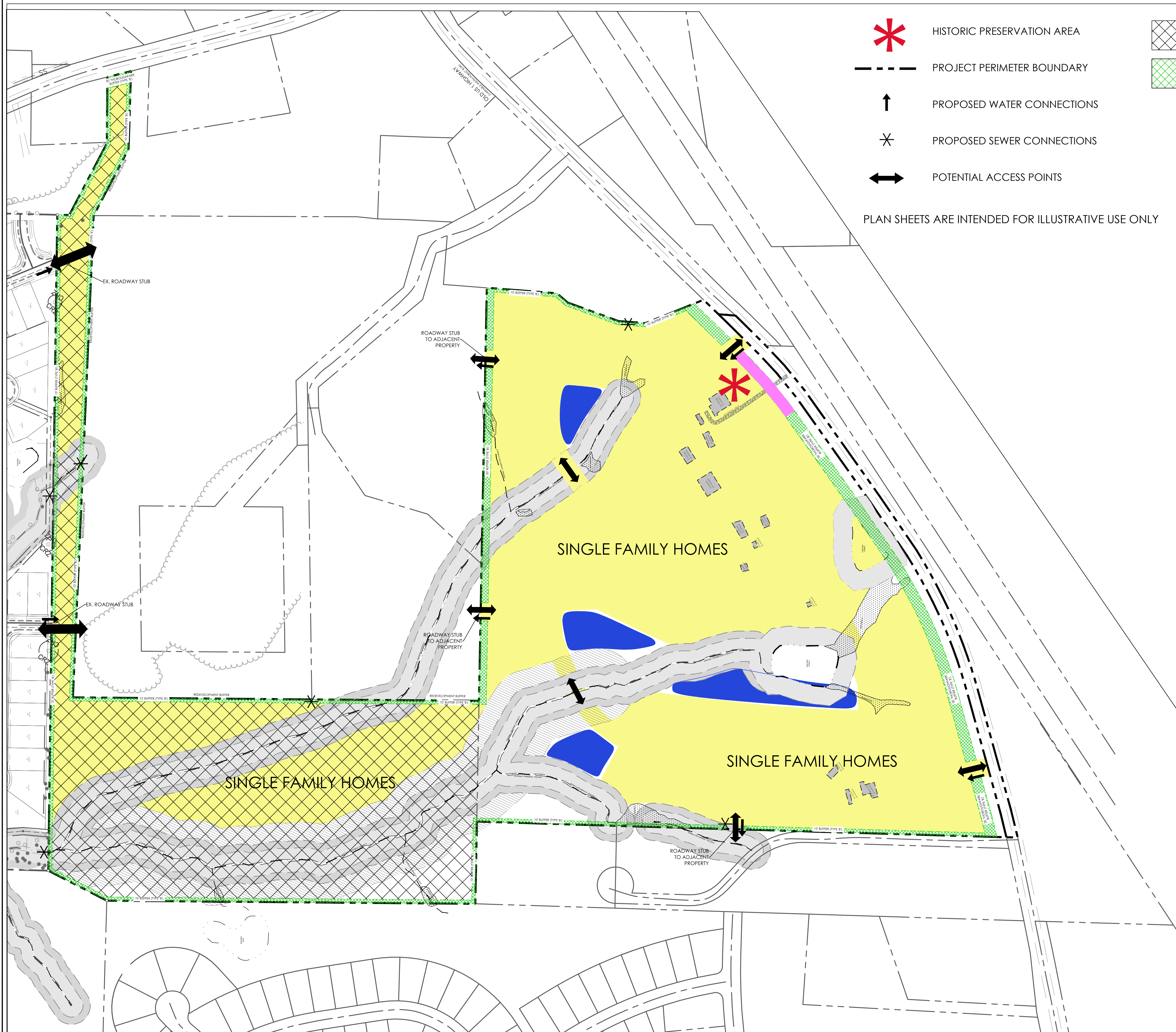







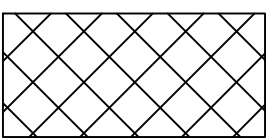
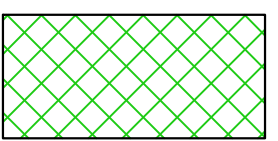

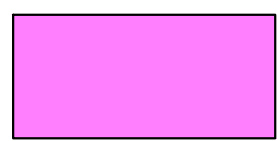
NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:
 EXISTING CONDITIONS PLAN

proj #:
 210504
 date:
 MAY 2, 2022
 dwg by: chkd by:
 FS JR
 scale:
 As Noted

sheet:
C001
 (PUD PLAN)



-  HISTORIC PRESERVATION AREA
-  PROJECT PERIMETER BOUNDARY
-  PROPOSED WATER CONNECTIONS
-  PROPOSED SEWER CONNECTIONS
-  POTENTIAL ACCESS POINTS
-  FUTURE DEVELOPMENT
-  BUFFERS/RCA
-  SINGLE FAMILY - DETACHED
-  HISTORIC PRESERVATION PERIMETER BUFFER

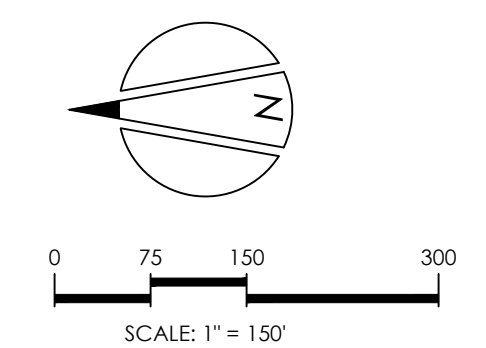
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY

SITE AND UTILITY NOTES:

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. TREE PROTECTION FENCING MUST BE PLACED:
 - a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
 - b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
 - c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
13. ADDITIONAL TREE 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.).

POTENTIAL ACCESS POINTS:

Potential Access Points shown on the Conceptual Site Plan / Conceptual Utility Plan (C100) are not shown in exact locations but show required connections. Connections can only be removed from the subdivision connectivity requirements of the PUD if the developer shows to the satisfaction of the Planning Director, in consultation with the Technical Review Committee (TRC), that the construction of the connection would be impractical based on environmental conditions found in the field at the time of Master Subdivision Plan approval.



**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**
SCALE: 1"=150'



NC License #P-0673

Project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562



NO.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:
**CONCEPTUAL SITE PLAN/
UTILITY PLAN**

proj #:
210504
date:
MAY 2, 2022
dwg by: chkd by:
FS JR
scale:
As Noted

sheet:
C100
(PUD PLAN)



SINGLE FAMILY DETACHED
MODEL 1455



SINGLE FAMILY DETACHED
MODEL 1582



SINGLE FAMILY DETACHED
MODEL 2177



SINGLE FAMILY DETACHED
MODEL 2160 & 2338



SINGLE FAMILY DETACHED
MODEL 2539



SINGLE FAMILY DETACHED
MODEL 2723



SINGLE FAMILY DETACHED
MODEL 3174

TYPICAL BUILDING ELEVATIONS. WINDOW CONFIGURATIONS, DOOR STYLES, COLORS, AND OTHER ARCHITECTURAL STANDARDS WILL VARY FROM HOME-TO-HOME.

ELEVATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY. CONDITIONS ARE INCLUDED WITHIN THE ZONING PD TEXT DOCUMENT.

1 CONCEPTUAL BUILDING ELEVATIONS
C120 SCALE: 1"=N/A



NO.	DATE	REVISION	BY
1	AUGUST 15, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	JR
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	JR

title:
CONCEPTUAL
BUILDING
ELEVATIONS

proj #:
210504
date:
MAY 2, 2022
dwg by: chkd by:
FS JR
scale:
As Noted

sheet:
C120
(PUD PLAN)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 8, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner
Department(s): Planning and Community Development

Requested Motion

Continued from the September 27, 2022 Town Council meeting.

Public Hearing and possible motion to approve Rezoning Application #21CZ17 Ten Ten Business Park. The applicant, J National Capital V, LLC., seeks to rezone approximately 4.6 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on September 12, 2022 and, by a vote of 7-0, recommended approval with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as a portion of PIN 0751359861.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

November 8, 2022 Town Council Meeting



All property owners and tenants within 300 feet of this rezoning have been notified per UDO Sec. 2.2.11 *Public Notification*.

BACKGROUND INFORMATION:

Location: 2132 Ten Ten Road
Applicant/Owner: J National Capital V, LLC.

PROJECT DESCRIPTION:

Acreage: 4.6 ± acres
PIN: 0751359861 (portion of)
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)
2045 Land Use Map: Industrial Employment
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Commercial-Conditional Use (PC-CU #94CU21); High Density-Multi-family Residential (HDMF)	Retail shopping center (Pinnacle Plaza); Multi-family Residential (Avalon Peaks)
South:	Light Industrial (LI)	Vacant; Communication tower, commercial
East:	Light Industrial (LI)	Colonial Gas facility
West:	Light Industrial-Conditional Use (LI-CU #90CU09)	Self-service storage (Public Storage)

Existing Conditions:

The subject property is located on the south side of Ten Ten Road. The subject property is vacant and wooded.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on April 28, 2021. Given the time span since the initial meeting, the applicant conducted a second neighborhood meeting on September 8, 2022. The neighborhood meeting reports are attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Industrial Employment. The proposed rezoning to Light Industrial-Conditional Zoning is consistent with that land use classification.

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.

STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

November 8, 2022 Town Council Meeting



Permitted Uses and Limitations:

Security of caretaker quarters	Health/fitness center or spa
Government Service	Kennel
Transportation facility	Monument Sales, retail
Veterinary clinic or hospital	Repair services, limited
Vocational school	Retail sales, bulky goods
Recycling center	Retail sales, general
Recycling collection station	Self-service storage
Utility, Minor	Studio for art
Waste or wastewater plant	Upholstery shop
Wireless support structure	Pet services
wireless communication facility	Automotive accessory sale and installation
botanical garden	Automotive paint or body shop
Entertainment, indoor	Automotive parts
Greenway	Automotive service station
Park, active (access only)	Car wash or auto detailing
Park, passive (assess only)	Repair and maintenance, general
Shooting range, indoor	Towing service
Broadcasting statin (radio and television)	Towing service storage
Radio and television studio	Truck terminal
Commissary	Vehicle sales and rental, heave (access only)
Restaurant, general	Building supplies, wholesale
Dispatching office	Laboratory, industrial research
Medical or dental office or clinic	Machine or welding shop
Medical or dental laboratory	Warehousing
Office, business or professional	Woodworking or cabinetmaking
Research facility	Wholesaling, general
Parking garage, commercial	Brewery
Parking lot, commercial	Distillery
Artisan studio	Manufacturing and processing
Funeral home	Manufacturing and processing, minor
Gas and fuel sales, retail	Microbrewery
Gas and fuel sales, wholesale	Microdistillery
Glass sales	

Special Uses

Airplane landing strip	Land clearing and inert debris landfill
Airport	Arena, auditorium or stadium
Chipping and mulching	Entertainment, outdoor
Communication tower, commercial	Regional recreation complex
Communication tower, constructed stealth	Adult establishment
Communication tower, public safety	Electronic gaming operations
Electrical power facility	Dry cleaning and dyeing plant
Incinerator	Laundry plant
Recycling plant	Wood or lumber processing
Sanitary landfill	

STAFF REPORT

Rezoning #21CZ17 Ten Ten Business Park

November 8, 2022 Town Council Meeting



PROPOSED ZONING CONDITIONS:

*Additional zoning conditions added since the Planning Board Public Hearing are in **bold** below.*

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.
4. **In the event that self-storage building(s) are constructed fronting Ten Ten Road, the following architectural conditions shall apply for the building façade of the use self-service storage:**
 - 1) **The predominant exterior materials shall be high-quality materials, including:**
 - a) **Brick masonry**
 - b) **Stone accents**
 - c) **Cementitious siding**
 - d) **Aluminum storefronts with anodized or pre-finished colors**
 - e) **Decorative concrete block (either integrally colored or textured)**
 - 2) **The front façade facing Ten Ten Road shall have more than one parapet height.**
 - 3) **The front façade facing Ten Ten Road shall include a combination (at least two (2)) of the building materials listed in condition #1 (for the use self-service storage).**
 - 4) **The front façade facing Ten Ten Road may include EIFS cornices and parapet trim.**
 - 5) **EIFS or synthetic stucco, if used, shall not be used in the first four feet (4') above grade.**
 - 6) **Interior Doors shall be visible on only 15% or less of the facade of each floor facing Ten Ten Road.**
 - 7) **Spandrel glass shall be used for windows, except those at the entrance.**

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on September 12, 2022 and unanimously voted to recommend approval with conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:

During the petition review, staff recommended the applicant limit the use, "Self-service storage" to "Self-service storage (access only)" given the property's location on Ten Ten Rd and its proximity to an existing self-storage use (Public Storage). Planning staff recommends approval of #21CZ17 Ten Ten Business Park with the additional use limitation and conditions as offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town's comprehensive and other applicable plans, reasonableness, and effect on public interest:

Approval of the rezoning is reasonable because the proposed Light Industrial-Conditional Zoning district is consistent with the Industrial Employment land use classification on the 2045 Land Use Map.



The proposed rezoning is reasonable and in the public interest because will allow for the development of non-residential uses that are consistent with surrounding properties, especially those on the south side of Ten Ten Road. It will also encourage compatible development of the property and increase the tax base.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

Legislative Considerations

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.

- 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.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use’s appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use’s compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 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.
- 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.
- 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.
- 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.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 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.
- 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.



Meridian
at Ten Ten

Reliance Ave

Hedera Way

Nasturtium Way

Mandavilla Way

Kiftgate Ln

Avalon Peaks

Solandra Ln

Ten Ten Rd

Rezoning #21CZ17

0 150 300
Feet

PETITION TO AMEND THE OFFICIAL ZONING 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 #: 21CZ17 Submittal Date: _____
Fee Paid: _____

Project Information

Project Name: Ten Ten Business Park
Address(es): 2132 Ten Ten Road
PIN(s): Portion of 0751359861

Acreage: Approx. 4.6 acres

Current Zoning: RA Proposed Zoning: LI-CZ

Current 2045 LUM Classification(s): Industrial Employment

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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: J National Capital V, LLC c/o M. Gray Styers, Jr.
Address: 434 Fayetteville Street, Suite 2800
City: Raleigh State: NC Zip: 27601
Phone: 919-755-8741 E-mail: styers@foxrothschild.com

Owner Information

Name: Vertical Bridge AM II LLC
Address: 70 Park of Commerce Drive, Suite 200
City: Boca Raton State: FL Zip: 33487
Phone: _____ E-mail: _____

Agent Information

Name: M. Gray Styers, Jr.
Address: 434 Fayetteville Street, Suite 2800
City: Raleigh State: NC Zip: 27601
Phone: 919-755-8741 E-mail: gstyers@foxrothschild.com

Other contacts: _____

PETITION INFORMATION

Application #: 21CZ17 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from RA _____ to LI-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 (UDO). 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, as required by the UDO. 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	<u>See attached list of proposed uses</u>	21	_____
2	_____	22	_____
3	_____	23	_____
4	_____	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	_____

Proposed Uses by Right in LI

<p>Security or caretaker quarters Government service Transportation facility Veterinary clinic or hospital Vocational school Recycling center Recycling collection station Utility, minor Water or wastewater plant Wireless support structure Wireless communication facility Botanical garden Entertainment, indoor Greenway Park, active (access only) Park, passive (access only) Shooting range, indoor Broadcasting station (radio and television) Radio and television recording studio Commissary Restaurant, general Dispatching office Medical or dental office or clinic Medical or dental laboratory Office, business or professional Publishing office Research facility Parking garage, commercial Parking lot, commercial Artisan Studio Funeral home Gas and fuel, retail Glass sales Health/fitness center or spa Kennel</p>	<p>Monument sales, retail Repair services, limited Retail sales, bulky goods Retail sales, general Self-service storage Studio for art Upholstery shop Pet services Automotive Accessory Sales and Installation Automotive paint or body shop Automotive parts Automotive service station Car wash or auto detailing Repair and maintenance, general Towing service Towing service storage Truck terminal Vehicle sales and rental, heavy (access only) Building supplies, wholesale Contractor's office and storage yard Gas and fuel, wholesale Laboratory, industrial research Machine or welding shop Warehousing Woodworking or cabinetmaking Wholesaling, general Brewery Distillery Manufacturing and processing Manufacturing and processing, minor Microbrewery Microdistillery</p>
---	---

Special Uses in LI

<p>Airplane landing strip Airport Chipping and Mulching Communication tower, commercial Communication tower, constructed stealth</p>	
--	--

21CZ17

Communication tower, camouflage stealth Communication tower, public safety Electrical power facility Incinerator Recycling Plant Sanitary Landfill Land Clearing and Inert Debris Landfill Arena, auditorium or stadium Entertainment, outdoor Regional recreation complex Adult Establishment Electronic gaming operation Asphalt or concrete plant Dry cleaning and dyeing plant Laundry plant Wood or lumber processing	
---	--

PETITION INFORMATION

Application #: 21CZ17 Submittal Date: 8/12/2022

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.

1) The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.

2) Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.

3) For any building greater than 10, 000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.

[SEE ATTACHED NARRATIVE FOR FULL LISTING OF ZONING CONDITIONS](#)

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.

See attached narrative.

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

See attached narrative.

PROPOSED ZONING CONDITIONS

1. The developer proposes a 12' Type C buffer along the easternmost and westernmost boundaries of the area to be rezoned, with the additional condition that the planting of such buffers will include a minimum of three species of native hardwood canopy trees with a size at installation no smaller than 2.5" caliper. The buffer shall not preclude vehicular cross connections to adjacent properties pursuant to an approved site plan, nor shall it apply to a publicly dedicated street right-of-way pursuant to a duly approved subdivision plan.
2. Tower improvements substantially similar to or greater than those that serve as the basis for the zero-fall-zone letter submitted with the rezoning application shall be constructed, and a certification of the completion of construction of such improvements shall be submitted to the Town, prior to the approval of construction drawings.
3. For any building greater than 10,000 square feet, the building design shall include conduit for the future installation of solar PV panels and sufficient roof load-bearing capacity to support solar PV panels.
4. In the event that self-storage building(s) are constructed fronting Ten Ten Road, the following architectural conditions for the building façade fronting Ten Ten Road of the use self-storage:
 1. The predominant exterior materials shall be high-quality materials, including:
 - a. Brick masonry
 - b. Stone accents
 - c. Cementitious siding,
 - d. Aluminum storefronts with anodized or pre-finished colors
 - e. Decorative concrete block (either integrally colored or textured)
 2. The front façade facing Ten Ten Road shall have more than one parapet height.
 3. The front façade facing Ten Ten Road shall include a combination (at least two (2)) of the building materials listed in condition #1 (for the use self-storage).
 4. The front façade facing Ten Ten Road may include EIFS cornices and parapet trim.
 5. EIFS or synthetic stucco, if used, shall not be used in the first four feet (4') above grade.
 6. Interior Doors shall be visible on only 15% or less of the facade of each floor facing Ten Ten Road.
 7. Spandrel glass shall be used for windows, except those at the entrance.

PETITION INFORMATION

Application #: 21CZ17 Submittal Date: _____

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

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

PETITION INFORMATION

Application #: 21CZ17 Submittal Date: _____

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

See attached narrative.

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.

See attached narrative.

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.

See attached narrative.

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.

The subject property is *currently* inconsistent with the 2045 Future Land Use Map, but this rezoning request will make the property consistent. The request is to rezone a portion that is currently zoned Residential Agriculture of a larger parcel zoned Light Industrial. The portion subject to rezoning is currently undeveloped, vacant land. The 2045 Land Use Map classifies the entire parcel as Industrial Employment. "Industrial Employment is intended to delineate land that allows for industrial uses such as light manufacturing, tech-flex, warehousing, and processing facilities." (Peak Plan 2030, p. 23). RA is not an allowable zoning in the Industrial Employment 2045 Land Use Classification. Therefore, rezoning this area to Light Industrial will bring the area into consistency.

The subject property is also identified as "underdeveloped" in the Advance Apex 2045 Plan's Land Use Screening Map (Figure 1). Under the 2045 Plan, this means the parcel is identified "to receive new growth." (p 3, Advance Apex 2045 Land Use Update Memo). The 2030 Peak Plan anticipates the demand for industrial land in Apex to increase by approximately 110 acres through 2032. (Peak Plan 2030 p 13). The current zoning of RA abutting Ten Ten Road is preventing any development of the parcel zoned LI because a RA district cannot provide access to a LI use. Ten Ten Road is the only thoroughfare abutting the property that could provide access. This rezoning will add approximately 4.6 acres of industrial land, and will provide for the productive use and access to the remaining acres of the parcel that is already zoned light industrial.

Several goals, objectives and policies of the Peak Plan will be accomplished by rezoning this portion from RA to LI. First, it will encourage and achieve the goal of "Balanced Growth." Balanced Growth is accomplished by encouraging non-residential land uses to achieve a more sustainable, balanced tax base. (Peak Plan 2030, p. 30-31). By rezoning this area from RA to LI, the remainder of the parcel zoned LI will be accessible for development plans that will bring jobs and an increased tax base for Apex on non-residential lands.

The goal of Balanced Growth is also accomplished by preserving industrial lands identified in the 2045 Land Use Map for employment through zoning mechanisms. (Peak Plan 2030, p. 30-31). The portion subject to rezoning is identified as industrial land in the 2030 and 2045 Land Use Map, and rezoning the parcel to LI is a zoning mechanism that will allow the parcel to be accessed and ultimately developed to bring jobs and increase the economic strength of the area, in a currently underdeveloped parcel.

Supporting retail growth near already-developed areas is another important component of achieving Balanced Growth. (Peak Plan 2030, p. 30-31). The requested rezoning is in an area surrounded by light industrial uses.

Next, the request will achieve the goal of "Economic Development". (Peak Plan 2030, p. 33). This goal is accomplished by preserving "access and visibility for large parcels that could be developed" as employment centers along transportation corridors. (Peak Plan 2030, p. 33). The area zoned Light Industrial is currently not accessible. The rezoning request is necessary to provide access to the rest of the parcel which is currently underdeveloped. In addition, the subject property abuts Ten Ten Road and is located near the intersection of Ten Ten Road and Jessie drive. Jessie Drive is a key transportation

corridor under the Peak Plan, and Ten Ten Road is identified for improvements in the next five years with plans to expand to 6-lanes. Rezoning the portion zoned RA to LI will provide employment and economic development opportunities along these transportation corridors. Overall, this request will accomplish the goal of Economic Development in Apex.

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 site is currently surrounded to the east, west and south by Light Industrial zoning. Across from the property, on the other side of Ten Ten Road, is Planned Commercial and High Density Multi-Family Residential. This request to rezone the subject area to LI is appropriate for the location and consistent with surrounding land uses.

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

The proposed uses will comply with any applicable supplemental standards in UDO Section 4.4.

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.

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

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.

As required by the UDO, the uses proposed will be designed to minimize any adverse impacts.

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.

As required by the UDO, the uses proposed will avoid any adverse impacts on public facilities.

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 proposed zoning of Light Industrial will not effect the health, safety of welfare of residents of Apex or the ETJ. The surrounding properties are zoned Light Industrial, consistent with this request. There is one high-density multi-family parcel within 300 feet of the subject parcel that is located across Ten Ten road from the parcel.

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

The rezoning request is likely to enhance the value of adjacent properties by increase the value of the land and will not be substantially detrimental.

21CZ17

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 rezoning will allow for the development of a use that is consistent with the surrounding area and consistent with the designation and intent of the 2045 Land Use Map. The rezoning will not constitute a nuisance or hazard.

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.

As required by the UDO, the uses proposed will comply with all relevant standards of the UDO.

Supplemental Project Narrative to Rezoning Petition

The second condition that the Applicant has added to the rezoning petition will also further the public interest and land development goals of the Town of Apex in other ways.

As noted in the previously submitted Project Narrative to the Application, the subject property has been identified as “underdeveloped” in the Advance Apex 2045 Plan’s Land Use Screen Map in the 2019 Future Land Use Map Update. Most of the subject parcel is already zoned LI, but a radio broadcast tower has been located on the property since 1986. Since that time (and with the wide-spread deployment of mobile commercial radio service (i.e. cellphone) towers since the mid-1990s), the Applicant understands that tower construction techniques have improved; stronger tower construction materials have become more widely utilized; “fall zone” analyses and designs have become more sophisticated; and structural standards for tower construction have become more rigorous. A recent comprehensive structural analysis of the tower identified certain “overstresses” under the current standards (i.e. if the tower were built new today).

If this rezoning is approved, Applicant, at considerable expense, will have substantial improvements constructed to strengthen the tower and to address these overstresses so that it is brought up to “all current codes and standards.” Those improvements are shown in the sealed Design Drawings by Stainless, a business of FDH Infrastructure Services, an engineering firm based in Raleigh, submitted with this application.

With those improvements, “**the fall zone under the design considerations as outlined by the building code is 0 feet**” (“zero fall zone”) as stated in the Fall Zone Letter prepared by Christophy Ply, PE, SE, President/CEO of Engineered Tower Solutions, also submitted with this application.

Applicant offers as a condition of the rezoning that it will provide the Town with a certification that these improvements have been completed prior to approval of construction drawings for development on the property. In other words, the tower improvements will be made prior to construction of other buildings on the property.

Approval of the rezoning with this condition and the tower improvements that will consequentially be made will result in the Town not only realizing the benefits of development of this underdeveloped large parcel at a designated Employment Mixed Use Activity Center (as discussed in the original Project Narrative), but the radio tower will also then have a zero fall zone and meet all current applicable codes and standards.

AGENT AUTHORIZATION FORM

Application #: 21CZ17

Submittal Date: _____

Vertical Bridge AM II 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: 2132 Ten Ten Road

The agent for this project is: Hayes Finley

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

Agent Name: Hayes Finley

Address: 434 Fayetteville Street, Suite 2800, Raleigh, NC 27604

Telephone Number: 919-755-8837

E-Mail Address: hfinley@foxrothschild.com

Signature(s) of Owner(s)*

Adam Ginder

Type or print name

5-12-2021

Date

Buddy Norman

Type or print name

5-12-21

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 #: 21CZ17 Submittal Date: _____

The undersigned, Adam Ginder (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 2132 Ten-Ten Road 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 November 23, 2016 and recorded in the Wake County Register of Deeds Office on _____, in Book 016613 Page 02064.
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 11/23/2016, 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 11/23/2016, 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 12th day of May, 2021.

_____ (seal)
~~_____~~ Adam Ginder
 Type or print name

STATE OF ~~NORTH CAROLINA~~
 COUNTY OF Palm Beach

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



[NOTARY SEAL]

Grant Phillips
 Notary Public Florida
 State of ~~North Carolina~~
 My Commission Expires: September 16, 2024

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ17

Submittal Date: _____

Insert legal description below.

A PORTION OF ALL THAT CERTAIN PARCEL OF LAND LYING IN THE TOWNSHIP OF WHITEOAK, COUNTY OF WAKE, STATE OF NORTH CAROLINA, DESCRIBED IN DEED BOOK 12494, PAGE 1893, FURTHER DESCRIBED AS:
COMMENCING FROM AN EXISTING CONCRETE MONUMENT, FOUND ON THE SOUTHERN BOUNDARY OF SAID PARCEL, AND HAVING NORTH CAROLINA STATE PLANE COORDINATES E:2054044'-N:714443';
THENCE, N 05° 48' 42" W FOR A DISTANCE OF 1965.97 FEET TO THE POINT OF BEGINNING;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 616.87 FEET TO A POINT;
THENCE, N 03° 32' 08" E FOR A DISTANCE OF 14.33 FEET TO A POINT;
THENCE, S 52° 52' 43" E FOR A DISTANCE OF 53.71 FEET TO A POINT;
THENCE, S 56° 29' 06" E FOR A DISTANCE OF 80.99 FEET TO A POINT;
THENCE, S 59° 15' 26" E FOR A DISTANCE OF 79.52 FEET TO A POINT;
THENCE, S 61° 39' 02" E FOR A DISTANCE OF 76.92 FEET TO A POINT;
THENCE, S 64° 52' 36" E FOR A DISTANCE OF 77.35 FEET TO A POINT;
THENCE, S 65° 55' 15" E FOR A DISTANCE OF 77.86 FEET TO A POINT;
THENCE, S 05° 54' 23" W FOR A DISTANCE OF 446.50 FEET TO A POINT;
THENCE, N 85° 02' 05" W FOR A DISTANCE OF 381.92 FEET TO THE POINT OF BEGINNING, CONTAINING 207,341 SQFT -OR- 4.76 ACRES.



434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Tel (919) 755-8700 Fax (919) 755-8800
www.foxrothschild.com

HAYES FINLEY
Direct No: 919.755.8837
Email: HFinley@Foxrothschild.com

April 16, 2021

Re: Notice of Neighborhood Meeting

Neighborhood Property Owners:

You are invited to attend a virtual neighborhood meeting on **April 28, 2021** to discuss the proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road from Residential Agricultural (RA) to Light Industrial. The meeting will begin at **5:00 p.m** and last until **7:00 p.m**. You can participate online or by telephone.

To participate via video, follow these instructions:

1. Go to www.webex.com.
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 185 417 6683.
4. Then enter the Password: tentenroad
5. Tips:
 - a. You may download the desktop app or join from your browser.
 - b. You can call in for audio or use your computer audio.
 - c. Call in a few minutes early to set up your audio and video.

You may also join by phone:

+1-215-299-3000 US Toll
+1-800-598-1154 US Toll Free
Access code: 185 417 6683

Please see the attachments for specific details regarding the neighborhood meeting and rezoning process.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



April 16, 2021
Page 2

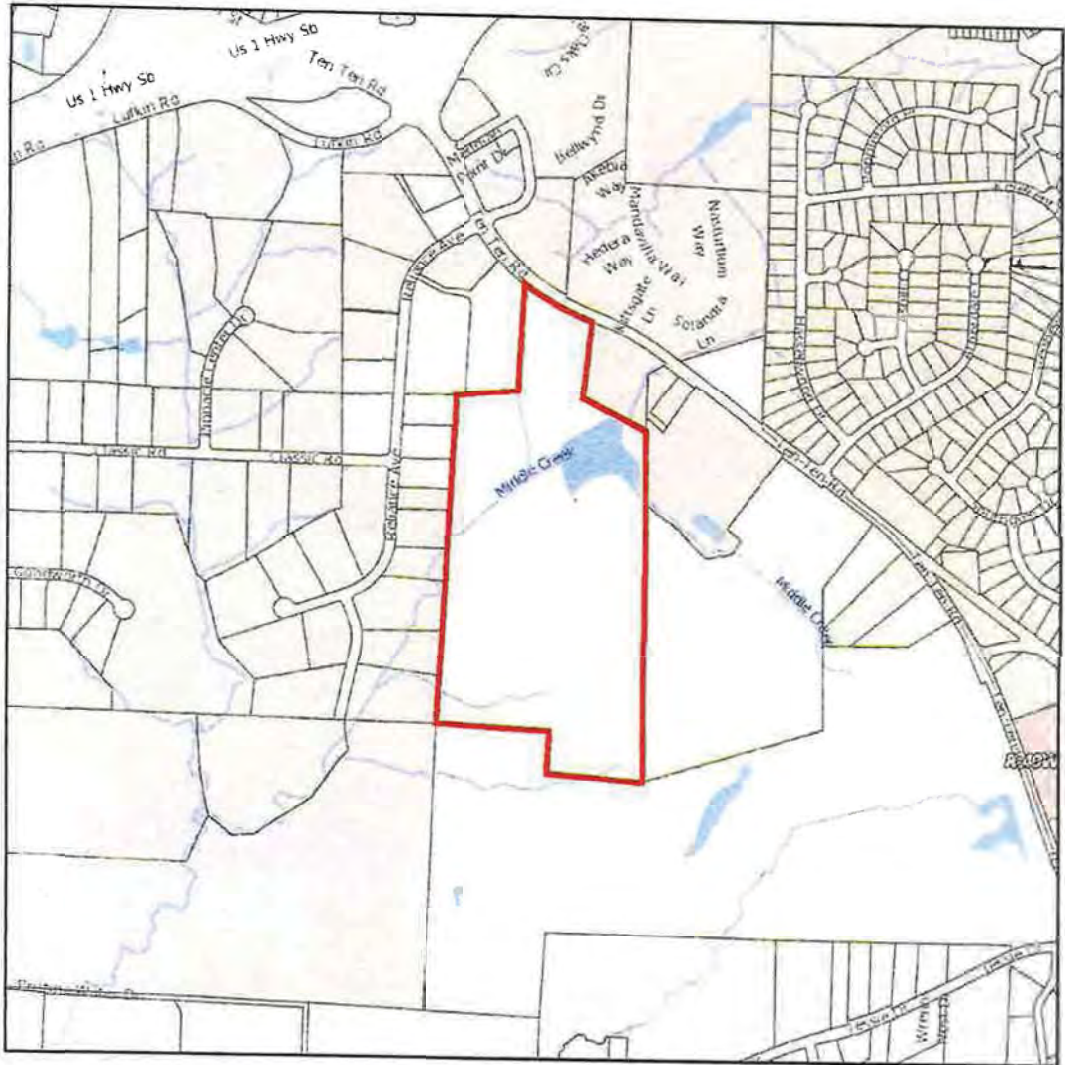
If you have any concerns or questions I can be reached at:

Hayes Finley
Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
hfinley@foxrothschild.com
919-755-8837

Sincerely,

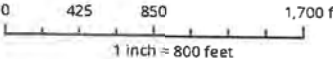
A handwritten signature in cursive script that reads 'Hayes Finley'.

Hayes Finley

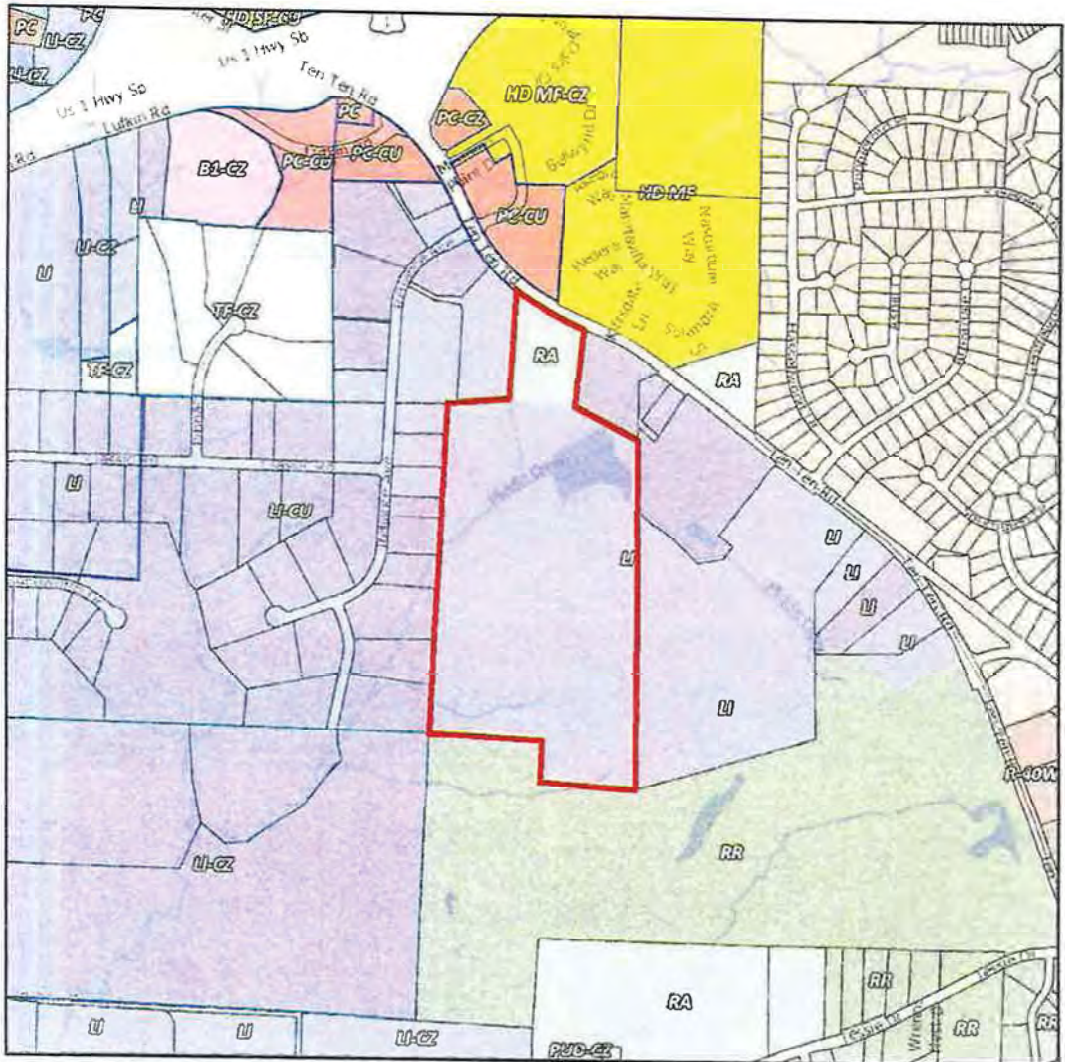


**2132 Ten Ten RD GIS
MAP**

PIN: 0751359861
 PIN Ext: 000
 Real Estate ID: 0067257
 Map Name: 0751 10
 Owner: VERTICAL BRIDGE AM II LLC
 Mail Address 1: 750 PARK OF COMMERCE DR
 STE 200
 Mail Address 2: BOCA RATON FL 33487-3650
 Mail Address 3:
 Deed Book: 018240
 Deed Page: 02345
 Deed Acres: 57.62
 Deed Date: 12/15/2020
 Building Value: \$3,895
 Land Value: \$3,056,518
 Total Value: \$3,060,413
 Billing Class: Business
 Description: TVX RALEIGH DURHAM FAMILY
 TV CORP PROP
 Heated Area: 1383
 Street Name: TEN TEN RD
 Site Address: 2132 TEN TEN RD
 City:
 Planning Jurisdiction: AP
 Township: WHITE OAK
 Year Built: 1915
 Sale Price: \$0
 Sale Date:
 Use Type: SINGLFAM

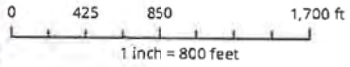


Disclaimer
 Maps makes every effort to produce and publish
 the most current and accurate information possible.
 However, the maps are produced for information purposes,
 and are NOT surveys. No warranties, expressed or implied
 are provided for the data therein, its use, or its interpretation.



**2132 Ten Ten RD GIS
MAP**

PIN: 0751359861
 PIN Ext: 800
 Real Estate ID: 0120512
 Map Name: 0751 10
 Owner: TVX OF RALEIGH DURHAM
 Mail Address 1: 3012 HIGHWOODS BLVD
 Mail Address 2: RALEIGH NC 27604-1037
 Mail Address 3:
 Deed Book: 001000
 Deed Page: 00001
 Deed Acres:
 Deed Date: 1/1/2007
 Building Value: \$108,063
 Land Value: \$0
 Total Value: \$108,063
 Billing Class: Business
 Description: LEASEHOLD IMP
 Heated Area: 1912
 Street Name: TEN TEN RD
 Site Address: 0 TEN TEN RD
 City:
 Planning Jurisdiction: AP
 Township: White Oak
 Year Built: 1981
 Sale Price: \$0
 Sale Date:
 Use Type: LT MANUF
 Design Style: Conventional
 Land Class: Leasehold Imps



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.

List of persons invited to the Neighborhood Meeting

SUBJECT	PIN	PIN Ext	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Street Name	Site Address	City
PROPERTY SUBJECT	751359861	0	67257	VERTICAL BRIDGE AM II LLC	750 PARK OF COMMERCE DR STE 200	BOCA RATON FL 33487-3650		TEN TEN RD	2132 TEN TEN RD	
PROPERTY SUBJECT	751359861	800	120512	TVX OF RALEIGH DURHAM	3012 HIGHWOODS BLVD	RALEIGH NC 27604-1037		TEN TEN RD	0 TEN TEN RD	
1	751367704	0	203246	PSNC III LP	PS# 25863	701 WESTERN AVE	GLENDALE CA 91201-2349	TEN TEN RD	2110 TEN TEN RD	
2	751464462	0	120976	COLONIAL PIPELINE CO	RESURGENS PLAZA	945 E PACES FERRY RD NE	ATLANTA GA 30326-1160	TEN TEN RD	2200 TEN TEN RD	
3	751470207	0	67241	MQJAC 2 LLC	PO BOX 28929	RALEIGH NC 27611-8929		TEN TEN RD	2147 TEN TEN RD	APEX
4	751477193	0	56788	CRK APEX LAND CO LLC	MARVIN F POER & COMP	3520 FREDMONT RD NE STE 410	ATLANTA GA 30305-1512	TEN TEN RD	200 SOLANDRA LN	APEX
5	751486438	0	252638	SOF FC FUNDING I LLC	902 CARNEGIE CTR STE 520	PRINCETON NJ 08540-6531		TEN TEN RD	2280 TEN TEN RD	APEX
6	751467337	0	262180	JAY T PROPERTIES LLC	2019 EASTCHESTER DR	HIGH POINT NC 27265-1406		TEN TEN RD	2290 TEN TEN RD	APEX
7	751459934	0	196429	MOTIVA ENTERPRISES LLC	PROPERTY TAX DEPT	PO BOX 2727	HOUSTON TX 77252-2727	TEN TEN RD	2300 TEN TEN RD	APEX
8	751449982	0	104751	BRITE PROPERTIES LLC	PO BOX 2723	SHALLOTTE NC 28459-2723		TEN TEN RD	2320 TEN TEN RD	
9	751532815	0	36704	CAREY C. JONES MEMORIAL PARK INC	PO BOX 781	APEX NC 27502-0781		TEN TEN RD	2512 TEN TEN RD	
10	751138504	0	45172	JACK 1, LLC	738 CASH ST	APEX NC 27502-1302		PRISTINE WATER DR	0 PRISTINE WATER DR	APEX
11	751341664	0	314173	LOT 17 PRODUCTION DRIVE BUSINESS CNT MASTER CRD	BOBBITT DESIGN BUILD	600 GERMANTOWN RD	RALEIGH NC 27607-5144	PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	1	402986	IPEARL HOLDINGS LLC	2025 PRODUCTION DR	APEX NC 27539-6349		PRODUCTION DR	2025 PRODUCTION DR	APEX
11	751341664	2	402987	2031 PRODUCTION REALTY, LLC	407 CATLIN RD	CARY NC 27519-5982	APEX NC 27539-6347	PRODUCTION DR	2031 PRODUCTION DR	APEX
12	751342839	0	311464	PRODUCTION DRIVE BUSINESS CENTER CONDOS	ABCZ PROPERTIES LLC	2511 RELIANCE AVE		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	1	400206	BUILDERS RESOURCE SERVICES INC	PO BOX 1356	HOLLY SPRINGS NC 27540-1356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	2	400207	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	3	400208	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	4	400209	ED PROPERTIES LLC	2019 PRODUCTION DR STE 104	APEX NC 27539-6356		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	5	400210	A & E REAL ESTATE ENTERPRISES LLC	PO BOX 162	APEX NC 27502-0162		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	6	400211	SOULINO, CONSTANCE F SOULINO, JOSEPH C	184 AMERICAN CT	APEX NC 27523-6725		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	7	400212	JKL INVESTMENTS LLC II	125 HILLS OF THE HAW	PITTSBORO NC 27312-8583		PRODUCTION DR	2019 PRODUCTION DR	APEX
12	751342839	8	400213	BSS LLC	2015 PRODUCTION DR UNIT 100	APEX NC 27539-6349		PRODUCTION DR	2015 PRODUCTION DR	APEX
13	751251185	0	232248	PINNACLE PARK IV LLC	HOPE BUFFALO	7825 OLD STAGE RD	RALEIGH NC 27603-5521	RELIANCE AVE	0 RELIANCE AVE	APEX
14	751252443	0	230515	PINNACLE PARK INVESTMENTS LLC	5210 DRIFTWOOD LN	MOREHEAD CITY NC 28557-2576		RELIANCE AVE	0 RELIANCE AVE	APEX
15	751352673	0	232381	RELIANCE CENTER CONDOMINIUM	7905 BLANEY FRANKS RD	APEX NC 27539-7460		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	1	304500	BARONE REAL ESTATE INVESTMENTS LLC	2476 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2475 RELIANCE AVE	APEX
15	751352673	2	304501	LOOKFORGE INVESTMENTS LLC	3204 RIGHTERS MILL WAY	APEX NC 27539-3627		RELIANCE AVE	2477 RELIANCE AVE	APEX
15	751352673	3	304502	IDM LLC	7908 SENTIER FARM RD	APEX NC 27539-9789		RELIANCE AVE	2479 RELIANCE AVE	APEX
15	751352673	4	304503	LAGALY, SAVANNAH M TRUSTEE LAGALY, NOAH D TRUSTEE	213 LINTON BANKS PL	CARY NC 27513-2053		RELIANCE AVE	2481 RELIANCE AVE	APEX
15	751352673	5	304504	D O M RENTALS & PROPERTY MANAGEMENT, LLC	417 OULVERT ST	APEX NC 27502-1731		RELIANCE AVE	2483 RELIANCE AVE	APEX
16	751352880	0	226381	FRIELEY, JUDITH A	302 EDINBURGH DR	CARY NC 27511-6410		RELIANCE AVE	2485 RELIANCE AVE	APEX
17	751352984	0	226380	O & S INVESTMENTS LLC	3007 BUCHINGHAM WAY	APEX NC 27502-9341		RELIANCE AVE	2455 RELIANCE AVE	
18	751363103	0	222533	ABOOD, JOHN D ABOOD, MARILYN D	1413 ROCK CREEK LN	CARY NC 27511-5636		RELIANCE AVE	2445 RELIANCE AVE	
19	751363310	0	220651	SEVEN SPRINGS PROPERTIES GROUP LLC	2435 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2435 RELIANCE AVE	
20	751363870	0	219693	HILDAN LLC	2426 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2425 RELIANCE AVE	
21	751375103	0	189839	RELIANCE LLC	2401 RELIANCE AVE	APEX NC 27539-7049		RELIANCE AVE	2401 RELIANCE AVE	APEX



Instruction Packet and Affidavit for Electronic Neighborhood Meetings

Town of Apex
Planning Department
PO Box 250
Apex, NC 27502

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Electronic Neighborhood Meeting during times when in-person gatherings are restricted. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezoning (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, Residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Electronic Neighborhood Meeting as indicated below. The applicant shall submit all forms included in this packet with the initial application submittal.

Whenever feasible, an in-person Neighborhood Meeting following all of the requirements of the standard Neighborhood Meeting procedures shall be held prior to public hearing by the Planning Board and/or Town Council or approval by Technical Review Committee, as appropriate. Feasibility shall be determined by the Planning Director, taking into account the regularly published schedule, length of delay caused by ongoing emergency declarations, amount of public interest expressed during the electronic neighborhood meeting and afterwards, and any other pertinent information that would show that a particular project warrants an in-person neighborhood meeting prior to public hearings and/or approval.

The Electronic Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the 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, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements below.

The meeting must be held within specific timeframes and meet certain requirements:

- During emergency declarations and/or limits on size of gatherings and social distancing, the meeting must be held as follows prior to application submittal:
 - Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (which coincide with the State of North Carolina recognized holidays).
- An attendance sheet must be used log known attendees at the electronic meeting. Note if no one attended.
- Mailed materials requirements:

In addition to a vicinity map, the following documents shall be mailed with the meeting notice:

 - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), an existing zoning map of the area must be provided to help facilitate discussion.
 - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed copies of the maps or plans from the applicant by contacting the applicant and requesting such; applicant shall provide reduced copies upon request.
 - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
 - "Common Construction Issues & Who to Call" sheet (attached) must be included.
 - A copy of the mailed materials must be included as part of the Neighborhood Meeting report.
- The agenda for the Electronic Neighborhood Meeting shall include:
 - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
 - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
 - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by virtual attendees, and responses by the applicant, if any, must be noted. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant during the Electronic Neighborhood Meeting and in the Neighborhood Meeting Report.
- The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the attendance sheet for the Electronic Neighborhood Meeting (use attached attendance sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans provided in the mailing.

NOTICE OF ELECTRONIC 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.

April 16, 2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
2132 Ten Ten Road 0751359861

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The rezoning request is to rezone approximately 4.6 acres of the northern area of the parcel, abutting Ten Ten Road from Residential Agricultural to Light Industrial.

Estimated submittal date: May 3, 2021

MEETING INFORMATION:

Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC
 Applicant(s): Hayes Finley, Fox Rothschild LLP
 Contact information (email/phone): hayes.finley@gmail.com/919-755-8837
 Electronic Meeting invitation/call in info: see attached letter with instructions
 Date of meeting**: April 28, 2021
 Time of meeting**: 5pm-7pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:15-5:45pm Question & Answer: 5:45-7:00pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning>.

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: Ten Ten Business Park Zoning: RA

Location: 2132 Ten Ten Road

Property PIN(s): 0751359861 Acreage/Square Feet: Approx. 4.6 acres

Property Owner: VERTICAL BRIDGE AM II LLC

Address: 750 Park of Commerce Drive Ste 200

City: Boca Raton State: FL Zip: 33487

Phone: 919.787.4262 Email: jacksonanton@me.com

Developer: J National Capital V, LLC

Address: 4006 Abbey Parkway

City: Raleigh State: NC Zip: 27612

Phone: 919.740.2487 Fax: _____ Email: jacksonanton@me.com

Engineer: William G. Daniel & Associates, P.A.

Address: 1150 S.E. Maynard Road, Suite 260

City: Cary State: NC Zip: 27511

Phone: 919.467.9708 Fax: _____ Email: bdaniel@wmgda.com

Builder (if known): _____

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

Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-3537

Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) (919) 249-1166

James Gregg, Utility Engineer (Water & Sewer) (919) 249-3324

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: Jessica Bolin 919-249-3537

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.

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE 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 Format: WebEx
 Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm
 Property Owner(s) name(s): VERTICAL BRIDGE AM II LLC
 Applicant(s): Hayes Finley, Fox Rothschild LLP

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	John Abood	2445 Reliance Ave, Apex, NC 27539		[REDACTED]	Y
2.	Ryan Thigpen	2435 Reliance Ave, Apex, NC 27539			Y
3.	Hayes Finley	434 Fayetteville Street, Raleigh, NC 27604	919-755-8837		n/a
4.	Bill Daniel				
5.	Bill Jackson				
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC 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): VERTICAL BRIDGE AM II LLC
Applicant(s): Hayes Finley, Fox Rothschild LLP
Contact information (email/phone): hfinley@foxrothschild.com/919-755-8837
Meeting Format: WebEx
Date of meeting: April 28, 2021 Time of meeting: 5pm-7pm

Please summarize the questions/comments and your response from the Electronic 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:

What is the nature of the offering (type of lots, water/sewer, etc)?

Applicant's Response:

The overall planning has not been done yet, the request is to rezone the portion of the parcel adjoining Ten Ten Rd for access.

We appear to have access to city water/sewer and natural gas. Preference to build buildings instead of sell lots.

Lot sizes will vary due to environmental constraints. Maybe 4-5 acre lot sizes.

Question/Concern #2:

Supporting of the project, curious about the process, timeline of project.

Applicant's Response:

Planning to submit the application in June, will have public hearings and anticipate final action in August.

Infrastructure construction could begin 8 months after the rezoning.

Question/Concern #3:

Good project- hard to find good Light Industrial property. Who might object to this project?

Applicant's Response:

Agreed. We are not adjacent to any single-family residential, so don't anticipate any objections.

Question/Concern #4:

Access onto Ten Ten Road and traffic improvements?

Applicant's Response:

Major widening of Ten Ten Road has been approved for 2030. We have hired Ramey Kemp & Assoc. to do a TIA. NCDOT and

Apex traffic engineer expressed preference for entrance on the side of the frontage near the mini warehouse.

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING 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, Hayes Finley, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential 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 Electronic Neighborhood Meeting.
3. The meeting was conducted via WebEx (indicate format of meeting) on April 28, 2021 (date) from 5pm (start time) to 7pm (end time).
4. I have included the mailing list, meeting invitation, attendance 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.

4/28/21
Date

By: Hayes Finley

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cynthia L. Jackson, a Notary Public for the above State and County, on this the 28th day of June, 2021.

SEAL



Cynthia L. Jackson
Notary Public
Cynthia L. Jackson
Print Name

My Commission Expires: 1-7-2023



Fox Rothschild LLP
ATTORNEYS AT LAW

434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Tel 919.755.8700 Fax 919.755.8800
WWW.FOXROTHSCHILD.COM

GRAY STYERS
Direct No: 919 755 8741
Email: GStyers@Foxrothschild.com

August 23, 2022

Re: Notice of Virtual Meeting about Pending Rezoning

Dear Neighbors:

You are cordially invited to participate in a virtual meeting on Thursday, **September 8, 2022**, to learn more about and discuss a proposed rezoning of approximately 4.6 acres at 2132 Ten Ten Road to Light Industrial to match the zoning classification of the remainder of that property. (This is the front portion of the property on which the radio station tower is located – on the south side of Ten Ten Road.)

The meeting will begin at **6:00 p.m.** You can participate online via WebEx video teleconference or by telephone.

To participate via video teleconference, follow these instructions:

1. Go to www.webex.com
2. Click “Join a Meeting.”
3. In the “Enter Meeting Information” bar, type the meeting number: 24251433035.
4. Then enter the Password: Neighbor
5. Tips:
 - a. You may download the desktop app or join from your browser.
 - b. You can call in for audio or use your computer audio.
 - c. Call in a few minutes early to set up your audio and video.

You may also join by phone, US Toll Free:

+1-800-598-1154 US Toll Free
Access code: 2425 143 3035

Please see the enclosures for maps showing the property’s location, current zoning classification, and the Town’s future land use map.



Neighborhood Property Owners
August 23, 2022
Page 2

If you have any questions in advance of this meeting, we can be reached at:

Gray Styers
Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
gstyers@foxrothschild.com
919-755-8741

Erin Catlett
Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
ecatlett@foxrothschild.com
919.719.1242

Sincerely,

/s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.

/s/ Erin A. Catlett

Erin A. Catlett

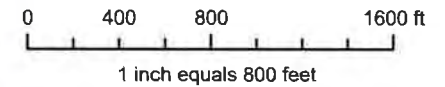
Enclosures

Cc: Mr. Bill Jackson
Ms. Sarah Van Every



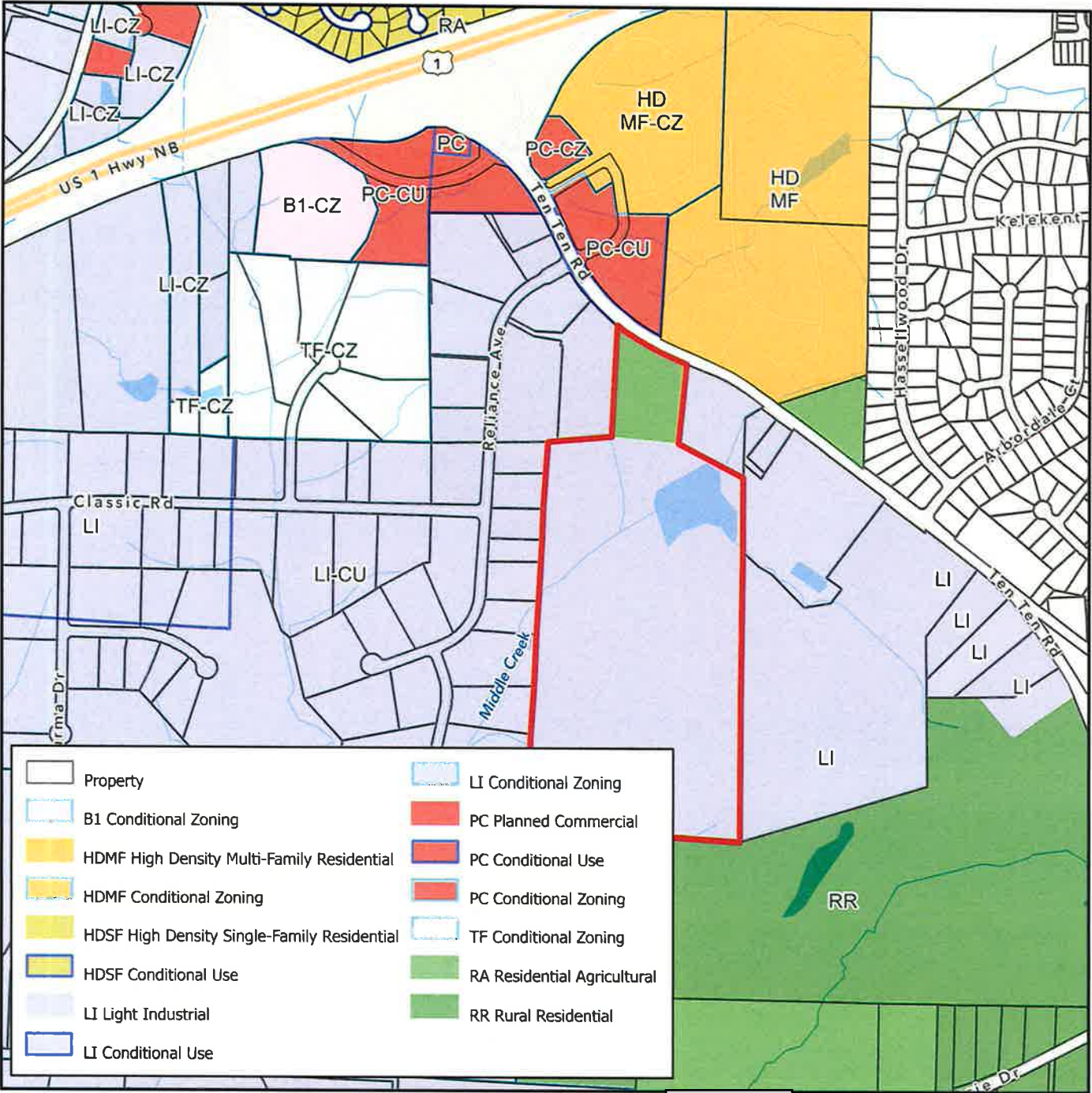
Location Map - 2132 Ten Ten Road

PARCEL_PK: 43874
 REID: 0067257
 PIN_NUM: 0751359861
 PIN_EXT: 000
 LAND_VAL: 3056518
 BLDG_VAL: 3895
 TOTAL_VALUE_ASSD: 3060413
 DEED_ACRES: 57.620000000000005
 YEAR_BUILT: 1915
 HEATEDAREA: 1383
 TYPE_AND_USE: 01
 TYPE_USE_DECODE: SINGLFAM
 DESIGNSTYL: CVL
 DESIGN_STYLE_DECODE: Conventional
 PLANNING_JURISDICTION: AP
 TOWNSHIP: 20
 TOWNSHIP_DECODE: WHITE OAK
 FIREDIST: 23
 OWNER: VERTICAL BRIDGE AM II LLC
 ADDR1: 750 PARK OF COMMERCE DR STE 200
 ADDR2: BOCA RATON FL 33487-3650
 DEED_BOOK: 018240
 DEED_PAGE: 02345
 DEED_DATE: 12/15/2020
 UNITS: 1
 LAND_CODE: B
 LAND_CLASS: AHS
 LAND_CLASS_DECODE: Acres Greater Than 10 With House
 OWNERSHIP: 1020
 ACTIVITY: 1100
 FUNCTION: 1100
 STRUCTURE: 1110



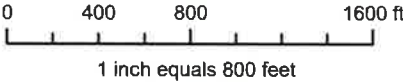
Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Zoning Map - 2132 Ten Ten Road



PARCEL_PK: 43874
 REID: 0067257
 PIN_NUM: 0751359861
 PIN_EXT: 000
 LAND_VAL: 3056518
 BLDG_VAL: 3895
 TOTAL_VALUE_ASSD: 3060413
 DEED_ACRES: 57.620000000000005
 YEAR_BUILT: 1915
 HEATEDAREA: 1383
 TYPE_AND_USE: 01
 TYPE_USE_DECODE: SINGLFAM
 DESIGNSTYL: CVL
 DESIGN_STYLE_DECODE: Conventional
 PLANNING_JURISDICTION: AP
 TOWNSHIP: 20
 TOWNSHIP_DECODE: WHITE OAK
 FIREDIST: 23
 OWNER: VERTICAL BRIDGE AM II LLC
 ADDR1: 750 PARK OF COMMERCE DR STE 200
 ADDR2: BOCA RATON FL 33487-3650
 DEED_BOOK: 018240
 DEED_PAGE: 02345
 DEED_DATE: 12/15/2020
 UNITS: 1
 LAND_CODE: B
 LAND_CLASS: AHS
 LAND_CLASS_DECODE: Acres Greater Than 10 With House
 OWNERSHIP: 1020
 ACTIVITY: 1100
 FUNCTION: 1100
 STRUCTURE: 1110

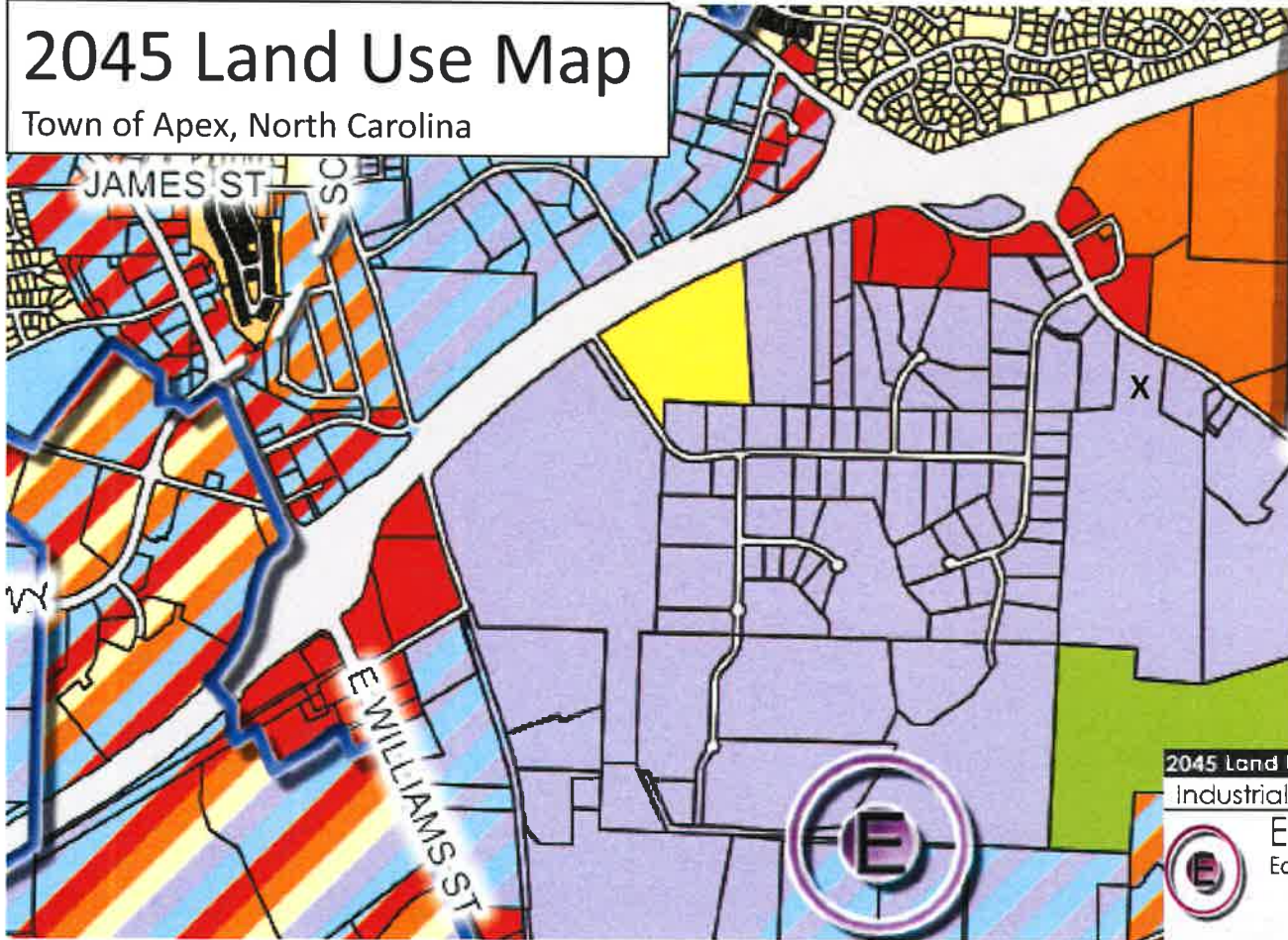
	Property		LI Conditional Zoning
	B1 Conditional Zoning		PC Planned Commercial
	HDMF High Density Multi-Family Residential		PC Conditional Use
	HDMF Conditional Zoning		PC Conditional Zoning
	HDSF High Density Single-Family Residential		TF Conditional Zoning
	HDSF Conditional Use		RA Residential Agricultural
	LI Light Industrial		RR Rural Residential
	LI Conditional Use		



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.

2045 Land Use Map

Town of Apex, North Carolina



Future Land Classifications

- Protected Open Space
- Rural Density Residential
One dwelling unit per five acres
- Rural Transition Residential
One dwelling unit per one acre
- Low Density Residential
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
- Medium Density Residential
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential
Single-family homes, duplexes, triplexes, quadplexes, and townhomes*
- High Density Residential
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC

Employment Mixed Use (EMU)
 Economic development potential estimated to be, but not limited to:

- Office, warehousing, tech/flex
- Some commercial

Current Tenant	2445B Reliance AVE	APEX NC 27539
Current Tenant	2445C Reliance AVE	APEX NC 27539
Current Tenant	2455B Reliance AVE	APEX NC 27539
Current Tenant	2455A Reliance AVE	APEX NC 27539
Current Tenant	2455C Reliance AVE	APEX NC 27539
Current Tenant	2455D Reliance AVE	APEX NC 27539
Current Tenant	2455 Reliance AVE	APEX NC 27539
Current Tenant	2465 Reliance AVE	APEX NC 27539
Current Tenant	2469 Reliance AVE	APEX NC 27539
Current Tenant	2475 Reliance AVE	APEX NC 27539
Current Tenant	2477 Reliance AVE	APEX NC 27539
Current Tenant	2479 Reliance AVE	APEX NC 27539
Current Tenant	2481 Reliance AVE	APEX NC 27539
Current Tenant	2483 Reliance AVE	APEX NC 27539
Current Tenant	200 Solandra LN	APEX NC 27539
Current Tenant	211 Solandra LN	APEX NC 27539
Current Tenant	212 Solandra LN	APEX NC 27539
Current Tenant	213 Solandra LN	APEX NC 27539
Current Tenant	214 Solandra LN	APEX NC 27539
Current Tenant	221 Solandra LN	APEX NC 27539
Current Tenant	222 Solandra LN	APEX NC 27539
Current Tenant	223 Solandra LN	APEX NC 27539
Current Tenant	224 Solandra LN	APEX NC 27539
Current Tenant	300 Solandra LN	APEX NC 27539
Current Tenant	311 Solandra LN	APEX NC 27539
Current Tenant	312 Solandra LN	APEX NC 27539
Current Tenant	313 Solandra LN	APEX NC 27539
Current Tenant	314 Solandra LN	APEX NC 27539
Current Tenant	315 Solandra LN	APEX NC 27539
Current Tenant	316 Solandra LN	APEX NC 27539
Current Tenant	400 Solandra LN	APEX NC 27539
Current Tenant	411 Solandra LN	APEX NC 27539
Current Tenant	412 Solandra LN	APEX NC 27539
Current Tenant	413 Solandra LN	APEX NC 27539
Current Tenant	414 Solandra LN	APEX NC 27539
Current Tenant	415 Solandra LN	APEX NC 27539
Current Tenant	416 Solandra LN	APEX NC 27539
Current Tenant	500 Solandra LN	APEX NC 27539
Current Tenant	511 Solandra LN	APEX NC 27539
Current Tenant	512 Solandra LN	APEX NC 27539
Current Tenant	513 Solandra LN	APEX NC 27539
Current Tenant	514 Solandra LN	APEX NC 27539
Current Tenant	515 Solandra LN	APEX NC 27539
Current Tenant	521 Solandra LN	APEX NC 27539
Current Tenant	522 Solandra LN	APEX NC 27539
Current Tenant	524 Solandra LN	APEX NC 27539
Current Tenant	525 Solandra LN	APEX NC 27539
Current Tenant	600 Solandra LN	APEX NC 27539
Current Tenant	611 Solandra LN	APEX NC 27539
Current Tenant	612 Solandra LN	APEX NC 27539
Current Tenant	613 Solandra LN	APEX NC 27539
Current Tenant	614 Solandra LN	APEX NC 27539
Current Tenant	615 Solandra LN	APEX NC 27539
Current Tenant	621 Solandra LN	APEX NC 27539
Current Tenant	622 Solandra LN	APEX NC 27539
Current Tenant	624 Solandra LN	APEX NC 27539
Current Tenant	625 Solandra LN	APEX NC 27539
Current Tenant	700 Solandra LN	APEX NC 27539
Current Tenant	711 Solandra LN	APEX NC 27539
Current Tenant	712 Solandra LN	APEX NC 27539
Current Tenant	713 Solandra LN	APEX NC 27539
Current Tenant	714 Solandra LN	APEX NC 27539
Current Tenant	721 Solandra LN	APEX NC 27539
Current Tenant	722 Solandra LN	APEX NC 27539
Current Tenant	723 Solandra LN	APEX NC 27539
Current Tenant	724 Solandra LN	APEX NC 27539
Current Tenant	2110 Ten Ten RD	APEX NC 27539
Current Tenant	2125 Ten Ten RD	APEX NC 27539
Current Tenant	2127 Ten Ten RD	APEX NC 27539
Current Tenant	2129 Ten Ten RD	APEX NC 27539
Current Tenant	2131 Ten Ten RD	APEX NC 27539
Current Tenant	2133 Ten Ten RD	APEX NC 27539
Current Tenant	2135 Ten Ten RD	APEX NC 27539
Current Tenant	2137 Ten Ten RD	APEX NC 27539
Current Tenant	2139 Ten Ten RD	APEX NC 27539
Current Tenant	2141 Ten Ten RD	APEX NC 27539
Current Tenant	2143 Ten Ten RD	APEX NC 27539
Current Tenant	2145 Ten Ten RD	APEX NC 27539
Current Tenant	2147 Ten Ten RD	APEX NC 27539
Current Tenant	2280 Ten Ten RD	APEX NC 27539
Current Tenant	2290 Ten Ten RD	APEX NC 27539
Current Tenant	2300 Ten Ten RD	APEX NC 27539
Current Tenant	Ten Ten RD	APEX NC 27539
Current Tenant	Ten Ten RD	APEX NC 27539

Virtual Neighborhood Meeting hosted via Webex
Thursday, September 8, 2022
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

AGENDA

- I. Introductions of Applicant Team
- II. Introductions of Attendees
- III. Explanation of the Rezoning Process
- IV. Explanation of Future Meetings
 - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
 - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
- VI. Questions and Comments from Attendees

Applicant Attorney:

M. Gray Styers
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
gstyers@foxrothschild.com
919.755.8741

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: Virtual Meeting held via Webex

Date of meeting: September 8, 2022 Time of meeting: 6:00pm

Property Owner(s) name(s): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC, c/o Gray Styers

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. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Eric Puskar	4316 Mandavilla Way, Apex	not provided	not provided	
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): Vertical Bridge AM II LLC

Applicant(s): J National Capital V, LLC c/o Gray Styers

Contact information (email/phone): gsyters@foxrothschild.com/919.755.8741

Meeting Address: virtual meeting held via Webex

Date of meeting: September 8, 2022 Time of meeting: 6:00pm

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received 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:

No questions from attendee

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Virtual Neighborhood Meeting hosted via Webex
Thursday, September 8, 2022
6pm

Subject Property: 2132 Ten Ten Road, Apex, NC (portion of Parcel ID: 0751359861)

Request: Conditional Rezoning of approximately 4.6 acres to Light Industrial to match the zoning classification of the remainder of the parcel (21CZ17)

Applicant: J. National Capital V, LLC

MINUTES OF MEETING

- I. Introductions of Applicant Team
 - i. Gray Styers introduced the applicant team members present on the call:
 1. Bill Jackson, representative from J. National Capital V, LLC (applicant)
 2. Gray Styers, Erin Catlett (attorneys for applicant)
 3. Bruce Gamboe, Melanie DeJesus (technology team)
- II. Introductions of Attendees
 - i. One attendee identified:
 1. Eric Puskar, 4316 Mandavilla Way, Apex, NC 27502
 - a. Volunteered his presence was to hear about what is proposed for the parcel
- III. Explanation of the Rezoning Process
 - i. Orientation to the location of the parcel using Location Map (attached)
 - ii. Town of Apex Zoning Map to show the split zoned parcel (attached)
 - iii. Overview of the rezoning process in the Town of Apex
- IV. Explanation of Future Meetings
 - i. Planning Board – Monday, September 12, 2022 at 4:30 pm
 - ii. Town Council – September 27, 2022 at 7:00 pm
- V. Explanation of Development Proposal
 - i. Provided background on the parcel and the surrounding area of light industrial uses
 - ii. Expanded on the nature of the split zoning of the parcel – only the 4.4-acre portion of the larger parcel is the subject of the rezoning to Light Industrial. If the rezoning is approved, the small portion will then match the zoning rest of the parcel and the surrounding parcels
 - iii. Provided a history of the rezoning application including a Neighborhood Meeting hosted in 2021 with no opposition
 - iv. Provided information regarding the tower on the parcel and the condition to the rezoning application to strengthen the radio tower and create a zero-fall zone providing a safer tower
 - v. Provided further detail regarding the requested rezoning to Light Industrial and potential associated uses
 - vi. Provided further detail regarding the Future Land Use Map and the Industrial Employment designation

- vii. Provided further detail on the conditions being added as part of the rezoning application
 - viii. Reviewed rezoning process in a bit more detail including the upcoming Planning Board Meeting and Town Council Meeting
 - ix. Reviewed next steps if the rezoning is approved – site plan approval, permits for construction and building
- VI. Questions and Comments from Attendees
 - i. Attendee, Mr. Puskar had no questions
- VII. Questions and Comments received via Chat Feature in Webex
 - i. None recieved
- VIII. Questions and Comments received via Written Correspondence or Phone Call
 - i. None received

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, M. Gray Styers, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting held via Webex (location/address) on September 8, 2022 (date) from 6:00pm (start time) to 6:35pm (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.

September 9, 2022

Date

By:

M. Gray Styers

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Guilford

Sworn and subscribed before me, Debra Parks Little Notary Public for the above State and County, on this the 9th day of September, 20 22.

SEAL



Debra Parks Little

Notary Public

Debra Parks Little

Print Name

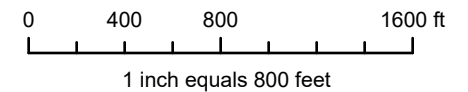
My Commission Expires:

8/10/26



Location Map - 2132 Ten Ten Road

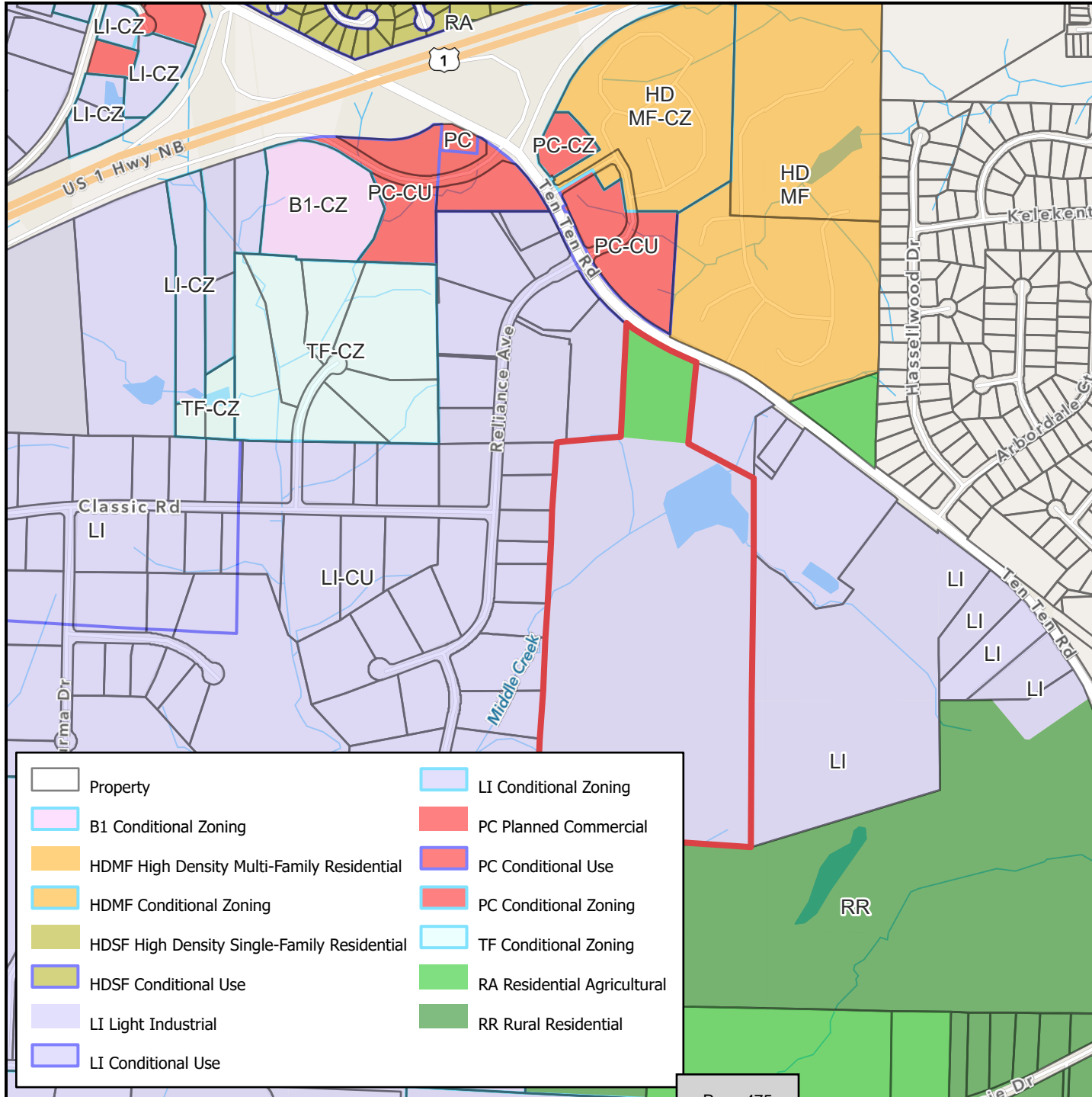
PARCEL_PK: 43874
 REID: 0067257
 PIN_NUM: 0751359861
 PIN_EXT: 000
 LAND_VAL: 3056518
 BLDG_VAL: 3895
 TOTAL_VALUE_ASSD: 3060413
 DEED_ACRES: 57.620000000000005
 YEAR_BUILT: 1915
 HEATEDAREA: 1383
 TYPE_AND_USE: 01
 TYPE_USE_DECODE: SINGLFAM
 DESIGNSTYL: CVL
 DESIGN_STYLE_DECODE: Conventional
 PLANNING_JURISDICTION: AP
 TOWNSHIP: 20
 TOWNSHIP_DECODE: WHITE OAK
 FIREDIST: 23
 OWNER: VERTICAL BRIDGE AM II LLC
 ADDR1: 750 PARK OF COMMERCE DR STE 200
 ADDR2: BOCA RATON FL 33487-3650
 DEED_BOOK: 018240
 DEED_PAGE: 02345
 DEED_DATE: 12/15/2020
 UNITS: 1
 LAND_CODE: B
 LAND_CLASS: AHS
 LAND_CLASS_DECODE: Acres Greater Than 10 With House
 OWNERSHIP: 1020
 ACTIVITY: 1100
 FUNCTION: 1100
 STRUCTURE: 1110



Disclaimer

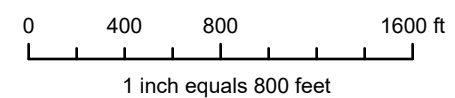
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*

Zoning Map - 2132 Ten Ten Road



PARCEL_PK: 43874
 REID: 0067257
 PIN_NUM: 0751359861
 PIN_EXT: 000
 LAND_VAL: 3056518
 BLDG_VAL: 3895
 TOTAL_VALUE_ASSD: 3060413
 DEED_ACRES: 57.620000000000005
 YEAR_BUILT: 1915
 HEATEDAREA: 1383
 TYPE_AND_USE: 01
 TYPE_USE_DECODE: SINGLFAM
 DESIGNSTYL: CVL
 DESIGN_STYLE_DECODE: Conventional
 PLANNING_JURISDICTION: AP
 TOWNSHIP: 20
 TOWNSHIP_DECODE: WHITE OAK
 FIREDIST: 23
 OWNER: VERTICAL BRIDGE AM II LLC
 ADDR1: 750 PARK OF COMMERCE DR STE 200
 ADDR2: BOCA RATON FL 33487-3650
 DEED_BOOK: 018240
 DEED_PAGE: 02345
 DEED_DATE: 12/15/2020
 UNITS: 1
 LAND_CODE: B
 LAND_CLASS: AHS
 LAND_CLASS_DECODE: Acres Greater Than 10 With House
 OWNERSHIP: 1020
 ACTIVITY: 1100
 FUNCTION: 1100
 STRUCTURE: 1110

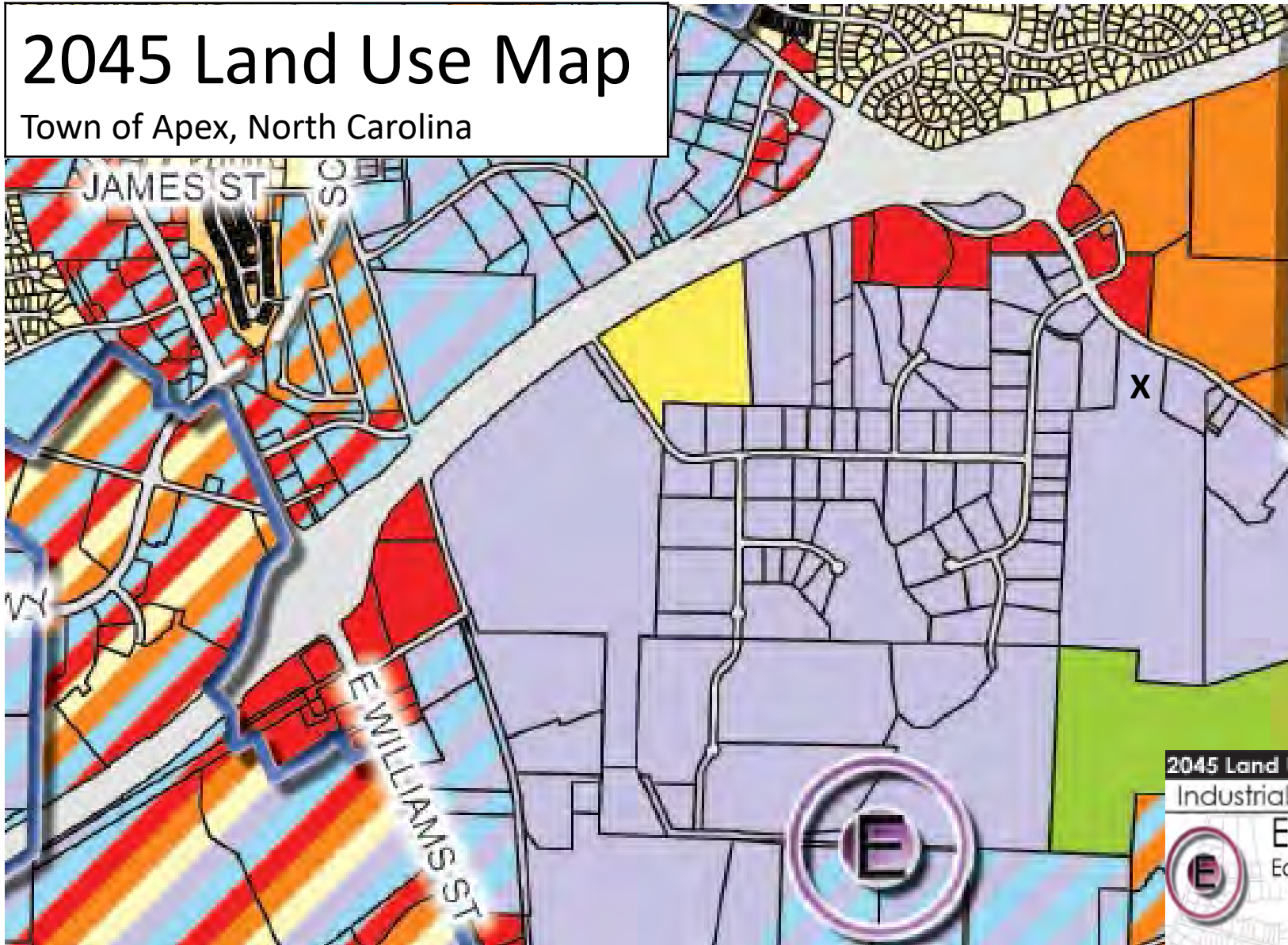
	Property		LI Conditional Zoning
	B1 Conditional Zoning		PC Planned Commercial
	HDMF High Density Multi-Family Residential		PC Conditional Use
	HDMF Conditional Zoning		PC Conditional Zoning
	HDSF High Density Single-Family Residential		TF Conditional Zoning
	HDSF Conditional Use		RA Residential Agricultural
	LI Light Industrial		RR Rural Residential
	LI Conditional Use		



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.

2045 Land Use Map

Town of Apex, North Carolina



Future Land Classifications

-  Protected Open Space
-  Rural Density Residential
One dwelling unit per five acres
-  Rural Transition Residential
One dwelling unit per one acre
-  Low Density Residential
Single-family homes or a mix of single-family homes with duplexes and/or townhomes
-  Medium Density Residential
Single-family homes, duplexes, and townhomes
-  Medium/High Density Residential
Single-family homes, duplexes, triplexes, quadplexes, and townhomes*
-  High Density Residential
Townhomes, triplexes, quadplexes, and apartments
-  Office Employment
-  Commercial Services
-  Industrial Employment

2045 Land Use Map Classification	Allowable Zoning Districts
Industrial Employment	CB, LI, TF, PUD, MEC

 **Employment Mixed Use (EMU)**
 Economic development potential estimated to be, but not limited to:

- Office, warehousing, tech/flex
- Some commercial



Date: **July 19, 2022**

Bill Jackson
J National Capital V LLC
4006 Abbey Park Way
Raleigh, NC 27612

Engineered Tower Solutions, PLLC
3227 Wellington Court
Raleigh, NC 27615
(919) 782-2710

Subject: **Fall Zone Letter**

Tower Owner Designation: **Vertical Bridge Site Number:** US-NC-5033
Vertical Bridge Site Name: RAL-027-FM

Engineering Firm Designation: **Engineered Tower Solutions Job Number:** 22105172.STR.1671

Site Data: **2132 Ten Ten Road, Apex, Wake County, NC 27502**
Latitude 35° 42' 50.02", Longitude -78° 49' 2.96"
1580 Foot – Guyed Tower

Dear Bill Jackson,

Engineered Tower Solutions is pleased to submit this “**Fall Zone Letter**” to comment on the above-mentioned tower.

The Structural Modification Drawings sealed by Stainless on May 24, 2022 (Stainless Project no. 327621) meets all current applicable codes and standards. The structural modification drawings address the overstresses outlined in the Comprehensive Structural Analysis by Stainless on April 15, 2022 (Stainless Report no. 327620). Upon completion of the structural modifications outlined in Stainless Project no. 327621, the subject tower will be adequate to support the applied loads at the required design event as outlined in the North Carolina Building Code, 2018 edition. When a design wind event occurs, there are additional safety factors that allow the structure to remain in satisfactory condition with no signs of failure. **Thus, the fall zone under the design considerations as outlined by the building code is 0 feet.**

We at the Engineered Tower Solutions appreciate the opportunity of providing our continuing professional services to you. If you have any questions or need further assistance on this or any other projects, please give us a call.

Fall Zone Letter Prepared by:

Christopher Ply, PE, SE
President/CEO
NC License # P-1016



PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±4.6 acres

PIN(s): 0751359861 (portion of)

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)

2045 Land Use Map: Industrial Employment

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



Legislative Considerations:

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.

1. *Consistency with 2045 Land Use Plan.* 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 Plan.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

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.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ17 Ten Ten Business Park

Planning Board Meeting Date: September 12, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Sarah Soh

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Conditions as presented.

Denial: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 12th day of September 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.09.12 16:57:13
-04'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ17
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** J National Capital V, LLC
- Authorized Agent:** Fox Rothschild, LLP
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 11, 2021 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Bonnie Brock (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.calgis@nc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/38174>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: September 24 – October 11, 2021



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC
Agente autorizado: Fox Rothschild, LLP
Dirección de las propiedad: 2132 Ten Ten Road
Superficie: ±4.6 acres
Número de identificación de las propiedad: 0751359861 (portion of)
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de las propiedades: Residential Agricultura (RA)
Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de octubre, 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexapv>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexapv>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.rate/nc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khiri, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 24 de septiembre - 11 de octubre, 2021



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** J National Capital V, LLC
- Authorized Agent:** Fox Rothschild, LLP
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: October 11, 2021 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Bonnie Brock (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC

Agente autorizado: Fox Rothschild, LLP

Dirección de las propiedad: 2132 Ten Ten Road

Superficie: ±4.6 acres

Número de identificación de las propiedad: 0751359861 (portion of)

Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment

Ordenamiento territorial existente de las propiedades: Residential Agricultura (RA)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 11 de octubre, 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Bonnie Brock (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



**Meridian
at Ten Ten**

Avalon Peaks

Reliance Ave

Akebia Way

Nasturtium Way

Hedera Way

Mandavilla Way

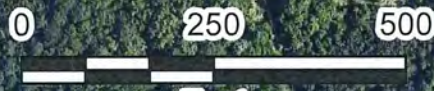
Kiftsgate Ln

Solandra Ln

Ten Ten Rd

Classic Rd

Rezoning #21CZ17



Public Hearing Sign Posted By

[Signature]
Signature

9/19/21
Date

July, 2021
May, 2021 Aerial Photography
Prepared by: Town of Apex Planning Department



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17
Ten Ten Business Park
Project Location: 2132 Ten Ten Road
Applicant or Authorized Agent: Fox Rothschild, LLP

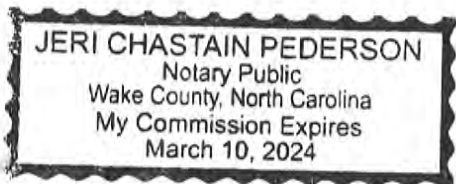
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

9/27/2021
Date

Shanne F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 27 day of September, 2021.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ17
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** J National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: September 12, 2022 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/36174>.

Dianna F. Khin, AICP
Director of Planning and Community Development

Published Dates: August 26 - September 12, 2022



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.
Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.
Dirección de las propiedad: 2132 Ten Ten Road
Superficie: ±4.6 acres.
Número de identificación de las propiedad: 0751359861 (portion of)
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de septiembre de 2022 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianné F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 26 de agosto - 12 de septiembre de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** J National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: September 12, 2022 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.

Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.

Dirección de las propiedad: 2132 Ten Ten Road

Superficie: ±4.6 acres

Número de identificación de las propiedad: 0751359861 (portion of)

Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 12 de septiembre de 2022 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17
Ten Ten Business Park
Project Location: 2132 Ten Ten Road
Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on August 26, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

8/29/2022
Date

Shane F. Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above

State and County, this the 29 day of August, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 06/19/2027



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ17
2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** 24.6 acres
- Property Identification Number (PIN):** 24.6 acres
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: September 27, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public_hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.salemnc.gov/imag>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36176>.

Dianne F. Ktin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELEFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.
Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.
Dirección de las propiedad: 2132 Ten Ten Road
Superficie: 24.6 acres
Número de identificación de las propiedad: 0751359861 (portion of)
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificada a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 27 de septiembre de 2022 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ17 2132 Ten Ten Road

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: September 27, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.

Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.

Dirección de las propiedad: 2132 Ten Ten Road

Superficie: ±4.6 acres

Número de identificación de las propiedad: 0751359861 (portion of)

Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 27 de septiembre de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



**Meridian
at Ten Ten**

Avalon Peaks

Rezoning #21CZ17

Classic Rd

Reliance Ave

Akebia Way

Nasturtium Way

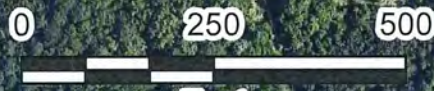
Hedera Way

Mandavilla Way

Kiftsgate Ln

Solandra Ln

Ten Ten Rd



July, 2021
May, 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

Public Hearing Sign Posted By

[Signature]
Signature

9/19/21
Date



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ17
Ten Ten Business Park
Project Location: 2132 Ten Ten Road
Applicant or Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on September 2, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

9/6/2022
Date

Sharon F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua Killian, a Notary Public for the above
State and County, this the 6 day of September, 202 2.



Joshua Killian
Notary Public

My Commission Expires: 6 / 19 / 2027



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED **PUBLIC NOTIFICATION** **OF PUBLIC HEARINGS** **CONDITIONAL ZONING #21CZ17**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** National Capital V, LLC.
- Authorized Agent:** M. Gray Styers, Jr., Fox Rothschild, LLP.
- Property Address:** 2132 Ten Ten Road
- Acreage:** ±4.6 acres
- Property Identification Number (PIN):** 0751359861 (portion of)
- 2045 Land Use Map Designation:** Industrial Employment
- Existing Zoning of Property:** Residential Agricultural (RA)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: ~~September 27~~ **November 8, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

CONTINUED

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17

2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.

Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.

Dirección de las propiedad: 2132 Ten Ten Road

Superficie: ±4.6 acres

Número de identificación de las propiedad: 0751359861 (portion of)

Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment

Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: ~~27 de septiembre~~ **8 de noviembre** de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

CONTINUED
PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ17

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.31, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: National Capital V, LLC.
Authorized Agent: M. Gray Styers, Jr., Fox Rothschild, LLP.
Property Address: 2132 Ten Ten Road
Acreage: 4.6 acres
Property Identification Number (PIN): 0751359861 (portion of)
2045 Land Use Map Designation: Industrial Employment
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: ~~September 29~~ **November 8, 2022 6:00 PM**
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.townofapex.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4376. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents online: <https://www.apexnc.org/DocumentCenter/View/36174>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: September 2 - ~~September 29~~ **November 8, 2022**

TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELEFONO 919-249-3426

CONTINUED
NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ17
 2132 Ten Ten Road

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: J National Capital V, LLC.
Agente autorizado: M. Gray Styers, Jr., Fox Rothschild, LLP.
Dirección de las propiedad: 2132 Ten Ten Road
Superficie: 14.6 acres
Número de identificación de las propiedad: 0751359861 (portion of)
Designación actual en el Mapa de Uso Territorial para 2045: Industrial Employment
Ordenamiento territorial existente de las propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de septiembre, 8 de noviembre de 2022 6:00 P.M.
 Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/t/ncapexapexagov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearings@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.zillow.com/mxas>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <http://www.apexnc.org/DocumentCenter/View/4178>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/36134>.

Dianne F. Khin, AICP
 Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 2 de septiembre - 09 de septiembre 8 de noviembre de 2022