AGENDA | REGULAR TOWN COUNCIL MEETING

October 11, 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 Affordable Housing Project - Broadstone Walk - Revise Loan Lien Position

Christopher "C.J." Valenzuela, Housing Program Manager, Planning and Community Dev.

CN2 Budget Ordinance Amendment No. 7 - Electric Operations Facility Equipment Repairs/Replacement

Amanda Grogan, Director, Budget and Performance Management

CN3 Budget Ordinance Amendment No. 8 - Affordable Housing Loans - Broadstone Walk

Shawn Purvis, Deputy Town Manager (as interim Finance Director)

CN4 Construction Contract Award/Budget Ordinance Amendment No. 6 - MLB Construction Services LLC - Mason Street Building

Daniel Edwards, Senior Capital Projects Manager

CN5 Resolution Supporting Abandonment of a Portion of Walden Road

Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure

CN6 Rezoning Case No. 22CZ07 Chapel Ridge North PUD - Set Public Hearing

Shelly Mayo, Planner II, Planning and Community Development

CN7 Rezoning Case No. 22CZ09 Utley Farms PUD - Set Public Hearing

Lauren Staudenmaier, Planner II, Planning and Community Development

CN8 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing

Sarah Van Every, Senior Planner, Planning and Community Development

CN9 Rezoning Case No. 22CZ16 - 1039 Irongate Drive - Statement and Ordinance

Lauren Staudenmaier, Planner II, Planning and Community Development

CN10 Street Tree Maintenance Agreement - Depot 499 Owners Association

John Mullis, Director, Public Works

CN11 Tax Report - August 2022

Allen Coleman, Town Clerk, Town Clerk's Office

CN12 Unified Development Ordinance (UDO) Amendments - September 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development

PRESENTATIONS

PR1 Proclamation – Fire Prevention Week – October 9 through 15, 2022

Jacques K. Gilbert, Mayor, and Tim Herman, Fire Chief (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. 703 - Haddock Properties - 1.989 acres

Dianne Khin, Director, Planning and Community Development

PH2 Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road

Jenna Shouse, Senior Long Range Planner

NEW BUSINESS – *None*

UPDATES BY TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Steve Adams, Utility Acquisition Specialist

NCGS §143-318.11 (5):

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

CS2 Brian Meyer, Deputy Town Attorney

Re: ExperienceOne Homes, LLC vs. Town of Apex

NCGS §143-318.11 (3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged."

CS3 Laurie Hohe, Town Attorney

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS4 Jacques K. Gilbert, Mayor, and Audra Killingsworth, Mayor Pro-Tempore

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

ADJOURNMENT

| Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Christopher "C.J." Valenzuela, Housing Program Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve change to previously approved loan term related to the Town's loan lien position for the affordable housing project known as Broadstone Walk.

Approval Recommended?

Yes

Item Details

On December 15, 2020, November 9, 2021, and January 11, 2022, the Town Council approved a loan to DHIC, Inc. for a total of $1,850,000 for construction and permanent financing from the Town's Affordable Housing Fund (AHF) for the Broadstone Walk affordable housing project. In committing to the loan, the Town agreed to the Town's lien being in the third position; subordinate to the bank loan and Wake County's loan. In order to finalize underwriting and loan closing for the entire Broadstone Walk affordable housing project, the Low-Income Housing Tax Credit (LIHTC) investor, Enterprise Housing Partners XLI Limited Partnership (EHP 41) and syndicator, Enterprise Housing Credit Investments (EHCI) are requiring the Town's loan lien position change from third lien to fourth lien position in order for EHP 41 to meet their LIHTC minimum gain threshold and maintain a sufficient share of tax credits for the entire period. The Town's loan will be subordinate to the following loans; 1) Bellwether (First Lender), 2) Wake County (Second Lender) and 3) General Partner (Third Lender). The lien position change will not affect the Town's payment priority out of cash flow or capital proceeds for any of the loans. The Town's payment priority will remain in third position behind the following; 1) Bellwether (First Lender) and 2) Wake County (Second Lender). The scheduled loan closing deadline for the Broadstone Walk affordable housing project is on or around October 13, 2022.

Attachments

- Staff Report

STAFF REPORT

Broadstone Walk Loan Lien Position Request

October 11, 2022 Town Council Meeting

The DHIC, Inc. Broadstone Walk affordable housing project will include a total of 164 residential affordable housing rental units, affordable to those who earn between 40% - 60% of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development (HUD). This project will be the largest one-hundred percent (100%) affordable housing rental project in Town history. Town Council approved a loan to DHIC, Inc. for a total of $1,850,000 for construction and permanent financing from the Town's Affordable Housing Fund (AHF) for the Broadstone Walk affordable housing project. In addition, DHIC, Inc. was awarded a four-percent (4%) Low-Income Housing Tax Credit (LIHTC) from the North Carolina Housing Finance Agency (NCHFA). However, in order to finalize underwriting and loan closing for the entire Broadstone Walk affordable housing project, the LIHTC investor, Enterprise Housing Partners XLI Limited Partnership (EHP 41) and syndicator, Enterprise Housing Credit Investments (EHCI) are requesting a loan lien position change from the Town from third lien to fourth lien position.

In regards to this LIHTC project, EHP 41 can only take tax credits proportionate to the allocation of losses it receives every year. In addition, EHP 41 can only take losses against its capital account along with any minimum gain allocated. Under the current loan lien position structure for the project, EHP 41 would start to go negative in year ten which would be the second to last year of the tax credit period. Consequently, there would not be sufficient minimum gain for EHP 41 to take its share of tax credits for the remaining two years of the tax credit period. However, to create the necessary minimum gain, EHP 41 and EHCI are requiring that the unrelated, non-recourse Town loan be shifted down from third lien to fourth lien position. As a result, the Town's loan will be subordinate to the following loans; 1) Bellwether (First Lender), 2) Wake County (Second Lender) and 3) General Partner (Third Lender). The lien position change will not affect the Town's loan repayment priority out of cash flow or capital proceeds for any of the loans. The Town's loan repayment priority will remain in third position behind the following; 1) Bellwether (First Lender) and 2) Wake County (Second Lender). The scheduled loan closing deadline for the Broadstone Walk affordable housing project is on or around October 13, 2022.

Should the project be able to successfully obtain project underwriter approval and loan closing, the Town would execute regulatory and loan documentation with DHIC, Inc. The Town's funding to DHIC Inc. will also require a 30-year affordability restriction period to ensure rents remain affordable long-term, which is consistent with the North Carolina Finance Agency (NCHFA) LIHTC regulations.

Staff Recommendation:
Planning staff recommends approval of the Town's loan lien position change as required by EHP 41 and EHCI from third lien to fourth lien position in order for the DHIC, Inc. Broadstone Walk affordable housing project to receive underwriter approval and be able to successfully close by the deadline of on or around October 13, 2022.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management

Requested Motion

Motion to approve Budget Amendment 7 for repairs and replacement equipment at the Electric Operations Facility.

Approval Recommended?

Yes

Item Details

In May of 2022, the fire sprinkler system at the Electric Operations Facility triggered in error causing damage to both IT equipment and building. The NC League of Municipalities, our Property & Liability Insurance Provider, has issued payment of $21,022 in response to the claim filed. The Budget Amendment includes revenues received from the insurance claim and appropriates the expenditures in the Electric Department Budget in order to complete repairs and replace damaged equipment.

Attachments

- Budget Amendment 7

Town of Apex

Budget Ordinance Amendment No. 7

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:

30: Electric Fund

Section 1. Revenues:

37800 - Insurance Refunds	$21,022
Total Revenues	**$21,022**

Section 2. Expenditures:

41500 - Building Maintenance and Repair	$7,672
43301 - Technology Hardware & Accessories	$13,350
Total Expenditures	**$21,022**

Section 7. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 11th day of October, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Shawn Purvis, Deputy Town Manager (as interim Finance Director)

Department(s): Community Development and Neighborhood Connections

Requested Motion

Motion to approve a budget amendment to allocate $1,850,000 from Affordable Housing Fund reserves for Affordable Housing Loans

Approval Recommended?

Yes

Item Details

Town Council approved a loan ($1,850,000) for the Broadstone Walk project during FY21-22, at which time the funds were allocated. The Broadstone project closing was pushed to FY22-23 and the funds rolled to reserves at the end of FY21-22. This budget amendment re-allocates the funds to the appropriate budget line items.

Attachments

- Budget Amendment #8

Town of Apex

Budget Ordinance Amendment No. 8

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:

Affordable Housing Fund

Section 1. Revenues:

Appropriated Fund Balance 39902	$1,850,000
Total Revenues	**$1,850,000**

Section 2. Expenditures:

Affordable Housing Loans 49704	$1,850,000
Total Expenditures	**$1,850,000**

Section 7. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 11th day of October, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Daniel Edwards, Senior Capital Projects Manager

Department(s): Administration

Requested Motion

Motion to award building construction contract to MLB Construction Services, LLC and authorization for the Town Manager to execute the contract on behalf of the Town and approve corresponding Budget Amendment 6 and Capital Project Ordinance Amendment 2023-1.

Approval Recommended?

Yes

Item Details

The town received six bids for the Mason Street Municipal Building Project on September 7, 2022. MLB Construction Services, LLC of Malta, New York (with a local office in Apex, NC), was the lowest responsive, responsible bidder with a total bid price of $6,657,200.00. The architect's estimate was approximately $6,301,000.

Staff and Consultant (Hobbs Architects) recommends awarding the contract to MLB Construction Services, LLC.

Attachments

- Recommendation of Award
- Certified Bid Tab
- Bid Package
- Agreement (for reference only)
- Notice of Award
- Budget Amendment 6
- Capital Project Ordinance Amendment 2023-1

Hobbs Architects, P.A.
159 W. Salisbury St.
Pittsboro, North Carolina 27312
919.545.2004
www.hobbsarchitects.com

Date: September 16, 2021

To: Mr. Daniel Edwards
Capital Projects Manager
Town of Apex
Apex, NC 27502

Re: Town of Apex Mason Street Municipal Building – Bid Award Recommendation

Dear Mr. Edwards,

The purpose of this letter is to provide you with the Certified Bid Tabulation and our recommendations regarding the Town of Apex Mason Street Municipal Building Project. Six (6) qualified contractors submitted bids for this project, and the low bidder is MLB Construction Services, LLC with a Base Bid of $6,459,600.00.

In addition to the Base Bid for the project, bid alternates may be accepted. Below is a listing of the recommended alternates:

Base Bid:	$ 6,459,600.00
Alternate # G-1: Preferred Brand Alternate for Door Hardware	$ 0.00
Alternate # G-2: Window Coverings	$ 25,000.00
Alternate # G-3: Detached Storage Building	$ 61,000.00
Alternate # G-4: Terrazzo Town Seal	$ 7,600.00
Alternate # P-1: Preferred Brand Alternates for Sink Faucets	$ 0.00
Alternate # M-2: Preferred Brand Alternate for Direct Digital Control (DDC) System for HVAC	$ 100,000.00
Alternate # E-1: Preferred Brand Alternate for Parking Lot Lighting	$ 4,000.00
Total Contract Amount with Alternates:	$ 6,657,200.00

I have been in contact with MLB Construction Services, LLC, who indicated that there are no issues with the bid as submitted and the owner and designer references provided by the contractor provided positive feedback. The bid submission included all the necessary documentation for bonding, MBE, and unit prices. As a result, I recommend the award of the construction contract to MLB Construction Services, LLC.

If you have any questions or need additional information, please contact me.

Sincerely,

Chevon M. Moore

Chevon (File) Moore, AIA
Hobbs Architects, PA

Enclosures:
- MLB Construction – Bid Proposal
- Certified Bid Tab

FORM OF PROPOSAL

Town of Apex Mason Street Municipal Building
Town of Apex, North Carolina

Contract: Single Prime Contract
Bidder: MLB Construction Services, LLC
Date: 9/7/2022

The undersigned, as bidder, hereby declares that the only person or persons interested in this proposal as principal or principals is or are named herein and that no other person than herein mentioned has any interest in this proposal or in the contract to be entered into; that this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud. The bidder further declares that he has examined the site of the work and the contract documents relative thereto, and has read all special provisions furnished prior to the opening of bids; that he has satisfied himself relative to the work to be performed. The bidder further declares that he and his subcontractors have fully complied with NCGS 64, Article 2 in regards to E-Verification as required by Section 2.(c) of Session Law 2013-418, codified as N.C. Gen. Stat. § 143-129(j).

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The Bidder proposes and agrees if this proposal is accepted to contract with the

Town of Apex

in the form of contract specified below, to furnish all necessary materials, equipment, machinery, tools, apparatus, means of transportation and labor necessary to complete the construction of

Town of Apex Mason Street Municipal Building

in full in complete accordance with the plans, specifications and contract documents, to the full and entire satisfaction of the laws of the State of North Carolina, and the

Town of Apex and Hobbs Architects, PA

with a definite understanding that no money will be allowed for extra work except as set forth in the General Conditions and the contract documents, for the sum of:

SINGLE PRIME CONTRACT:

Base Bid:
Six million Four hundred fifty nine thousand six hundred Dollars($) 6,459,600.00

General Subcontractor:
MLB Construction Services, LLC Lic 56418

Plumbing Subcontractor:
Sun Jokar Lic 20820

Mechanical Subcontractor:
Performance Lic 13303

Electrical Subcontractor:
Integrity Serve Lic 25950

GS143-128(d) requires all single prime bidders to identify their subcontractors for the above subdivisions of work. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be non-responsible or non-responsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor.

ALTERNATES:

Should any of the alternates as described in the contract documents be accepted, the amount written below shall be the amount to be "added to" or "deducted from" the base bid. (Strike out "Add" or "Deduct" as appropriate.)

GENERAL CONTRACT:

Alternate No. G-1 Preferred Brand Alternate for Door Hardware

1. Base bid: Provide rough-in, infrastructure, and complete door hardware by acceptable manufacturers as indicated in Section 08 71 00.

2. Alternate G-1: To include the total cost of all labor, materials, and equipment required to provide rough-in, infrastructure, and complete door hardware by owner- preferred brand manufacturers as scheduled in Section 08 71 00.

(Add) No change Dollars($) Ø

Alternate No. G-2 Window Coverings

1. Base bid: No window coverings, blinds, or shades.

2. Alternate G-2: To include the total cost of all labor, materials, and equipment required to provide and install window coverings as shown in the contract drawings and specified in Sections 122113 Horizontal Louver Blinds and 122413 Roller Window Shades.

(Add) Twenty Five thousand ac ~~ Dollars($) 25,000 00

Alternate No. G-3 Detached Storage Building

1. Base bid: No detached storage building

2. Alternate G-3: To include the total cost of all labor, materials, and equipment required to provide and construct the detached storage building as shown in Civil Drawings, A-303, and ES-201.

(Add) Sixty one thousand — Dollars($) 61,000 00

Alternate No. G-4 Terrazzo Town Seal

1. Base bid: No custom seal at epoxy terrazzo on Lobby 100.

2. Alternate G-4: To include the total cost of all labor, materials, and equipment required to provide custom epoxy terrazzo seal in Lobby 100 as shown in Finish Floor Plan 1/A-1001 and Detail 9/A-1003 and in Specification Section 09 66 23.

(Add) Seven thousand Six hundred ~~ Dollars($) 7,600 00

Alternate No. P-1 Preferred brand alternate for Sink Faucets

1. Base Bid: Base bid: Provide and install lavatory sink faucets by acceptable manufacturers as indicated in Section 22 42 16.13.

2. Alternate P-1: To include the total cost of all labor, materials, and equipment required to provide and install lavatory sink faucets by Sloan Valve Company.

(Add) No Change Dollars($) Ø

Alternate No. M-1 Direct Digital Control (DDC) System for HVAC

1. Base Bid: Provide factory standard packaged equipment standalone controls.

2. Alternate M-1: To include the total cost of all labor, materials, and equipment required to provide complete DDC system as specified in Section 23 09 23.

(Add) thirty five thousand Dollars($) 35,000 ω

Alternate No. M-2 Preferred brand alternate for Direct Digital Control (DDC) System for HVAC

1. Base Bid: Provide factory standard packaged equipment standalone controls.

2. Alternate M-2: To include the total cost of all labor, materials, and equipment required to provide complete DDC system as specified in Section 23 09 23 by Siemens.

(Add) one hundred thousand Dollars($) 100,000 ω

Alternate No. E-1 Preferred brand alternate for Parking Lot Lighting

1. Base Bid: Provide and install parking lot lighting by acceptable manufacturer.

2. Alternate M-2: To include the total cost of all labor, materials, and equipment required to provide and install the parking lot lighting by the manufacturers scheduled on ES-101 Electrical Site Plan

(Add) Four thousand dollars Dollars($) 4,000 ω

UNIT PRICES

Unit prices quoted and accepted shall apply throughout the life of the contract, except as otherwise specifically noted. Unit prices shall be applied, as appropriate, to compute the total value of changes in the base bid quantity of the work all in accordance with the contract documents.

No. 1 Mass Rock removal and disposal off-site (CY) Unit Price ($) 183 ω

No. 2 Trench Rock removal and disposal off-site (CY) Unit Price ($) 210 ω

No. 3	Unsuitable Soils removal and disposal on-site	(CY)	Unit Price ($) 13.50
No. 4	Unsuitable Soils removal and disposal off-site	(CY)	Unit Price ($) 21.00
No. 5	Replacement of Unsuitable Soils with on-site Satisfactory Soil	(CY)	Unit Price ($) 34.50
No. 6	Replacement of Unsuitable Soils with off-site Satisfactory Soil	(CY)	Unit Price ($) 34.50
No. 7	Replacement of Unsuitable Soils with Compacted ABC	(CY)	Unit Price ($) 37.50
No. 8	Replacement of Unsuitable Soils with #57 Washed Stone	(CY)	Unit Price ($) 39.50
No. 9	Replacement of Unsuitable Soils with Flowable Fill	(CY)	Unit Price ($) 39.50
No. 10	Wetland Impervious Clay Liner	(CY)	Unit Price ($) 42.00
No. 11	Separation/Stabilization Geotextile Fabric	(SY)	Unit Price ($) 2.00
No. 12	Biaxial Geogrid	(SY)	Unit Price ($) 4.00
No. 13	Full-Depth Asphalt Pavement Repair	(SY)	Unit Price ($) 134.00

The bidder further proposes and agrees hereby to commence work under this contract on a date to be specified in a written order of the designer and shall fully complete all work thereunder within the time specified in the Contract Documents. Applicable liquidated damages amount is also stated in the Contract Documents.

MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide with the bid - Under GS 143-128.2(c) the undersigned bidder shall identify **on its bid** (Identification of Minority Business Participation Form) the minority businesses that it will use on the project with the total dollar value of the bids that will be performed by the minority businesses. **Also** list the good faith efforts (Affidavit **A**) made to solicit minority participation in the bid effort.

NOTE: A contractor that performs all of the work with its own workforce may submit an Affidavit (**B**) to that effect in lieu of Affidavit (**A**) required above. The MB Participation Form must still be submitted even if there is zero participation.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (**C**) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 10% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort and Affidavit **D** is not necessary;

*** OR ***

If less than the 10% goal, Affidavit (**D**) of its good faith effort to meet the goal shall be provided. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must always submit **with their bid** the Identification of Minority Business Participation Form listing all MB contractors, vendors and suppliers that will be used. If there is no MB participation, then enter none or zero on the form. Affidavit A **or** Affidavit B, as applicable, also must be submitted with the bid. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder is grounds for rejection of the bid.

Proposal Signature Page

The undersigned further agrees that in the case of failure on his part to execute the said contract and the bonds within ten (10) consecutive calendar days after being given written notice of the award of contract, the certified check, cash or bid bond accompanying this bid shall be paid into the funds of the owner's account set aside for the project, as liquidated damages for such failure; otherwise the certified check, cash or bid bond accompanying this proposal shall be returned to the undersigned.

Respectfully submitted this day of Wednesday, September 7th, 2022

MLB Construction Services, LLC
(Name of firm or corporation making bid)

WITNESS:

(Proprietorship or Partnership)

By: _____
Signature

Name: James M. Dawsey
Print or type

Title President
(Owner/Partner/Pres./V.Pres)

Address 1 Stonebreak Road Malta, NY 12020

1930 N. Salem Street Suite 201 Apex, NC 27523

ATTEST:

By: _____
Scott A. Shepherd

Title: Corporate Secretary
(Corp. Sec. or Asst. Sec. only)

License No. 56418

Federal I.D. No. 04-3747984

Email Address: jmdawsey@mlbind.com

(CORPORATE SEAL)

Addendum received and used in computing bid:

Addendum No. 1 X Addendum No. 3 X Addendum No. 5 _____ Addendum No. 7 _____

Addendum No. 2 X Addendum No. 4 X Addendum No. 6 _____ Addendum No. 8 _____

E-VERIFY ADDENDUM

CONTRACTOR/VENDOR agrees that it shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes. Further, if CONTRACTOR/VENDOR utilizes a subcontractor, CONTRACTOR/VENDOR agrees that it shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

Dated this the 7th day of September, 2022.

MLB Construction Services, LLC
Contractor/Vendor

Title James M. Dawsey, President

IRAN DIVESTMENT ACT CERTIFICATION

Vendor/Contractor Name: MLB Construction Services, LLC

James M. Dawsey

IRAN DIVESTMENT ACT CERTIFICATION
REQUIRED BY N.C.G.S. 147-86.59

As of the date listed below, the entity listed above is not listed on the Final Divestment List created by the State Treasurer pursuant to N.C.G.S. 147-86.58.

The undersigned hereby certifies that he/she is authorized by the entity listed above to make the foregoing statement

Signature

9/7/2022
Date

James M. Dawsey
Printed Name

President
Printed Title

Identification of HUB Certified/ Minority Business Participation

I, MLB Construction Services, LLC ,
(Name of Bidder)

do hereby certify that on this project, we will use the following HUB Certified/ minority business as construction subcontractors, vendors, suppliers or providers of professional services.

Firm Name, Address and Phone #	Work Type	*Minority Category	**HUB Certified (Y/N)
Integrity Services	Electrical	MBE	✓
SAM Jokar Plumbing	Plumbing	MBE	✓
ETC Contractors	MASON ~~MBA~~	F	✓

*Minority categories: Black, African American (**B**), Hispanic (**H**), Asian American (**A**) American Indian (**I**), Female (**F**) Socially and Economically Disadvantaged (**D**)

**** HUB Certification with the state HUB Office required to be counted toward state participation goals.**

The total value of minority business contracting will be ($) 1,002,000 .

State of North Carolina AFFIDAVIT A – Listing of Good Faith Efforts

County of WAKE

(Name of Bidder)

Affidavit of MLB Construction Services, LLC

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 I.0101)

- [X] **1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- [X] **2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- [X] **3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- [X] **4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- [X] **5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- [ ] **6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- [X] **7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- [ ] **8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- [ ] **9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- [X] **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 9/1/22 Name of Authorized Officer: James M. Dawsey

Signature: _____

Title: President

SEAL

State of New York, County of Saratoga

Subscribed and sworn to before me this 1st day of September 20 22

Notary Public _____

My commission expires 6/22/25

PAULA J. LUCEY
Notary Public, State of New York
No. 01LU6207945
Qualified in Saratoga County
Commission Expires June 22, 2025

STATEMENT OF SURETY'S INTENT

To: **Town of Apex Public Works**
(Owner)

We have reviewed the Bid of **MLB Construction Services, LLC**
(Contractor)

of **1 Stone Break Road, Malta, NY 12020**
(Address)

for **Town of Apex - Mason Street Municipal Building**

(Project)

Bids for which will be received on **September 07, 2022**
(Bid Opening Date)

and wish to advise that should this Bid of the Contractor be accepted and the Contract awarded to him, it is our present intention to become surety on the performance bond and labor and material bond required by the Contract.

Any arrangement for the bonds required by the Contract is a matter between the Contractor and ourselves and we assume no liability to you or third parties if for any reason we do not execute the requisite bonds.

We are duly authorized to do business in the State of **North Carolina**

Attest:

Philadelphia Indemnity Insurance Company

Surety's Authorized Signature(s)
Francis A. Lowther, Attorney-in-Fact

Attach Power of Attorney

(Corporate seal if any. If no seal, write "No Seal" across this place and sign.)

(This Form Must Be Completed and Submitted with the Bid)

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT _____

MLB Construction Services, LLC as principal, and **Philadelphia Indemnity Insurance Company**, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto the Town of Apex through **Town of Apex Public Works** as obligee, in the penal sum of *** FIVE PERCENT OF AMOUNT BID ***(5% of Bid) DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this **26th** day of **August** 20**22**

WHEREAS, the said principal is herewith submitting proposal for **Town of Apex - Mason Street Municipal Building** and the principal desires to file this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

MLB Construction Services, LLC (SEAL)

(SEAL)

(SEAL)

Philadelphia Indemnity Insurance Company (SEAL)

(SEAL)

Francis A. Lowther, Attorney in Fact

ACKNOWLEDGMENT OF PRINCIPAL, IF A LIMITED LIABILITY COMPANY

State of New York
County of Saratoga

On this 1st day of September, 2022 before me personally came and appeared James N. Dawsey, to me known, who being by me duly sworn, did depose and say that he resides in the City of Saratoga Springs, NY; that he is the President of MLB Construction Services, LLC, the limited liability company described in and which executed the foregoing instrument; that he knows the seal of said limited liability company; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the managing members of said limited liability company, and that he signed his name thereto by like order.

Notary Public
PAULA J. LUCEY
Notary Public, State of New York
No. 01LU6207945
Qualified in Saratoga County
Commission Expires June 22, 2025

SURETY ACKNOWLEDGMENT

State of New York
County of Onondaga

On this 26th day of August, 2022, before me personally appeared Francis A. Lowther to me known, who being by me duly sworn, did depose and say: that he resides in the City of Syracuse, NY; that he is the Attorney-In-Fact of the above signed surety, the corporation described in and which executed the within instrument; that he knows the corporate seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed his name thereto by like order.

Notary Public

ASHALIN C. O'CONNELL
Notary Public - State of New York
No. 01OC6422928
Qualified in Onondaga County
My Commission Expires October 4, 2025

PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Natalie M. Jimenez; Francis A. Lowther; Joseph P. Campbell; Chelsea Follett; Sarah E. Peterson; Monique Kocienski OF THE TOWN OF MARCELLUS, STATE OF NEW YORK**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **$50,000,000.**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEALTO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF MARCH, 2021.

(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of March, 2021 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Commonwealth of Pennsylvania - Notary Seal
Vanessa Mckenzie, Notary Public
Montgomery County
My commission expires November 3, 2024
Commission number 1368394
Member, Pennsylvania Association of Notaries

Notary Public: Vanessa McKenzie

residing at: Bala Cynwyd, PA

My commission expires: November 3, 2024

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day March, 2021 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 26th day of August, 2022

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

DocuSign Envelope ID: 80E6D0FD-F56E-4105-9012-5C726351A08C

PHILADELPHIA INDEMNITY INSURANCE COMPANY

Statutory Statements of Admitted Assets, Liabilities and Capital and Surplus
(in thousands, except par value and share amounts)

Admitted Assets	As of December 31, 2021	2020
Bonds (fair value $8,447,694 and $8,041,263)	$ 8,102,442	$ 7,601,946
Preferred stocks (fair value $19,262 and $16,537)	19,262	15,673
Common stocks (cost $44,923 and $52,609)	43,194	43,373
Mortgage loans	957,986	821,250
Real estate	29,408	29,973
Other invested assets (cost $194,229 and $203,028)	218,926	215,589
Receivables for securities sold	152	943
Cash, cash equivalents and short-term investments	128,587	34,279
Cash and invested assets	9,499,957	8,763,026
Premiums receivable, agents' balances and other receivables	914,676	908,602
Reinsurance recoverable on paid loss and loss adjustment expenses	45,200	38,737
Accrued investment income	74,000	74,070
Receivable from affiliates	5,171	7,586
Federal income taxes receivable	8,144	-
Net deferred tax assets	141,943	138,129
Other assets	9,953	4,997
Total admitted assets	$ 10,699,044	$ 9,935,147

Liabilities and Capital and Surplus		
Liabilities:		
Unpaid loss and loss adjustment expenses	$ 5,436,808	$ 5,218,304
Unearned premiums	1,658,339	1,582,116
Reinsurance payable on paid loss and loss adjustment expenses	35,820	30,398
Ceded reinsurance premiums payable	130,474	108,936
Commissions payable, contingent commissions and other similar charges	228,628	214,389
Federal income taxes payable	-	8,480
Funds held	77,317	77,256
Payable to affiliates	19,465	18,486
Provision for reinsurance	471	87
Payable for securities purchased	19,045	17,820
Accrued expenses and other liabilities	47,213	32,170
Total liabilities	7,653,580	7,308,442
Capital:		
Common stock, par value of $10 per share; 1,000,000 shares authorized, 450,000 shares issued and outstanding	4,500	4,500
Surplus:		
Gross paid-in and contributed surplus	386,071	386,071
Unassigned surplus	2,654,893	2,236,134
Total surplus	3,040,964	2,622,205
Total capital and surplus	3,045,464	2,626,705
Total liabilities and capital and surplus	$ 10,699,044	$ 9,935,147

The undersigned, being duly sworn, says: That she is the Executive Vice President and Chief Financial Officer of Philadelphia Indemnity Insurance Company; that said Company is a corporation duly organized in the state of Pennsylvania, and licensed and engaged in the State of Pennsylvania and has duly complied with all the requirements of the laws of the said State applicable of the said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress. And that to the best of her knowledge and belief the above statement is a full, true and correct statement of

Attest:

DocuSigned by:
Karen Gilmer-Pauciello
Karen Gilmer-Pauciello, EVP & CFO

Sworn to before me this 2nd day of June 2022.

Kimberly Kessleski, Notary

Commonwealth of Pennsylvania - Notary Seal
Kimberly A. Kessleski, Notary Public
Montgomery County
My commission expires December 18, 2024
Commission number 1245769
Member, Pennsylvania Association of Notaries

BID TABULATION - September 7, 2022
BID - Town of Apex Mason Street Municipal Building

This is a true and accurate bid tab as received and tabulated.

Chevon M. Moore, AIA

CONTRACTOR	License Number	Add. Rcv'd 1-2-3-4	MBE Cert	Bid Bond	BASE BID	Plumbing Sub-Contractor	Mechanical Sub-Contractor	Electrical Sub-Contractor
Cooper Tacia	65299	1-4	X	X	$ 6,690,000.00	Flow - Rite	Performance	Integrity
Daniels & Daniels	23697	1-3	X	X	$ 6,920,000.00	Samjokar	Performance	All Phase
H.M. Kern	8542	1-4	x	X	$ 7,192,000.00	Hockaday	JR Mechanical	All Phase
MLB Construction	56418	1-4	X	X	$ 6,459,600.00	Samjokar	Performance	Integrity
Mohammad Construction	87476	1-4	X	X	$ 8,240,000.00	Hunts	Arnold Service	Integrity
Resolute	14397	1-4	X	X	$ 6,991,300.00	Earnhardt	Sims	RTP

	Town of Apex Mason Street Municipal Building ALTERNATES							
CONTRACTOR	**BID ALT #G-1**	**BID ALT #G-2**	**BID ALT #G-3**	**BID ALT #G-4**	**BID ALT #P-1**	**BID ALT #M-1**	**BID ALT #M-2**	**BID ALT #E-1**
Cooper Tacia	$0.00	$18,956.00	$43,000.00	$7,110.00	$0.00	$0.00	$95,000.00	$3,700.00
Daniels & Daniels	$13,758.00	$20,102.00	$71,411.00	$7,734.00	$0.00	$103,337.00	$0.00	$0.00
H.M. Kern	$0.00	$21,000.00	$71,000.00	$8,000.00	$3,000.00	$28,000.00	$120,500.00	$0.00
MLB Construction	$0.00	$25,000.00	$61,000.00	$7,600.00	$0.00	$35,000.00	$100,000.00	$4,000.00
Mohammad Construction	$0.00	$33,000.00	$75,000.00	$15,000.00	$29,000.00	$30,000.00	$30,000.00	$72,000.00
Resolute	$0.00	$29,000.00	$50,000.00	$7,500.00	$0.00	$68,000.00	$68,000.00	$0.00

ALTERNATES

Alternate # G-1: Preferred Brand Alternat for Door Hardware

Alternate # G-2: Window Coverings

Alternate # G-3: Detached Storage Building

Alternate # G-4: Terrazzo Town Seal

Alternate # P-1: Preferred Brand Alternates for Sink Faucets

Alternate # M-1: Direct Digital Control (DDC) System for HVAC

Alternate # M-2: Preferred Brand Alternate for Direct Digital Control (DDC) System for HVAC

Alternate # E-1: Preferred Brand Alternate for Parking Lot Lighting

Town of Apex Mason Street Municipal Building UNIT PRICES

CONTRACTOR	Unit Price #1	Unit Price #2	Unit Price #3	Unit Price #4	Unit Price #5	Unit Price #6	Unit Price #7	Unit Price #8	Unit Price #9	Unit Price #10	Unit Price #11	Unit Price #12	Unit Price #13
Cooper Tacia	$ 105.00	$ 115.00	$ 10.00	$ 33.58	$ 18.00	$ 54.00	$ 72.14	$ 78.34	$ 160.00	$ 60.00	$ 4.00	$ 5.00	$ 32.00
Daniels & Daniels	$ 175.00	$ 200.00	$ 13.00	$ 20.00	$ 33.00	$ 33.00	$ 36.00	$ 38.00	$ 38.00	$ 40.00	$ 2.00	$ 4.00	$ 130.00
H.M. Kern	$ 175.00	$ 200.00	$ 13.00	$ 20.00	$ 25.00	$ 35.00	$ 54.00	$ 55.00	$ 55.00	$ 40.00	$ 2.00	$ 4.00	$ 226.00
MLB Construction	$ 183.00	$ 210.00	$ 13.50	$ 21.00	$ 34.50	$ 34.50	$ 37.50	$ 39.50	$ 39.50	$ 42.00	$ 2.00	$ 4.00	$ 134.00
Mohammad Construction	$ 38.00	$ 38.00	$ 35.00	$ 27.00	$ 35.00	$ 40.00	$ 100.00	$ 227.00	$ 52.00	$ 71.00	$ 8.00	$ 7.00	$ 74.00
Resolute	$ 185.00	$ 210.00	$ 15.00	$ 22.00	$ 27.00	$ 35.00	$ 75.00	$ 80.00	$ 110.00	$ 45.00	$ 3.00	$ 5.00	$ 110.00

UNIT PRICES
UNIT PRICE #1: Mass rock removal and disposal off-site.
UNIT PRICE #2: Trench rock removal and disposal off-site.
UNIT PRICE #3: Unsuitable soils removal and disposal on-site
UNIT PRICE #4: Unsuitable soils removal and disposal off-site
UNIT PRICE #5: Replacement of unsuitable soils with on-site satisfactory soil
UNIT PRICE #6: Replacement of unsuitable soils with off-site satisfactory soil
UNIT PRICE #7: Replacement of unsuitable soils with compacted ABC
UNIT PRICE #8: Replacement of unsuitable soils with #57 washed stone
UNIT PRICE #9: Replacement of unsuitable soils with flowable fill
UNIT PRICE #10: Wetland impervious clay liner
UNIT PRICE #11: Separation/Stabilization geotextile fabric
UNIT PRICE #12: Biaxial geogrid
UNIT PRICE #13: Full-depth asphalt pavement repair

AIA® Document A101® – 2017

Standard Form of Agreement Between Owner and Contractor *where the basis of payment is a Stipulated Sum*

AGREEMENT made as of the 1st day of November in the year 2022
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

Town of Apex
Apex, NC
PO Box 250
Apex, NC 27502

and the Contractor:
(Name, legal status, address and other information)
MLB Construction Services, LLC
1930 N. Salem St.
Apex, NC 27523

for the following Project:
(Name, location and detailed description)

Town of Apex Mason Street Municipal Building
Mason Street
Apex, NC

The Architect:
(Name, legal status, address and other information)

Hobbs Architects, P.A.
159 W. Salisbury St.
PO Box 1457
Pittsboro, NC 27312

The Owner and Contractor agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

The parties should complete A101®–2017, Exhibit A, Insurance and Bonds, contemporaneously with this Agreement. AIA Document A201®–2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

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User Notes: (1635075940)

TABLE OF ARTICLES

1 THE CONTRACT DOCUMENTS

2 THE WORK OF THIS CONTRACT

3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

4 CONTRACT SUM

5 PAYMENTS

6 DISPUTE RESOLUTION

7 TERMINATION OR SUSPENSION

8 MISCELLANEOUS PROVISIONS

9 ENUMERATION OF CONTRACT DOCUMENTS

EXHIBIT A INSURANCE AND BONDS

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary, and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement, and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be:
(Check one of the following boxes.)

[ ] The date of this Agreement.

[X] A date set forth in a notice to proceed issued by the Owner.

[ ] Established as follows:
(Insert a date or a means to determine the date of commencement of the Work.)

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of this Agreement.

§ 3.2 The Contract Time shall be measured from the date of commencement of the Work.

§ 3.3 Substantial Completion

§ 3.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Contractor shall achieve Substantial Completion of the entire Work:
(Check one of the following boxes and complete the necessary information.)

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User Notes: (1635075940)

[X] Not later than three hundred and sixty-five (365) calendar days from the date of commencement of the Work.

[ ] By the following date:

§ 3.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Contractor shall achieve Substantial Completion of such portions by the following dates:

Portion of Work	Substantial Completion Date
N/A	N/A

§ 3.3.3 If the Contractor fails to achieve Substantial Completion as provided in this Section 3.3, liquidated damages, if any, shall be assessed as set forth in Section 4.5.

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be Six Million Six hundred fifty-seven thousand and two hundred dollars ($ $6,657,200.00), subject to additions and deductions as provided in the Contract Documents.

§ 4.2 Alternates

§ 4.2.1 Alternates, if any, included in the Contract Sum:

Item	Price
Alternate # G-1: Preferred Brand Alternate for Door Hardware	$ 0.00
Alternate # G-2: Window Coverings	$ 25,000.00
Alternate # G-3: Detached Storage Building	$ 61,000.00
Alternate # G-4: Terrazzo Town Seal	$ 7,600.00
Alternate # P-1: Preferred Brand Alternates for Sink Faucets	$ 0.00
Alternate # M-2: Preferred Brand Alternate for DDC System	$ 100,000.00
Alternate # E-1: Preferred Brand Alternate for Parking Lot Lighting	$ 4,000.00

§ 4.2.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Agreement. Upon acceptance, the Owner shall issue a Modification to this Agreement.
(Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

Item	Price	Conditions for Acceptance
N/A		

§ 4.3 Allowances, if any, included in the Contract Sum:
(Identify each allowance.)

Item	Price
Allowance No. 1: Mass Rock removal and disposal off-site	$3,600
Allowance No. 2: Trench Rock removal and disposal off-site	$4,200
Allowance No. 3:	$1,350

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User Notes: (1635075940)

Unsuitable Soils removal and disposal on-site	
Allowance No. 4: Unsuitable Soils removal and disposal off-site	$15,750
Allowance No. 5: Replacement of removed rock and unsuitable soils with on-site Satisfactory Soil	$3,450
Allowance No. 6: Replacement of removed rock and unsuitable soils with off-site Satisfactory Soil	$6,900
Allowance No. 7: Replacement of removed rock or unsuitable soils with Aggregate Base Course	$13,125
Allowance No. 8: Replacement of removed rock or unsuitable soils with No. 57 Washed Stone	$1,580
Allowance No. 9: Replacement of removed rock or unsuitable soils with Flowable Fill	$7,900
Allowance No. 10: Wetland Impervious Clay Liner	$2,520
Allowance No. 11: Separation/Stabilization Geotextile Fabric	$200
Allowance No. 12: Biaxial Geogrid	$400
Allowance No. 13: Full-Depth Asphalt Pavement Repair	$13,400
Allowance No. 14: Contingency Allowance for unforeseen conditions	$16,000
Allowance No. 15: Demonstration and Training Time	24 hours of training
Allowance No. 16: Brick Price Allowance	BR-1 - $370/1000 BR-2 - $500/1000 Special Shape - $500/1000
Allowance No. 17: Breakroom Appliances	$22,000
Allowance No. 18: Electric Vehicle Charging Station	$10,000.00

§ 4.4 Unit prices, if any:
(Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit ($0.00)
Unit Price No. 1: Mass Rock removal and disposal off-site	CY	$183.00
Unit Price No. 2:	CY	$210.00

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User Notes: (1635075940)

Trench Rock removal and disposal off-site		
Unit Price No. 3: Unsuitable Soils removal and disposal on-site	CY	$13.50
Unit Price No. 4: Unsuitable Soils removal and disposal off-site	CY	$21.00
Unit Price No. 5: Replacement of removed rock and unsuitable soils with on-site Satisfactory Soil	CY	$34.50
Unit Price No. 6: Replacement of removed rock and unsuitable soils with off-site Satisfactory Soil	CY	$34.50
Unit Price No. 7: Replacement of removed rock or unsuitable soils with Aggregate Base Course	CY	$37.50
Unit Price No. 8: Replacement of removed rock or unsuitable soils with No. 57 Washed Stone	CY	$39.50
Unit Price No. 9: Replacement of removed rock or unsuitable soils with Flowable Fill	CY	$39.50
Unit Price No. 10: Wetland Impervious Clay Liner	CY	$42.00
Unit Price No. 11: Separation/Stabilization Geotextile Fabric	SY	$2.00
Unit Price No. 12: Biaxial Geogrid	SY	$4.00
Unit Price No. 13: Full-Depth Asphalt Pavement Repair	SY	$134.00

§ 4.5 Liquidated damages, if any:
(Insert terms and conditions for liquidated damages, if any.)

If the Work is not substantially complete on or before the date provided in Section 3.3 of this Contract, or within an extension period granted by the Owner, the Owner will sustain damage that will be impracticable and extremely difficult to quantify in the event of and by reason of such delays. In such event, the Contractor shall pay to the Owner as Liquidated Damages, and not as penalty, the sum of One Thousand & 00/100 Dollars ($1,000) for each consecutive calendar day of delay. Any sums that may be due the Owner as Liquidated Damages may be deducted from any monies due or to become due the Contractor under the Contract or may be collected from the Contractor's Surety.

§ 4.6 Other:
(Insert provisions for bonus or other incentives, if any, that might result in a change to the Contract Sum.)

N/A

ARTICLE 5 PAYMENTS

§ 5.1 Progress Payments

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

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§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

N/A

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the 25th day of a month, the Owner shall make payment of the amount certified to the Contractor not later than the 10th day of the following month. If an Application for Payment is received by the Architect after the application date fixed above, payment of the amount certified shall be made by the Owner not later than thirty (30) days after the Architect receives the Application for Payment.
(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form, and supported by such data to substantiate its accuracy, as the Architect may require. This schedule of values shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 In accordance with AIA Document A201™–2017, General Conditions of the Contract for Construction, and subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

§ 5.1.6.1 The amount of each progress payment shall first include:

.1 That portion of the Contract Sum properly allocable to completed Work;

.2 That portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction, or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing; and

.3 That portion of Construction Change Directives that the Architect determines, in the Architect's professional judgment, to be reasonably justified.

§ 5.1.6.2 The amount of each progress payment shall then be reduced by:

.1 The aggregate of any amounts previously paid by the Owner;

.2 The amount, if any, for Work that remains uncorrected and for which the Architect has previously withheld a Certificate for Payment as provided in Article 9 of AIA Document A201–2017;

.3 Any amount for which the Contractor does not intend to pay a Subcontractor or material supplier, unless the Work has been performed by others the Contractor intends to pay;

.4 For Work performed or defects discovered since the last payment application, any amount for which the Architect may withhold payment, or nullify a Certificate of Payment in whole or in part, as provided in Article 9 of AIA Document A201–2017; and

.5 Retainage withheld pursuant to Section 5.1.7.

§ 5.1.7 Retainage

§ 5.1.7.1 For each progress payment made prior to Substantial Completion of the Work, the Owner may withhold the following amount, as retainage, from the payment otherwise due:
(Insert a percentage or amount to be withheld as retainage from each Application for Payment. The amount of retainage may be limited by governing law.)

Retainage is five percent (5%).

§ 5.1.7.1.1 The following items are not subject to retainage:
(Insert any items not subject to the withholding of retainage, such as general conditions, insurance, etc.)

N/A

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§ 5.1.7.2 Reduction or limitation of retainage, if any, shall be as follows:
(If the retainage established in Section 5.1.7.1 is to be modified prior to Substantial Completion of the entire Work, including modifications for Substantial Completion of portions of the Work as provided in Section 3.3.2, insert provisions for such modifications.)

When the Project is fifty percent (50%) complete, the owner, with written consent of the Surety, shall not retain any further retainage from periodic payments due the Contractor if the Contractor continues to perform satisfactorily and any nonconforming work identified in writing prior to that time by the Architect, engineer, or Owner has been corrected by the Contractor and accepted by the Architect, engineer, or Owner. If the Owner determines the Contractor's performance is unsatisfactory, the Owner may reinstate retainage for each subsequent periodic Application for Payment up to the maximum amount of five percent (5%). The Project shall be deemed fifty percent (50%) complete when the Contractor's gross Project invoices, excluding the value of materials stored off-site, equal or exceed fifty percent (50%) of the value of the Contract, except the value of materials stored on-site shall not exceed twenty percent (20%) of the Contractor's gross Project invoices for the purpose of determining whether the Project is fifty percent (50%) complete.

§ 5.1.7.3 Except as set forth in this Section 5.1.7.3, upon Substantial Completion of the Work, the Contractor may submit an Application for Payment that includes the retainage withheld from prior Applications for Payment pursuant to this Section 5.1.7. The Application for Payment submitted at Substantial Completion shall not include retainage as follows:
(Insert any other conditions for release of retainage upon Substantial Completion.)

N/A

§ 5.1.8 If final completion of the Work is materially delayed through no fault of the Contractor, the Owner shall pay the Contractor any additional amounts in accordance with Article 9 of AIA Document A201–2017.

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 Final Payment

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

.1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Article 12 of AIA Document A201–2017, and to satisfy other requirements, if any, which extend beyond final payment; and

.2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

N/A

§ 5.3 Interest

Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.
(Insert rate of interest agreed upon, if any.)

%

ARTICLE 6 DISPUTE RESOLUTION

§ 6.1 Initial Decision Maker

The Architect will serve as the Initial Decision Maker pursuant to Article 15 of AIA Document A201–2017, unless the parties appoint below another individual, not a party to this Agreement, to serve as the Initial Decision Maker.
(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)

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§ 6.2 Binding Dispute Resolution

For any Claim subject to, but not resolved by, mediation pursuant to Article 15 of AIA Document A201–2017, the method of binding dispute resolution shall be as follows:
(Check the appropriate box.)

[ ] Arbitration pursuant to Section 15.4 of AIA Document A201–2017

[X] Litigation in a court of competent jurisdiction

[ ] Other *(Specify)*

If the Owner and Contractor do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.

ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201–2017.

§ 7.1.1 If the Contract is terminated for the Owner's convenience in accordance with Article 14 of AIA Document A201–2017, then the Owner shall pay the Contractor a termination fee as follows:
(Insert the amount of, or method for determining, the fee, if any, payable to the Contractor following a termination for the Owner's convenience.)

N/A

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201–2017.

ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201–2017 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 The Owner's representative:
(Name, address, email address, and other information)

Daniel Edwards, Capital Projects Manager
Town of Apex
PO Box 250
Apex, NC 27502
Daniel.Edwards@apexnc.org
919-249-3535

§ 8.3 The Contractor's representative:
(Name, address, email address, and other information)

Tim Carley
General Manager
MLB Construction Services, LLC
1930 N. Salem St.

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Apex, NC 27523
tcarley@mlbind.com

§ 8.4 Neither the Owner's nor the Contractor's representative shall be changed without ten days' prior notice to the other party.

§ 8.5 Insurance and Bonds

§ 8.5.1 The Owner and the Contractor shall purchase and maintain insurance as set forth in AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum, Exhibit A, Insurance and Bonds, and elsewhere in the Contract Documents.

§ 8.5.2 The Contractor shall provide bonds as set forth in AIA Document A101™–2017 Exhibit A, and elsewhere in the Contract Documents.

§ 8.6 Notice in electronic format, pursuant to Article 1 of AIA Document A201–2017, may be given in accordance with AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, if completed, or as otherwise set forth below:
(If other than in accordance with AIA Document E203–2013, insert requirements for delivering notice in electronic format such as name, title, and email address of the recipient and whether and how the system will be required to generate a read receipt for the transmission.)

N/A

§ 8.7 Other provisions:

The Contractor shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Contractor shall require all of the Contractor's subcontractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

The Contractor warrants and agrees that no labor supplied by the Contractor or the Contractor's subcontractors in the performance of this Contract shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

N.C.G.S. 147-86.59 requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Contractor hereby warrants and agrees that Contractor will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 This Agreement is comprised of the following documents:

.1 AIA Document A101™–2017, Standard Form of Agreement Between Owner and Contractor
.2 AIA Document A101™–2017, Exhibit A, Insurance and Bonds
.3 AIA Document A201™–2017, General Conditions of the Contract for Construction
.4 AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:

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(Insert the date of the E203-2013 incorporated into this Agreement.)

N/A

.5 Drawings: BID SET – AUGUST 8, 2022

Number	Title	Date

.6 Specifications: BID SET – AUGUST 8, 2022

Section	Title	Date	Pages

.7 Addenda, if any:

Number	Date	Pages
1	08/17/2022	11
2	08/19/2022	17
3	08/26/2022.	93
4	08/31/2022	3

Portions of Addenda relating to bidding or proposal requirements are not part of the Contract Documents unless the bidding or proposal requirements are also enumerated in this Article 9.

.8 Other Exhibits:
(Check all boxes that apply and include appropriate information identifying the exhibit where required.)

[**N/A**] AIA Document E204™–2017, Sustainable Projects Exhibit, dated as indicated below:
(Insert the date of the E204-2017 incorporated into this Agreement.)

[**N/A**] The Sustainability Plan:

Title	Date	Pages

[**X**] Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
Supplementary Conditions	Supplementary Conditions Modifying AIA Document A201-2017 General Conditions	8-1-22	14

.9 Other documents, if any, listed below:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201™–2017 provides that the advertisement or invitation to bid, Instructions to Bidders, sample forms, the Contractor's bid or proposal, portions of Addenda relating to bidding or proposal requirements, and other information furnished by the Owner in anticipation of receiving bids or proposals, are not part of the Contract Documents unless enumerated in this Agreement. Any such documents should be listed here only if intended to be part of the Contract Documents.)

The Contract Documents include the advertisement or invitation to bid, Instructions to Bidders, sample

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forms, other information furnished by the Owner in anticipation of receiving bids or proposals, the Contractor's bid or proposal, and portions of Addenda relating to bidding or proposal requirements.

This Agreement entered into as of the day and year first written above.

OWNER *(Signature)*	**CONTRACTOR** *(Signature)*
Catherine Crosby Town Manager	James M. DawseyPresident
(Printed name and title)	*(Printed name and title)*

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Shawn Purvis, Interim Finance Director

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Hobbs Architects, P.A.
159 W. Salisbury St.
Pittsboro, North Carolina 27312
919.545.2004
www.hobbsarchitects.com

NOTICE OF AWARD

October 12, 2022

Mr. James M. Dawsey, President
MLB Construction Services
1930 N. Salem St.
Apex, NC 27523

Re: Contract Documents- Town of Apex Mason Street Municipal Building
322 N. Mason Street
Apex, NC 27502

Dear Mr. Dawsey:

The Apex Town Council awarded the above Contract to your company on October 11, 2022, based on your bid submitted on September 7, 2022, in the amount of six million six hundred fifty-seven thousand two hundred dollars ($6,657,200.00).

Enclosed are four (4) copies of the Notice of Award, Agreement, Payment Bond, and Performance Bond for execution (a fifth set is included for your records and use during construction). Please execute the Notice of Award and Agreement and obtain the Performance and Payment Bonds as soon as possible. The date of the Performance and Payment Bonds shall be the same as the date of the Agreement. Please note that the Agreement date has been set as November 1, 2022. The 4 sets of executed Contract Documents must be returned to our office within 10 calendar days of receipt of this notice.

Please submit the Certificates of Insurance required by the Contract Documents for insurance to be purchased and maintained by the Contractor. Provide documentation that the issuing company will inform the certificate holder, in accordance with the Contract Provisions, regarding any cancellation of policies before the expiration date. Additionally, the Town of Apex and Hobbs Architects, PA shall be included as an additional insured as required the Contract Documents.

Upon receipt, these documents will be forwarded to the Owner for execution. Upon execution of the documents by the Owner, one set of complete Contract Documents will be sent to your office for your files.

Should you have any questions or need additional information, please let us know.

Sincerely,

Chevon M. Moore

Chevon (File) Moore, AIA
Hobbs Architects, PA

Enclosures: As stated.

c: Mr. Daniel Edwards, Town of Apex (w/o enclosures)

Town of Apex

Budget Ordinance Amendment No. 6

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:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	$2,600,000
Total Revenues	**$2,600,000**

Section 2. Expenditures:

Transfer to General Capital Project Fund	$2,600,000
Total Expenditures	**$2,600,000**

Section 7. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 11th day of October, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2023-1

61 - General Capital Project Fund

BE IT ORDAINED, by the Council of the Town of Apex that the Capital Project Ordinance previously entitled "General Capital Project Fund" be amended as follows:

Section 1. The revenues anticipated for the projects are:

Bond Proceeds	3,400,000
Transfer from General Fund	2,600,000
Total Revenues	**$6,000,000**

Section 2. The expenditures anticipated are:

Mason Street Municipal Building	6,000,000
Total Expenditures	**$6,000,000**

Section 3. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 11th day of October, 2022.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES

I, Shawn Purvis, Finance Director of the Town of Apex, North Carolina (the "Town") having been designated by the Town Council of the Town for such purposes pursuant to a resolution duly adopted on March 15, 2005, and on behalf of the Town, DO HEREBY DECLARE as follows:

1. The Town intends to advance its own funds in order to pay certain capital costs (the "Original Expenditures") relating to the acquisition, construction and equipping of a new office building for use by the Town's Planning and Inspections departments (the "Project").

2. The Town reasonably expects to reimburse itself for the Original Expenditures from the proceeds of indebtedness to be incurred by the Town (the "Indebtedness").

3. The maximum principal amount of the Indebtedness expected to be incurred by the Town for the Project is $3,400,000.

4. This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to declare the official intent of the Town to reimburse itself from the proceeds of the Indebtedness for certain expenditures paid by the Town in connection with the Project on or after the date which is sixty (60) days prior to the date hereof.

5. The funds heretofore advanced or to be advanced by the Town to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the Town to permanently finance the Original Expenditures.

6. All Original Expenditures to be reimbursed by the Town were paid no more than sixty (60) days prior to, or will be paid on or after the date of, this declaration of official intent, except with respect to certain amounts incurred before such 60-day period not exceeding 20% of the issue price of the Indebtedness which are expended for "preliminary expenditures" within the meaning of Section 1.150-2 of the Treasury Regulations (the "Preliminary Expenditures"). The Town understands that, except for the Preliminary Expenditures, such reimbursement must occur not later than eighteen (18) months after the later of (a) the date the Original Expenditures were paid and (b) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the Original Expenditures were paid.

7. This declaration shall take effect immediately upon execution hereof.

WITNESS my hand this 4th day of October, 2022.

Finance Director

| Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve a Resolution Supporting Abandonment of a Portion of Walden Road (SR 1148, Wake County) by the North Carolina Department of Transportation.

Approval Recommended?

Yes

Item Details

The "Evans Road Assembly" (Friendship Village) residential subdivision is currently in construction plan review. The subdivision plan would replace the existing unpaved state-maintained section of Walden Road connecting to Evans Road with paved residential streets connecting to Evans Road further north of the existing intersection in accordance with the approved subdivision plan while meeting Apex standards. Staff is supportive of the abandonment of Walden Road by NCDOT within the proposed residential subdivision to allow for construction of the new residential streets.

Attachments

- Resolution 22-_____
- Right-of-way Abandonment Request - "Evans Road Assembly" (Friendship Village) project

RESOLUTION: 22-_____

RESOLUTION SUPPORTING ABANDONMENT OF A PORTION OF WALDEN ROAD (SR1148, WAKE COUNTY) BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Town Council is authorized to regulate the use of the public streets, sidewalks, alleys and bridges of the Town of Apex pursuant to North Carolina law; and

WHERAS, the Town currently operates and maintains a portion of Walden Road from a point 1,000 feet north of its intersection with Evans Road to its northern terminus; and

WHEREAS, the Town Council deems it to be efficient and appropriate for the North Carolina Department of Transportation to abandon operation and maintenance of Walden Road from its intersection with Evans Road to its terminus 1,000 feet north of its intersection with Evans Road; and

WHEREAS, the Town Council recognizes the intent of the abandonment is to allow for the future construction of a new public street network to connect Walden Road at the northern property boundary to Evans Road and for this public street to be dedicated as a Town road.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APEX RESOLVES THAT the Town Council supports the abandonment of the operation and maintenance of Walden Road by the North Carolina Department of Transportation as described in this Resolution.

Motion made by Council Member _____

Motion seconded by Council Member _____

With _____ Council Members voting aye.

With _____ Council Members voting no.

Adopted and effective this the ____ day of _____, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

RAMEY KEMP ASSOCIATES
Moving forward.

T 919 872 5115

5808 Faringdon Place
Raleigh, NC 27609

June 6, 2022

Russell H. Dalton, PE
Town of Apex
Russell.Dalton@apexnc.org
P: (919)-249-3358

Subject: Right-of-Way Abandonment Request for Walden Road
Evans Road Assembly in Apex

Dear Mr. Dalton:

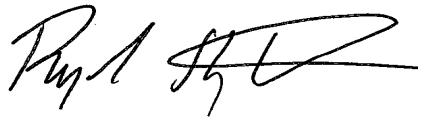
This letter is provided as part of a request for right-of-way abandonment of a portion of Walden Road located between the Bella Casa neighborhood and Evans Road. This portion of Walden Road is an existing unpaved roadway that is located through the Evans Road Assembly development property. This portion of Walden Road is maintained by the North Carolina Department of Transportation (NCDOT) and would require an official approval by NCDOT to abandon the right-of-way. It is our understanding that NCDOT will require Town Council approval of the right-of-way abandonment request to continue with the process.

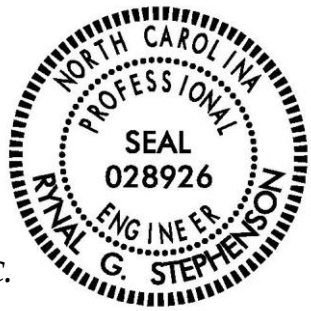
Based on site plan, the portion of existing Walden Road would be abandoned and a new public street network would be established to connect Walden Road at the northern property boundary to Evans Road. The new public streets would be Town roads. The functional purpose of existing Walden Road will remain which is to connect the property to Evans Road.

A plat is attached that provides a description of the right-of-way being requested for abandonment. Also attached is a site plan that illustrates the new street connectivity within the Evans Road Assembly development. We are requesting your review of this proposal and to forward the request to Town Council for approval.

If you should have any questions regarding this letter, please feel free to contact me at (919) 872-5115.

Sincerely,





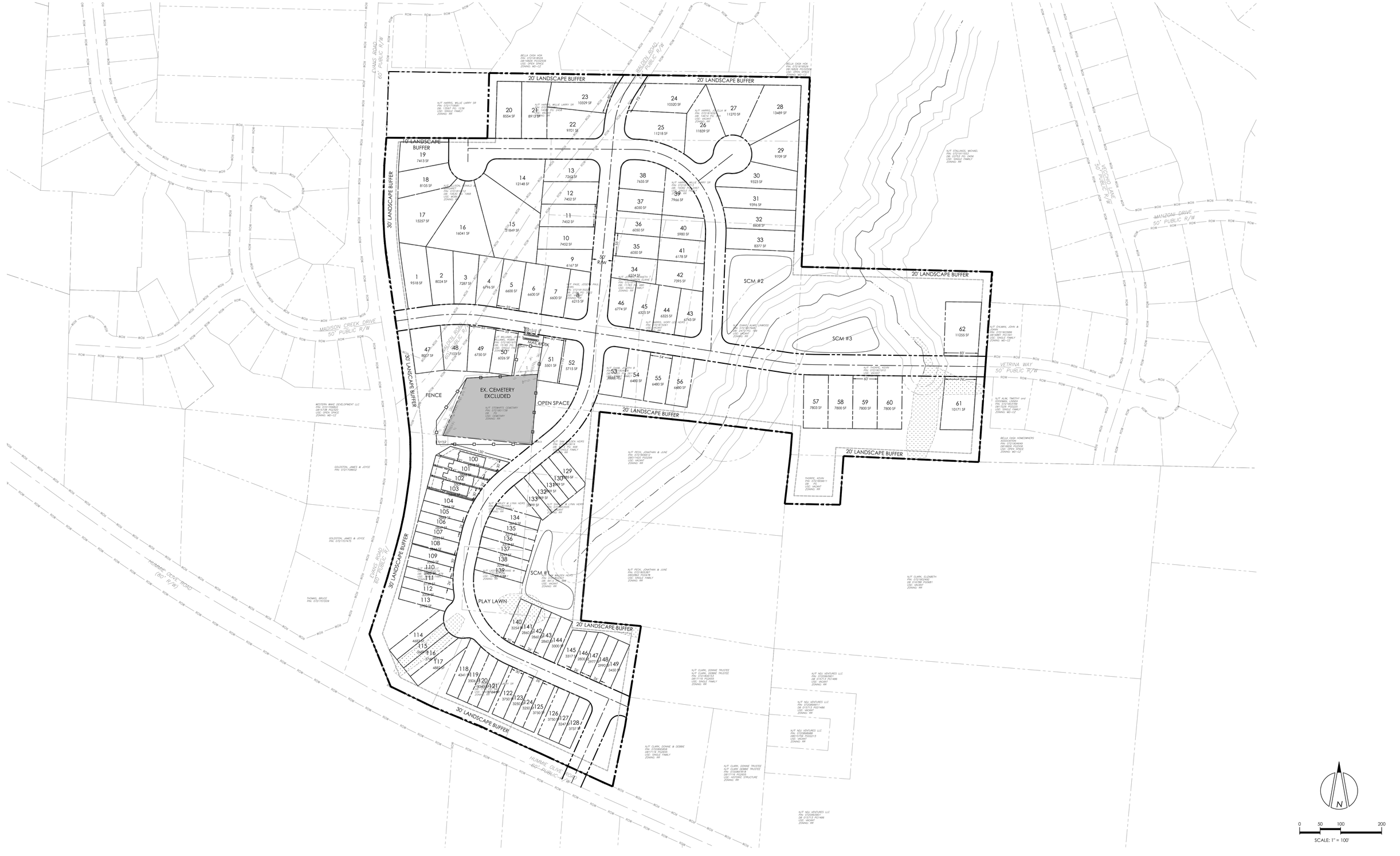
Rynal Stephenson, P.E.
Director of North Carolina
RAMEY KEMP & ASSOCIATES, INC.

NC Corporate License #C-0910

6/6/2022

Attachments: Site Plan for Evans Road Assemblage
Walden Road Plat

cc: Sean Brennan, PE, NCDOT
Edwin Fenner, PE, NCDOT
Serge Grebenschikov, PE, Town of Apex
Jeremy Warren, PE, NCDOT



No.	DATE	REVISION	BY
1			

Designer:	JR	Scale:	1" = 100'
Drawn By:	JR	Date:	12/9/2020
Checked By:	JR	Job No.:	180903

EVANS ROAD ASSEMBLY
APEX, NORTH CAROLINA

BEAZER HOMES
SKETCH PLAN 3A

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
phone: (919) 439-0100
www.PeakEngineering.com

Sheet No.
SP-3A

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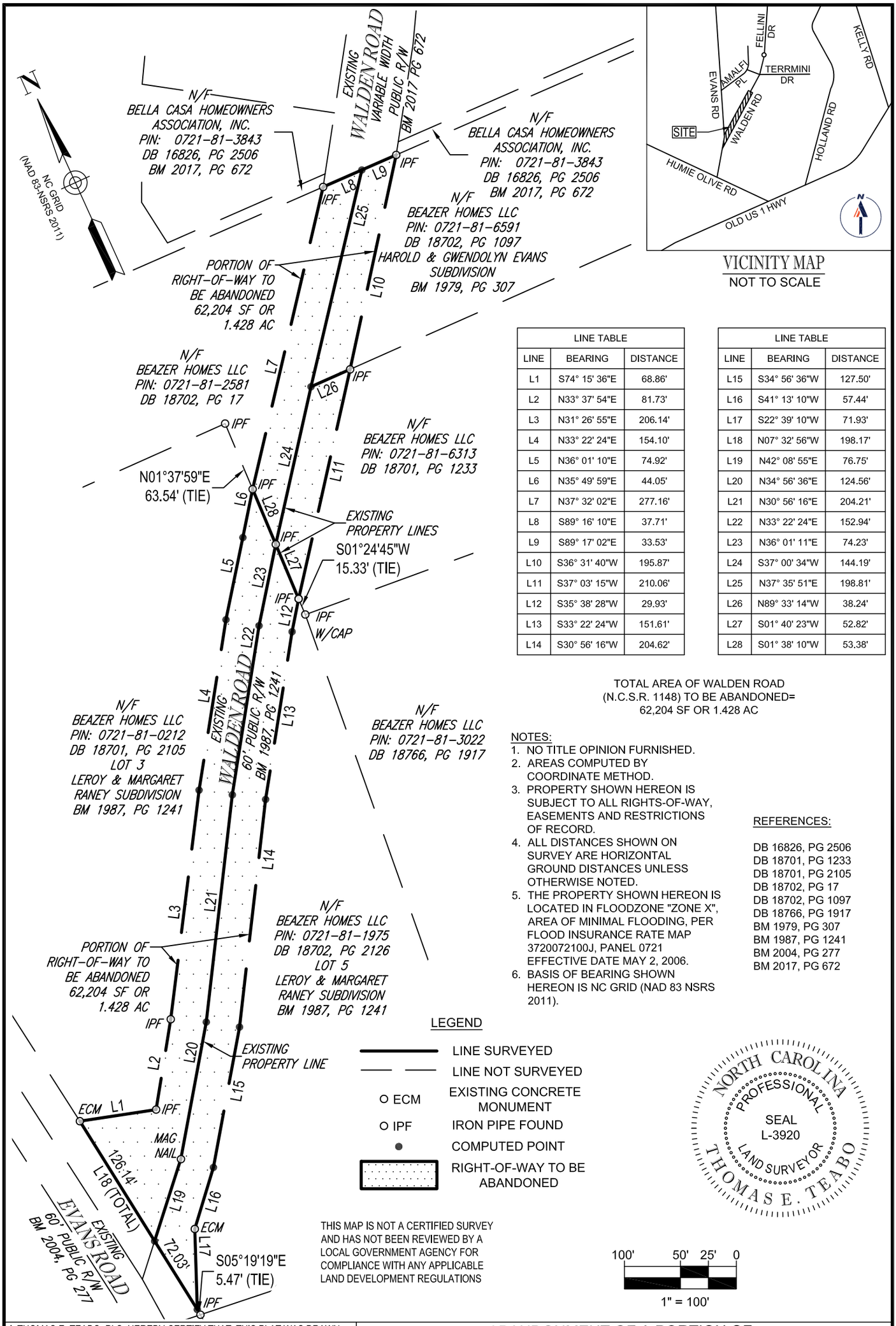


VICINITY MAP
NOT TO SCALE

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S74° 15' 36"E	68.86'
L2	N33° 37' 54"E	81.73'
L3	N31° 26' 55"E	206.14'
L4	N33° 22' 24"E	154.10'
L5	N36° 01' 10"E	74.92'
L6	N35° 49' 59"E	44.05'
L7	N37° 32' 02"E	277.16'
L8	S89° 16' 10"E	37.71'
L9	S89° 17' 02"E	33.53'
L10	S36° 31' 40"W	195.87'
L11	S37° 03' 15"W	210.06'
L12	S35° 38' 28"W	29.93'
L13	S33° 22' 24"W	151.61'
L14	S30° 56' 16"W	204.62'

LINE TABLE		
LINE	BEARING	DISTANCE
L15	S34° 56' 36"W	127.50'
L16	S41° 13' 10"W	57.44'
L17	S22° 39' 10"W	71.93'
L18	N07° 32' 56"W	198.17'
L19	N42° 08' 55"E	76.75'
L20	N34° 56' 36"E	124.56'
L21	N30° 56' 16"E	204.21'
L22	N33° 22' 24"E	152.94'
L23	N36° 01' 11"E	74.23'
L24	S37° 00' 34"W	144.19'
L25	N37° 35' 51"E	198.81'
L26	N89° 33' 14"W	38.24'
L27	S01° 40' 23"W	52.82'
L28	S01° 38' 10"W	53.38'

TOTAL AREA OF WALDEN ROAD
(N.C.S.R. 1148) TO BE ABANDONED=
62,204 SF OR 1.428 AC

NOTES:
1. NO TITLE OPINION FURNISHED.
2. AREAS COMPUTED BY COORDINATE METHOD.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.
4. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOODZONE "ZONE X", AREA OF MINIMAL FLOODING, PER FLOOD INSURANCE RATE MAP 3720072100J, PANEL 0721 EFFECTIVE DATE MAY 2, 2006.
6. BASIS OF BEARING SHOWN HEREON IS NC GRID (NAD 83 NSRS 2011).

REFERENCES:

DB 16826, PG 2506
DB 18701, PG 1233
DB 18701, PG 2105
DB 18702, PG 17
DB 18702, PG 1097
DB 18766, PG 1917
BM 1979, PG 307
BM 1987, PG 1241
BM 2004, PG 277
BM 2017, PG 672

LEGEND

- LINE SURVEYED
- LINE NOT SURVEYED
- O ECM — EXISTING CONCRETE MONUMENT
- O IPF — IRON PIPE FOUND
- COMPUTED POINT
- RIGHT-OF-WAY TO BE ABANDONED

NORTH CAROLINA PROFESSIONAL SEAL L-3920 LAND SURVEYOR THOMAS E. TEABO

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS

100' 50' 25' 0
1" = 100'

I, THOMAS E. TEABO, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES; 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 26TH DAY OF MAY 26, A.D. 2022.

PRELIMINARY - NOT FOR RECORDATION, SALES OR CONVEYANCES

L - 3920
REGISTRATION NUMBER SURVEYOR

ABANDONMENT OF A PORTION OF:

N.C.S.R. 1148 WALDEN ROAD

TOWN OF APEX, BUCKHORN TOWNSHIP,
WAKE COUNTY, NORTH CAROLINA

NCBELS: P-1132

BOHLER
4130 PARKLAKE AVENUE, SUITE
130 RALEIGH, NORTH CAROLINA
27612 919.578.9000
www.bohlerengineering.com

DATE OF SURVEY: 05/13/2022	FILE NO. NS201007	DRAFTED: DET	DATE: 05/26/2022	CHECKED: TET

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 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 October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter for High Street District Development, Inc., seeks to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Rd.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0732340602, 0732347912, 0732343920, 0732354594, 0732356305, 0732352538, 0732249869, & 0732256180

Attachments

- Vicinity Map
- Application

Rezoning #22CZ07
Beaver Creek Crossings
RAMP US 64 EB to NC 540 SB
NC 540 Hwy SB
RAMP NC 540 NB to US 64 EB
540
Peak 502 at Beaver Creek
Chattering Lory Ln
Beaver Creek Commons Dr
NC 540 Hwy NB
Diamond Dove Ln
Chapel Ridge
Clark Farm Rd
Chapel Ridge Rd
Whitesmith Dr
Loresman Aly
Old Chapman Dr
Knacker Aly
Housewright Aly
Drayman Pl
Tillman Aly
Brownsmith Dr
Ackerman Hill Dr
Hempstead at Beaver Creek
September 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

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 #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Chapel Ridge North

Address(es): See attached Exhibit A

PIN(s) See attached Exhibit A

Acreage: 22.71 acres

Current Zoning: Rural Residential (RR) Proposed Zoning: Planned Unit Development Conditional Zoning (PUD-CZ)

Current 2045 LUM Designation: Medium Density Residential

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: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

Applicant Information

Name: High Street District Development, Inc., c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

Name: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Agent Information

Name: Josh Dix, High Street District Development, Inc.

Address: 555 Fayetteville Street, Suite 300

City: Raleigh State: NC Zip: 27601

Phone: (919) 835-4032 E-mail: JDix@trammellcrow.com

Other contacts: _____

Exhibit A
Trammell Crow PUD-CZ
Owner Information Addendum

Parcel 1
Site Address: 1200 Chapel Ridge Road
PIN: 0732256180
Deed Reference (book/page): 12343/2193
Acreage: 5.27
Owner: Su Yueh Kao and Chi Chang Ho
Owner Address: 1200 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 2
Site Address: 1204 Chapel Ridge Road
PIN: 0732249869
Deed Reference (book/page): 8218/1726
Acreage: 1.71
Owner: Michael P. Mohan and Catherine A. Mohan
Owner Address: 1204 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 3
Site Address: 1205 Chapel Ridge Road
PIN: 0732352538
Deed Reference (book/page): 12171/2059
Acreage: 2.48
Owner: Douglas Cox and Carrie Cox
Owner Address: 1205 Chapel Hill Road, Apex, NC 27502-8502

Parcel 4
Site Address: 1209 Chapel Ridge Road
PIN: 0732354594
Deed Reference (book/page): 6236/386
Acreage: 3.0
Owner: Ronald L. Stringari, and Katherine L. Stringari
Owner Address: 1209 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 5
Site Address: 1220 Chapel Ridge Road
PIN: 0732343920
Deed Reference (book/page): 4168/302
Acreage: 2.88
Owner: Larry L. Carlson and Kathi E. Carlson
Owner Address: 1220 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 6
Site Address: 1225 Chapel Ridge Road
PIN: 0732347912
Deed Reference (book/page): 9720/361
Acreage: 2.13
Owner: Tigh M. Cundieff and Diane Cundieff
Owner Address: 1225 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 7
Site Address: 1512 Clark Farm Road
PIN: 0732340602
Deed Reference (book/page): 5351/223
Acreage: 2.34
Owner: David D. Sherry and Ethel V. Sherry
Owner Address: 1512 Clark Farm Road, Apex, NC 27502-8500

Parcel 8
Site Address: 1213 Chapel Ridge Road
PIN: 0732356305
Deed Reference (book/page): 14563/1075
Acreage: 2.09
Owner: Michael J. Bishop
Owner Address: 1213 Chapel Ridge Road, Apex, NC 27502-8502

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: _____ Submittal Date: March 1, 2022

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 be 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.

Although the proposed development contemplates greater density than recommended by the property's Medium Density Residential Land Use Map ("LUM") designation, it is generally consistent with the purposes, goals, objectives, and policies of the Apex Comprehensive Plan (the "Comp Plan"). The proposed development will place additional housing density in close proximity to existing services, transit, restaurants, retail, and future transit; consistent with the Comp Plan goals of providing a variety of housing types, a variety of transportation options to enhance mobility, and walkable, mixed-use developments and pedestrian-oriented streets.

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 development will place housing density in an appropriate location - directly adjacent to the Beaver Creek Shopping Center, within walking distance of a future transit stop, and in close proximity to 540 and US-64. It will offer a density/land use intensity transition from higher intensity commercial uses to the north to lower intensity townhomes and single-family detached homes to the south. Appropriate buffers and Resource Conservation Areas ("RCAs") will be located to mitigate negative effects on neighboring properties.

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

The proposed PUD-CZ will comply with any applicable 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.

Buffers and RCAs have been located to help minimize adverse effects on adjacent properties. Trash, parking and loading, and odors will be screened from adjacent uses as required by the UDO and as et forth in the PUD. The PUD text contains a condition that prevents dumpsters from being placed in close proximity to existing homes to the south. The extension of Chapel Ridge Road to the north will improve connectivity in the area and route traffic north to Beaver Creek Commons Drive rather than south past the existing single-family detached homes on Chapel Ridge. Additionally, the PUD text contains a condition that exterior lighting shall be focused towards the ground.

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

The property is not within a designated current or future 100 year floodplain but is located within the Beaver Creek Drainage Basin. Accordingly, the property is within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7. The PUD will include a minimum 20% RCA. Further, the PUD text contains additional environmental commitments including electric vehicle charging stations and installation of pet waste stations.

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 proposed development will improve access to public facilities and services. The Chapel Ridge Road extension will improve traffic circulation in the area and the project will place additional housing in close proximity to a future transit stop. The project will also extend water and sewer infrastructure south along Chapel Ridge Road which may facilitate future connections to Town services.

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 multi-family community will have a positive effect on the health, safety, and welfare of Town residents by providing additional housing types in a well-connected location.

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

The proposed multi-family community will not be detrimental to adjacent properties. RCAs and buffers - together with other conditions contained in the PUD text - will help mitigate negative effects on 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.

The proposed development will not constitute a nuisance or hazard. Traffic impacts will be mitigated by the northern extension of Chapel Ridge Road. Buffers, RCAs, and conditions on lighting will help mitigate negative effects on adjacent properties.

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

The PUD will be governed by the regulations contained in the attached PUD Text and Concept Plan. The PUD will comply with all other regulations of the UDO to the extent they do not conflict with the PUD regulations.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A $500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green•, Hills	Crossing(s), Plaza, Station, Village(s)

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: 1200; 1204; 1205; 1209; 1213; 1220; & 1225 Chapel Ridge Road and 1512 Clark Farm R

Nearest intersecting roads: Chapel Ridge Road/Ackerman Hill Drive

Wake County PIN(s): See attached Application Exhibit A

Township: White Oak

Contact Information (as appropriate)

Contact person: High Street District Development, inc., c/o Matthew Carpenter

Phone number: (919) 835-4032 Fax number: N/A

Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

E-mail address: matthewcarpenter@parkerpoe.com

Owner: See attached Application Exhibit A

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name

1st Choice: Chapel Ridge North

2nd Choice *(Optional)*: _____

Town of Apex Staff Approval:

_____ _____

Town of Apex Planning Department Staff Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400
WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

1200; 1204; 1205; 1209; 1213; 1220; & 1225 Chapel Ridge Road

and 1512 Clark Farm Road

(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.

High Street District Development, 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: High Street District Development, Inc.	TOWN OF APEX
BY: _____ Authorized Agent	BY: _____ Authorized Agent
DATE: 8/29/2022	DATE: _____

DocuSign Envelope ID: 3333BDAB-60C4-477E-8A35-74BC92408393

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Michael J. Bishop 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: 1213 Chapel Ridge Road

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
Michael J. Bishop
994521D44BB9418...

Michael J. Bishop

8/24/2022

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.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Larry L. Carlson and Kathi E. Carlson 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: 1220 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by: Larry L. Carlson AF7F6591C7A7416...

Larry L. Carlson — March 1, 2022

Type or print name — Date

DocuSigned by: Kathi E. Carlson BE5DD374CDBC4E0...

Kathi E. Carlson — March 1, 2022

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.

DocuSign Envelope ID: 69081AF8-17B5-4D75-9420-A706A3A88464

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Douglas Cox and Carrie Cox 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: 1205 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
D65B083B916F411...

Douglas Cox — Type or print name — March 1, 2022 — Date

DocuSigned by:
Carrie Cox
15AFD993F11F4FA...

Carrie Cox — Type or print name — March 1, 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.

DocuSign Envelope ID: 905EEF63-6B85-4F96-B3CE-C4C5989F96FF

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Tigh M. Cundieff and Diane Cundieff 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: 1225 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
Tigh M. Cundieff
F1720FC8C951423...

Tigh M. Cundieff — Type or print name — February 28, 2022 — Date

DocuSigned by:
Dianne Cundieff
F1720FC8C951423...

Diane Cundieff — Type or print name — February 28, 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.

DocuSign Envelope ID: DE05AF53-287A-4737-9208-96D7948D3093

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Su Yueh Kao and Chi-Chang Ho 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: 1200 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
Su Yueh Kao
4D247A9C058E4C6...

Su Yueh Kao — February 28, 2022

Type or print name — Date

DocuSigned by:
Chi-Chang Ho
4D247A9C058E4C6...

Chi-Chang Ho — February 28, 2022

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.

DocuSign Envelope ID: 25338FBC-AD7E-4EB3-9424-CBBB87024ACA

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Michael P. Mohan and Catherine A. Mohan 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: 1204 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
Michael Mohan
9AE7E08C69234D1...

February 28, 2022

Type or print name Date

DocuSigned by:
Katherine A. Mohan
B1A01942099D408...

Catherine A. Mohan February 28, 2022

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.

DocuSign Envelope ID: BFCF3ACC-6083-4721-8E75-E081FB628033

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

David D. Sherry and Ethel V. Sherry 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: 1512 Clark Farm Road, Apex, NC 27502-8500

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
David D. Sherry
B3F25F01A74C4F4...

David D. Sherry — Type or print name — February 28, 2022 — Date

DocuSigned by:
Ethel V. Sherry
B3F25F01A74C4F4...

Ethel V. Sherry — Type or print name — February 28, 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.

DocuSign Envelope ID: F1E58606-B680-4A3F-9C13-947A79C1C97B

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Katherine L. Stringari 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: 1209 Chapel Ridge Road, Apex, NC 27502-8502

The agent for this project is: Josh Dix

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

Agent Name: Josh Dix

Address: 555 Fayetteville Street, Suite 300, Raleigh, NC 27601

Telephone Number: (919) 835-4032

E-Mail Address: JDix@trammellcrow.com

Signature(s) of Owner(s)*

DocuSigned by:
7AF31F0B349A412...

Katherine L. Stringari — March 10, 2022

Type or print name — 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, Joshua Dix of High Street District Development, Inc. (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 authorized agent of all owners of the property 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. Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owners.
4. To Affiant's knowledge, no claim or action has been brought against the owners of the property which questions title or right to possession of the Property nor is any claim or action pending against Affiant or owners in court regarding possession of the Property.
5. This the 29 day of August, 2022.

Joshua M. Dix (seal)

Joshua Dix

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

[NOTARY SEAL]

MATTHEW JOEL CARPENTER
Notary Public
Wake
County
NORTH CAROLINA

Notary Public
State of North Carolina
My Commission Expires: 2/7/2024

Matthew J. Carpenter

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.

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

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

Developer Company *Information*	
Company *Name*	High Street District Development, Inc.
Company Phone *Number*	202-295-3383
Developer Representative *Name*	Josh Dix
Developer Representative *Phone Number*	202-295-3383
Developer Representative *Email*	JDix@trammellcrow.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	Unknown
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Chapel Ridge
Address of Subdivision (if unknown enter nearest cross streets)	Chapel Ridge Road
REID(s)	
PIN(s)	0732256180; 0732249869; 0732352538; 0732354594; 0732343920; 0732347912; 0732340602

Projected Dates *Information*	
Subdivision *Completion Date*	unknown
Subdivision *Projected First Occupancy Date*	Approx. 2026

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																	
Townhomes																	
Condos																	
Apartments	**370**			**222**	**148**					**unknown**		**2026**	**370**				
Other																	

Revised 08/10/2018

February 16, 2022

Neighborhood Meeting

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.

January 31, 2022
Date

Dear Neighbor:
You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

See attached Exhibit A
Address(es)

See attached Exhibit A
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
◉	Rezoning (including Planned Unit Development)	Town Council
○	Major Site Plan	Town Council (QJPH*)
○	Special Use Permit	Town Council (QJPH*)
○	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 applicant is proposing to rezone the property to Planned Unit Development - Conditional Zoning District to facilitate the development of an amenitized multi-family community. Additional information will be provided at the meeting.

Estimated submittal date: March 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s):	See attached Exhibit A
Applicant(s):	Josh Dix, Trammell Crow Company c/o Matthew Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Electronic Meeting invitation/call in info:	See accompanying letter with Zoom instructions
Date of meeting**:	February 16, 2022
Time of meeting**:	6:00 PM - 8:00 PM

MEETING AGENDA TIMES:
Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 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 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: Chapel Ridge Zoning: Rural Residential (RR)

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 19.81 acres

Property Owner: See attached Exhibit A

Address:

City: State: Zip:

Phone: Email:

Developer: Trammell Crow Company, c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 Fax: n/a Email: MatthewCarpenter@parkerpoe.com

Engineer: McAdams, attn. Kody Trowbridge

Address: One Glenwood, Suite 201

City: Raleigh State: NC Zip: 27603

Phone: 919-287-0841 Fax: n/a Email: trowbridge@mcadamsco.com

Builder (if known): n/a

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	 (919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

January 31, 2022

Re: Notice of Virtual Neighborhood Meeting

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on February 16, 2022 from 6–8pm. The purpose of the meeting is to discuss an upcoming application to rezone 7 parcels of land located at 1200 Chapel Ridge Road (PIN 0732256180), 1204 Chapel Ridge Road (PIN 0732249869), 1205 Chapel Ridge Road (PIN 0732352538), 1209 Chapel Ridge Road (PIN 0732354594), 1220 Chapel Ridge Road (PIN 0732343920), 1225 Chapel Ridge Road (PIN 0732347912), and 1512 Clark Farm Road (PIN 0732340602) (collectively, the "Property"). The Property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ).

The applicant is proposing a rezoning to PUD-CZ to facilitate the development of an amenitized multi-family community. During the meeting, the applicant will describe the nature of this rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcel; (2) a zoning map of the subject area; (3) a preliminary concept plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

The meeting will be held virtually. You can participate online via Zoom or by telephone. To participate in the Zoom online meeting:

Visit:	https://zoom.us./join
Enter the following meeting ID:	893 2645 9717
Enter the following password:	329414

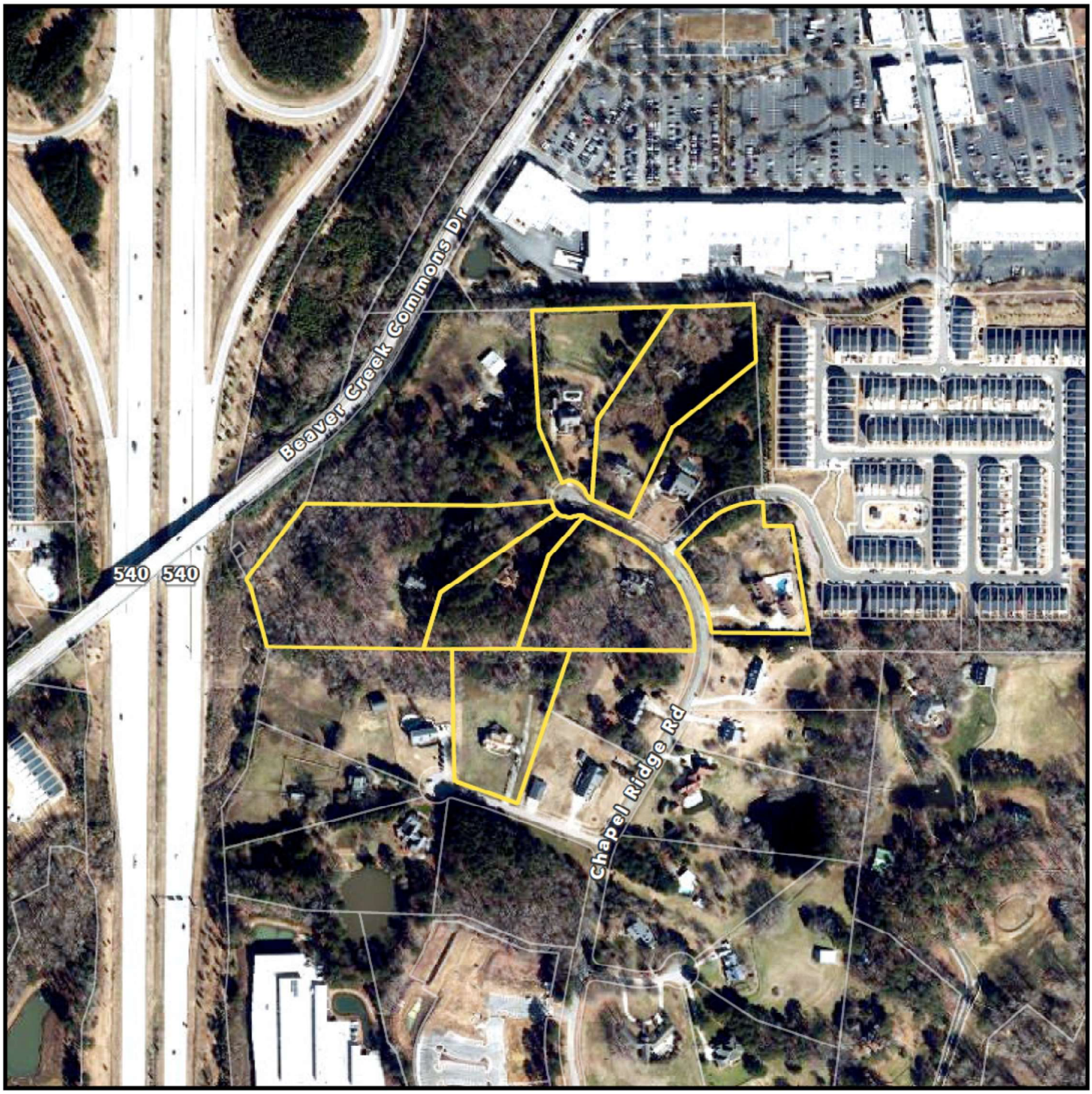
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	893 2645 9717 #
Enter the Participant ID:	#
Enter the Meeting password:	329414 #

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Thank you,

Matthew Carpenter



Rezoning of:

1220, 1204, 1205, 1209, 1220 and 1225 Chapel Ridge Road, & 1512 Clark Farm Road

N

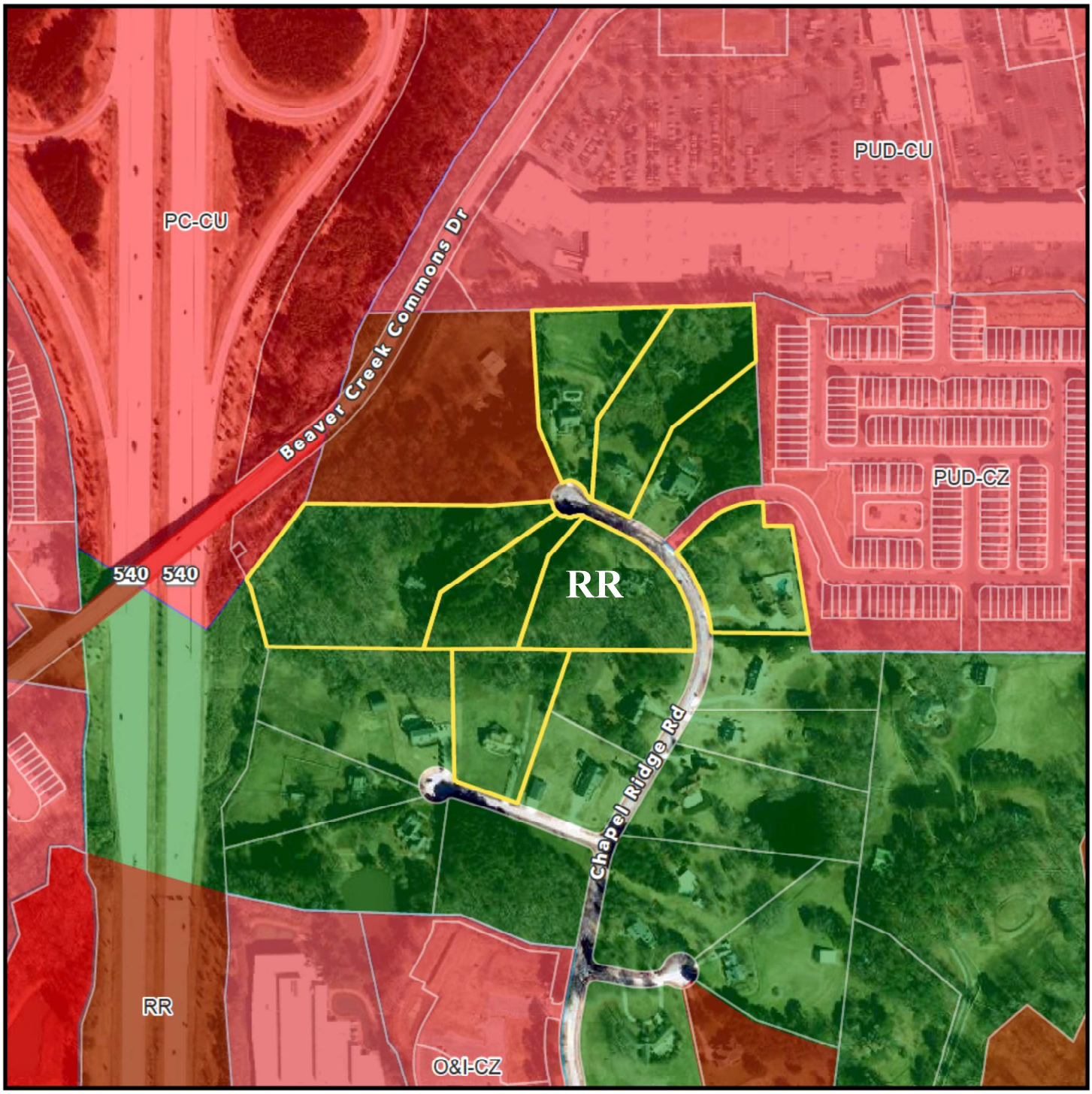
0 200 400 800 ft

1 inch equals 400 feet

Vicinity 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.*



Rezoning of:

1200, 1204, 1205, 1209, 1220 and 1225 Chapel Ridge Road; & 1512 Clark Farm Road

N

0 200 400 800 ft

1 inch equals 400 feet

Zoning Map

Current Zoning: RR

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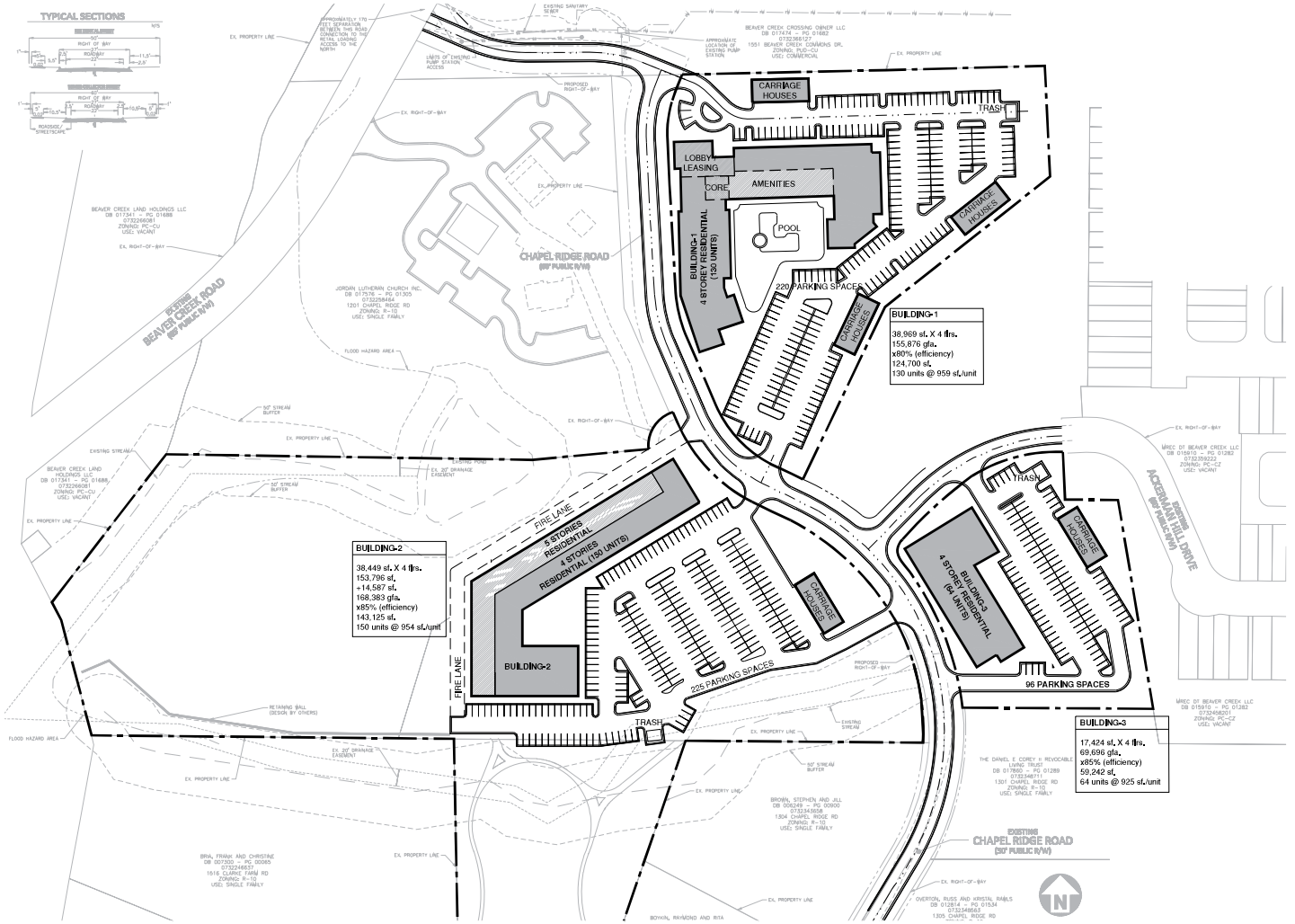
*** Preliminary Concept Plan, subject to change**



1 **SITE PLAN**
Scale: 1/64" = 1'-0"

RULE JOY TRAMMELL + RUBIO LLC
ARCHITECTURE | INTERIOR DESIGN
300 Galleria Parkway Suite 740 Atlanta, Georgia 30339
770-661-1492 (phone) 770-661-1493 (fax)
www.rjtrdesign.com

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PRINTED

DATE	ISSUE/REVISION

NOT ISSUED FOR CONSTRUCTION

SITE PLAN

CHAPEL RIDGE RESIDENTIAL

PRELIMINARY SITE PLAN
APEX, NORTH CAROLINA

COMMISSION NO: 2021-105.00

DRAWING NO:
A0-01

Exhibit A
Trammell Crow PUD-CZ
Owner Information Addendum

Parcel 1
Site Address: 1200 Chapel Ridge Road
PIN: 0732256180
Deed Reference (book/page): 12343/2193
Acreage: 5.27
Owner: Su Yueh Kao and Chi Chang Ho
Owner Address: 1200 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 2
Site Address: 1204 Chapel Ridge Road
PIN: 0732249869
Deed Reference (book/page): 8218/1726
Acreage: 1.71
Owner: Michael P. Mohan and Catherine A. Mohan
Owner Address: 1204 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 3
Site Address: 1205 Chapel Ridge Road
PIN: 0732352538
Deed Reference (book/page): 12171/2059
Acreage: 2.48
Owner: Douglas Cox and Carrie Cox
Owner Address: 1205 Chapel Hill Road, Apex, NC 27502-8502

Parcel 4
Site Address: 1209 Chapel Ridge Road
PIN: 0732354594
Deed Reference (book/page): 6236/386
Acreage: 3.0
Owner: Ronald L. Stringari, and Katherine L. Stringari
Owner Address: 1209 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 5
Site Address: 1220 Chapel Ridge Road
PIN: 0732343920
Deed Reference (book/page): 4168/302
Acreage: 2.88
Owner: Larry L. Carlson and Kathi E. Carlson
Owner Address: 1220 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 6
Site Address: 1225 Chapel Ridge Road
PIN: 0732347912
Deed Reference (book/page): 9720/361
Acreage: 2.13
Owner: Tigh M. Dundieff and Diane Cundieff
Owner Address: 1225 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 7
Site Address: 1512 Clark Farm Road
PIN: 0732340602
Deed Reference (book/page): 5351/223
Acreage: 2.34
Owner: David D. Sherry and Ethel V. Sherry
Owner Address: 1512 Clark Farm Road, Apex, NC 27502-8500

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/striping, 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.

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: Online via Zoom

Date of meeting: February 16, 2022 Time of meeting: 6:00

Property Owner(s) name(s): See exhibit A attached to neighbor notice letter

Applicant(s): Josh Dix, Trammell Crow Company

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.	**See attached attendance list**				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

Chapel Ridge PUD
Neighborhood Meeting Sign-In Sheet
February 16, 2022

Mike Bishop
Rita Boykin
Sara Grover
James Faulkner
Melinda Busi
Jim Serino
Nancy Corey
Prakash Patel
Mike Mohan
Michael Merker
Carrie Cox
Kathi Carlson
Jason Buehring
Scott Kipp
David Prestrud
Shree Gopalprabhu LLC
Russ Overton
Cat Mohan
Richard Biseli
Charles Pope

*Contact information was received but has been redacted for filing

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): See exhibit A attached to neighbor notice letter

Applicant(s): Josh Dix, Trammell Crow Company

Contact information (email/phone): _____

Meeting Address: Online via Zoom

Date of meeting: February 16, 2022 Time of meeting: 6:00

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: How many units are planned for the project?

Applicant's Response: We expect around 357 apartment units spread across three separate buildings along Chapel Ridge Road, although the final density and acreage will be determined when we file the rezoning application and PUD documents.

Question/Concern #2: Can you look at moving the dumpster currently shown along the southern property line? As shown, the dumpster would be close to my home and I do not want to hear and see garbage trucks pulling in and out.

Applicant's Response: Final dumpster locations will be determined at the site plan stage, but we can look at adding a condition to the PUD text that there won't be a dumpster within x feet of your property line.

Question/Concern #3: Will the extension of Chapel Ridge Road be public right-of-way or a private road? If public right-of-way, will it be maintained by NCDOT or the Town of Apex?

Applicant's Response: The portion of the Chapel Ridge extension north of the existing cul-de-sac, all the way up to the shared property line with Beaver Creek will be public right-of-way. The portion across the Beaver Creek property will be a private road but will be subject to a public access easement. We have had preliminary discussions with Town transportation staff, but do not know definitively at this point whether the public right-of-way portion of Chapel Ridge will be maintained by the Town or NCDOT.

Question/Concern #4: General concerns about traffic, including cut through traffic from residents of the proposed development.

Applicant's Response: We expect the Chapel Ridge Road extension to improve traffic connectivity in the area. We are in the process of completing a Traffic Impact Analysis that examines existing and proposed traffic and will recommend any necessary road improvements. The TIA will be filed with our rezoning application.

Chapel Ridge North PUD
Summary of Neighborhood Meeting Discussion
February 16, 2022
6:00 PM via Zoom

Question 1. What is the expected density? Net and gross if you have it.

Response: We are currently planning approximately 350 units and an overall density between 17-20 units an acre depending on our final total acreage.

Question 2. Could you further explain the PUD designation? Maybe give more background? Why PUD. Obviously it's zoning adjacent to Beaver Creek. What real flexibility does that give you? Or what are Apex's from a PUD zoning as opposed to something more traditional? And a follow up, how does that fit into Apex's land use plans?

Response: Normally when you go for rezoning request, you're asking for a change from the base district, so you could be asking for a change from low density residential to high density residential. So those standards for those districts are outlined in the UDO and so what the PUD does, it allows you to draft your own ordinance for just this property and the idea is you can change certain standards like, provide larger sidewalks or reduce a setback. You can change a lot of different things to allow kind of a unique site design. So, part of the reason we went that route, was because it allows us flexibility as to where to locate buildings, driveways, RCA areas, which we will comply with, which won't be any deviation we don't think anyway. So what the Town looks for when you do a PUD, is in exchange for those separate standards, they look for a development that's higher quality. They look for things like architectural commitments, and conditions in that text that ensure that the Town and the neighbors will get a high quality development in that location. It also adds a lot of conditions and certainty at this stage that you don't see in a regular re-zoning request.

Question 3. I'm at 1213 Chapel Ridge Road, and I just want to make it clear that I don't want to be the "donut hole" in the center of the re-zoning, nor does the town want a donut hole where the property and the town knows So currently my property is for sale for current market value …..

Response: Reaching out in next week to better understand what your goals are.

Question 4: It's my understanding that the Toll brothers was denied a permit at the beginning of the neighborhood due to [not] enough resources for school and education purposes, so can you explain what you're doing to alleviate those concerns that the Town posed the Toll Brothers.

Response: We don't have a definitive answer on schools right now, but we are aware of the school capacity situation in Apex and we're in the process of doing some research as to what schools in the neighborhood are capped, what schools are under construction, are planned over the next several years, and how those future opening and districting will align with our project. We have had some early discussions as a team about that. We've reached out to Wake County Public Schools, and so it's an ongoing conversation.

Question 5: I assume as part of the traffic studies as well, for what you're proposing it may include a light at Chapel Ridge Road and Old Chapel Road but again I assume you're not quite far enough along to reach those discussion topics.

Response: We don't anticipate there will be a light required but we are in the process now of putting together the traffic impact analysis which will be finished by the time we file. So once we're done with that, we will submit it to the Town and the Town's traffic engineers… well first, when you file a TIA you meet with the Town's engineers and agree on the scoping of the study and what your development will look like which will trigger the traffic numbers in the study. So once we file the TIA the Town will review it and their traffic engineers will recommend mitigation efforts or improvements required based on the impact of the traffic impact analysis.

Question 6: Is the Church property going to connect to the proposed Northern access to your development or is it going to have a separate driveway?

Response: Right now the plan is for the church to have its own driveway. We have thought about it and have reviewed the plans. First, the Church is well ahead of our planning process and they're moving forward and the last thing we want to do is and the last thing they wanted us to do is derail their process. That became difficult. Second, as you all know there are very strict requirements for RCA areas and greenspace, and so we would struggle to fit a roadway anywhere on their site that would impact their greenspace requitement. In the end it made more sense to route the road to the North across the space that is being used as a pump station pull out drainage pond for the shopping center and that doesn't impact the church or their plans whatsoever.

Question 7: I have a couple of questions on the site plan/layout. The first Question: you have the color that runs over my property line. Could you explain a little about that?

Response: This color is actually my way of showing the steam buffer. Not a plan or anything, just trying to identify the buffers.

Question 8: have a concern about that because that site map that you're showing everybody, unless you can expand it, the site plan that was given to us, the Southwest of building 3, there is an existing stream on that property so if you develop that property what's going to happen to that stream in terms of pushing it on to people's property to the south?

Response: I can clarify a little on this one. Early on in this process we downloaded GIS data before we could get survey teams and environmental consultants out to the site. And so that line came from GIS data but we have since had natural resource consultants go out and evaluate the environmental features on this site and the stream buffer that has been determined kind of ends about in the middle of that southern parcel where that green line is going through and does not extend. So it's even further west than the ..and down of that far south parcel above that buffer and everything to the right of that has been determined non-jurisdictional. Which The town of Apex , the natural resource consultants are coordinating with them to confirm their initial determination but we do not plan to impact any stream buffers.

Question 9: that leads me into my second question. And thank you for answering that, is on the west side are you keeping that open, I think you called it a park area and all that, there is a large portion of that that is deemed wetlands, okay. I believe it's up and to the left. Are you planning on petitioning to convert any of those wetland at any point in the future. And secondly, no matter what, if you do building #3, are you planning on doing an environmental impact study?

Response: We do not plan to have any wetlands impacted by this project. I believe in the most recent determination we received they did not find any jurisdictional wetlands out in that area. And that will still go through coordination through the town and confirmation with Town staff. But the only environmental features determined on this site by our consultant are the stream along the far western property boundary kind of parallel to beaver creek road and then that portion of the southern stream up until about the middle of that southern parcel.

Follow up: ok did I hear that right? You checked and you said it wasn't wetlands?

Response: Yes, that's correct. We've had a professional environmental consultant evaluate that area.

Question 10: Russ Overton: Mike asked a question about the traffic study and the signal, but I was wondering about the, at the appropriate time, if it was possible to get a copy of the traffic study just to see what the assumptions are, how much traffic this is actually going to out on Chapel Ridge Road itself, not necessarily a question about a signal or not, just traffic in general.

Response: We will actually file that as part of our application. So it will be publicly available.

Question 11: Ok and number of units are one thing, do you have an idea of breakdown of units; if its 1 bedroom, 2 bedroom, 3 bedroom and potentially with that how many people that might end up bringing and also then how many parking spaces would then be required?

Response: Obviously Russ, it's a bit in flux as you could imagine, but we're looking at a pretty even mix, about 50/50 or 45/55 between 1's and 2-3s. that's the current plan. I just pulled it up real quick. It looks like we're 45/45/10. So 45% one bedroom, 45% 2, and 3 bedroom 10%. The average size for the units is under 1,000 square feet, 950 across the buildings. We are looking at all surface parking if you can see on this plan, nothing structured and a ratio that will be 1.5 maybe even under that. We will be refining the parking as we refine the bedroom count mix. We like to make sure generally in all developments we do that you have about one parking space per bedroom. So it works out somewhere about that 1.5 a little less.

Question 12: Are you going with the Apex standard parking or are you asking for any special reductions? Does the PUD allow for any reductions as a special condition or anything?

Response: The PUD does allow for it, but you know we went in to our initial meeting with the Town and what you see I believe meets the UDO standard, which I think is 1.5 if I remember correctly. But the Town did mention they have a lot of parking lot landscaping requirements that actually exceed what you see here, so that may reduce a couple of spaces. So we're going to be right around what's required maybe a couple spaces less, we don't know for sure yet.

Question 13: I was going to ask you about storm water. I know it's a preliminary concept plan, but is it under the parking? Have you contemplated that yet? How you might treat stormwater?

Response: We're planning on the majority of the treatment to be through surface treatment, through most likely a wet pond, essentially a bio retention area but more of your typical surface pond treatment as opposed to large underground vaults.

Question 14: There's like a curve line, it's in the middle, it's probably I'm guessing where the cul-de-sac is, yes right there, So it's a curve and it's a collector and Matthew I was asking you

it's a collector by Apex standards coming out of Hempstead, so the rest of it's a DOT road, are you contemplating some abandonment by DOT, I'm guessing that might be an abandoned right of way that you'd be taking advantage of because you're re-aligning the road and then would that become a private street, an Apex street, how are you dealing with the DOT situation with the current status of the road?

Response: We talked to the Town transportation stuff about this and they are open to all of Chapel Ridge being a Town maintained road but we haven't settled on that yet. The majority of the extension would be public Right of way, whether that's DOT or that's the Town of Apex. Right here, you can see that line, shaded in the blue area here, north of that area shaded in blue is the Beaver Creek Commons Property. So what we're going to acquire from them is an easement over this portion and so for that reason that portion of the road is most likely going to eb a private drive. What that will look like practically we think, is that will execute a public access easement to the Town so that it will function just like a public right of way, but be maintained by the property owner.

This curve continues there so you can see think pink on the screen and the property line is actually more about right here and so this is intended to have that right of way go to the Town or to NC DOT, and regardless of how it ends up working out, it would be public right of way of some sort from that pink line I'm drawing back down to the existing right of way. So that swath would be right of way. And as Matthew said this (references blue portion) is a little more complicated and we're working with the Town in terms of the best way, the intention is that it's public access no matter what. But what form legally it takes, is still TBD.

Question 15: I have a very minute question that probably pertains alone to my property, but in the building 2 schematics you have there, is there room for negotiation as far as where you have that trash dumpster? I would really like to not go out on my back porch and be smelling trash.

Response: Absolutely we can talked about where that can be. Again, I wouldn't get too hung up on a lot of this but it's a valid point and we're happy to talk about that. The Architect and Kody are taking notes. We will take a look we're that can be. The locations of things like dumpsters, will actually be determined at the site plan and so that process happens after the zoning. So locations of things like this are normally sited at site plan, but there's some specific requests like the one you just raised, that we can make sure of that before we go to site plan. We can work on a condition that would limit how close dumpsters can be placed to your property line.

Question 16: Going back to that buffer area to the West of Chapel Ridge Road and the Church property, who would be responsible for whatever would be in that buffer zone as far as planting and that kind of thing. You drew those pink lines to the West…

Response: So the intent is that this would all be sidewalks and would be landscaped and would all be done by the development team, by us, and that we would maintain those buffer zones as we would the rest of the property. Commercially landscaped, commercially mowed, things like that.

Question 17: One other question, on the south side under the property line, there's a pond that runs through the property line, what is your consideration of that pond. We can talk offline about it if you would like, but if you have an answer?

Response: We currently don't have any plans to use the pond but can discuss this further.

Question 18: My personal feeling, and I'm only speaking for myself, I have always had a hard time with it being maintained by DOT, maintenance whatever, even though it looks great right now because they just repaved it, but just to get some consistency rather than it being segmented Dot owns that then back to Apex.

Response: We don't have strong preferences who maintains it. For example, if you want to have Apex maintain all of Chapel Ridge, we can definitely include you in those discussions, might make them more likely to take over the street

Question 19: What will be discussed at EAB tomorrow night? Can you give us details? Are you asking them for anything? Proposing something? What do they look for what do they do? Can you clue us into an EAB meeting in Apex?

Response: The EAB is the Environmental Advisory Board and it's kind of like, a sub-board for the a planning commission for the environment. What they'll do, we've submitted a request to them saying you know, we've filed this zoning request, here are our initial plans, and they will provide recommendations to us that will provide a certain number of electric vehicle charging stations. They request things like signs that demarcate wetlands, or buffers, solar power. So the initial meeting is going for them to provide recommendations to us as to what they think we should include in our re-zoning application. They're a little unique, they are the only jurisdiction that has this that I know of.

Question 20: Regardless of the traffic study, we're actually living here in this subdivision and have noticed a ridiculous amount of traffic that has come from that Hempstead community, so whether you take over the whole road, or just that small portion, I'd like to strongly encourage the use of speedbumps through there. People are unfortunately using it as a cut through to get to other areas of Apex. I normally take walks, and I'm constantly wondering if I'm going to be hit because people are not driving 25 mph through there. So I would like to strongly suggest your consideration of that.

Response: We can explore traffic calming measures but Town transportation staff and NCDOT are normally pretty strict when it comes to traffic calming measures.

Question 21: I have several things, but let me start of by saying (address given) and my husband and I along with our neighbors are opposed to this, strongly. I just want to go ahead and get that out front. I think everyone else probably knows that. First, I noticed at the beginning of the introduction, you showed the overview of everything and you pointed out Beaver Creek, you pointed out Hempstead, you pointed out these neighbors that want to sell and put apartments there, and noticed, I think you may have pointed out, 540, office park and you did the 100 townhomes that are supposed to be possibly developed here. You did not mention the homeowners who are single family homes, who want to stay here. I just thought that was sort of obvious. You talk about everyone else here in the neighborhood but those of us, some of us, living here for over 30 years.

Response: There was no nefarious intent there. You all live there

Question 22: I'm sure there wasn't but you talked about everyone else…but anyway.. I'm going to continue from there, okay? You were going to out forward to the Town of Apex, requesting a rezoning from rural residential, even though the 2045 plan says medium density, to the PUD. Apparently, you are not submitting your own land use map amendment to Apex, you are requesting a PUD – CZ. All that is, is just going around and changing that property from medium to high density. That's all it is. Instead of going in and being straight forward about it and trying to see if you can get it re-zoned …anyway…you know what I'm talking about. It just doesn't seem quite right. I know that's the way things are done.

Response: We are not actually trying to get around anything, that's actually a change in the law recently. You know, before, I think it was last year, we you submitted a rezoning request that was different than the future land use map, you also submitted a future land use map amendment request. And so now, 160D, which is the new statute that governs development and municipalities, when you re-zone properties and the proposed use is different than the land use map, the land use map is automatically amended. So even if we filed a future land use map amendment, the Town wouldn't review it. You know, the Town did that in another case, and the said, you know it happens automatically now, we don't accept these with re-zonings.

Question 23: You have an area on Barnside lane and that area is approximately a little over 21 acres. And you're dealing with a little over 19. They have gone to the Town of Apex, and first of all I think they were request 116 townhomes. That did not pass by the Town council, because of schooling and I think a few other issues. You on the other hand, are looking at little over 19 acres and are proposing, now well was 344, now I think its 350 approximately on just about the same acreage. I mean that's going from 4 plus units an acre down her on the Barnside and you're proposing 17-19 units per acre. That's just the extreme. I mean what they're proposing at Chapel Ridge Townes is within the medium density, the lower part because medium density for residential is 3-7 units per acre. Why are you coming up with this many? Is it because you're having to pay that much more for the property than they have? I mean when you're talking about putting 4 story apartment buildings next to single story family homes, it's just…abhorrent. It's about the only word I can think of right now. … I can't understand why one developer is working at 100 units and you're working at 350 on pretty much the same acreage. But, okay, after that, the other thing I want to talk is let's see.. you were talking about traffic. The road coming through here. Well, if you think this is such an ideal situation to the extend Chapel Ridge Road out behind a shopping center, coming in and out at the back of the shopping center then why don't you think about putting a cul de sac right there before your apartment buildings start. And that way you'll have that one entrance and exit. They can also use Hempstead, unless, because you want to put in 350 units you have to have 3 exits, is that why?

Response: No, it's not the density. The Town really dis-favors cul de sacs, you know they haven't said this, but my experience in the past they probably wouldn't approve a cul de sac here. They like connectivity and different access points to help with traffic circulation. But that's what this plan does. We differ in that I understand.

Question 24: I understand completely and it makes sense not to put one there, but I do not see 350 units/people or more, wanting to go in an and out of that back entrance from the back of the shopping center. They're going to come in off Chapel Ridge Road. I mean Olive Chapel and it's just going to add to that I mean we have what we have we're dealing with now Hempstead is 193 townhomes I believe. They now want to put 1 00 at the entrance. And you're talking 3 50 more individuals or families I mean that traffic situation is going to be again just a poor just abhorrent.

Absolutely it's going to be a nightmare. We live here. And you don't. Ok you got all this green and it might not be wetlands, but it's wet back there which if you've had anyone traipsing back through there and we have seen surveyors going back there.

They know it's wet. That's an awful lot of land that's not cannot be used I mean you can say it's part of the RCA and you're going to use it for screen buffers and stuff like that and storm retention. That's a lot of acreage that's not being utilized and then you have a Sherry property which is right beside my property and also the Brea's and no ….. You're going to jut out between three homes I mean that's just when you look at that it just makes no sense whatsoever.

Response: The Sherry property actually you know they're right now they're no buildings or developments proposed for that lot. So the site, that property is included in the site, but there are no buildings there so it won't jut out at all by your property. It will stop along the edge of the parking lot right there.

Question 25: but what should happen in 10 years? You own the property what's to say it's not going to be developed later on?

Response: If we include it as part of our plan, and show it as open space or RCA area, then it won't be. If we cut it off and sold it, it could be re-developed. But it's a small enough lot that it would be tough to support really a separate development on just that parcel because it's not its own space.

Question 26: why even have their why even have that lot in that home in with everything else? I know part of it because I know little bit of what's been going on we have a bunch of neighbors rather than sell their houses individually, decide to get together because they thought they could get more money for their property and the Sherry's said OK let's get in and join it and it just….. I don't know anyway that's not real please pleasant either. Then there's the issue with the lighting. You've got lighting at all on these apartments lights I'm sure on the buildings lights in the parking lot next to single-family homes that's not good. We've had issues with the office park down here. It took nine months to get that straight and it still an awful lot of lights with three more buildings to. So there's a concern. I mean we're talking concern with trash cans, lighting is another concern. Lighting is right next to those people and it's just….
It's a mess I mean you look at something you're going in and putting apartments.
And I want to say 19 acres you're not even utilizing 19 acres and then they're just right next to single-family homes whether it's the Bishops whether for the Coreys it ….it just...It does not look like it's been well thought out and well planned .. um…. I'm trying to think there's anything else I wanted to ask because I've got notes here and there. It is not wanted. When you take a look at the chapel the Old Chapel Ridge land map, the original development, which was 22 lots and you look at that now and it wants to be chopped up into six different projects you might say it's not really projects, but you're talking flex 540, you're talking the office Park, you're talking a possible 100 and townhomes at the south end, you're talking about those people who have single-family homes who wish to stay here who do not wish to sell out to developers you have this, your group which wants to put 350 high-rise apartments right next to us.

Question 27: Can I follow up on her…. Rita sparked some questions and I want to get a couple of them to on the cul-de-sac issue and Matthew I know you said with Apex likes but I might would point to … I think it's the village at Westford apartments. This was brought up

previously. The developer actually built a cul de sac in that and that it's kind of stubbed my opinion from a traffic engineer prospective, which I am one they should've connected through but they didn't for some reason so it's really hard to understand when Apex says things like that why one subdivision gets something in our subdivision get something different.

Response: That's fair. What I was referencing is there's language in the PUD section in the UDO that actually says that cul-de-sacs should be avoided. I think what people do, is reference the sentence after that that says, except for some extenuating circumstances and they probably cited those.

Question 28: I'm not trying to call you out with me in particular have pointed some of these inconsistencies out to Apex and we seem to always be at the… so I get Rita's frustration and a lot of frustration in the neighborhood, because we seem to get the deal and I think I mentioned it feels like a death by 1 000 cuts sometimes… well if I can qualify something you said on the Sherry property, you said that property could be included in the CRA? I wanted to… is it included as a CRA or not.

Response: Let me be more clear on what we're evaluating there, We're trying to decide whether we're going to include that lot in our re-zoning request in this development at all. And so if we include it, I think, and Kody can correct me if I'm wrong, most of it will be RCA and if we don't include it then it would stay a single-family home and it wouldn't be part of our re-zoning request.

Question 29: The medium density thing is hard to swallow …a sub-committee of the Town Council invited us to a meeting. Some of the neighbors that wanted to sell, some that don't want to sell, it was a mixed bag from the neighborhood I guess, we all went they were asking us our opinion I guess. We all got to speak. Well, the ones that wanted to speak, because they were changing the plan at the time and ultimately they concluded through a no vote not to change the plan, so I think it's hard to understand you know where Apex is at regardless of what the law allows or doesn't allow it's like there's an open dialogue about keeping the Land use plan at medium density despite what some people may have wanted to change it and they kept it that way so I think that's that again something maybe for us talk to Apex about to get an understanding. For myself, I just want to understand what the neighborhood should or wants to become. And I'll make this my last comment; as I feel like Rita. I'm not supportive of this either.

Question 30: My wife and I are at 1313 Chapel Ridge Rd. which is next-door to Russ across the street from Rita and Melinda and I just wanted to say amen to everything to Rita said. I want it to be understood that she pretty much speaks for all of us who plan to stay here, in her concerns and her frustration with the way things have gone here in in particular what's being proposed here so just want to put that on the table thanks.

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, Matthew J. Carpenter, 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 online via zoom (location/address) on February 16, 2022 (date) from 6:00 (start time) to 8:00 (end time).

4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.

5. I have prepared these materials in good faith and to the best of my ability.

3/1/2022
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cindy Wieland, a Notary Public for the above State and County, on this the 1st day of March, 2022.

SEAL

CINDY WIELAND NOTARY PUBLIC WAKE COUNTY, N.C.

Cindy Wieland
Notary Public

Cindy Wieland
Print Name

My Commission Expires: 2-22-26

August 22, 2022

Neighborhood Meeting –

Required to add Bishop property to the case and change the proposed use for the Sherry property.

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 5, 2022
Date

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

See attached Exhibit A	See attached Exhibit A
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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	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)):
The applicant is proposing to rezone the property to Planned Unit Development - Conditional Zoning District to facilitate the development of an amenitized multi-family community with one or more single-family detached homes. Additional information will be provided at the meeting.

Estimated submittal date: Application was submitted March 1, 2022

MEETING INFORMATION:

Property Owner(s) name(s):	See attached Exhibit A
Applicant(s):	Josh Dix, Trammell Crow Company c/o Matthew Carpenter
Contact information (email/phone):	matthewcarpenter@parkerpoe.com; (919) 835-4032
Meeting Address:	Apex Recreation Center; 53 Hunter Street, Apex, NC 27502
Date/Time of meeting**:	August 22, 2022 (6:30 - 8:30 PM)

Welcome: 6:30 PM Project Presentation: between 6:30 - 8:30 PM Question & Answer: between 6:30 - 8:30 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.

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: Chapel Ridge Zoning: Rural Residential (RR)

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 19.81 acres

Property Owner: See attached Exhibit A

Address:

City: State: Zip:

Phone: Email:

Developer: Trammell Crow Company, c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

Phone: 919-835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

Engineer: McAdams, attn. Kody Trowbridge

Address: One Glenwood, Suite 201

City: Raleigh State: NC Zip: 27603

Phone: 919-287-0841 Fax: N/A Email: trowbridge@mcadamsco.com

Builder (if known): Trammell Crow, c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27603

Phone: 919-835-4032 Fax: N/A Email: matthewcarpenter@parkerpoe.com

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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

August 5, 2022

Re: Notice of Second Neighborhood Meeting

Neighboring Property Owners:

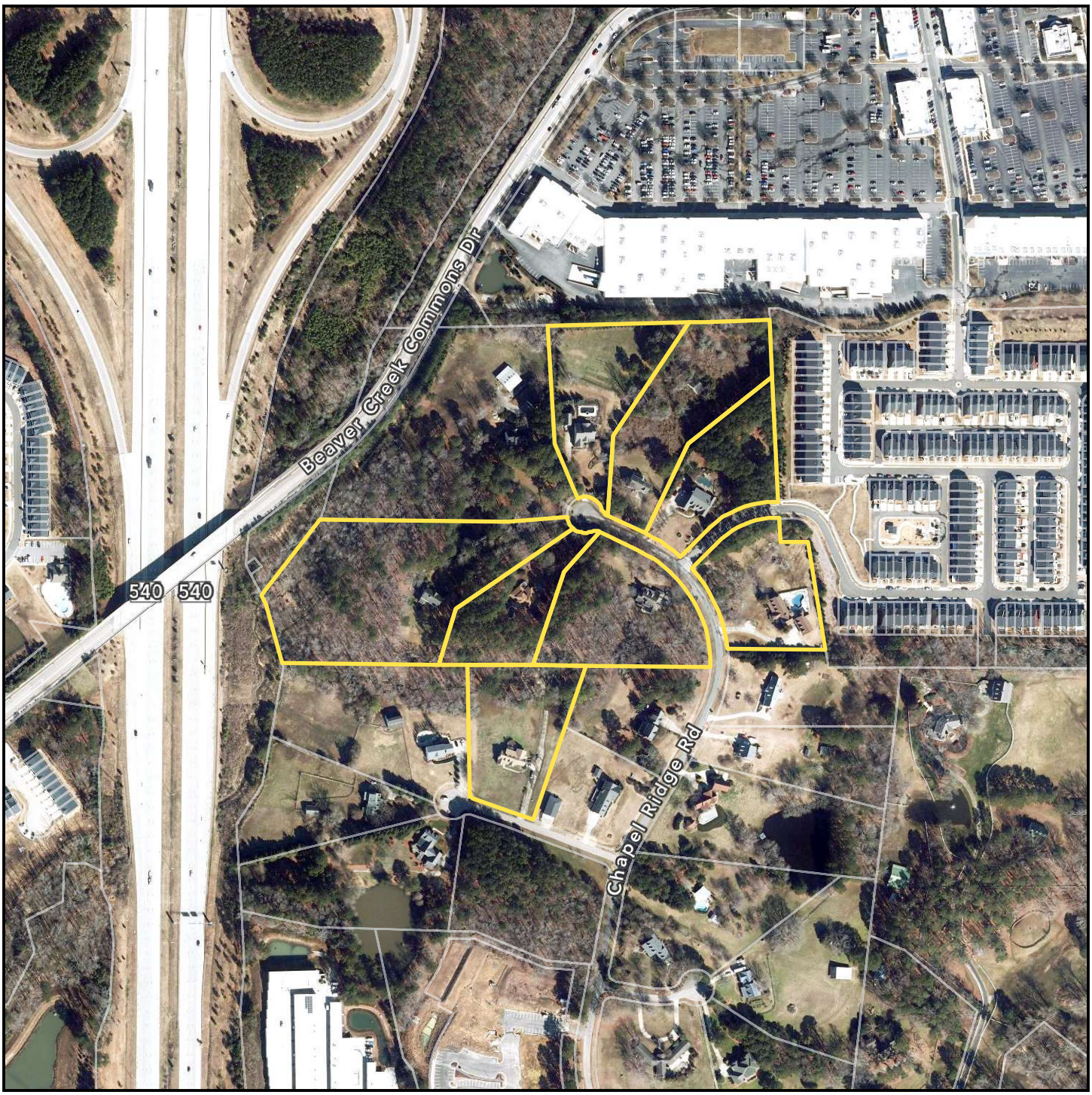
You are invited to attend a neighborhood meeting on August 22, 2022 from 6:30–8:30pm at the Apex Recreation Center, located at 53 Hunter Street, Apex, NC 27502. The purpose of the meeting is to discuss 22-CZ-07, the proposed rezoning of 8 parcels of land located at 1200 Chapel Ridge Road (PIN 0732256180), 1204 Chapel Ridge Road (PIN 0732249869), 1205 Chapel Ridge Road (PIN 0732352538), 1209 Chapel Ridge Road (PIN 0732354594), 1213 Chapel Ridge Road (PIN 0732356305), 1220 Chapel Ridge Road (PIN 0732343920), 1225 Chapel Ridge Road (PIN 0732347912), and 1512 Clark Farm Road (PIN 0732340602) (collectively, the "Property"). The Property is currently zoned Rural Residential (RR) and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ).

The applicant is proposing a rezoning to PUD-CZ to facilitate the development of an amenitized multi-family community that could include one or more single-family detached homes. During the meeting, the applicant will describe the nature of this rezoning request, provide updates since the first neighborhood meeting, and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the subject parcel; (2) a zoning map of the subject area; (3) a preliminary concept plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Thank you,

Matthew Carpenter



Rezoning of:

1220, 1204, 1205, 1209, 1213, 1220 and 1225 Chapel Ridge Road, & 1512 Clark Farm Road

N

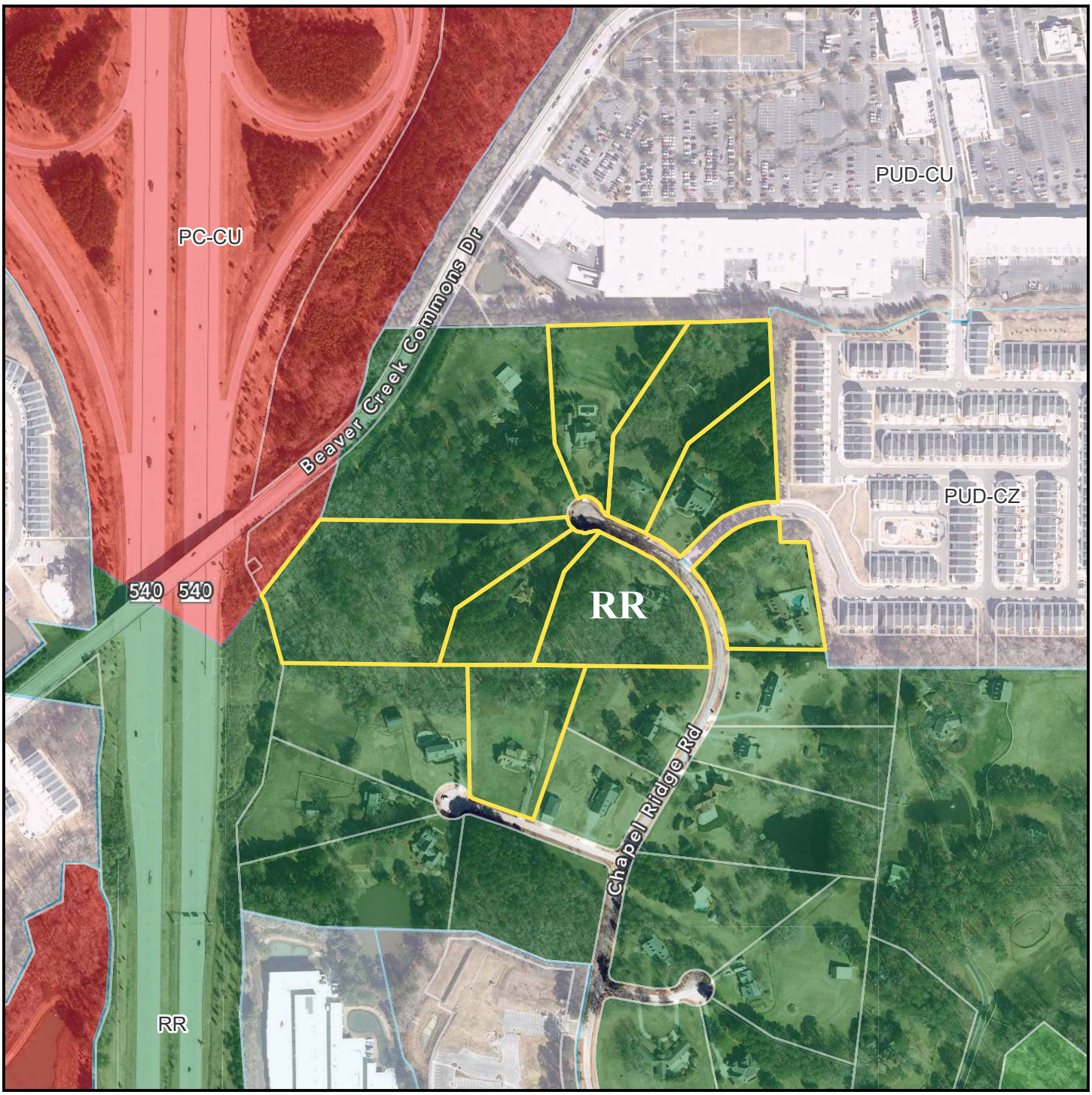
0 200 400 800 ft

1 inch equals 400 feet

Vicinity 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.*



Rezoning of:

1200, 1204, 1205, 1209, 1213, 1220 and 1225 Chapel Ridge Road; & 1512 Clark Farm Road

N

0 200 400 800 ft

1 inch equals 400 feet

Zoning Map

Disclaimer
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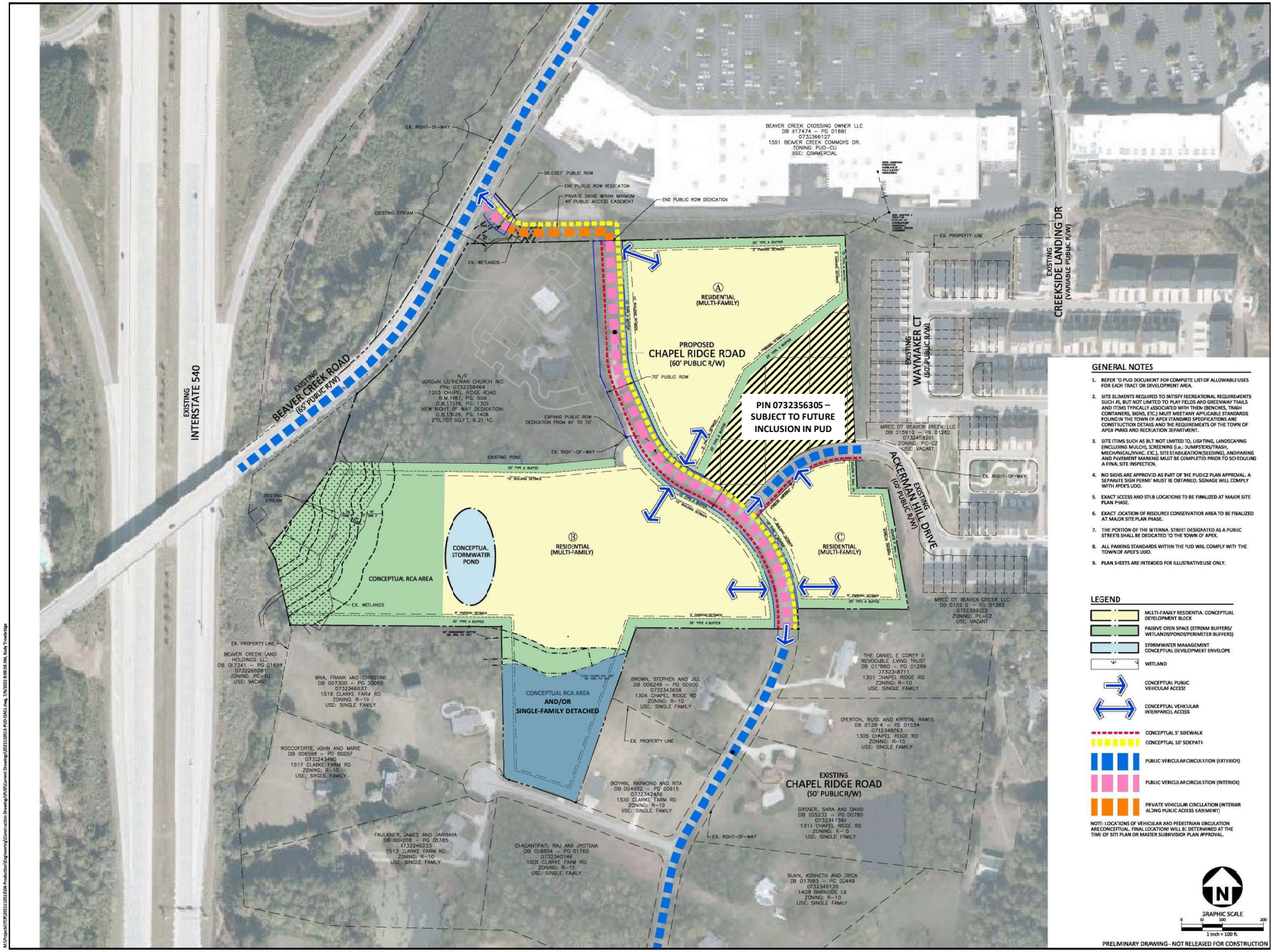
Current Zoning: RR



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

H16H STREET DISTRICT DEVELOPMENT, INC.
555 FAYETTEVILLE STREET SUITE 300
RALEIGH, NC 27601
CONTACT: JOSH DIX

CHAPEL RIDGE NORTH
PLANNED UNIT DVELOPMENT PLAN
APEX, NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL SEAL 046723 ENGINEER JOHN R. C. MCADAMS JR. NOT FOR CONSTRUCTION

REVISIONS

NO	DATE	
1	04. 08. 2022	PERTOWN OF APEX COMMENTS
2	05. 13. 2022	PERTOWN OF APEX COMMENTS
3	06. 10. 2022	PERTOWN OF APEX COMMENTS
4	06. 28. 2022	PERTOWN OF APEX COMMENTS
5	07. 06. 2022	PERTOWN OF APEX COMMENTS

PLAN INFORMATION

PROJECT NO.	202:110513
FILENAME	202:110513-PUD-OAS1
CHECKED BY	DCB
DRAWN BY	KST
SCALE	1"=300'
DATE	03. 01. 2022

SHEET

PRELIMINARY LAYOUT PLAN
C2.00

Exhibit A
Trammell Crow PUD-CZ
Owner Information Addendum

Parcel 1
Site Address: 1200 Chapel Ridge Road
PIN: 0732256180
Deed Reference (book/page): 12343/2193
Acreage: 5.27
Owner: Su Yueh Kao and Chi Chang Ho
Owner Address: 1200 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 2
Site Address: 1204 Chapel Ridge Road
PIN: 0732249869
Deed Reference (book/page): 8218/1726
Acreage: 1.71
Owner: Michael P. Mohan and Catherine A. Mohan
Owner Address: 1204 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 3
Site Address: 1205 Chapel Ridge Road
PIN: 0732352538
Deed Reference (book/page): 12171/2059
Acreage: 2.48
Owner: Douglas Cox and Carrie Cox
Owner Address: 1205 Chapel Hill Road, Apex, NC 27502-8502

Parcel 4
Site Address: 1209 Chapel Ridge Road
PIN: 0732354594
Deed Reference (book/page): 6236/386
Acreage: 3.0
Owner: Ronald L. Stringari, and Katherine L. Stringari
Owner Address: 1209 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 5
Site Address: 1220 Chapel Ridge Road
PIN: 0732343920
Deed Reference (book/page): 4168/302
Acreage: 2.88
Owner: Larry L. Carlson and Kathi E. Carlson
Owner Address: 1220 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 6
Site Address: 1225 Chapel Ridge Road
PIN: 0732347912
Deed Reference (book/page): 9720/361
Acreage: 2.13
Owner: Tigh M. Dundieff and Diane Cundieff
Owner Address: 1225 Chapel Ridge Road, Apex, NC 27502-8502

Parcel 7
Site Address: 1512 Clark Farm Road
PIN: 0732340602
Deed Reference (book/page): 5351/223
Acreage: 2.34
Owner: David D. Sherry and Ethel V. Sherry
Owner Address: 1512 Clark Farm Road, Apex, NC 27502-8500

Parcel 8
Site Address: 1213 Chapel Ridge Road
PIN: 0732356305
Deed Reference (book/page): 14563/1075
Acreage: 2.09
Owner: Michael J. Bishop
Owner Address: 1213 Chapel Ridge Road, Apex, NC 27502-8502

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/striping, 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: Apex Community Center; 53 Hunter Street, Apex, NC 27502

Date of meeting: 8/22/2022 Time of meeting: 6:30-8:30 PM

Property Owner(s) name(s): See Exhibit A attached to neighbor notice letter

Applicant(s): Josh Dix, High Street District Development, Inc.

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.	**See attached sign-in sheet**				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

NAME	ADDRESS	E-MAIL
FRANK Brin	1516 Clark Farm Rd.	[redacted]
SUZANNE BWALDA	1028 Waymaker Ct	
Michael Merker	1201 Chapel Ridge Rd	
Boudewijn "BP" Hanrath	" " " "	
Melinda Bassi/James Serino	1304 Chapel Ridge Rd	
Nancy Corey	1301 Chapel Ridge Rd	
Ray + Rita Boyle	1500 Clark Farm Rd.	
Jim + Barbara Faulkner	1513 Clark Farm Rd.	
Erin Schultz	1020 Drayman Pl	
Rupesh Mishra	1025 Brownsmith Dr	
DAVID PRESTEL	1313 CHAPEL RIDGE RD	

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): See exhibit A attached to neighbor notice letter

Applicant(s): Josh Dix, High Street District Development, Inc.

Contact information (email/phone): _____

Meeting Address: 53 Hunter Street, Apex, NC 27502

Date of meeting: 8/22/2022 Time of meeting: 6:30-8:30

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.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Chapel Ridge North PUD
Summary of Neighborhood Meeting Discussion
August 22, 2022
Apex Recreation Center

Questions/Comments From Neighbors

- Comment: Neighborhood goals/views are not necessarily in line with goals/views of Town staff.

- Question: Could you consider placing buildings, rather than parking lots, closer to the shared property line with the Coreys and Serinos to reduce noise?

    - ***Applicant response***: We can look into this. However, building placement will also be determined by factors such as existing tree coverage, topography, and Town setback requirements which are better understood at the Site Plan phase.

- Question: Could you consider a fence along the property's southwestern property line? This area is wooded which will make it difficult to determine where the property line is even after construction is complete. Concerned about apartment residents wandering onto neighboring property.

    - ***Applicant response***: We previously discussed a fence along the shared property line but believed a natural buffer would be preferred since much of the property line will remain wooded Resource Conservation Area and a fence would disturb tree cover/natural area. We can reconsider it as an option and look into costs.

- Question: Why does the Concept Plan show the side path extending along the frontage of the Corey property? Our understanding was that the side path would only be built along the project's frontage?

    - ***Applicant response***: This was a drawing error and the side path should stop further north prior to the Corey property. We will revise the Concept Plan to correct this with our next submittal.

- Comment: We generally prefer buildings and density to be pushed as far north as possible.

- Question: What are the Carriage Houses you referred to previously?

    - ***Applicant response***: These will be separate buildings with one or more units above a garage. They are often two stories and will help provide a transition between your homes and the larger apartment buildings.

- Question: How many people can live in one one-bedroom apartment unit?

    - ***Applicant response***: This is typically regulated by the Town's ordinance and the building code. Single-family detached homes are subject to the same limitations

and the Fair Housing Act prohibits certain regulations that treat children/families different than other prospective residents.

- Comment: Decreasing height to 3 stories would be better for residents

    - ***Applicant response***: We've evaluated planned heights across the site and have agreed to limit height in Area C (as labeled on the Concept Plan) to a maximum of three stories. A condition to this effect will be included in the PUD Text with our next submittal.

- Question: Can the bus stop be removed? Staff wants the bus stop but we do not.

    - ***Applicant response***: We can discuss removing the bus stop with staff but it is consistent with Transportation staff and Council's long term transit goals.

- Question: Would you be willing to help in petitioning NCDOT for traffic calming along Chapel Ridge Road?

    - ***Applicant response***: NCDOT has a very specific process for requesting traffic calming. For neighborhoods with no HOA, like Chapel Ridge, NCDOT requires a majority of the owners along the street to join in the petition. Additionally, owners have to agree to be financially responsible for the maintenance and upkeep of traffic calming devices installed in the street. We've printed some information on the petition process we will share with you.

- Question: Does the condition prohibiting construction traffic along Chapel Ridge Road require "no construction traffic" signs to be placed at the intersection of Chapel Ridge Road and Olive Chapel?

    - ***Applicant response***: As currently written, the condition doesn't include signs at that intersection, but we have no problem posting signs there and will add that sign location to the PUD Text with our next submittal.

- Comment: We are generally concerned about the maintenance of the empty homes you are purchasing between the closing and when the homes are actually demolished.

    - ***Applicant response***: We hope to have most of our approvals so that there won't be a large timing gap between when we close and when the homes are demolished. However, if there is a period where we own the property prior to demolition, we will maintain the properties and prevent overgrowth.

- Comment: I think the bus stop is a great idea and will be vital for residents without cars that need to get to work. I would ride the bus and get on at that stop, especially to get to downtown Apex for events where there is limited parking.

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, Matthew J. Carpenter, 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 53 Hunter Street, Apex, NC 27502 (location/address) on August 22, 2022 (date) from 6:30 PM (start time) to 8:30 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.

8/24/2022
Date

By: _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cindy Wieland, a Notary Public for the above State and County, on this the 24TH day of August, 2022.

SEAL

CINDY WIELAND NOTARY PUBLIC WAKE COUNTY, N.C.

Cindy Wieland
Notary Public

Cindy Wieland
Print Name

My Commission Expires: 2-22-26

Notice List for Neighborhood Meeting

OWNER	MAILING ADDRESS		
APEX TOWN OF	PO BOX 250	APEX NC 27502-0250	
ASHOK, VIMAL DEV DEV, SANGITA VIMAL	1015 WAYMAKER CT	APEX NC 27502-4325	
ASHRAFI, ZAHRA JOGHATAEI, MAJID	1013 WAYMAKER CT	APEX NC 27502-4325	
BEAVER CREEK CROSSINGS OWNER LLC	TYLER COVINGTON	1111 METROPOLITAN AVE STE 700	CHARLOTTE NC 28204-3424
BEAVER CREEK LAND HOLDINGS LLC	2574 CORLEY WOOD DR	RALEIGH NC 27606-4266	
BECK, PATRICK A LIU, JANET F	8412 SECRETO DR	RALEIGH NC 27606-0030	
BHATTA, HIMANSHU	1004 WAYMAKER CT	APEX NC 27502-4325	
BISHOP, MICHAEL J	1213 CHAPEL RIDGE RD	APEX NC 27502-8502	
BOYKIN, V RAYMOND JR BOYKIN, RITA L	1500 CLARK FARM RD	APEX NC 27502-8500	
BRIA, FRANK A III BRIA, CHRISTINE	1516 CLARK FARM RD	APEX NC 27502-8500	
BUNN, KENNETH G. BUNN, ERICA CHRISTINE	1408 BARNSIDE LN	APEX NC 27502-8501	
BUWALDA, NATHAN BUWALDA, SUZANNE	1028 WAYMAKER CT	APEX NC 27502-4325	
CARLSON, LARRY L CARLSON, KATHI E	1220 CHAPEL RIDGE RD	APEX NC 27502-8502	
CARSON, DARREN DWAYNE SR CARSON, REGINA	2045 ACKERMAN HILL DR	APEX NC 27502-5109	
CHAGANTIPATI, RAJ KIRAN VEMURI, JYOTSNA	4016 SYKES ST	CARY NC 27519-7301	
CHAPEL RIDGE ESTATES HOA	1001-105 GOODWORTH DR	APEX NC 27539	
CHIU, CHERIE	2065 ACKERMAN HILL DR	APEX NC 27502-5109	
CNG PROPERTIES LLC	1010 GOODWORTH DR	APEX NC 27539-3869	
COOPER, DONNA L THE DONNA L COOPER TRUST	2047 OLD CHAPMAN DR	APEX NC 27502-4326	
COREY, DANIEL E II THE DANIEL E COREY II REVOCABLE LIVING TRUST	1301 CHAPEL RIDGE RD	APEX NC 27502-8503	
COX, DOUGLAS COX, CARRIE	1205 CHAPEL RIDGE RD	APEX NC 27502-8502	
CTO21 APEX LLC	1140 N WILLIAMSON BLVD STE 140	DAYTONA BEACH FL 32114-8112	
CUNDIEFF, TIGH M CUNDIEFF, DIANE	1225 CHAPEL RIDGE RD	APEX NC 27502-8502	
Current Tenant	1561 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1571 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1575 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1583 Creekside Landing DR	APEX NC 27502	
Current Tenant	1585 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1587 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1591 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1595 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1611 Beaver Creek DR	APEX NC 27502	
Current Tenant	1615 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1200 Chapel Ridge	APEX NC 27502	
Current Tenant	1201 Chapel Ridge	APEX NC 27502	
Current Tenant	1204 Chapel Ridge	APEX NC 27502	
Current Tenant	1205 Chapel Ridge	APEX NC 27502	
Current Tenant	1209 Chapel Ridge	APEX NC 27502	
Current Tenant	1213 Chapel Ridge	APEX NC 27502	
Current Tenant	1220 Chapel Ridge	APEX NC 27502	
Current Tenant	1225 Chapel Ridge	APEX NC 27502	
Current Tenant	1301 Chapel Ridge	APEX NC 27502	
Current Tenant	1304 Chapel Ridge	APEX NC 27502	
Current Tenant	1305 Chapel Ridge	APEX NC 27502	
Current Tenant	1313 Chapel Ridge	APEX NC 27502	
Current Tenant	1500 Clark Farm	APEX NC 27502	
Current Tenant	1505 Clark Farm	APEX NC 27502	
Current Tenant	1512 Clark Farm	APEX NC 27502	
Current Tenant	1513 Clark Farm	APEX NC 27502	
Current Tenant	1516 Clark Farm	APEX NC 27502	
Current Tenant	1517 Clark Farm	APEX NC 27502	
Current Tenant	2000 Creekside Landing DR	APEX NC 27502	
Current Tenant	2001 Creekside Landing DR	APEX NC 27502	
Current Tenant	2004 Creekside Landing DR	APEX NC 27502	
Current Tenant	2005 Creekside Landing DR	APEX NC 27502	
Current Tenant	2008 Creekside Landing DR	APEX NC 27502	
Current Tenant	2009 Creekside Landing DR	APEX NC 27502	
Current Tenant	2012 Creekside Landing DR	APEX NC 27502	
Current Tenant	2013 Creekside Landing DR	APEX NC 27502	
Current Tenant	2016 Creekside Landing DR	APEX NC 27502	
Current Tenant	2017 Creekside Landing DR	APEX NC 27502	
Current Tenant	2021 Creekside Landing DR	APEX NC 27502	
Current Tenant	2025 Creekside Landing DR	APEX NC 27502	
Current Tenant	2026 Creekside Landing DR	APEX NC 27502	
Current Tenant	2033 Creekside Landing DR	APEX NC 27502	
Current Tenant	2034 Creekside Landing DR	APEX NC 27502	
Current Tenant	2037 Creekside Landing DR	APEX NC 27502	
Current Tenant	2038 Creekside Landing DR	APEX NC 27502	
Current Tenant	2042 Creekside Landing DR	APEX NC 27502	
Current Tenant	2045 Creekside Landing DR	APEX NC 27502	
Current Tenant	2046 Creekside Landing DR	APEX NC 27502	
Current Tenant	2050 Creekside Landing DR	APEX NC 27502	
Current Tenant	2053 Old Chapman DR	APEX NC 27502	
Current Tenant	1006 Waymaker CT	APEX NC 27502	

Current Tenant	1026 Waymaker CT	APEX NC 27502	
Current Tenant	1030 Waymaker CT	APEX NC 27502	
Current Tenant	2122 Whitesmith DR	APEX NC 27502	
Current Tenant	2128 Whitesmith DR	APEX NC 27502	
Current Tenant	2049 Ackerman Hill DR	APEX NC 27502	
Current Tenant	2051 Ackerman Hill DR	APEX NC 27502	
Current Tenant	2058 Ackerman Hill DR	APEX NC 27502	
Current Tenant	2059 Ackerman Hill DR	APEX NC 27502	
Current Tenant	2063 Ackerman Hill DR	APEX NC 27502	
Current Tenant	1521 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1531 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1541 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1551 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1553 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1555 Beaver Creek Commons DR	APEX NC 27502	
Current Tenant	1020 Waymaker CT	APEX NC 27502	
DAS, BISHNU PRASAD CHATTOPADHYAY, PALLABI	2048 ACKERMAN HILL DR	APEX NC 27502-5109	
DAVE, GHANSHYAM	2055 ACKERMAN HILL DR	APEX NC 27502-5109	
EBENEZER, CHARLES EBENEZER, JULIANA	1018 WAYMAKER CT	APEX NC 27502-4325	
ENGLISH, AMANDA ENGLISH, CORY	2046 ACKERMAN HILL DR	APEX NC 27502-5109	
FANG, YUEHONG WANG, YU	105 BRIAR RIDGE CIR	WINSTON SALEM NC 27104-4482	
FAULKNER, JAMES V JR FAULKNER, BARBARA B	1513 CLARK FARM RD	APEX NC 27502-8500	
GADI, BIPIN PONNAPALLI, VANIPRIYA	2047 ACKERMAN HILL DR	APEX NC 27502-5109	
GROVER, SARA W PRESTRUD, DAVID G	1313 CHAPEL RIDGE RD	APEX NC 27502-8503	
HEMPSTEAD AT BEAVER CREEK HOMEOWNERS ASSOCIATION,	CHARLESTON MANAGEMENT CORP	PO BOX 97243	RALEIGH NC 27624-7243
HINSLEY, MICHAEL HINSLEY, EMILLEE	2048 ACKERMAN HILL DR	APEX NC 27502-5109	
HOECKBERG, ERIC HOECKBERG, ERIKA	2054 ACKERMAN HILL DR	APEX NC 27502-5109	
JARIWALA, AJAY H JARIWALA, DIVYABEN S	1032 WAYMAKER CT	APEX NC 27502-4325	
JILANI, ATIF B CHOUDHARY, NAJIA	2048 OLD CHAPMAN DR	APEX NC 27502-4326	
JORDAN LUTHERAN CHURCH INC	1031 PEMBERTON HILL RD STE 202	APEX NC 27502-4278	
KADZIK, MARY	1008 WAYMAKER CT	APEX NC 27502-4325	
KAO, SU YUEH HO, CHI CHANG	1200 CHAPEL RIDGE RD	APEX NC 27502-8502	
KARUMBAIAH, KAVERIAPPA MUDDIYADA RAMESH, NIVEDITA KAMBEYANDA	2056 ACKERMAN HILL DR	APEX NC 27502-5109	
KING, JAMES KING, JOANNE	2052 ACKERMAN HILL DR	APEX NC 27502-5109	
KOLLASSERY, GANGADHARAN SHELLY SHELLY, HEERA	329 HOLSTEN BANK WAY	CARY NC 27519-7574	
KONDATI, VIJAY NUNI, MADHU	1034 WAYMAKER CT	APEX NC 27502-4325	
KUMAR, YOGESH KUMARI, MADHU BALA	1000 WAYMAKER CT	APEX NC 27502-4325	
LAM, CHRISTOPHER HUANG, WEI	1024 WAYMAKER CT	APEX NC 27502-4325	
LI, NAN	6708 MILLORY SPRINGS LN	CARY NC 27519-8500	
LU, LIN	647 SEALINE DR	CARY NC 27519-2572	
MANI, SURESH SURESH, NIVETHA	2049 OLD CHAPMAN DR	APEX NC 27502-4326	
MARIN, MICHAEL	1021 WAYMAKER CT	APEX NC 27502-4325	
MCGRAW, BENJAMIN IV	2043 OLD CHAPMAN DR	APEX NC 27502-4326	
MOHAN, MICHAEL P MOHAN, CATHERINE A	1204 CHAPEL RIDGE RD	APEX NC 27502-8502	
MOHANASUNDARAM, RANJITH KUMAR TRUSTEE MUTHURAMAN, RAJALAKSHMI TRUSTEE	2051 OLD CHAPMAN DR	APEX NC 27502-4326	
MONAHAN, RICHARD CHARLES TRUSTEE RICHARD C MONAHAN LIVING TRUST	4225 LOFTY RIDGE PL	MORRISVILLE NC 27560-9586	
MREC DT BEAVER CREEK LLC	STE 130	13860 BALLANTYNE CORPORATE PL	CHARLOTTE NC 28277-3167
MREC DT BEAVER CREEK LLC	11610 N COMMUNITY HOUSE RD STE 100	CHARLOTTE NC 28277-1894	
NADELLA, VIDYADHAR PATIBANDLA, ANUSHA	1014 WAYMAKER CT	APEX NC 27502-4325	
O'NEAL, BRANDON GRAY	2119 WHITESMITH DR	APEX NC 27502-4327	
OVERTON, RUSS OVERTON, KRISTAL RAWLS	1305 CHAPEL RIDGE RD	APEX NC 27502-8503	
PAIDIPALLI, NAVEEN	1010 WAYMAKER CT	APEX NC 27502-4325	
POPE, CHARLES V POPE, IRIS ISLEY	1408 OLIVE CHAPEL RD	APEX NC 27502-8511	
PUFF, SANDRA PUFF, JOHN	1020 WAYMAKER CT	APEX NC 27502-4325	
PULIJALA, TARUN KASHYAP YELLAPRAGADA, LAVANYA	1017 WAYMAKER CT	APEX NC 27502-4325	
QIN, DANFENG JIANG, CHUANYAN	2655 BRYANT POND LN	APEX NC 27502-4318	
QUE, ROGER	623 HALCYON MEADOW DR	CARY NC 27519-7701	
ROCCOFORTE, JOHN A ROCCOFORTE, MARIE F	1517 CLARK FARM RD	APEX NC 27502-8500	
SAMUDRAPU, NARASIMHA DASS DANDUMITTA, KRANTHI	1021 WAYMAKER CT	APEX NC 27502-4325	
SERINO, JAMES PATRICK BUSI, MELINDA	1304 CHAPEL RIDGE RD	APEX NC 27502-8503	
SHAIK, MOHAMMED GHOUSE	2124 WHITESMITH DR	APEX NC 27502-4327	
SHAKYA, SUDEEP SHAKYA, NEENA	1023 WAYMAKER CT	APEX NC 27502-4325	
SHERRY, DAVID D SHERRY, ETHEL V	1512 CLARK FARM RD	APEX NC 27502-8500	
SHREE GOPALPRABHU LLC	3716 LINVILLE GORGE WAY	CARY NC 27519-9619	
SIMPSON, SHERIKA S	1010 WOODLANDS CREEK WAY	APEX NC 27502-5250	
SMITH, GINNY K SMITH, TIMOTHY J	1000 WAYMAKER CT	APEX NC 27502-4325	
SOTO, NOEL MANUEL JR	1025 WAYMAKER CT	APEX NC 27502-4325	
STOROZHEVA, MARIA SPIRES, JACKSON P	2041 ACKERMAN HILL DR	APEX NC 27502-5109	
STRINGARI, RONALD L STRINGARI, KATHERINE L	1209 CHAPEL RIDGE RD	APEX NC 27502-8502	
VATTIGUNTA, SRINIVASA REDDY NARU, CHAITANYA BHARATHI	1027 WAYMAKER CT	APEX NC 27502-4325	
VERMA, ANAGH VERMA, SHWETA	2061 ACKERMAN HILL DR	APEX NC 27502-5109	
VILLANUEVA, BRIAN D VILLANUEVA, ERIKA L	2126 WHITESMITH DR	APEX NC 27502-4327	
WAGNER, KEITH J II	1016 WAYMAKER CT	APEX NC 27502-4325	
WILLIAMS, SUSAN L	2053 ACKERMAN HILL DR	APEX NC 27502-5109	
YANG, LONGLONG GAN, YOUXIN	1002 WAYMAKER CT	APEX NC 27502-4325	

YIN, XINHE	302 MINTON VALLEY LN	CARY NC 27519-9105
ZY&L LLC	351 GARTRELL WAY	CARY NC 27519-8942

CHAPEL RIDGE NORTH
PLANNED UNIT DEVELOPMENT

1225 CHAPEL RIDGE RD
APEX, NORTH CAROLINA | PD PLAN

REZONING CASE #22CZ07

HIGHSTREET RESIDENTIAL

MCADAMS

Parker Poe
Attorneys & Counselors at Law

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

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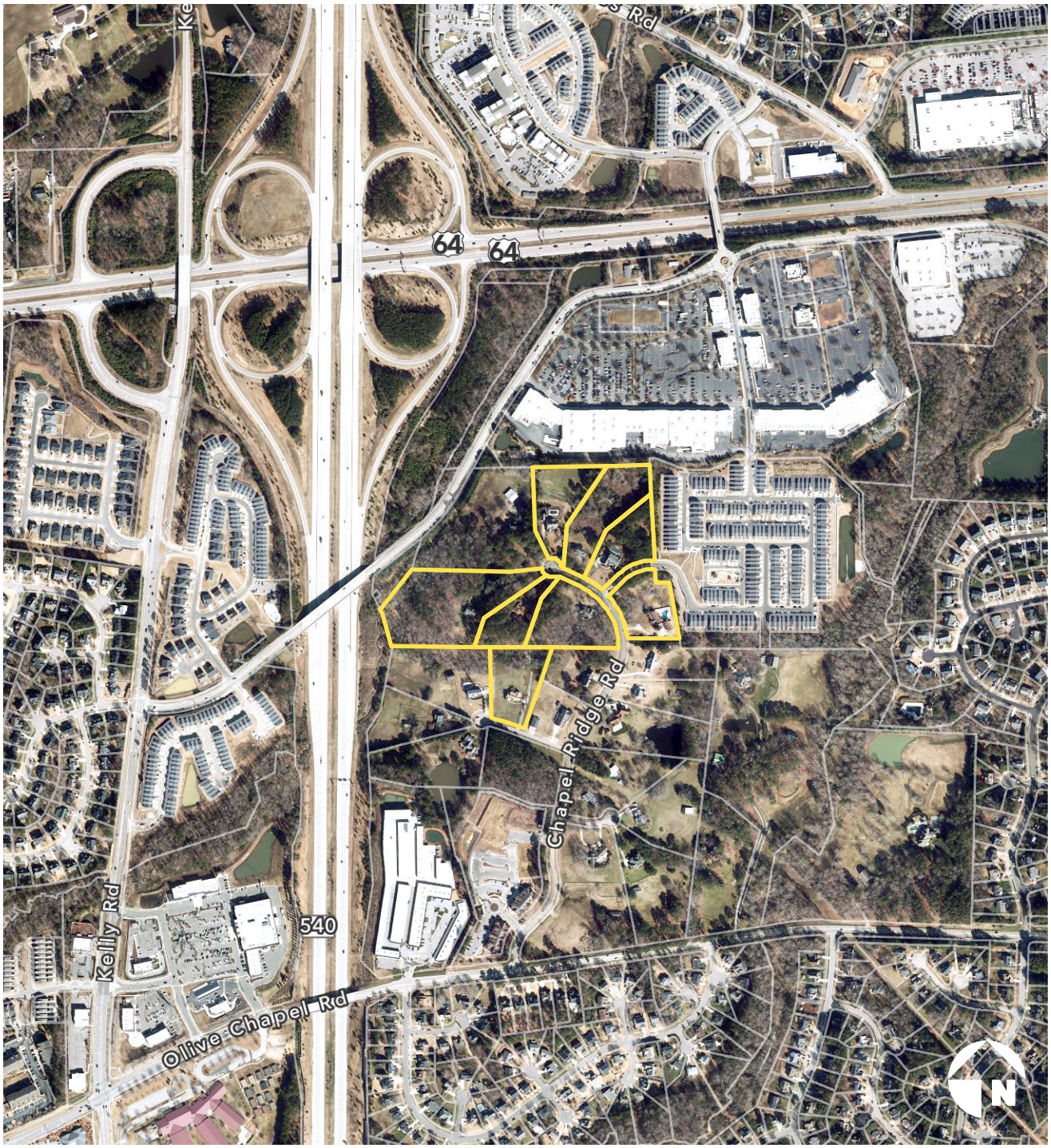
VICINITY MAP



0 400 800 1600 ft

1 inch equals 800 feet

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 pubic 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

VICINITY MAP & AERIAL IMAGE

1" = 500'

SHEET INDEX

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

SITE DATA

PARCEL IDENTIFICATION NUMBER (PIN)	0732343920, 0732340602, 0732249869, 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 PROPOSED	15.38 AC (70%) LESS THAN 15.38 AC (70%)
RESOURCE CONSERVATION AREA	MINIMUM PROPOSED	4.39 AC (20%) MORE THAN 4.39 AC (20%)
WATERSHED PROTECTION OVERLAY	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT	
FEMA FLOODPLAIN	NONE (FIRM PANEL 3720073200J, EFFECTIVE 05/02/2006)	
HISTORIC STRUCTURES	NONE	

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CLIENT

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555 FAYETTEVILLE STREET SUITE 300
RALEIGH, NC 27601
CONTACT: JOSH DIX

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 054445 KENNARD S. TROMBLOSE NOT FOR CONSTRUCTION

REVISIONS

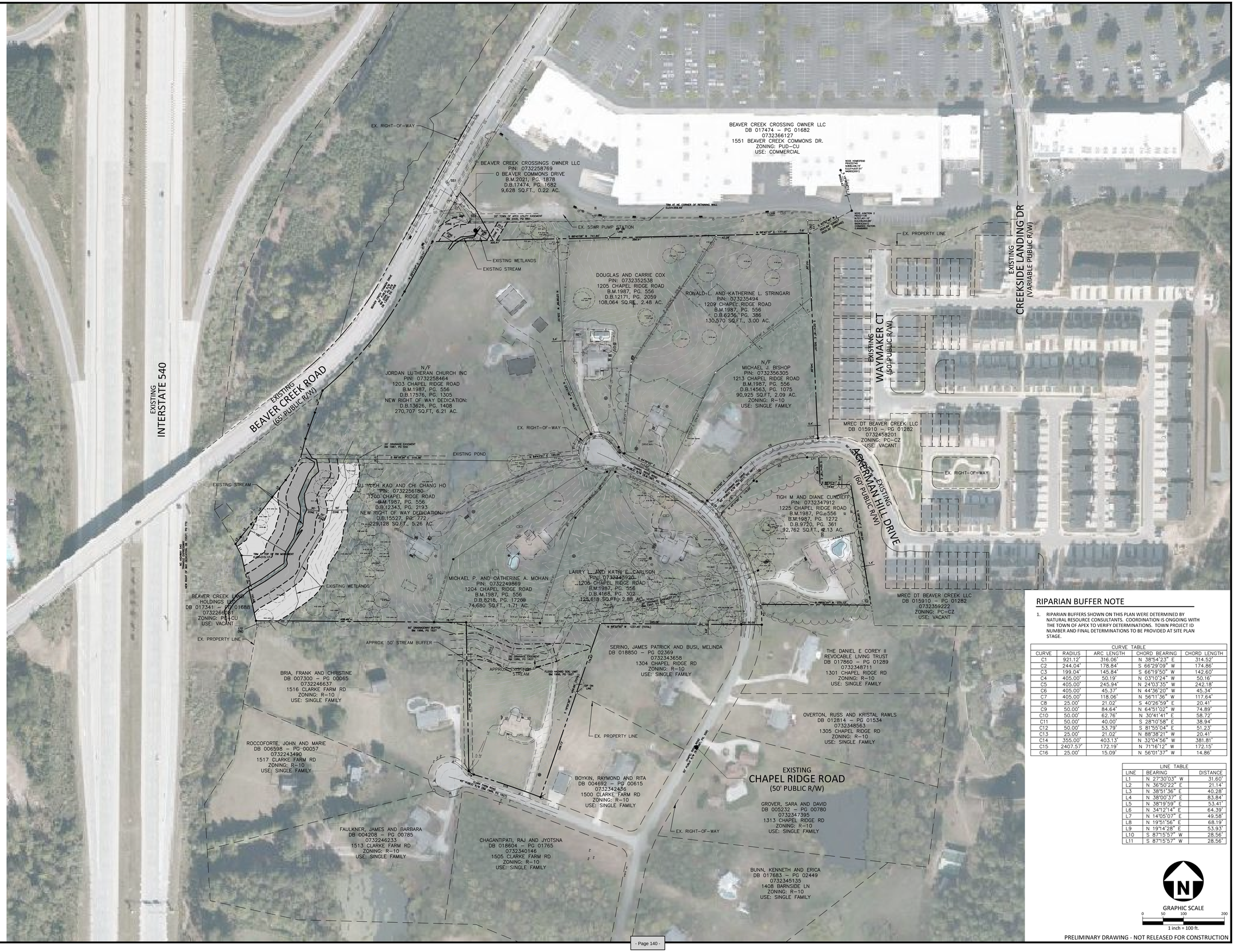
NO. DATE

PLANNED UNIT DEVELOPMENT PLAN FOR:

CHAPEL RIDGE APARTMENTS
APEX, NC 27502
PROJECT NUMBER: 2021110513

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

M:\Projects\TCR\00\2021105130\04-Production\Engineering\Construction Drawing\PUD\Current Drawing\2021110513-CS1.dwg, 8/26/2022 8:00:21 AM, Kody Trowbridge



RIPARIAN BUFFER NOTE

1. RIPARIAN 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°54'23" 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
0 50 100 200
1 inch = 100 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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 DVELOPMENT PLAN
APEX, NORTH CAROLINA

REVISIONS

NO.	DATE

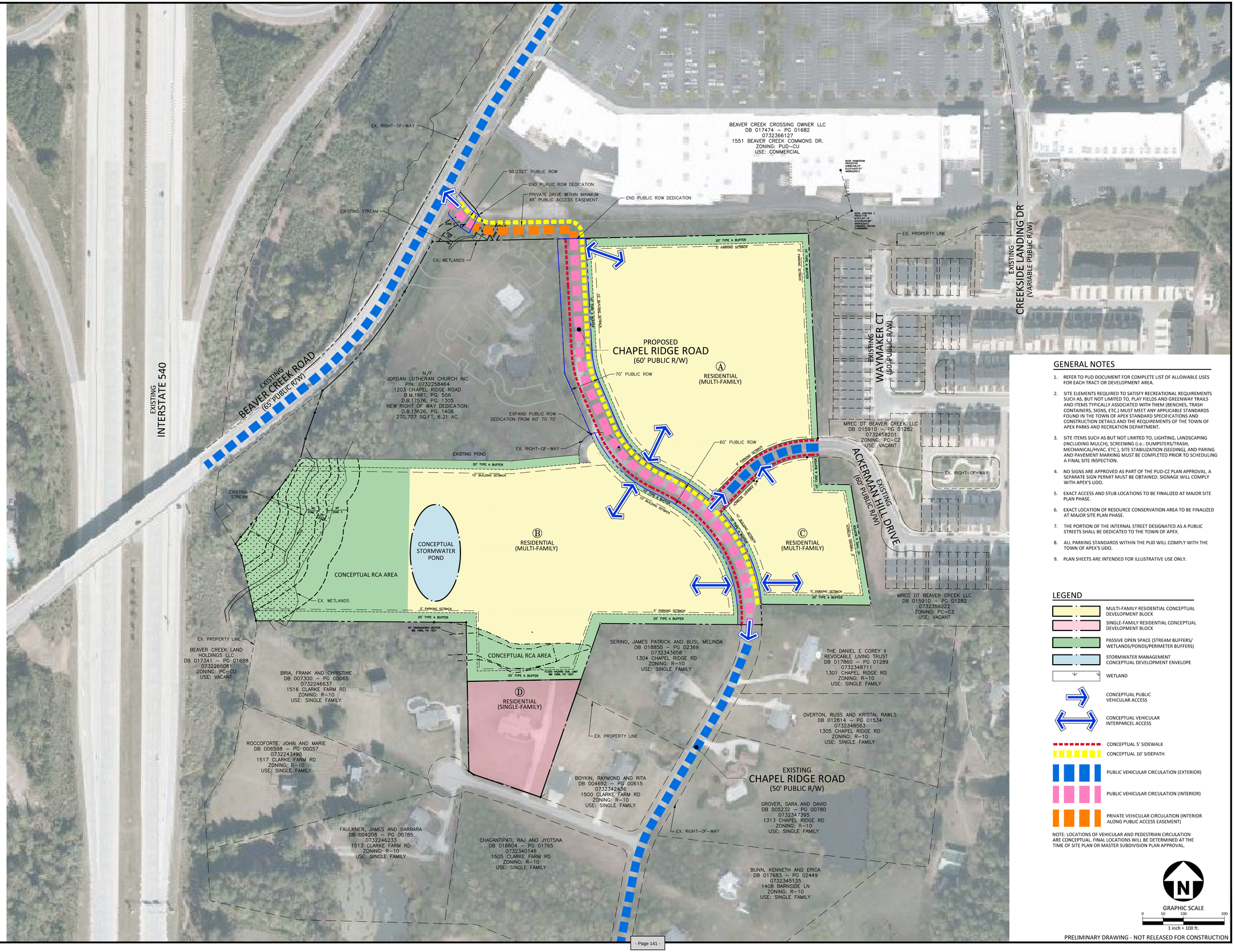
PLAN INFORMATION

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\TCR\2021110513\04-Production\Engineering\Construction Drawings\PUD\Current Drawings\2021110513-PUD-XC1.dwg, 8/26/2022 7:51:45 AM, Kody Trowbridge



GENERAL NOTES

1. REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
2. 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.
3. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (i.e.: DUMPSTERS/TRASH, MECHANICAL/HVAC. ETC.), SITE STABILIZATION (SEEDING), AND PARING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
4. 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.
5. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT MAJOR SITE PLAN PHASE.
6. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT MAJOR SITE PLAN PHASE.
7. THE PORTION OF THE INTERNAL STREET DESIGNATED AS A PUBLIC STREETS SHALL BE DEDICATED TO THE TOWN OF APEX.
8. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
9. 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' SIDEPATH
- 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

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CONTACT: JOSH DIX

CHAPEL RIDGE NORTH
PLANNED UNIT DVELOPMENT PLAN
APEX, NORTH CAROLINA

NORTH CAROLINA PROFESSIONAL SEAL 054445 ENGINEER KENNARD S. TROMBLEY — NOT FOR CONSTRUCTION

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

M:\Projects\TCR\2021110513\04-Production\Engineering\Construction Drawings\PUD\Current Drawings\2021110513-PUD-OAS1.dwg, 8/26/2022 7:43:15 AM, Kody Trowbridge

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the October 25, 2022 Town Council meeting regarding 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?

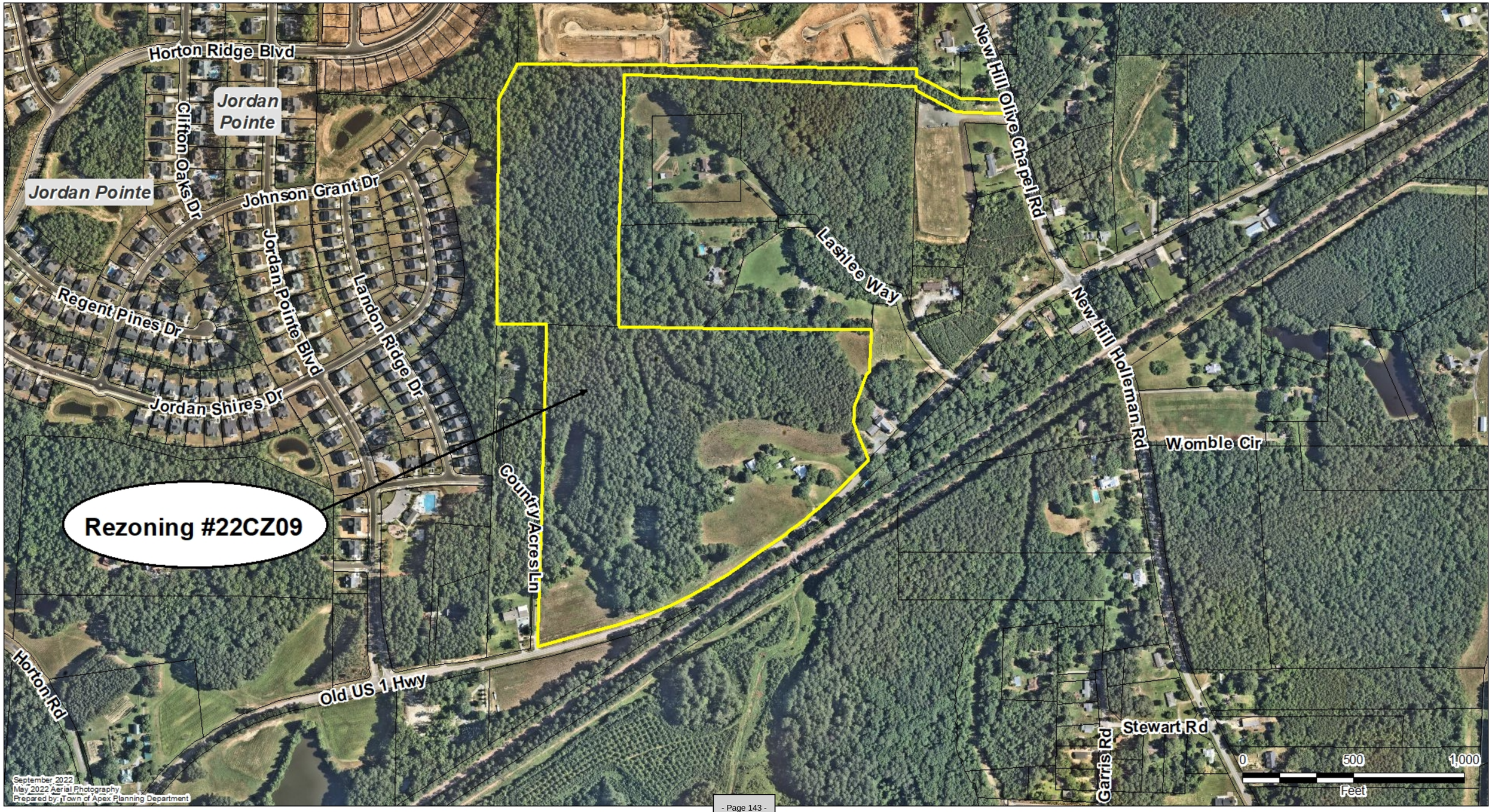
The Planning and Community Development Department recommends approval.

Item Details

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

Attachments

- Vicinity Map
- Application


Horton Ridge Blvd
Jordan Pointe
Clifton Oaks Dr
Jordan Pointe
Johnson Grant Dr
Jordan Pointe Blvd
Landon Ridge Dr
Regent Pines Dr
Jordan Shires Dr
Lashlee Way
New Hill Olive Chapel Rd
New Hill Holleman Rd
Womble Cir
County Acres Ln
Rezoning #22CZ09
Horton Rd
Old US 1 Hwy
Garris Rd
Stewart Rd
0
500
1,000
Feet
September 2022
May 2022 Aerial Photography
Prepared by: Town of Apex Planning Department

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: N/A

Area proposed as non-residential development: Acreage: N/A

Percent of mixed use area proposed as non-residential: Percent: N/A

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 #: 22CZ09 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 be 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.

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: Utley 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)
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Durham, NC 27703
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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 #: _____ Submittal Date: _____

Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400
WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utley 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: _____ For Property owners
Authorized Agent

DATE: 8/26/2022

BY: _____
Authorized Agent

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 — 4-27-22

Type or print name — 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

Mona Dodd
NOTARY PUBLIC
Forsyth County, NC
My Commission Expires March 14, 2026
[NOTARIAL SEAL]

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 #: _____ Submittal Date: _____

Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400
WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Utley 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: _____ For Property owners
Authorized Agent

DATE: 8/26/2022

BY: _____
Authorized Agent

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. — 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____.

_____ (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 WAKE COUNTY, NC My Commission Expires November 18, 2023

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, RAY E. JOHNSON JANET O 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").

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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 WAKE COUNTY, NC My Commission Expires November 18, 2023

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 JOHNON — 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 #: _____ 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.

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
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☑	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:

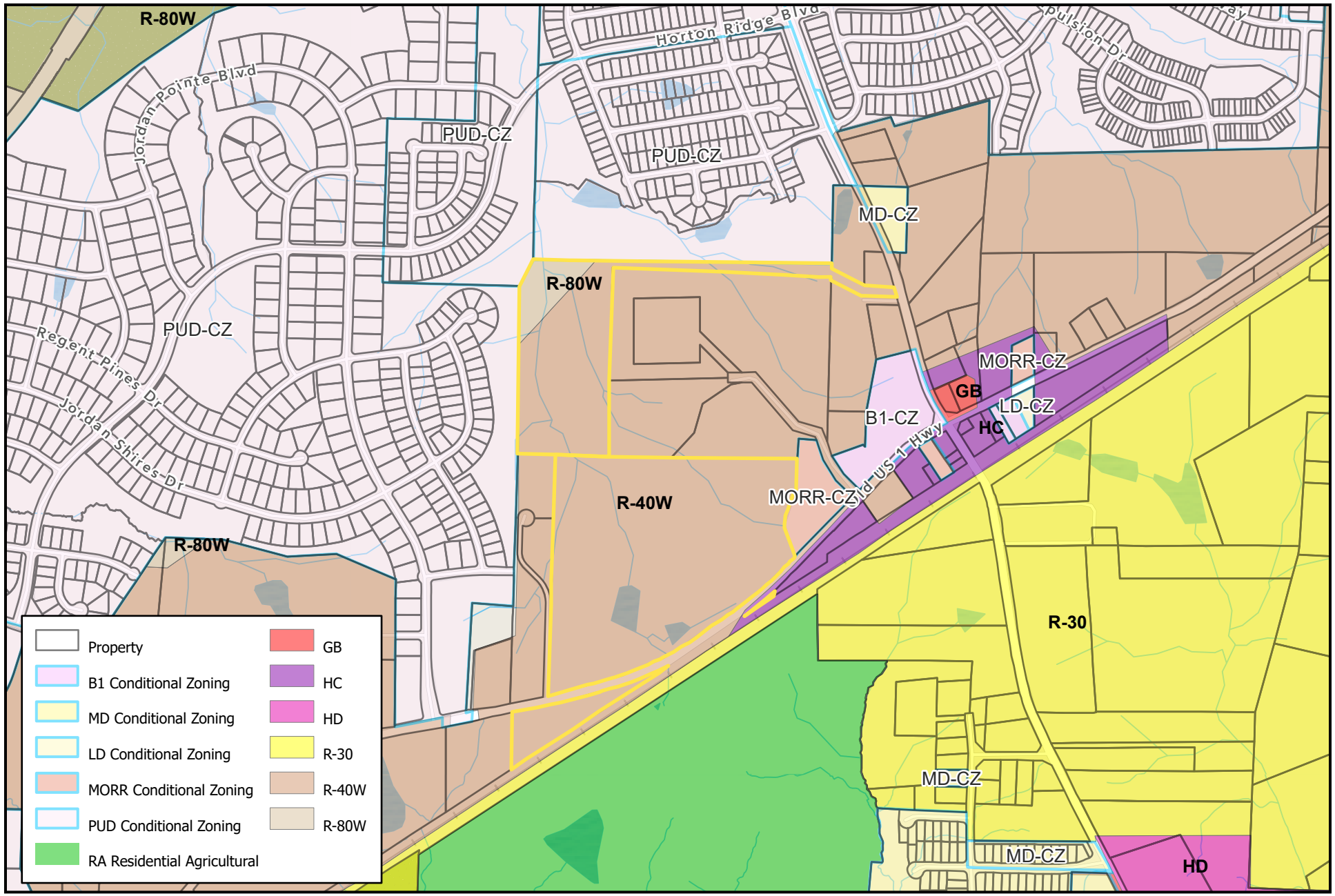
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (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 LANDON RIDGE DR	HOPFER, PAUL A HOPFER, ELIZABETH N	2937 LANDON 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	RALEIGH NC 27614-8837
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	

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

3504 JOHNSON GRANT DR	RICE, OLIVIA RICE, JUSTIN P	3504 JOHNSON GRANT DR	NEW HILL NC 27562-9313
3917 OLD US 1 HWY	ROBERTS, SANDRA	PO BOX 512	HILLSBOROUGH NC 27278-0512
2941 LANDON RIDGE DR	ROCCARO, ANTHONY M ROCCARO, JERI M	2941 LANDON RIDGE DR	NEW HILL NC 27562-9305
3441 JORDAN SHIRES DR	SCHLUETER, UWE SCHLUETER, TAMARA	3441 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3453 JORDAN SHIRES DR	SHOOK, JAMES BRIAN SHOOK, JESSICA HIPPO	3453 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3600 OLD US 1 HWY	SHRI VARNI LLC	1812 VENEZIA WAY	APEX NC 27502-4740
3900 OLD US 1 HWY	SKOU, MARTIN JOHANNES HVIRVELKAER SKOU, VANESSA LEE	3900 OLD US 1 HWY	NEW HILL NC 27562-9766
3501 JOHNSON GRANT DR	STRANDH, DANIEL STRANDH, MARLA	3501 JOHNSON GRANT DR	NEW HILL NC 27562-9313
3431 HORTON RIDGE BLVD	TAYLOR MORRISON OF CAROLINAS INC	15501 WESTON PKWY STE 100	CARY NC 27513-8636
3417 JORDAN SHIRES DR	TURNER, BENJAMIN S	3417 JORDAN SHIRES DR	NEW HILL NC 27562-9310
3449 JORDAN SHIRES DR	VETTER, CATHERINE L VETTER, RICHARD B	3449 JORDAN SHIRES DR	NEW HILL NC 27562-9310
2504 LASHLEE WAY	VITEK, RICHARD P	2504 LASHLEE WAY	NEW HILL NC 27562-9607
0 NEW HILL OLIVE CHAPEL RD	WELLONS, HELON JOY JOHNSON, RAY E	400 JOHNSON FARM RD	NEW HILL NC 27562-8839
2931 JORDAN POINTE BLVD	WS-JPA LLC	660 STEAMBOAT RD FL 3	GREENWICH CT 06830-7150
2709 NEW HILL OLIVE CHAPEL RD	YOUNG, LORETTA ROUNDY	2717 NEW HILL OLIVE CHAPEL RD	NEW HILL NC 27562-9177
3700 COUNTRY ACRES LN	ZIPSER, NEAL ZIPSER, CHERYL	5020 DARCY WOODS LN	FUQUAY VARINA NC 27526-7693
	Current Tenant	3700 Country Acres LN	NEW HILL NC 27562
	Current Tenant	3431 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	3435 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	3439 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	3443 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	3447 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	3451 Horton Ridge BLVD	NEW HILL NC 27562
	Current Tenant	2537 Lashlee WAY	NEW HILL NC 27562
	Current Tenant	2620 New Hill Olive Chapel RD	NEW HILL NC 27562
	Current Tenant	2701 New Hill Olive Chapel RD	NEW HILL NC 27562
	Current Tenant	3701 Old Us 1 HWY	NEW HILL NC 27562
	Current Tenant	3720 Old Us 1 HWY	NEW HILL NC 27562
	Current Tenant	3912 Old Us 1 HWY	NEW HILL NC 27562
	Current Tenant	3917 Old Us 1 HWY	NEW HILL NC 27562



Parcel and Current Zoning Map

N

0 400 800 1600 ft

1 inch equals 800 feet

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	[redacted]	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 Boulvard	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: _____

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.

DANIEL H. WOODS
NOTARY PUBLIC
My Commission Expires November 18, 2023
WAKE COUNTY, NC

_____
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

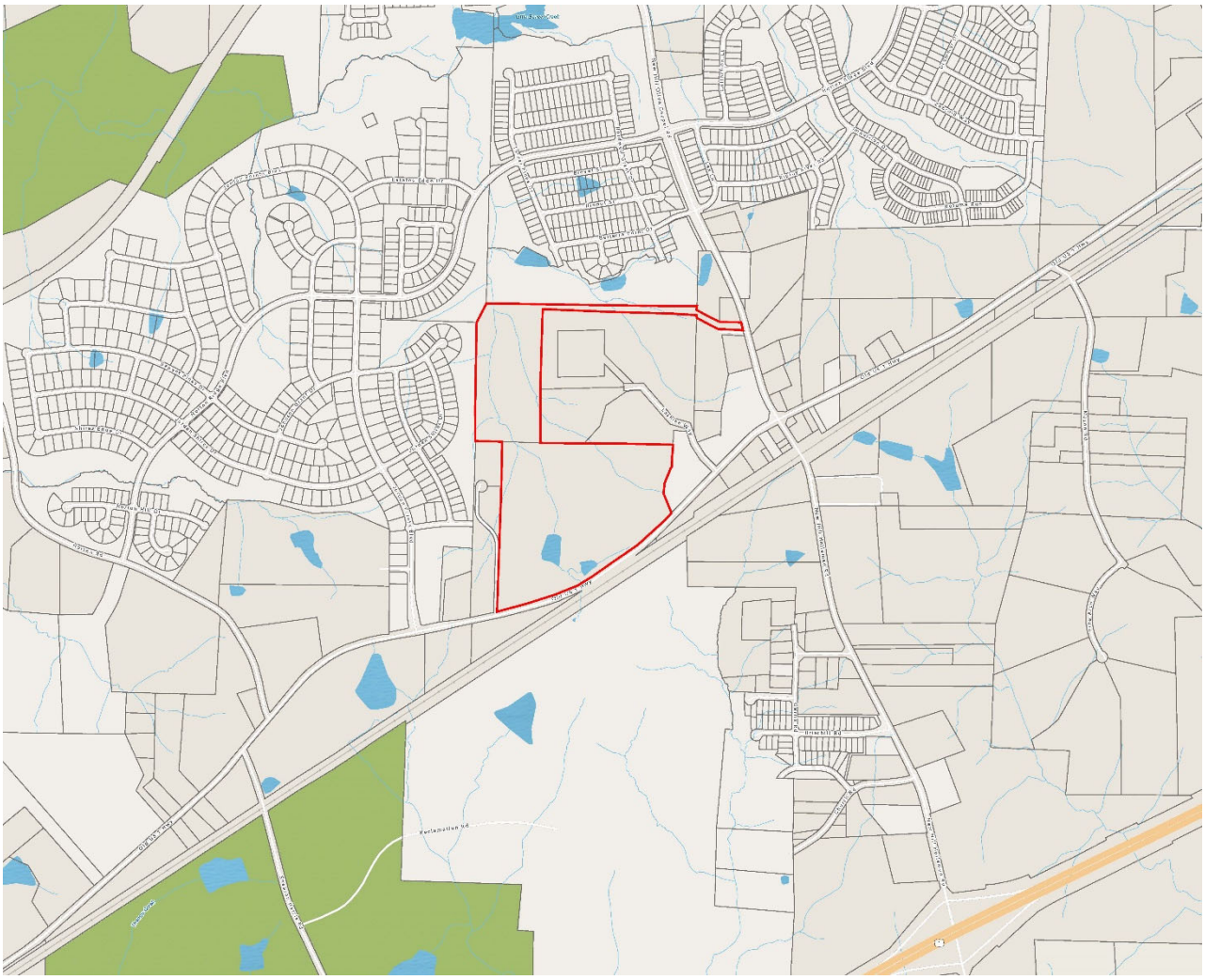
Section 14: Phasing Plan

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 Utley 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 or informational brochures 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.

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

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
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.

Adjacent property redevelopment buffer:

The buffer can be removed in those locations along the following parcels or portion of parcels if the Wellons property 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 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).

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

Utley 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:

- **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.
     - With sufficient right-of-way along Old US 1 and New Hill Holleman Road, the Developer shall construct an eastbound right turn lane with 175 feet of storage and appropriate deceleration length and taper.
  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

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

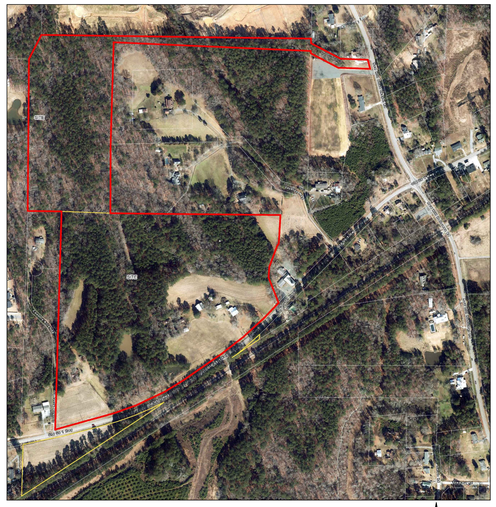
APPLICANT
KB HOME - RALEIGH
THURM BOWEN / ROMAN ACOSTA
4506 S. MIAMI BLVD #100
DURHAM, NC 27703
P: (919) 768-7976
www.KBHome.com

ENGINEER/LAND PLANNER
PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
P: (919) 439-0100
www.PeakEngineering.com

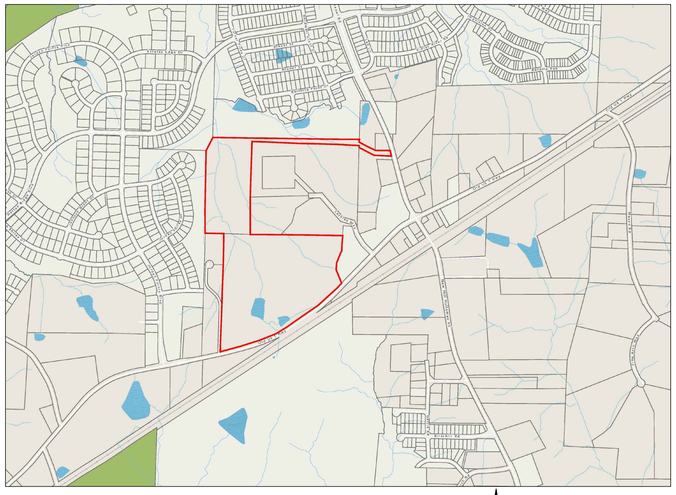
SURVEYOR
BATEMAN CIVIL SURVEY COMPANY
STEVEN CARSON
2524 RELIANCE AVENUE
APX, NC 27502
P: (919) 577-1080
www.batemancivilsurvey.com

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	43.27 acres 39.84 acres (area included in development)	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
FEE-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 required 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.

811 Know what's below. Call before you dig.

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)

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562

seal:
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 044127 GREY A. ROACH
PRELIMINARY NOT FOR CONSTRUCTION

No.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	FS
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	FS

title:
PUD COVER SHEET

proj #: 210504
date: MAY 2, 2022
dwg by: FS chkd by: JR
scale: As Noted
sheet: C000
(PUD PLAN)

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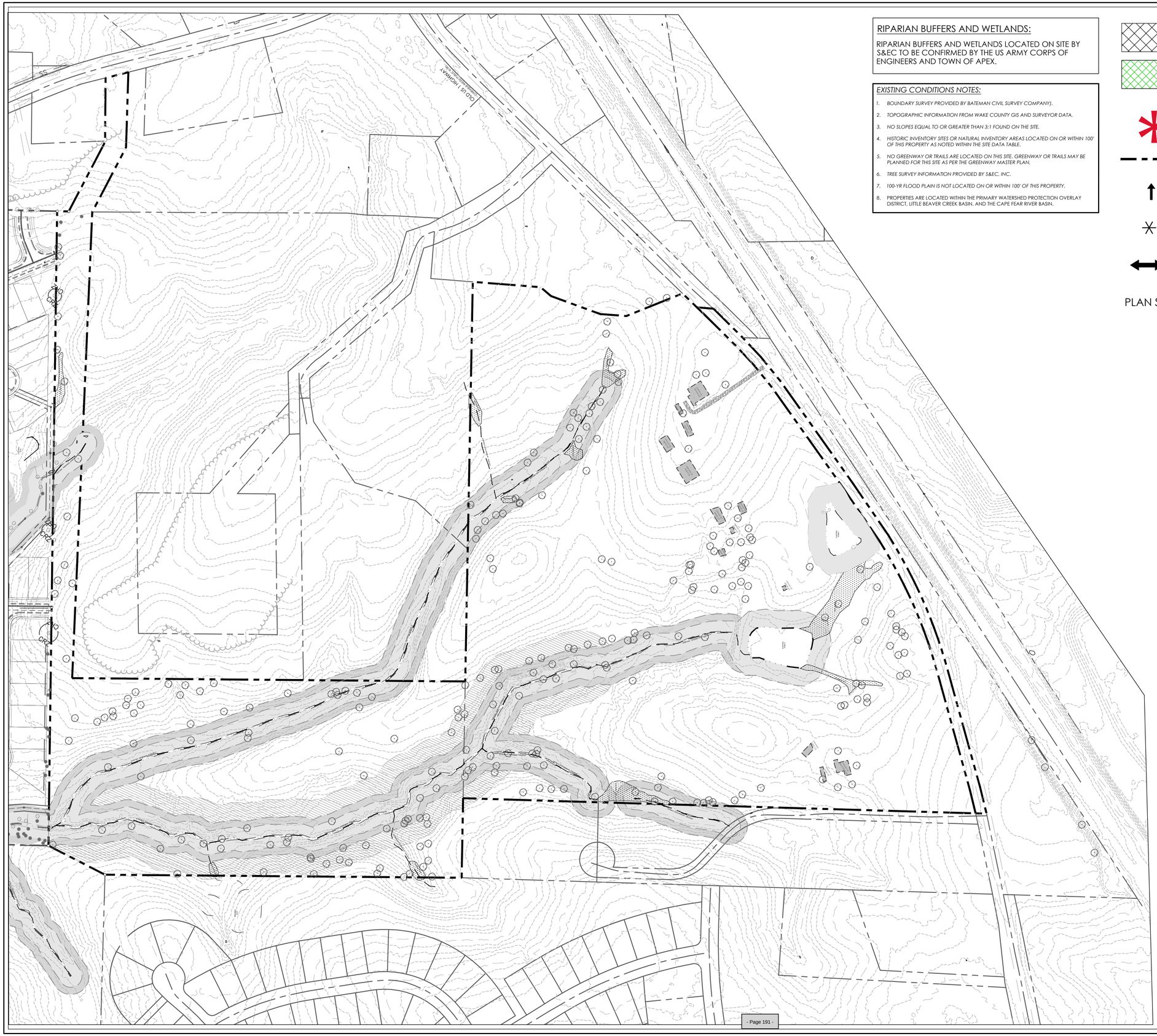

RIPARIAN BUFFERS AND WETLANDS:

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:

1. *BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY).*
2. *TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.*
3. *NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.*
4. *HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITHIN THE SITE DATA TABLE.*
5. *NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAY BE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.*
6. *TREE SURVEY INFORMATION PROVIDED BY S&EC, INC.*
7. *100-YR FLOOD PLAIN IS NOT LOCATED ON OR WITHIN 100' OF THIS PROPERTY.*
8. PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, LITTLE BEAVER CREEK BASIN, AND THE CAPE FEAR RIVER BASIN.

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:

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.

N

0 75 150 300

SCALE: 1" = 150'

1 C001 EXISTING CONDITIONS PLAN

SCALE: 1"=150'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com

NC License #P-0673

project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562

seal:

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT MELISSA A. ROACH

PRELIMINARY NOT FOR CONSTRUCTION

No.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX - 1ST ZONING COMMENTS	
2	SEPTEMBER 9, 2022	TOWN OF APEX - 2ND ZONING COMMENTS	

title:
EXISTING CONDITIONS PLAN

proj #: 210504

date: MAY 2, 2022

dwg by: FS chkd by: JR

scale: As Noted

sheet: *C001*

(PUD PLAN)

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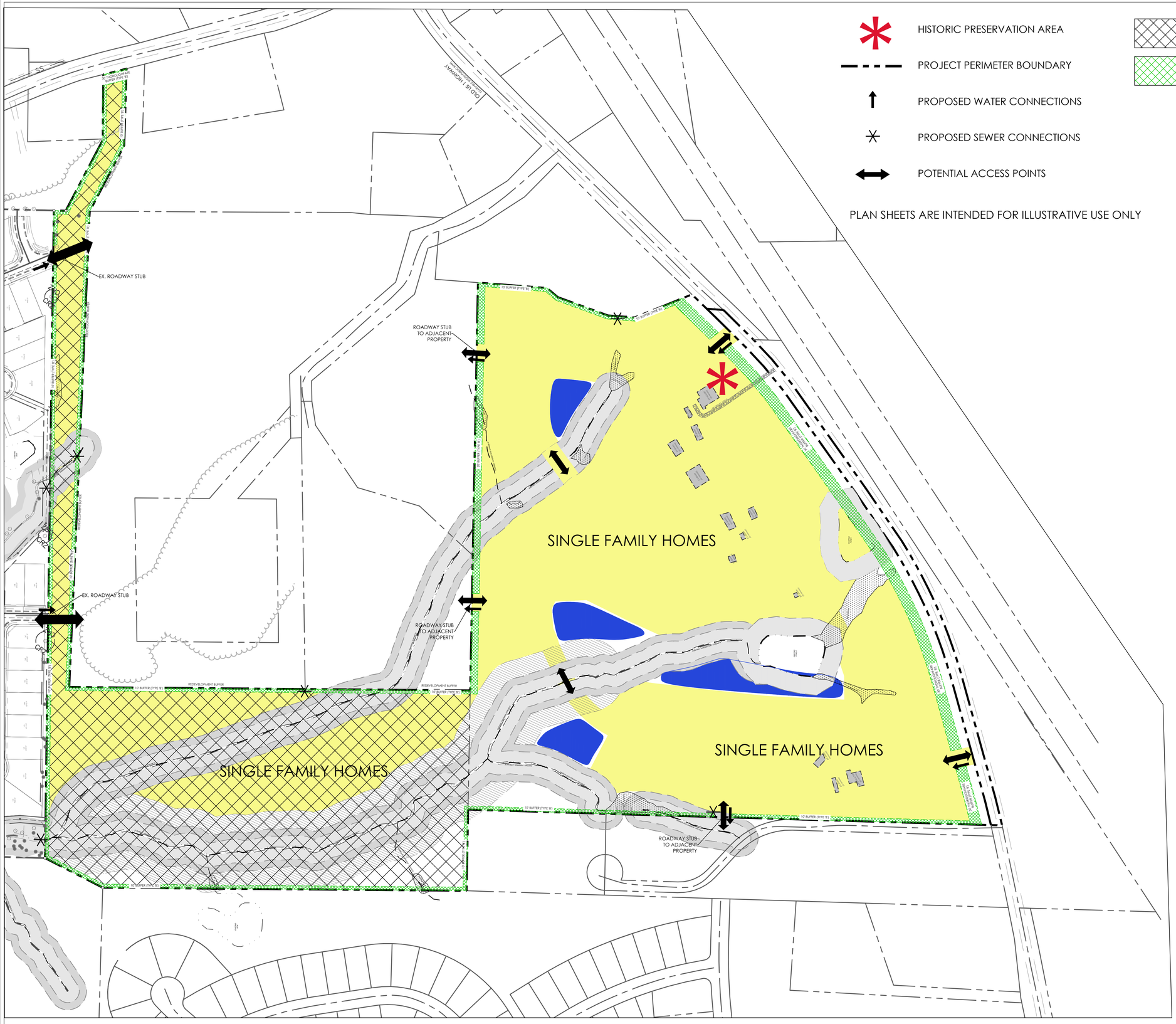

HISTORIC PRESERVATION AREA

PROJECT PERIMETER BOUNDARY

PROPOSED WATER CONNECTIONS

PROPOSED SEWER CONNECTIONS

POTENTIAL ACCESS POINTS

FUTURE DEVELOPMENT

BUFFERS/ RCA

SINGLE FAMILY - DETACHED

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.
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.

N

0 75 150 300

SCALE: 1" = 150'

CONCEPTUAL SITE PLAN/ CONCEPTUAL UTILITY PLAN

1 / C100 SCALE: 1"=150'

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
UTLEY FARMS PUD
3720 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562

seal:
NORTH CAROLINA PROFESSIONAL ENGINEER TREY A. ROACH
PRELIMINARY NOT FOR CONSTRUCTION

No.	DATE	REVISION	BY
1	AUGUST 12, 2022	TOWN OF APEX – 1ST ZONING COMMENTS	
2	SEPTEMBER 9, 2022	TOWN OF APEX – 2ND ZONING COMMENTS	

title:
CONCEPTUAL SITE PLAN/ UTILITY PLAN

proj #: 210504
date: MAY 2, 2022
dwg by: FS chkd by: JR
scale: As Noted
sheet: *C100*
(PUD PLAN)

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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 C120 CONCEPTUAL BUILDING ELEVATIONS
SCALE: 1"=N/A

PEAK Engineering & Design
1125 Apex Peakway | Apex, NC 27502
ph: 919.439.0100
www.PeakEngineering.com
NC License #P-0673

project:
UTLEY FARMS PUD
3220 OLD US 1 HIGHWAY
BUCKHORN TOWNSHIP
NEW HILL, NORTH CAROLINA 27562

seal:
NORTH CAROLINA PROFESSIONAL ENGINEER
PRELIMINARY NOT FOR CONSTRUCTION
MICHAEL FREY A. ROACH

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 BUILDING ELEVATIONS

proj #: 210504
date: MAY 2, 2022
dwg by: FS
chkd by: JR
scale: As Noted
sheet: *C120*
(PUD PLAN)

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ13 2021 N Salem St PUD. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 6 acres from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2021 N Salem Street.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The property to be rezoned is identified as PIN 0742891824.

Attachments

- Vicinity Map
- Application

St. James Village
Salem Church Rd
Salem Pointe Pl
Salem Pointe
Bay Bouquet Ln
Rezoning #22CZ13
Salem Woods
Ellington Place
Claude Laurel Dr
Salem Woods
Pinedale Rd
Greenlea Dr
N Salem St
Ellington Cove
Ramblewood
Townes at North Salem
June 2022
February 2022 Aerial Photography
Prepared by: Town of Apex Planning Department
0
250
500
Feet

PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING DISTRICT PETITION

PD PLAN/PUD-CZ PETITION SUBMISSION:	**PD PLAN/PUD-CZ PETITION FEES:**
Application and fee are due by 12:00 pm on the first business day of each month. See the Planned Unit Development Schedule on the website for more details.	PUD-CZ Request: $1,600.00 + $10 an acre PD Plan Amendment not requiring full TRC Review: $600.00 Late Fee: $300

PRE-APPLICATION MEETING: Separate pre-application meetings with the Technical Review Committee (TRC) and the Environmental Advisory Board (EAB) are required to be scheduled prior to the submittal of a PD Plan for PUD-CZ. Pre-application meetings with the TRC are typically scheduled during regular business hours on the 1st, 2nd, and 5th Thursdays of the month and pre-application meetings with the EAB are held at 6 p.m. on the 3rd Thursday of the month during the regularly scheduled EAB meeting.

To schedule a meeting, applicants must e-mail a pdf map of the parcel(s) to be rezoned, a proposed site layout sheet for PUD-CZ, TND-CZ, or MEC-CZ applications, and the Rezoning Pre-Application Meeting Request form to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

PURPOSE OF A PUD-CZ (UDO Sec. 3.3.3.C): The purpose of the PUD-CZ is to permit variations in order to allow flexibility for landowners to creatively plan for a site specific, higher quality overall development of their land in a way that is not possible through the strict application of the minimum standards of the Unified Development Ordinance (UDO). This is done through the application of performance standards that: integrate and mix uses where a mix of uses is proposed, possess interconnectivity, reflect the small-town character of Apex, expand opportunities for public transportation, preserve of natural features, integrate resource conservation area into plan for development, and that public facilities are available.

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to the PUD is outside the corporate limits and ETJ, an annexation petition is **REQUIRED** to be submitted on the same day as this application.

Electronic Submittal Requirements (submit in IDT): Click here to access IDT Plans Website

- PUD-CZ Application including sheets listed below
- PD Plan Text (pdf & Word versions)
- Colored Rendering of Building Elevations – 11"x17"
- Transportation Impact Analysis, if required
- Site Plan Set
  - 24" x 36" size
  - Scale not less than: 1"= 50' horizontal, 1"= 5' vertical
  - Saved as pdf – no scanned plans

Hard Copy Submittal Requirements: Submit to Planning Department

- One (1) complete PUD-CZ Application
- Written Metes and Bounds Legal Description
- Certified List of Neighboring Property Owners
- Development Name Approval Application
- Town of Apex Utilities Offer & Agreement
- Agent Authorization Form
- Affidavit of Ownership
- WCPSS Residential Development Notice Form
- Neighborhood Meeting Packet
- Notification list including property owners of the land subject to the application, all property owners and tenants abutting and located within 300 feet of the land subject to the application, and any neighborhood association that represents citizens within the notification area. This list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request.
- One (1) bound copy of the Transportation Impact Analysis and one (1) copy of the TIA & traffic analysis files on disk or FTP site at first submittal (if required)
- If applicable: Annexation Petition, map, legal description and $200.00 fee
- Two (2) sets of envelopes addressed to property owners subject to the application and to those on the notification list.
  - Addresses must be from the notification list obtained by emailing addressing.team@apexnc.org
  - Affixed with first class stamps and the following return address: Town of Apex
Planning and Community Development
P.O. Box 250
Apex, NC 27502
- Petition Fee by one of the following forms of payment:
  - Visa or Master Card;
  - Cash (exact amount only); or
  - Check payable to 'Town of Apex'

PETITION PROCESS INFORMATION

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Sec. 2.2.7 prior to application submission. The applicant is required to notify property owners, tenants, and any neighborhood association that represents citizens that are abutting or within 300 feet of the subject property via first class mail a minimum of 14 days in advance of the neighborhood meeting. The notification list must be obtained by emailing addressing.team@apexnc.org and will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. In their initial submittal, the applicant shall submit the "Neighborhood Meeting Packet" forms included in this application packet. The Neighborhood Meeting Packet is located at the very end of this document.

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

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

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods.

1. A written notice will be prepared by Planning staff and sent to property owners, tenants, and neighborhood associations abutting and within 300 feet of the land subject to the application not more than 25 days nor less than 10 days prior to the public hearings, as required by the UDO.
2. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days, prior to the public hearings.
3. A public hearing sign will be posted at the land subject to the application at least 10 days prior to the public hearings.

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

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

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 #: 22CZ13 Submittal Date: 5/2/22

Fee Paid $ Check #

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: 2021 N Salem St.

Address(es): 2021 N Salem St., Apex, NC 27523

PIN(s) 0742891824

Acreage: 6.00

Current Zoning: RA - Residential Agriculture Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Medium Density Residential

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: 0.00

Area proposed as non-residential development: Acreage: 0.00

Percent of mixed use area proposed as non-residential: Percent: 0.00

Applicant Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Owner Information

Name: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: E-mail:

Agent Information

Name: Brendie Vega, WithersRavenel

Address: 115 MacKenan Dr.

City: Cary State: NC Zip: 27511

Phone: (919) 469-3340 E-mail: bvega@withersravenel.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 22CZ13 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 be 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.

The proposal is consistent with the 2045 Land Use Map. Planned Unit Development is an allowable zoning district in the Medium Density Residential land use map classification and the proposed conditions maintain the density within the 3-7 dwelling units per acre range.

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 PUD-CZ district is appropriate for the proposed location because it will be compatible with the surrounding uses. There is an existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place.

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

There are no supplemental standards listed for attached townhouse units.

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

The development will minimize adverse impact. It will have landscaped buffers on all sides which will ameliorate any disturbance to neighbors and visually screen the development. Limiting the permitting uses to townhouse units will significantly reduce any impacts to surrounding properties. Adding less than 40 units will create minimal disturbance. Traffic will be directed away from adjacent properties onto N. Salem Street. This should not impact the road's capacity.

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 minimizes environmental impacts. The site is proposed to meet UDO standards for design controls, including minimization and avoidance of environmentally sensitive areas, limited site impacts. SCMs will be provided in compliance with Town standards.

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 site will have minimal impact on public facilities. Based on discussions with the Town, it is our understanding that there will be sufficient public facilities to accommodate the 40 or less units in the development. Further discussion can be held at the construction phase.

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 CZ district will prove beneficial for residents of the Town in relation health, safety, and/or welfare. The land use will assist in satisfying housing needs and promoting density, a a goal of the Town's comprehensive plan. Additionally, the development will decrease potential overcrowding and increase the tax base, supporting public services and as a result the health, safety, and welfare of all residents.

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

The CZ district's land use is not substantially detrimental to adjacent properties. Instead, the land use assist in solidifying the residential nature of the area, increasing land values and the subsequent desirability to reside in neighboring 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.

The proposed CZ will not constitute a nuisance or hazard as residential traffic generates modest noise and therefore the land use is consistent with the character of traffic in the vicinity of the proposed rezoning. Moreover, traffic generated by the 40 or less units will minimally impact surrounding roads in the metrics of both noise and volume, by redirecting traffic

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

The proposed Conditional Zoning District land use will comply with all standards imposed on it by all other applicable provisions of the Town's ordinance, for use, layout, and general development characteristics. Close consideration was given to the ordinance in the development of this proposal.

Beginning at a point, said point being an existing iron pipe at the easternmost corner of Lot 8 as shown on a plat recorded in Book of Maps 1985, Page 2255 in the Wake County Registry, said point also being on the northern right of way margin of N. Salem Street as shown on said plat and having North Carolina State Plane coordinates of N=729,563.29 and E=2,047,973.17; Thence, along the eastern line of said Lot 8 N13°33'06"W, 239.13 feet to a point, said point being an existing iron pipe at the northernmost corner of said Lot 8, said point also being at the easternmost corner of Lot 9 as shown on a plat recorded in Book of Maps 1986, Page 427 in said registry; Thence, along the eastern line of said Lot 9 N13°32'12"W, 109.19 feet to a point, said point being at the northeast corner of said Lot 9, said point also being at the southeast corner of Lot 10 as shown on said Book of Maps 1986, Page 427; Thence, along the eastern line of said Lot 10 N13°32'45"W, 212.95 feet to a point, said point being an existing iron pipe on the southern line of Lot 26 as shown on a plat recorded in Book of Maps 1994, Page 1633 in said registry; Thence, along said southern line of Lot 26 S87°59'52"E, 131.75 feet to a point, said point being an existing iron pipe at the southeast corner of said Lot 26, said point also being at the southwest corner of Lot 28 as shown on said Book of Maps 1994, Page 1633; Thence, along the southern line of said Lot 28 S88°00'52"E, 176.57 feet to an existing iron pipe at the southeast corner of said Lot 28; Thence, N03°09'22"W, 59.47 feet to an existing iron pipe at the southernmost corner of Lot 29 as shown on said plat; Thence, N02°52'45"W, 89.97 feet to an existing iron pipe; Thence, S88°06'26"E, 110.25 feet to a point, said point being an iron pipe set at the southeast corner of said Lot 29, said point also being on the western line of the David H. & Rose M. Abbott tract as recorded in Book 6171, Page 674 in said registry; Thence, along said western line S02°53'46"E, 149.64 feet to an existing iron pipe; Thence, cornering and along the southern line of said Abbott tract S89°37'55"E, 412.11 feet to an existing iron pipe at the southeast corner of said Abbott tract, said point also being on said northern right of way margin of N. Salem Street; Thence, along said right of way the following courses and distances: Thence, S46°40'56"W, 159.24 feet to a point; Thence, along a curve to the right having a radius of 11,364.91 feet, an arc length of 171.93 and a chord of S48°42'54"W, 171.93 feet to a point; Thence, along a curve to the right having a radius of 3,609.06 feet, an arc length of 167.35 and a chord of S49°17'16"W, 167.33 feet to a point; Thence, along a curve to the right having a radius of 1,885.59 feet, an arc length of 168.45 and a chord of S53°33'30"W, 168.39 feet to a point; Thence, S59°10'30"W, 218.52 feet to a point; Thence, N13°33'06"W, 15.83 feet to the Place and Point of Beginning, containing an area of 263,285 square feet or 6.04 acres, more or less.

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13 Submittal Date: 5/2/22

Fee for Initial Submittal: No Charge Fee for Name Change after Approval: $500*

Purpose

To provide a consistent and clearly stated procedure for the naming of subdivisions and/or developments and entrance roadways (in conjunction with *Town of Apex Address Policy*) so as to allow developers to define and associate the theme or aesthetics of their project(s) while maintaining the Town's commitment to preserving the quality of life and safety for all residents of Apex proper and extraterritorial jurisdiction.

Guidelines

- ✓ The subdivision/development name shall not duplicate, resemble, or present confusion with an existing subdivision/development within Apex corporate limits or extraterritorial jurisdiction except for the extension of an existing subdivision/development of similar or same name that shares a continuous roadway.
- ✓ The subdivision/development name shall not resemble an existing street name within Apex corporate limits or extraterritorial jurisdiction unless the roadway is a part of the subdivision/development or provides access to the main entrance.
- ✓ The entrance roadway of a proposed subdivision/development shall contain the name of the subdivision/development where this name does not conflict with the Town of Apex *Road Name Approval Application* and *Town of Apex Address Policy* guidelines.
- ✓ The name "Apex" shall be excluded from any new subdivision/development name.
- ✓ Descriptive words that are commonly used by existing developments will be scrutinized more seriously in order to limit confusion and encourage distinctiveness. A list of commonly used descriptive words in Apex's jurisdiction is found below.
- ✓ The proposed subdivision/development name must be requested, reviewed and approved during preliminary review by the Town.
- ✓ A $500.00 fee will be assessed to the developer if a subdivision/development name change is requested after official submittal of the project to the Town.*

*The imposed fee offsets the cost of administrative changes required to alleviate any confusion for the applicant, Planning staff, other Town departments, decision-making bodies, concerned utility companies and other interested parties. There is no charge for the initial name submittal.

Existing Development Titles, Recurring

	Residential	Non-Residential
10 or more	Creek, Farm(s), Village(s),	Center/Centre
6 to 9	Crossing(s), Park, Ridge, Wood(s)	Commons, Park
3 to 5	Acres, Estates, Glen(s), Green•, Hills	Crossing(s), Plaza, Station, Village(s)

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 22CZ13 Submittal Date: 5/2/22

Proposed Subdivision/Development Information

Description of location: 2021 North Salem Street

Nearest intersecting roads: N Salem Street and Greenlea Drive

Wake County PIN(s): 0742891824

Township: White Oak

Contact Information (as appropriate)

Contact person: Brendie Vega

Phone number: (919) 469-3340 Fax number:

Address: 115 MacKenan Drive

E-mail address: bvega@withersravenel.com

Owner: Susan R. Jewett & William C. Mann

Phone number: Fax number:

Address:

E-mail address:

Proposed Subdivision/Development Name

1st Choice:

2nd Choice *(Optional)*:

Town of Apex Staff Approval:

Town of Apex Planning Department Staff Date

DocuSign Envelope ID: DE2BB9A9-8675-465F-81E1-0B330C7A9C31

AGENT AUTHORIZATION FORM

Application #: 22CZ13 Submittal Date: 22CZ13

_____ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

DocuSigned by:
Susan Castlebury
F7227C22EC0B4B4...

Susan Castlebury — 4/29/2022

Type or print name — 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.

AGENT AUTHORIZATION FORM

Application #: 22CZ13 Submittal Date: 22CZ13

_____ 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: 2021 North Salem Street

The agent for this project is: WithersRavenel, Brendie Vega

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

Agent Name: Brendie Vega

Address: 115 MacKenan Dr., Cary, NC 27511

Telephone Number: 919.469.3340

E-Mail Address: bvega@withersravenel.com

Signature(s) of Owner(s)*

William C. Mann 4-30-22

William C Mann — Type or print name

4/30/2022 — 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.

FILED
2021 JUL -7 PM 2:00
WAKE CO., C.S.C.
BY

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE
	SUPERIOR COURT DIVISION
COUNTY OF WAKE	20-CVS-6957
WILLIAM C. MANN and SUSAN CASTLEBURY, Plaintiff, v. SUSAN RAWLINGS JEWETT, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, PHILIP MANN, KENNETH MANN, and DAVID MANN, Defendants.	**CONSENT JUDGMENT**

This matter appearing before the Court after resolution by the appropriate parties at a mediated settlement conference, and with the consent of the appropriate parties, the Court enters the following:

FINDINGS OF FACT

1. Plaintiffs filed suit asserting causes of action for Quiet Title and Declaratory Judgment regarding proper title in a parcel of Wake County real property located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and further described in that deed recorded in the Wake County Registry in Book 686, Page 436 (the "Property").

2. The following Defendants did not answer, plead, or appear: ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUIS FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, and DAVID

MANN. They each were subsequently found in Default upon motion of Plaintiffs. (These specific defendants are collectively referred to as the "Defaulting Defendants.")

3. Defendant SUSAN RAWLINGS JEWETT ("Jewett") answered Plaintiffs' Complaint and asserted Counterclaims against Plaintiffs, identical Crossclaims against Defaulting Defendants, and Affirmative Defenses. Jewett's Counterclaims and Crossclaims sought relief under claims to Quiet Title and for Declaratory Judgment regarding ownership of the Property; Adverse Possession after both twenty and seven years; Betterments; and Waiver, Estoppel, and/or Laches.

4. Plaintiffs filed a Reply to Jewett's Counterclaims and Affirmative Defenses. Defaulting Defendants did not.

5. Upon motion by Jewett, Defaulting Defendants were also found in default on Jewett's crossclaims.

CONCLUSIONS OF LAW

6. The Court has jurisdiction over the subject matter and parties to this case.

7. All necessary parties have been joined and properly served.

8. Plaintiffs and Defaulting Defendants are cousins, identically situated, and the proper residuary heirs under the will of Pauline Bradley, probated in Wake County file 82-E-527.

9. Jewett is the heir under the will of Marsha Reams, probated in Wake County file 09-E-1938.

10. The matters for which the Parties sought declaratory relief are appropriate for determination pursuant to N.C.G.S. § 1-253.

NOW WHEREFORE, with the Consent of the appropriate parties, the Court hereby orders and adjudges as follows:

1. The Property is to be sold to satisfy the claims of the various parties.

2. Private sale of the Property is authorized.

3. Title to the real property located in Wake County located at 2021 North Salem Street, Apex, North Carolina 27523, with PIN 0742891824 and more further described in that deed recorded with the Wake County Registry in Book 686, Page 436 is vested in fee simple to the following parties as tenants-in-common: WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.

4. A Memorandum is to be recorded with the Wake County Register of Deeds to provide notice of this Judgment.

5. The Plaintiffs shall have full authority to list, contract for, sell, and convey fee simple title to the Property without need of joinder by any other party. Plaintiffs' execution of all documents, governmental applications, and authorizations related to the sale of the Property shall be binding upon Defaulting Defendants and of the nature of acting as attorneys-in-fact as described in N.C.G.S. § 32C-2-204(2) for Defaulting Defendants.

6. Jewett shall bear no expense related to the listing, contract for, or sale of the Property.

7. Jewett shall receive the first $180,000.00 realized from the closing of the sale of the property with no offset of any kind.

8. The Property shall be listed for sale by a licensed real estate broker within sixty (60) days after entry of this Judgment.

9. The Property shall remain continuously listed and good faith efforts made to effectuate a sale until a sale is finalized.

10. The sale must be to a third-party and cannot be to any Party to this action.

11. The Property shall not be sold for a sum insufficient to pay Jewett $180,000.00.

12. Jewett shall be paid from the proceeds from closing directly by the closing attorney, payment to be made to Jewett and delivered to her attorney, Sandra Martin Clark, Manning Fulton & Skinner, PO Box 20389, Raleigh, NC 27619-0389

13. The proceeds of the sale, after Jewett shall be paid $180,000.00, shall first go to Plaintiffs for attorney fees and costs incurred in this matter. Thereafter, the remaining proceeds shall be evenly divided between WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.

14. Entry of this Judgment, along with the contemporaneous entry of a Consent Declaratory Judgment resolves all outstanding claims of the parties and constitutes a final Judgment.

15. The Parties hereto, their heirs, purchasers, and assigns, and anyone claiming through them (including the Defaulting Defendants), agree and are deemed to release each other from any and all claims relating to the ownership, occupancy, rents, profits, proceeds or condition of the Property, except as specifically set forth above.

20 CVS 6957

This 12 day of May, 2021.

CONSENTED TO:

Plaintiffs:

William C. Mann
WILLIAM C. MANN

SUSAN CASTLEBURY

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

SEAN G. DELANEY

Defendant:

SUSAN RAWLINGS JEWETT

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

WILLIAM C. SMITH

20CV56957

This 15 day of May, 2021.

CONSENTED TO:

Plaintiffs:

WILLIAM C. MANN

SUSAN CASTLEBURY

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

SEAN G. DELANEY

Defendant:

SUSAN RAWLINGS JEWETT

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

WILLIAM C. SMITH

20 CVS 6957

This 7 day of ~~May~~ July, 2021.

SUPERIOR COURT JUDGE PRESIDING

CONSENTED TO:

Plaintiffs:

WILLIAM C. MANN

SUSAN CASTLEBURY

Defendant:

SUSAN RAWLINGS JEWETT

Attorney for Plaintiffs:
Hatch, Little & Bunn, LLP

SEAN G. DELANEY

Attorney for Defendant:
Manning, Fulton & Skinner, P.A.

WILLIAM C. SMITH

WAKE COUNTY, NC
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07-08-2021 AT 11:17:19

BOOK: 018589 PAGE: 00961 - 00962

Prepared by: Sean G. Delaney, Esq.
Return to : Hatch, Little & Bunn, LLP, P.O. Box 527, Raleigh, NC 27602

MEMORANDUM OF TITLE BY JUDGMENT

Property:	2021 North Salem Street, Apex, NC 27523
Real Estate ID:	0007533
PIN:	0742891824
Mailing Address:	200 Singleton Street, Raleigh, NC 27606

This Notice is made and given this 8th day of July, 2021. By Judgment entered by the Superior Court of Wake County in file number 20-CVS-6957, title to the above-described property is vested in the following individuals:

WILLIAM C. MANN, SUSAN CASTLEBURY, ANN SINCLAIR FREEMAN GAZENBEEK, JUDITH LOUISE FREEMAN, JOY RUTH FREEMAN TILLEY, WILLIAM HARDIN FREEMAN, ALBERT WOMBLE, CHARLES MANN, RACHEL JORDAN, GERALD MANN, ESTATE OF PHILIP MANN, KENNETH MANN, AND DAVID MANN.

Attention is directed to the final Judgment entered in 20-CVS-6957 for full explanation of the rights and powers of the parties.

HATCH, LITTLE & BUNN, LLP
Attorneys for William C. Mann and Susan Castlebury

Sean G. Delaney

Submitted electronically by "Hatch Little and Bunn LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **SEAN G. DELANEY**

Date: July 8, 2021

Official Signature of Notary

Printed Name of Notary Public

My Commission expires:_____

VICKIE L. BASHAM
NOTARY PUBLIC
JOHNSTON COUNTY, N.C.
My Commission Expires 08-07-2021

AFFIDAVIT OF OWNERSHIP

Application #: 22CZ13 Submittal Date: 5-2-22

The undersigned, Brendie Vega (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 2021 N Salem St., Apex, NC 27523 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 6/11/2009, and recorded in the Wake County Register of Deeds Office on 6/11/2009, in Book 09-E Page 1938.

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 _____, 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 _____, 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 2nd day of May, 2022.

Brendie Vega (seal)

Brendie Vega
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 Brendie Vega, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Brendie Vega, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

[NOTARY SEAL] NATALIE O MCKINNEY My Comm. Expires NOTARY PUBLIC August 11, 2025 WAKE COUNTY, NC

Natalie O. McKinney
Notary Public
State of North Carolina
My Commission Expires: 8/11/2025

Developer Company *Information*	
Company *Name*	Baker Residential
Company Phone *Number*	9842752223
Developer Representative *Name*	Mark Bowles
Developer Representative *Phone Number*	9196561291
Developer Representative *Email*	mbowles@bakerresidential.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	TBD
Address of Subdivision (if unknown enter nearest cross streets)	2021 N Salem St., Apex, NC 27523
REID(s)	0007533
PIN(s)	0742891824

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*	2026
Subdivision *Projected First Occupancy Date*	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																	
Townhomes					10	30		2,100	2,100	$400k	$500k	2026	40				
Condos																	
Apartments																	
Other																	

15 December 2021

Mr. V. Mark Bowles
Director of Land Acquisition, Raleigh
Baker Residential
7001 Weston Parkway, Suite 150
Cary, NC 27513

RE: **2021 N Salem St. – Wetland/Stream Delineation Memo**

Mr. Bowles:

Upon your authorization Spangler Environmental, Inc. (SEI) visited the subject property, located at 2021 N Salem St., Wake County, North Carolina (Wake County PIN# 0742891824) on 30 November 2021 to determine if the subject property contains Waters of the United States (WOTUS), or waters of the state subject to the Clean Water Act (CWA), the Isolated Wetland and other state Rules, the Neuse Buffer Rules and/or Wake County ordinances.

Wetland Delineation/Stream Determination:
During the field investigation SEI did not identify any wetland or stream features in the project area. The 1970 Natural Resources Conservation Service Soil Survey map (Sheet 56) and the 2019 Cary, NC USGS Quadrangle do not depict any stream features within the property, and therefore no NC Protected Riparian Buffer areas are located on the site.

Attached is a map showing the property boundary over an aerial photo, as well as USGS and NRCS maps.

Conclusions & Recommendations:
Based on the absence of wetland and stream features delineated by SEI during the site reconnaissance, we recommend that additional steps be taken to obtain regulatory confirmation prior to site development activities. Specifically, we recommend that a Preliminary Jurisdictional Determination (PJD) be requested from USACE. Should you wish to procced with the PJD, please advise and we will provide scope and fee for this.

Please feel free to contact us should you have questions regarding these data or recommendations.

Sincerely,
Spangler Environmental, Inc.

Lisa Long
Lisa Long
Environmental Scientist – Land & Water Resources

Ward Marotti
Director – Land & Water Resources

Attachments:
Stream and Wetland Delineation Map
USGS Topographic Map
NRCS Soil Survey Map

References:

1. Wake County GIS website.
2. USGS Cary, NC 7.5 Minute Topographic Quadrangle (2019).
3. Natural Resource Conservation Service. Soil Survey of Wake County (1970) (Sheet 56).

Vega, Brendie

Subject: FW: 2021 N. Salem street pics
Attachments: House 2.jpg; House 4.jpg; House 6.jpg; 2021 N Salem Street letter 6-8-22.pdf

J.S. THOMPSON ENGINEERING, INC

From: Scott Thompson <scott@jsthompson.com>
Sent: Wednesday, June 8, 2022 4:54 PM
To: Scott Thompson <scott@jsthompson.com>
Subject: 2021 N. Salem street pics

ALWAYS

LOOKS CAN
BE DEceiving

Sincerely,

Scott

(Sent from my cell phone; please pardon typos and brevity)

J. Scott Thompson, PE
President
J.S. Thompson Engineering, Inc.
606 Wade Avenue
Raleigh, NC. 27605

919-789-9919

---------- This message may contain proprietary information of Baker Residential. The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s). This e-mail is not intended to create or constitute a legal agreement between sender and receiver or to modify any agreement which may already exist. Only authorized persons of the organization have the ability to enter the Company into a binding agreement. If you received this message in error, please notify the sender and destroy the message.

2021 N Salem St

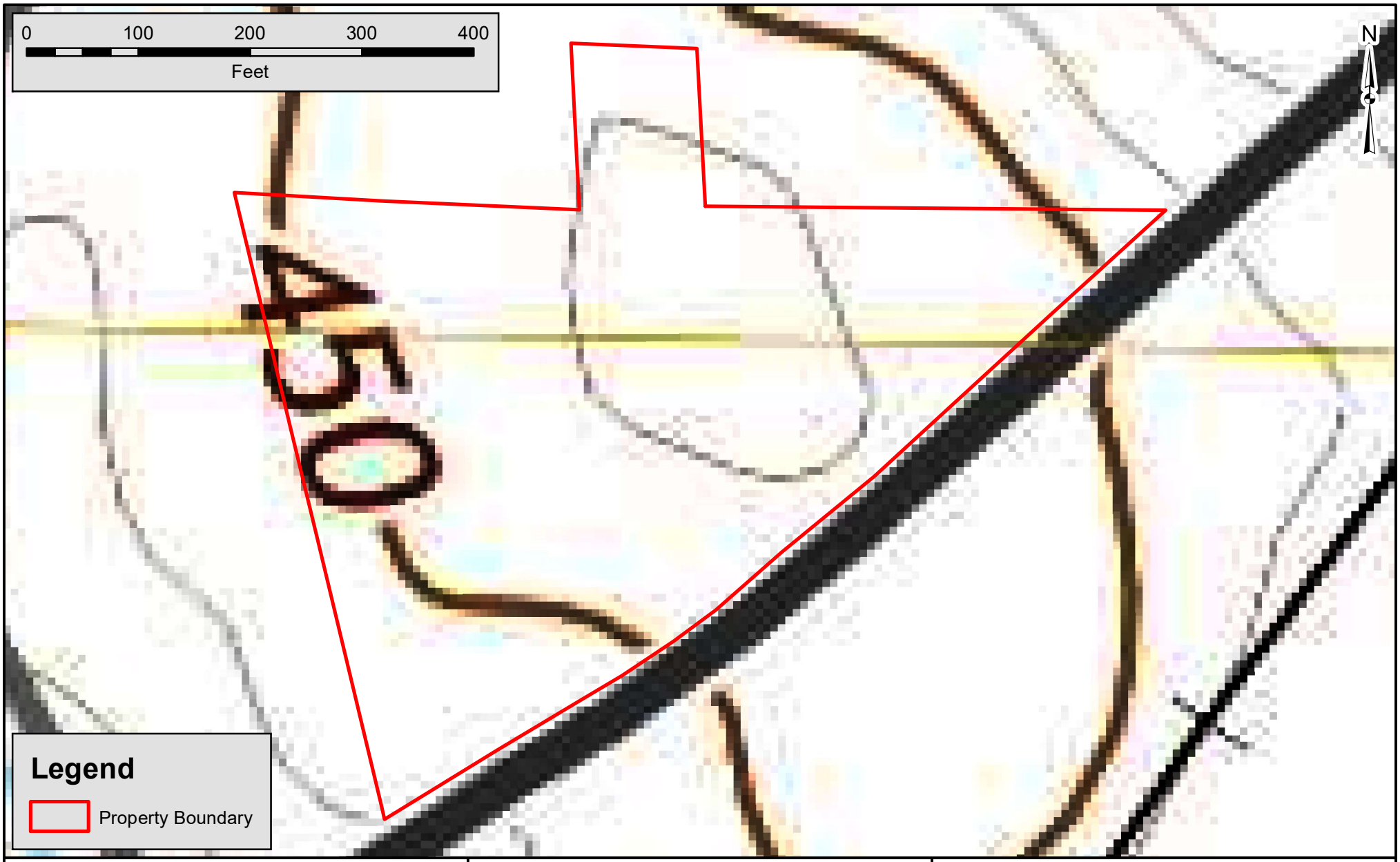
2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116

SPANGLER ENVIRONMENTAL, INC.

4338 Bland Road
Raleigh, North Carol
(919) 875-4288
erEnvironmental.com

Stream & Wetland Delineation Map

Map Source:
Wake County GIS



2021 N Salem St

2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116

SPANGLER ENVIRONMENTAL, INC.
4338 Bland Road
Raleigh, North Carol
(919) 875-4288
erEnvironmental.com

USGS Topographic Map

Map Source:
USGS Cary, NC 7.5 Minute
Topogrpahic Quadrangle (2019)

2021 N Salem St

2021 N Salem St
Apex, NC
6.0 acres December 2021 20211116

SPANGLER ENVIRONMENTAL, INC.

4338 Bland Road (919) 875-4288
Raleigh, North Carol erEnvironmental.com

NRCS Soil Survey Map

Map Source:
NRCS 1970 Soil Survey of
Wake County (Sheet 56)

WithersRavenel
Our People. Your Success.

April 4, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on April 19, 2022, at the Halle Cultural Arts Center of Apex. Additional details follow.

Event:	2021 N Salem St. Neighborhood Meeting
Location:	Halle Cultural Arts Center of Apex
Address:	237 N Salem St., Apex, NC, 27502
Time:	6 pm - 8 pm

The purpose of this meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel

Brendie Vega

Brendie Vega, AICP
Director of Planning

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.

04/04/2022
Date

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

2021 North Salem St. | 0742891824
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
☒	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	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)):

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is about 30 townhouse units.

Estimated submittal date: May 2, 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann
Applicant(s): WithersRavenel
Contact information (email/phone): Brendie Vega, bvega@withersravenel.com
Meeting Address: The Halle Cultural Arts Center, 237 N. Salem St., Apex, NC 27502
Date/Time of meeting**: April 19th 6 pm - 8 pm

Welcome: 6 pm Project Presentation: 6:15 pm Question & Answer: 6:45 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.

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: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: Email:

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: Fax: Email:

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: Fax: Email: bvega@withersravenel.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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (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/striping, 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**

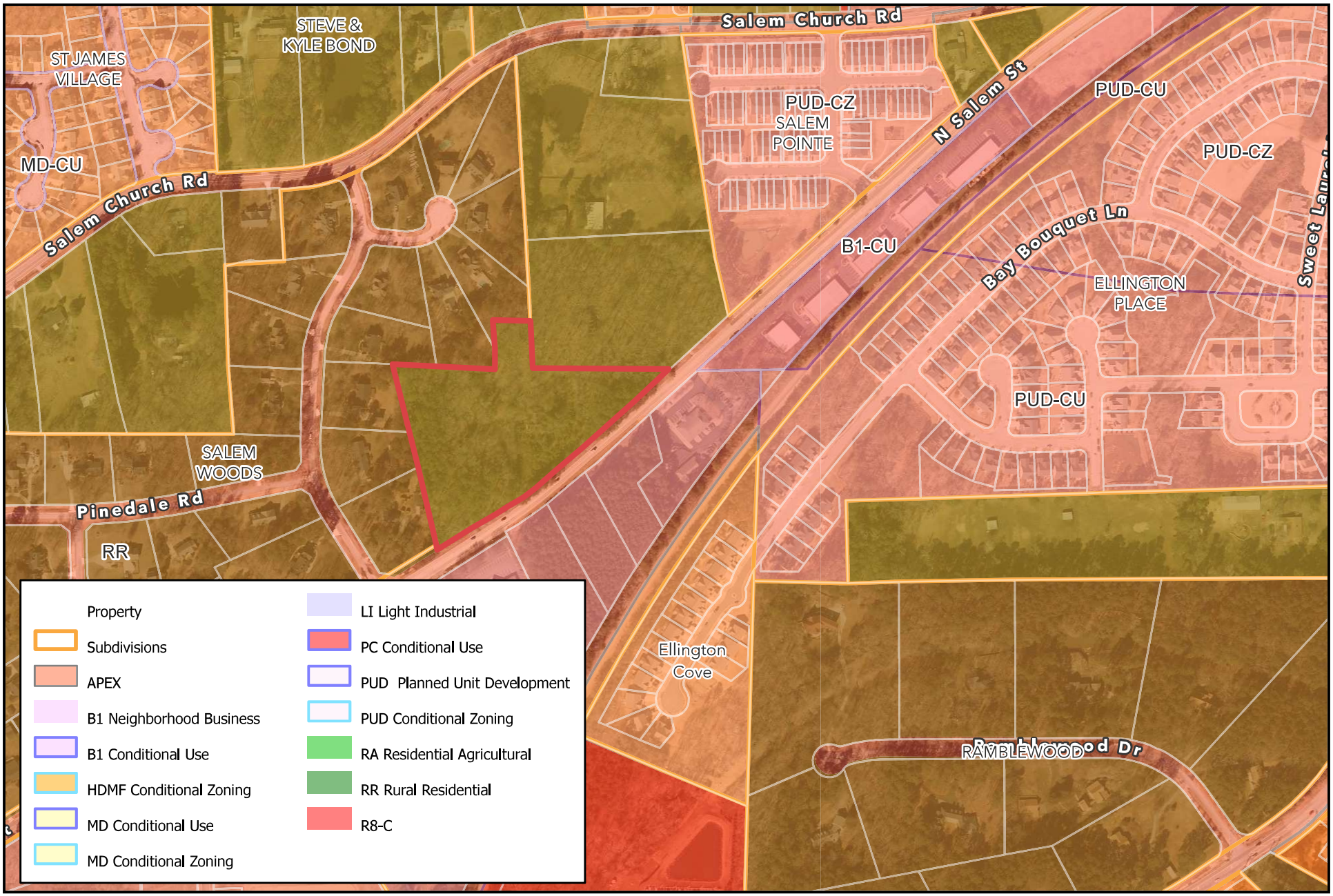
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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.



Zoning Exhibit

N

0 200 400 800 ft

1 inch equals 400 feet

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.*

OWNER	MAILING ADDRESS	MAILING ADDRESS 2	MAILING ADDRESS 3	SITE ADDRESS	PIN NUM
ABBOTT, DAVID H ABBOTT, ROSE M	2161 N SALEM ST	APEX NC 27523-8209		2161 N SALEM ST	0743805330
ALLEN, JOSHUA GREYSON ALLEN, MEGAN SPELL	1001 GREENLEA DR	APEX NC 27523-6600		1001 GREENLEA DR	0742794431
APEX BUSINESS CONDOMINIUM	YORK PROPERTIES INC	2108 CLARK AVE	RALEIGH NC 27605-1606	2166 N SALEM ST	0743903511
ARNS ASSOCIATES LLC	314 N DIXON AVE	CARY NC 27513-4427		2160 N SALEM ST	0742897839
ARNS ASSOCIATES LLC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0743809076
BECTON, RALPH NEAL JR BECTON, GINA THERESA	1102 GREENLEA DR	APEX NC 27523-9298		1102 GREENLEA DR	0743707025
BRYANT, GILMER D BRYANT, SHARON M	1504 FAIR WEATHER CT	APEX NC 27523-5987		1504 FAIR WEATHER CT	0743801307
COLEMAN, CHARLES C COLEMAN, OITA C	1112 GREENLEA DR	APEX NC 27523-9298		1112 GREENLEA DR	0743708333
COMPITELLO, WILLIAM M III COMPITELLO, MARTHA P	1502 FAIR WEATHER CT	APEX NC 27523-5987		1502 FAIR WEATHER CT	0743709391
DOHM, PHILIP G DOHM, SUSAN M	1108 GREENLEA DR	APEX NC 27523-9298		1108 GREENLEA DR	0743707179
ECONOMY EXTERMINATORS INC	2160 N SALEM ST	APEX NC 27523-8208		0 N SALEM ST	0742894566
GARRITY, THOMAS M GARRITY, MARY J	1000 GREENLEA DR	APEX NC 27523-9297		1000 GREENLEA DR	0742798622
HEILSNIS, WALTER HEILSNIS, JUDY B	1506 FAIR WEATHER CT	APEX NC 27523-5987		1506 FAIR WEATHER CT	0743801574
HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563		1512 SALEM CHURCH RD	0743805704
HINTON, CHARLES A HINTON, KIMBERLY B	1109 GREENLEA DR	APEX NC 27523-6601		1109 GREENLEA DR	0743704292
JEWETT, SUSAN R	WILLIAM C. MANN	200 SINGLETON ST	RALEIGH NC 27606-1139	2021 N SALEM ST	0742891824
MROZEK, EDWARD JOHN MANGIAPANE, NICOLE	1113 GREENLEA DR	APEX NC 27523-6601		1113 GREENLEA DR	0743705334
PEAKSTONE PARTNERS LLC	2206 GOLDEN PLOVER DR	APEX NC 27502-1796		2000 N SALEM ST	0742799174
RIGGSBEE, PEGGY S	PO BOX 1659	APEX NC 27502-3659		1100 GREENLEA DR	0742797842
SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555	DALLAS TX 75380-3555	1604 SALEM CHURCH RD	0743809469
SMITH, BRADLEY EDWARD SMITH, LYNNE O	1105 GREENLEA DR	APEX NC 27523-6601		1105 GREENLEA DR	0742794937
TOWN & COUNTRY KENNELS	2010 N SALEM ST	APEX NC 27523-8206		2010 N SALEM ST	0742891288
TOWN OF APEX	PO BOX 250	APEX NC 27502-0250			
Current Tenant	1100 Greenlea DR	APEX NC 27523			
Current Tenant	2000 N Salem ST	APEX NC 27523			
Current Tenant	2021 Salem ST	APEX NC 27523			
Current Tenant	2161 Salem ST	APEX NC 27523			
Current Tenant	2166 N Salem ST	APEX NC 27523			
Current Tenant	2172 N Salem ST	APEX NC 27523			
Current Tenant	2180 N Salem ST	APEX NC 27523			
Current Tenant	2186 N Salem ST	APEX NC 27523			
Current Tenant	2190 N Salem ST	APEX NC 27523			
WithersRavenel, Brendie Vega	137 S. Wilmington St #200	Raleigh, NC 27601			
Baker Residential of the Carolinas, Inc.	7001 Weston Parkway	Cary, NC 27513			

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 disc osed to third parties.

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St., Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

Property Owner(s) name(s): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

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.	John C Economy Ext	1000 Cape Fear Cove; 2160 N. Salem ST	919-669-28[illegible]	[redacted]	[illegible].com
2.	Ann Morgan	2729 Townedge Ct Raleigh, NC 27612	919-781-6691		yes
3.	Gregory Collins Edenroy Ext	2304 Eagle Watch Ct. Apex, NC 27502	919-461-5729		Yes
4.	William C. Mann	200 Singleton St. Raleigh, N.C. 27604	919-851-3745		Yes
5.	Judy Heilsnis	1506 Fair Weather Ct	919-924-4841		yes
6.	Brendie Vega	137 S Wilmington Rle	919 5355212	[redacted]	
7.	caroline Richardson	137 s wilmington st.	803 6032883		[illegible]ravel.com
8.	Mark Bowles	7001 Weston Pkwy Cary 27513	919-656-1291		
9.	ED TANG	115 Mackenan Dr.	919-238-0338		
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Susan R Jewett and William C Mann

Applicant(s): WithersRavenel

Contact information (email/phone): bvega@withersravenel.com

Meeting Address: Halle Cultural Arts Center of Apex 237 N Salem St, Apex, NC 27502

Date of meeting: April 19, 2022 Time of meeting: 6 - 8 p.m.

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:
Traffic. Residents expressed concern about the visibility along N Salem St. They also were worried about increased traffic volumes.

Applicant's Response:
The applicant explained that they would be working closely with NCDOT and the Town of Apex to determine a safe location for neighborhood access along N Salem St. The applicant explained that a TIA would not be required for a project of this size.

Question/Concern #2:
Buffers and RCAs. Residents asked about the placement, width, and opacity of the perimeter and streetscape buffers on the site.

Applicant's Response:
The applicant displayed a concept plan with the required buffers. They explained that Resource Conservation Areas would not be disturbed.

Question/Concern #3:
Density. The neighbors asked for an explanation of how the density was calculated.

Applicant's Response:
The applicant explained that the density was based on gross, not net, acreage.

Question/Concern #4:
Timeline. Residents wanted to know the timeline for approvals and construction.

Applicant's Response:
The builder provided a tentative timeline. Rezoning would be addressed by Council in the fall. Construction would likely begin approximately one year later at the earliest.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Question/Concern #1:
Housing Product. Residents asked about the product type.

Applicant's Response:
The builder explained that the townhome product would be two stories with an attic on some units. The builder also provided examples of its existing developments including McKenzie Ridge and Weddington. The homes are planned to have slab foundations.

Question/Concern #2:
Stormwater Management. Residents asked about plans for stormwater runoff.

Applicant's Response:
The applicant shared that there would be at least two stormwater ponds on the side to collect and treat runoff. The locations shown on the existing concept plan are approximate.

Question/Concern #3:
Tree Health. One resident shared that her property was experiencing tree decay and disease. She asked how the applicant would protect existing trees.

Applicant's Response:
The applicant explained that tree protection fencing would be required during construction. In addition, disturbance is not permitted in Resource Conservation Areas and most buffers.

Question/Concern #4:

Applicant's Response:

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, Brendie Vega, 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 237 N Salem St, Apex, NC 27502 (location/address) on April 19, 2022 (date) from 6 p.m. (start time) to 8 p.m. (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.

5/2/2022
Date

By: Brendie Vega

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Natalie O. McKinney, a Notary Public for the above State and County, on this the 2nd day of May, 2022.

SEAL

NATALIE O MCKINNEY NOTARY PUBLIC WAKE COUNTY, NC My Comm. Expires August 11, 2025

Natalie O. McKinney
Notary Public

Natalie O. McKinney
Print Name

My Commission Expires: 8/11/2025

WithersRavenel
Our People. Your Success.

May 24, 2022

RE: 2021 N Salem St. (PIN 0742891824)

Neighboring Residents and Property Owners:

You are invited to attend a virtual neighborhood meeting on June 8th, 2022. Additional details follow.

Event:	2021 N Salem St. Neighborhood Meeting
Location:	Virtual
Address:	WebEx - Register at https://bit.ly/3lSXWdL
Time:	5:00 pm - 7:00 pm

Dear resident,

On April 19th, 2022 we held a neighborhood meeting for a rezoning of 2021 N. Salem St. One of the residents in attendance at that neighborhood meeting pointed out that the mailing included "30 dwelling units," as the proposed number of townhomes to be in the rezoning. We sincerely apologize for this error as we are requesting up to 40 dwelling units as part of our rezoning request. In light of the error on the notice, we will be holding a second neighborhood meeting. This meeting will be virtual.

The purpose of the meeting is to discuss a proposed rezoning of the property located at 2021 N Salem St. (PIN 0742891824). This site is currently located in the Town of Apex's extraterritorial jurisdiction (ETJ). The request is to annex the property into the Town of Apex's corporate limits and rezone PIN 0742891824 from Residential Agricultural (RA) to Planned Unit Development – Conditional Zoning (PUD-CZ).

If you have further questions about the rezoning request or would like to submit written comments, contact Brendie Vega at bvega@withersravenel.com or call (919) 469-3340. You can also contact the Town of Apex Planning Department by calling (919) 249-3426.

Sincerely,
WithersRavenel

Brendie Vega

Brendie Vega, AICP
Director of Planning

*This plan is conceptual and illustrates design intent. The plan has not been reviewed or approved by the Town of Apex.

No.	Revision	Date	By

Designer WR	Scale AS NOTED
Drawn By WR	Date 04/20/2022
Checked By ET	Job No. 02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL PUD PLAN

WithersRavenel
Engineers | Planners | Surveyors
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

Sheet No.
2

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.

05/24/2022
Date

Use the QR code or register at: https://bit.ly/3lSXWdL

Dear Neighbor:

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

2021 North Salem St. | 0742891824

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
☒	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Technical Review Committee (staff)
☐	Special Use Permit	Board of Adjustment (QJPH*)
☐	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)):

Proposal to rezone this site from RA to PUD-CZ. The anticipated unit breakdown is up to 40 townhouse units.

Estimated submittal date: June 2022

MEETING INFORMATION:

Property Owner(s) name(s): Susan R. Jewett & William C. Mann

Applicant(s): WithersRavenel

Contact information (email/phone): Brendie Vega, bvega@withersravenel.com

Meeting Address: https://bit.ly/3lSXWdL or call-in at US Toll +1-415-655-0001 / Access Code: 24303922232

Date/Time of meeting**: June 8th, 2022 / 5:00 pm - 7:00 pm

Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:30 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.

PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: N. Salem St. Zoning: RA

Location: 2021 N. Salem St., Apex, NC

Property PIN(s): 0742891824 Acreage/Square Feet: 6.00

Property Owner: Susan R. Jewett & William C. Mann

Address: 200 Singleton St.

City: Raleigh State: NC Zip: 27606

Phone: Email:

Developer: Baker Residential of the Carolinas, LLC

Address: 7001 Weston Parkway, Suite 150

City: Cary State: NC Zip: 27513

Phone: Fax: Email:

Engineer: WithersRavenel, Brendie Vega

Address: 115 MacKenan Drive

City: Cary State: NC Zip: 27511

Phone: 919-535-5212 Fax: Email: bvega@withersravenel.com

Builder (if known): Baker Residential

Address: same as developer

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) James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3537 (919) 249-3324
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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/striping, 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.

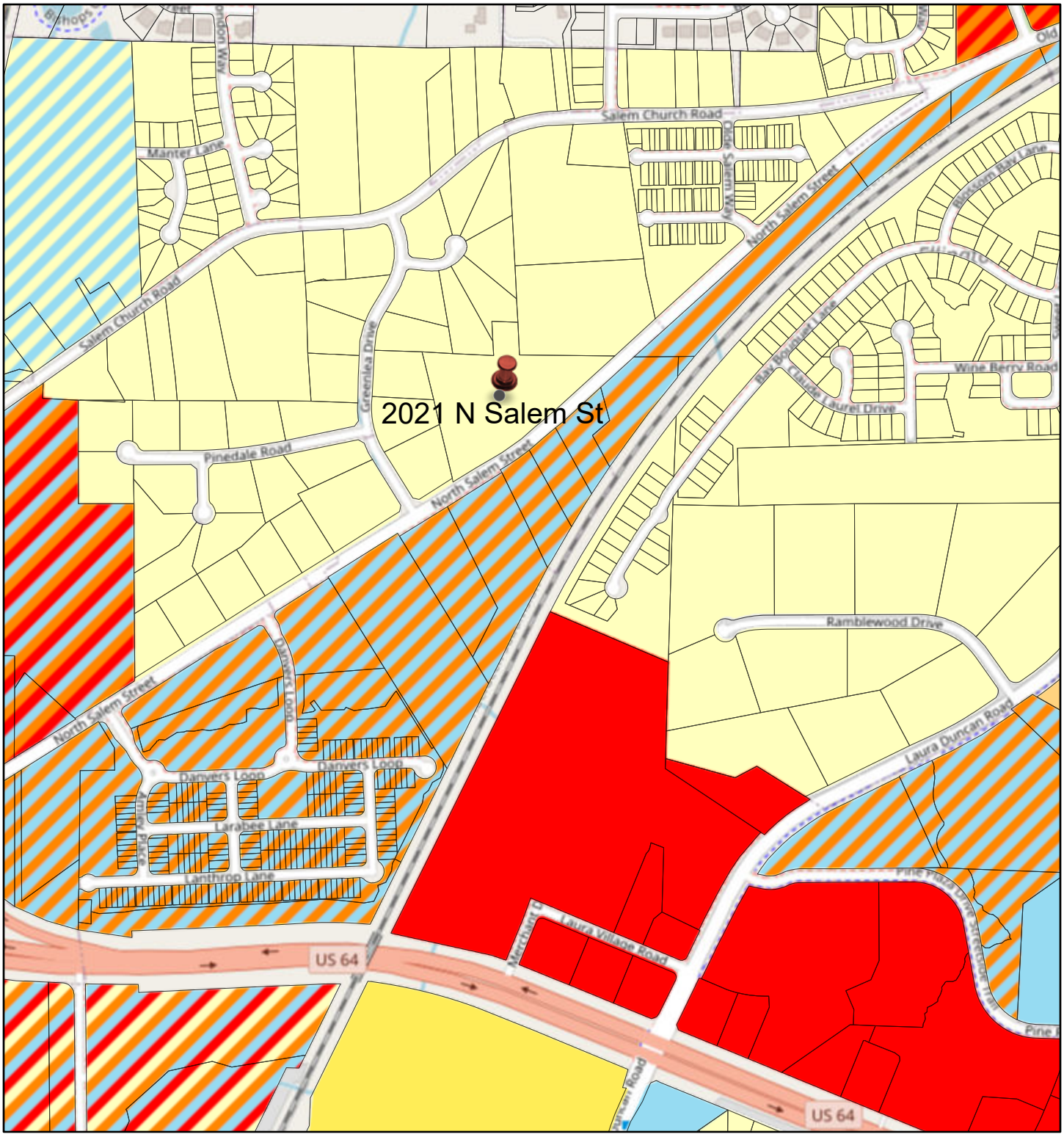
Stormwater Control Measures: **Jessica Bolin** **919-249-3537**

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.

2021 N Salem Street - Future Land Use Map



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Future Land Use

- Protected Open Space
- Rural Density Residential
- Golf Course
- Low Density Residential
- Low Density Residential, Office Employment
- Low Density Residential, Commercial Services
- Medium Density Residential

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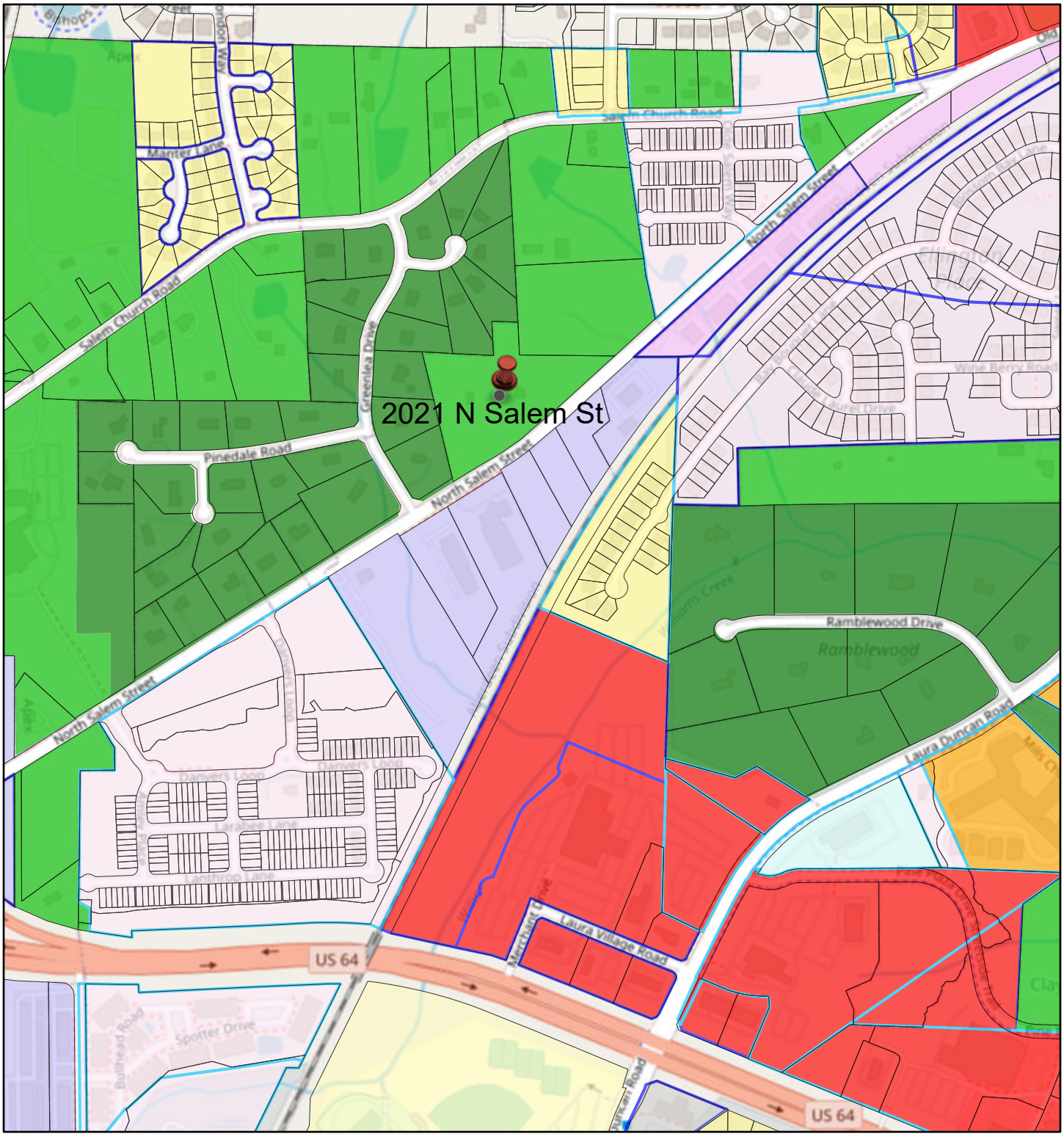
2021 N Salem St Zoning



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Parcels (Zoom In to See)

Zoning Districts

- B1 Neighborhood Business
- B1 Conditional Use
- HDMF Conditional Zoning
- MD Medium Density Residential
- MD Conditional Use
- MD Conditional Zoning
- LD Low Density Residential
- LI Light Industrial
- LI Conditional Use
- O&I Conditional Use
- PC Planned Commer

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Attendance Count	Event Name	Event Start Date	Event Start Time	Event End Time	Event/Recording Duration	User Type	FirstName
1	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Brendie
2	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Host	WithersRavenel
3	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Rose
4	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	christian
6	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Attendee	Ann
7	N. Salem St. Neighborhood Meeting	June 8, 2022 New York Time	5:00 pm New York Time	7:00 pm New York Time	120.0 mins	Panelist	Ed

LastName	Email	Attended	Join Time	Registration Date/Time	Registration ID	Okay to send email	Phone
Vega		Yes	4:55 pm New York Time		0	No	1-
Raleigh		Yes	4:48 pm New York Time		0	No	1-
Motley-Abbott		Yes	4:55 pm New York Time	June 8, 2022 4:06 pm New York Time	815956	No	1-
campbell		Yes	5:03 pm New York Time	June 8, 2022 5:03 pm New York Time	885048	No	1-
Morgan		Yes	5:00 pm New York Time	June 8, 2022 2:31 pm New York Time	203194	No	1-9197816691
Tang		Yes	5:01 pm New York Time		0	No	1-

All sessions in Eastern Daylight Time (New York, GMT-04:00)
Session detail for 'N. Salem St. Neighborhood Meeting ':
*Attention to Duration ratio: Attentiveness based on total duration of the event.
**Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

Participant	Audio Type	Name	Date	Invited	Registered	Start time	End time	Duration	*Attention to Duration ratio	**Attention to Attendance ratio
1		WithersRavenel Raleigh	6/8/2022	No	No	4:48 PM	7:02 PM	135 mins	100%	100%
2		WithersRavenel Raleigh	6/8/2022	No	No	4:56 PM	7:02 PM	127 mins	94%	100%
3		christian campbell	6/8/2022	No	Yes	5:05 PM	6:08 PM	64 mins	47%	100%
4		christian campbell	6/8/2022	No	Yes	5:03 PM	5:05 PM	3 mins	2%	100%
5		Ed Tang	6/8/2022	Yes	No	5:01 PM	5:44 PM	43 mins	32%	100%
6		ann morgan	6/8/2022	No	Yes	5:06 PM	6:51 PM	106 mins	79%	100%
7		Rose Motley-Abbott	6/8/2022	No	Yes	5:00 PM	5:43 PM	44 mins	32%	100%
8	Call-in	Call-in User_2	6/8/2022			5:01 PM	5:52 PM	51 mins		

June 10, 2022

RE: Baker Residential – 2021 N. Salem St.
Neighborhood Meeting Summary
2021 North Salem Street PUD Project No. 22CZ13
WR Project No. 02211366.00

1. Rose: What are the structures CAP has identified
   - ***Brendie: There are about 7 structures***
   - ***The 2-story brick house and the tobacco barn***
2. Rose: what about the trees
   - ***We are looking at a stormwater pond on the NE***
   - ***There will have that 20-foot buffer and houses have to be at least 10 feet from it***
3. Rose: For the peninsula, you said the trees would be undisturbed?
   - Brendie: **Yes, that is what we anticipate at this time**
4. David: Where will the entrance be located? It wouldn't be where the old driveway was, correct?
   - ***Brendie: correct, we have shown it where we think site distance will be best but it is subject to Apex and NCDOT approval***
     1) Rose's husband, David: that's good
5. Rose: would trees be preserved?
   - Brendie: ***yes, there will be trees preserved, at this time it is too early to tell which but we will try to save those in the peninsula and those in the perimeter buffers***

   a. Rose: what will that mean?
      - Brendie***: Those that we can save we will have tree protection fencing around them***
6. Rose Abbott: it was originally 30, not 40 townhomes?
   - ***Brendie: It was always intended to be 40 units, the first letter unfortunately went out with a typo. We discovered the typo at the first neighborhood meeting when a neighbor brought it up.***
7. Rose's husband, David: what are you planning to do with the pump house?
   - ***Brendie: it will be removed, and this project will connect to public utilities***
8. Rose: when is the public hearing?
   - ***Brendie: we have submitted our application, we have received comments and we will resubmit the application on Friday, once we have addressed comments we will move to public hearings, We submitted last month in May, August 8th and 23rd will be the earliest we can go. It's always possible we could get delayed. You will get a letter about 2 weeks prior to the hearing from the Town of Apex and you can also sign up on the Town's website for alerts on public hearings.***

9. Rose's husband, David: do you have any info on active construction?
    - ***Brendie: Infrastructure, and road improvements will start first, once complete and inspected, then it will go into vertical construction of the homes. The road work could be as soon as next summer.***
    - ***Ed: Home construction may end in 2025.***
10. David Abbott: Is that a 3-lane section for N Salem?
    - ***Ed: yes, the town has amended the Transportation plan in this area to a 3-lane section.***
11. Rose: Baker is the builder?
    - ***Brendie: yes, Baker is the developer and builder.***

Sincerely,

WithersRavenel

Brendie Vega, AICP, CNU-A
Director of Planning

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, Edward Tang, 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 Virtual via WebEx (location/address) on June 8, 2022 (date) from 5:00 PM EST (start time) to 7:00 PM EST (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.

8/1/2022
Date

By: Edward Tang

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 1st day of August, 2022.

SEAL

Karen Hancock
Notary Public
Wake County
North Carolina
My Commission Expires 5/13/2025

Karen Hancock
Notary Public
Karen Hancock
Print Name

My Commission Expires: 5-13-2025

2021 N SALEM ST

PLANNED UNIT DEVELOPMENT

Apex, North Carolina

First Submittal ♦ May 2, 2022

Second Submittal ♦ June 10, 2022

Third Submittal♦ July 8, 2022

Fourth Submittal♦ July 25, 2022

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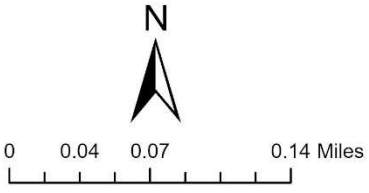
I. VICINITY MAP

N. Salem St. Parcel



II. PROJECT INFORMATION

Project	2021 N Salem St. PUD
PIN	0742891824
Preparer Information	WithersRavenel 115 MacKenan Drive Cary, NC 27511 Brendie Vega, AICP, CNU-A Ed Tang, PE P: 919.469.3340 F: 919.467.6008 bvega@withersravenel.com etang@withersravenel.com
Current Zoning Designation	Residential Agriculture (RA)
Proposed Zoning Designation	Planned Unit Development (PUD-CZ)
Current 2045 Land Use Map Designation	Medium Density Residential
Area of Tract	6.00 acres

III. PURPOSE STATEMENT

A. Unified Development Ordinance (UDO) Sections 2.3.4.F.1.

- The PD Plan encourages cluster and compact development to the greatest extent possible. The PD plan will provide the required right-of-way dedication to the recently adopted amendment for a 3-lane section along North Salem Street. The layout provides one point of access to N. Salem St. and a stub to the eastern parcel which remains a single-family, large lot residential home. The internal pedestrian network will connect to the sidewalk provided along N. Salem St.
- The development is compatible in character with the townhomes in the area with a density between 3-7 dwelling units per acre.
- The site is near several commercial areas which allow future residents to access many necessities while minimizing vehicle trips traveled and trip length.
- The PD Plan proposes architectural standards that are exceptional and provide high-quality design wile incorporating energy saving features.

B. Conditional Zoning Standards - UDO Sections 2.3.3.F.1-10

- The PUD Plan is consistent with the 2045 Land Use Map, which has identified this area as Medium Density Residential which allows for single-family homes, duplexes, and townhouses. The proposed conditions maintain the density within the 3-7 dwelling units per acre range required by the zoning district.
- The proposed development is adjacent to existing single-family neighborhood to the west, Salem Woods, and subdivisions to the northeast; Salem Pointe and Ellington Place. Therefore, the proposed development is consistent with the developing residential character of the area.
- The zoning district supplemental standards do not apply to the uses in this proposed development.
- Adverse impacts will be minimal since there are currently similar residences in the surrounding area that are served by the Town.
- The proposed District will meet or exceed the Town's requirements which are meant to protect the health, safety, and welfare of the Town and ETJ residents.
- There will be no substantial detriment to the adjacent properties. The addition of residential at a slightly higher density than what is existing will not be a substantial detriment to adjacent properties.
- The use will not constitute a nuisance or hazard as residential uses are inherently intended for the use, enjoyment, and safety of residents in their homes.
- The proposed Conditional Zoning district use will meet or exceed the applicable provisions of the Ordinance except where noted in this document and as permitted by the Conditional Zoning process.

IV. 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.

- Townhouse
- Accessory apartment
- Utility, Minor
- Park, Active
- Park, Passive

V. PROPOSED CONDITIONS

1. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
2. The development shall provide an amenity pad and lighting consistent with the Town of Apex standards to accommodate a future bus stop and shelter along the North Salem Street frontage. The location of the bus stop along the project's frontage is subject to review and approval by the Town of Apex and NCDOT. Additional right-of-way dedication required to accommodate the bus stop will be determined at time of subdivision plan. If additional right-of-way is required, it may encroach into the required buffer and shall not impact the site's calculation of RCA.

VI. DESIGN CONTROLS

A. Intensity and Density

Maximum Density	6.7 dwelling units per acre		
Maximum Dwelling Units	40		
Maximum Building Height	42 ft; 2 stories maximum		
Setbacks, Townhouses	Front: 19 ft from garage to lot line and 20ft from garage to back of sidewalk	Side: 5 ft Corner Side: 10 ft Building to Building: 10 ft	Rear: 10 ft
Minimum Lot Width	20 ft		
Maximum Built Upon Area Permitted	70%		
Maximum Built Upon Area Proposed	Up to 70%		

B. Perimeter Buffers

North	20 ft Type B
South (N. Salem St.)	30 ft Undisturbed Type B* 50 ft Disturbed Type B *
East	20 ft Type B
West	20 ft Type B

*An encroachment into the buffer may be required for a Town of Apex bus stop. If an encroachment is required, the encroachment into the buffer shall continue to be counted as buffer and RCA for purposes of meeting the UDO and Conditional Zoning.

VII. ARCHITECTURAL CONTROLS

Townhouses

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details, or carriage-style adornments on them.
4. Building facades shall have horizontal relief achieved by the use of recesses and projections.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Elevations shall have a minimum of three colors.
7. The visible side of a townhome on a corner lot facing the public street shall contain a decorative element such as, but not limited to, the following elements:
    - Windows
    - Trim around the windows
    - Decorative air vents on gable
    - Decorative gable

VIII. SIGNAGE

All signage in the N. Salem St. PUD will comply with the requirements in Section 8.7 of the Town of Apex UDO.

The sign(s) for *Section X. Environmental Advisory Board Recommendations* 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.

IX. PARKING AND LOADING

The parking requirements of the Town of Apex UDO Section 8.3 will be met.

X. ENVIRONMENTAL ADVISORY BOARD RECOMMENDATIONS

The 2021 N. Salem St. PUD was heard at the EAB on April 21, 2022. The applicant has agreed to the following conditions:

Water Quality

The project shall install one (1) sign to reduce pet waste per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.

Planting and Landscaping

The project shall ensure that at least 75% of the landscaping shall be native species. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.

The project shall plant warm season grasses in order to minimize the need for irrigation and chemical use.

A minimum of 4 native hardwood tree species shall be used for the landscaping on site.

Waste Reduction

The project shall install at least one (1) pet waste station per SCM, in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways or side paths.

Clean Energy

All homes shall be pre-configured with conduit for a solar energy system.

XI. NATURAL RESOURCE AND ENVIRONMENTAL DATA

A. Watershed

The property in the PD Plan is located in the Primary Overlay District and the Williams Creek Basin (Neuse River Basin).

B. FEMA Floodplain

No regulatory FEMA mapped floodplain exists on site.

C. Resource Conservation Area

The site is subject to the Resource Conservation Area requirements outlined in the Town of Apex UDO in Section 8.1. A minimum of 20% of the overall site area will be set aside to satisfy the requirements for the resource conservation area (RCA) upon subdivision plan submittal.

D. Cultural Resources

According to the North Carolina Historic Preservation Office's records, the subject site does contain historic structures.

XII. STORMWATER MANAGEMENT

The proposed development will meet the standard requirements set forth in the UDO by the Town of Apex.

XIII. PUBLIC FACILITIES REQUIREMENTS

A. Sanitary Sewer Service

Sewer is available at an outfall at the tributary of the Williams Creek outfall that runs through the Town of Apex ROW on N. Salem St. The nearest pump station is located approximately 0.5 miles away at Apex Community Park.

A capacity study shall be provided during Construction Drawing submittal.

B. Water Service

Extension of water shall be provided to the proposed development with access to water 12" water line on N. Salem St.

C. Gas and Electric Service

Electric services will be extended to the site. If natural gas is available, it will be extended to the site.

D. Roadways

The subdivision will have an internal public roadway network. The transportation system shall be consistent with the Town of Apex Transportation Plan and the Town of Apex Standard Specifications and Standard Details.

Development frontage improvements along North Salem Street shall be constructed based on a minimum 41' back-to-back curb and gutter 3-lane thoroughfare on minimum 80' right-of-way (40' from roadway center line) with 5' sidewalk. A maximum of one (1) access point shall be proposed on North Salem Street, to be located a minimum of 500 feet east of Greenlea Drive, subject to Apex and NCDOT review and approval.

A center left turn lane shall be extended along the property frontage between Greenlea Drive and the Economy Exterminators Driveway and provide a left turn lane for access to the development, subject to Apex and NCDOT review and approval.

E. Transit

The proposed site exists along, though not within, the Transit Oriented Development Context Area as outlined in the Advance Apex 2045 Transportation Plan. Additionally, the proposed site is along the future Apex-Cary Express (ACX) bus and commuter rail lines. The nearest transit stop for the local GoApex Route 1 is proposed to be located at the intersection of N Salem St. and Apex Peakway.

A bus stop, subject to review and approval by the Town of Apex and NCDOT, will be located along the frontage of the PUD to accommodate a future stop for the ACX.

F. Pedestrian Facilities

A minimum 5' sidewalk shall be provided along the frontage of N Salem St., in accordance with the Transportation Plan & UDO.

Sidewalks shall be provided on both sides of all internal streets, including cul-de-sac(s).

G. Parks and Recreation Dedication

A fee-in-lieu of dedication will be provided per UDO Section 14.1.2 Exemptions.

XIV. PHASING

The site is anticipated to be completed in one phase.

XV. AFFORDABLE HOUSING

Of the forty (40) permitted townhouse dwellings, at least one (1) residential restricted median-income affordable housing townhouse ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial 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 Unit shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of ten (10) years shall be recorded against each Affordable Housing Unit concurrently at the close of escrow upon the sale of each Affordable Housing Unit to memorialize the affordable housing terms and conditions.
- The Affordable Housing Unit lot shall be identified on the Master Subdivision Final Plat, which may be amended from time to time.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and Applicant shall be recorded against the Affordable Housing Unit lot prior to the issuance of a building permit for such lots 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.
- Developer will be responsible for performing marketing, applicant screening and selection process and management of the Affordable Housing Units during the affordability period with oversight and support provided by Town staff.

XVI. CONSISTENCY WITH ADVANCE APEX 2045

The proposed development is consistent with the Advance Apex 2045 Plan and Future Land Use Map.

The Apex 2045 Future Land Use Map identifies the subject parcels as Medium Density Residential. Medium Density Residential lands are characterized by single-family homes, duplexes, quadplexes, and townhomes with densities no less than three (3) and no more than seven (7) dwelling units per acre. Medium Density Residential provides a transition from the more urbanized areas of Apex to low-density neighborhoods.

The proposed density of 6.7 dwelling units per acre meet the Medium Density Residential standards. The proposed townhome use also meets the Medium Density Residential standards. Lastly, if established, the proposed development will soften the land use transition between large rural lands and residential neighborhoods and commercial areas.

XVII. CONSISTENCY WITH THE UDO

The proposed development is consistent with all applicable requirements of the Town of Apex UDO.

XVIII. CONSISTENCY WITH THOUROUGHFARE AND COLLECTOR STREET PLAN MAP

The proposed development will be consistent with the Thoroughfare and Collector Street Plan.

XIX. CONSISTENCY WITH THE PARKS & RECREATION MASTER PLAN

The proposed development is in the extraterritorial jurisdiction and is not located within any future Parks & Recreation trails or projects.

XX. CONSISTENCY WITH THE BICYCLE AND PEDESTRIAN SYSTEM PLAN

The proposed development will comply with the BPS Plan.

PLANNED UNIT DEVELOPMENT

2021 N. SALEM STREET

TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

1ST SUBMITTAL: MAY 2, 2022
2ND SUBMITTAL: JUNE 10, 2022
3RD SUBMITTAL: JULY 8, 2022
PLANNING BOARD SUBMITTAL: JULY 25, 2022

PLANNED UNIT DEVELOPMENT
FOR: 2021 N. SALEM
WR PROJECT NO.: 022113660

SITE DATA

LAND OWNERS:	SUSAN JEWETT AND WILLIAM C. MANN 200 SINGLETON ST RALEIGH, NC 27606						
2045 LAND USE PLAN DESIGNATION	CURRENT	MEDIUM DENSITY RESIDENTIAL					
	PROPOSED	NO CHANGE					
SITE ZONING	CURRENT	RESIDENTIAL AGRICULTURAL (RA)					
	PROPOSED	PUD-CZ					
AREA OF TRACTS IN PROPOSED PUD	0742-88-1824	6.04 AC.					
REQUESTED SEWER CAPACITY	300 GPD PER DWELLING UNIT X 40 UNITS = 12,000 GPD						
PARKING REQUIREMENTS	TOWNHOMES: 2 SPACES PER UNIT PLUS 0.25 FOR GUEST PARKING						
PARKING PROVIDED	TOWNHOMES: 2 SPACES PER UNIT X 40 UNITS = 80 SPACES TOWNHOMES GUEST PARKING: 0.25 FOR GUEST PARKING X 40 UNITS = 10 SPACES TOTAL = 90 SPACES						
RESIDENTIAL DENSITY	MAXIMUM	6.7 DU/ACRE					
PROPOSED UNITS	MAXIMUM	40 UNITS					
BUILDING HEIGHT	MAXIMUM	42 FT - 2.5 STORY					
TOWNHOUSE SETBACKS	FRONT	20 FT**	REAR	10 FT	SIDE	5 FT	10 FT BUILDING TO BUILDING
	CORNER SIDE	10 FT					
WATERSHED	PROPERTY LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.						
REQUIRED RCA	20% PER UDO SECTION 8.1.2.C.4						
MAX. BUILT UPON AREA	70% IMPERVIOUS						
HISTORIC STRUCTURES	ACCORDING TO THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE'S RECORDS, THE SUBJECT SITE DOES CONTAIN HISTORIC STRUCTURES.						
COMMUNITY AMENITIES	PERMANENT FEATURES MAY INCLUDE, BUT NOT LIMITED TO: FIRE PIT WITH SEATING, BENCHES ALONG PEDESTRIAN PATHWAYS, LAWN GAME SPACES, PEDESTRIAN PLAZAS WITH PLANTERS. COMMUNITY AMENITIES SHALL MEET THE REQUIREMENTS OF UDO SECTION 8.4						
SITE BUFFERS	NORTH	20' TYPE B BUFFER					
	WEST	20' TYPE B BUFFER					
	SOUTH (N. SALEM ST)	UNITS ORIENTED AWAY FROM THE STREET: 30' TYPE B BUFFER					

**19' FROM GARAGE TO LOT LINE AND 20' FROM GARAGE TO BACK OF SIDEWALK

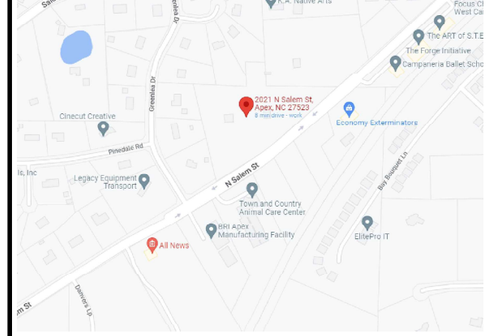
NOTE: THE PARCEL AT 2021 N. SALEM STREET DOES NOT ABUT AN EXISTING OR PLANNED PARK OR GREENWAY. PER UDO SECTION 14.1.2, THE PROPOSED SUBDIVISION MEETS THE EXEMPTION FOR SUBDIVISIONS CONTAINING 45 SINGLE FAMILY, ATTACHED UNITS OR LESS AND ONLY THE PAYMENT OF FEES-IN-LIEU SHALL FOLLOW THE PUBLISHED TOWN OF APEX FEE SCHEDULE. THE RATE OF THE FEE IS SET AT THE TIME OF TOWN COUNCIL APPROVAL OF THE REZONING, IS BASED ON A MAXIMUM OF 40 ATTACHED UNITS AND RUNS WITH THE LIFE OF THE PROJECT. IF APPROVED IN 2022, THE RATE WOULD BE $2,528.25 FOR SINGLE FAMILY ATTACHED UNITS.

SITE MAP
1"=150'

INDEX OF SHEETS

0	COVER
1	EXISTING CONDITIONS
2	CONCEPTUAL PUD PLAN
3	CONCEPTUAL UTILITY PLAN
4	CONCEPTUAL STORMWATER PLAN
5	ARCHITECTURAL ELEVATIONS

VICINITY MAP



TRANSPORTATION ZONING CONDITIONS

1. DEVELOPMENT FRONTAGE IMPROVEMENTS ON N. SALEM STREET, SHALL BE CONSTRUCTED BASED ON A MINIMUM 41' BACK TO BACK CURB AND GUTTER 3-LANE THOROUGHFARE ON A MINIMUM 80' ROW (40' FROM ROADWAY CENTERLINE) WITH 5' SIDEWALK, A MAXIMUM OF ONE (1) ACCESS POINT SHALL BE PROPOSED ON N. SALEM STREET, TO BE LOCATED A MINIMUM OF 500 FT EAST OF GREENLEA DRIVE, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.
2. A CENTER LEFT TURN LANE SHALL BE EXTENDED ALONG THE PROPERTY FRONTAGE BETWEEN GREENLEA DRIVE AND THE ECONOMY EXTERMINATORS DRIVEWAY AND PROVIDE A LEFT TURN LANE FOR ACCESS TO THE DEVELOPMENT, SUBJECT TO APEX AND NCDOT REVIEW AND APPROVAL.

PREPARED BY:

WithersRavenel
Engineers | Planners | Surveyors

115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

PLANNER: BRENDIE VEGA, AICP
BVEGA@WITHERSRAVENEL.COM

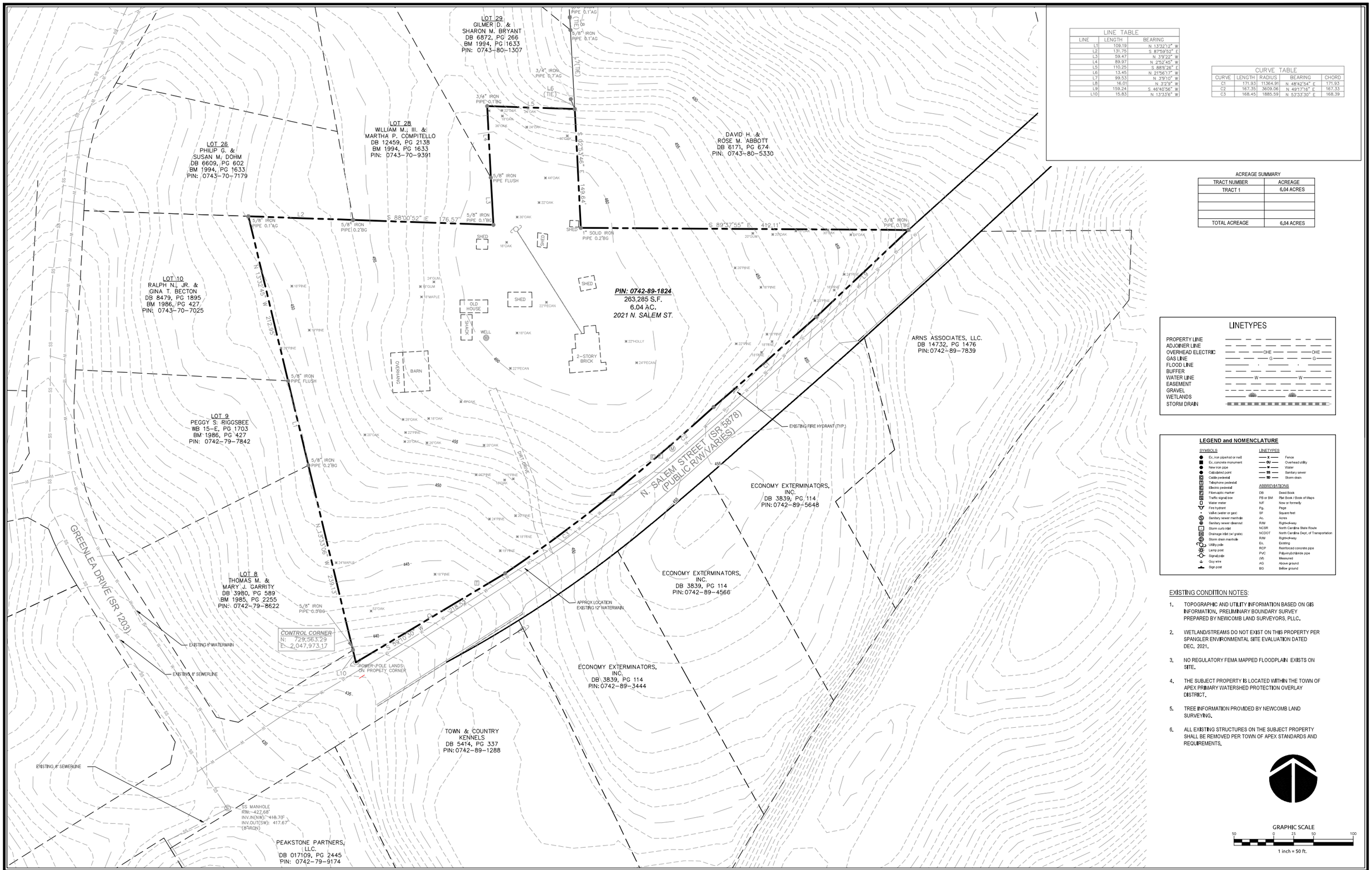
CIVIL ENGINEER: ED TANG, PE
ETANG@WITHERSRAVENEL.COM

DEVELOPER

BAKER RESIDENTIAL OF THE CAROLINAS
7001 WESTON PKWY, SUITE 150
CARY, NC 27513

ATTN: MARK BOWLES

K:\21_21-1360\211366-Baker Residential- N. Salem St\CAD\Drawing Sets\PUD PLANS\0 Cover.dwg - Monday, July 25, 2022 12:16:03 PM - TANG, ED



LINE TABLE		
LINE	LENGTH	BEARING
L1	109.19	N 13°30'12" W
L2	131.75	S 87°59'52" E
L3	59.47	N 3°9'22" W
L4	89.97	N 25°2'45" W
L5	110.25	S 88°8'28" E
L6	13.45	N 21°56'17" W
L7	99.53	N 3°9'10" W
L8	16.01	N 3°2'9" W
L9	159.24	S 46°40'56" W
L10	15.83	N 13°33'6" W

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	171.93	11364.91	N 48°42'54" E	171.93
C2	167.35	3609.06	N 49°17'16" E	167.33
C3	168.45	1885.59	N 53°33'30" E	168.39

ACREAGE SUMMARY

TRACT NUMBER	ACREAGE
TRACT 1	6.04 ACRES
TOTAL ACREAGE	6.04 ACRES

LINETYPES

PROPERTY LINE
ADJOINER LINE
OVERHEAD ELECTRIC — OHE —
GAS LINE — G —
FLOOD LINE
BUFFER
WATER LINE — W —
EASEMENT
GRAVEL
WETLANDS
STORM DRAIN

LEGEND and NOMENCLATURE

SYMBOLS
- Ex. iron pipe/rod or nail
- Ex. concrete monument
- New iron pipe
- Calculated point
- Cable pedestal
- Telephone pedestal
- Electric pedestal
- Fiber-optic marker
- Traffic signal box
- Water meter
- Fire hydrant
- Valve (water or gas)
- Sanitary sewer manhole
- Sanitary sewer cleanout
- Storm curb inlet
- Drainage inlet (w/ grate)
- Storm drain manhole
- Utility pole
- Lamp post
- Signal pole
- Guy wire
- Sign post

LINETYPES
- Fence
- OU — Overhead utility
- W — Water
- SS — Sanitary sewer
- SD — Storm drain

ABBREVIATIONS

DB	Deed Book
PB or BM	Plat Book / Book of Maps
N/F	Now or formerly
Pg.	Page
SF	Square feet
Ac.	Acres
R/W	Right-of-way
NCSR	North Carolina State Route
NCDOT	North Carolina Dept. of Transportation
R/W	Right-of-way
Ex.	Existing
RCP	Reinforced concrete pipe
PVC	Polyvinyl chloride pipe
(M)	Measured
AG	Above ground
BG	Below ground

EXISTING CONDITION NOTES:

1. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON GIS INFORMATION, PRELIMINARY BOUNDARY SURVEY PREPARED BY NEWCOMB LAND SURVEYORS, PLLC.
2. WETLAND/STREAMS DO NOT EXIST ON THIS PROPERTY PER SPANGLER ENVIRONMENTAL SITE EVALUATION DATED DEC. 2021.
3. NO REGULATORY FEMA MAPPED FLOODPLAIN EXISTS ON SITE.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
5. TREE INFORMATION PROVIDED BY NEWCOMB LAND SURVEYING.
6. ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY SHALL BE REMOVED PER TOWN OF APEX STANDARDS AND REQUIREMENTS.

GRAPHIC SCALE
50 0 25 50 100
1 inch = 50 ft.

No.	Revision	Date	By

Designer: WR	Scale: AS NOTED
Drawn By: WR	Date: 04/20/2022
Checked By: ET	Job No.: 02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAR

EXISTING CONDITIONS

WithersRavenel
Engineers | Planners | Surveyors
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Sheet No. 1

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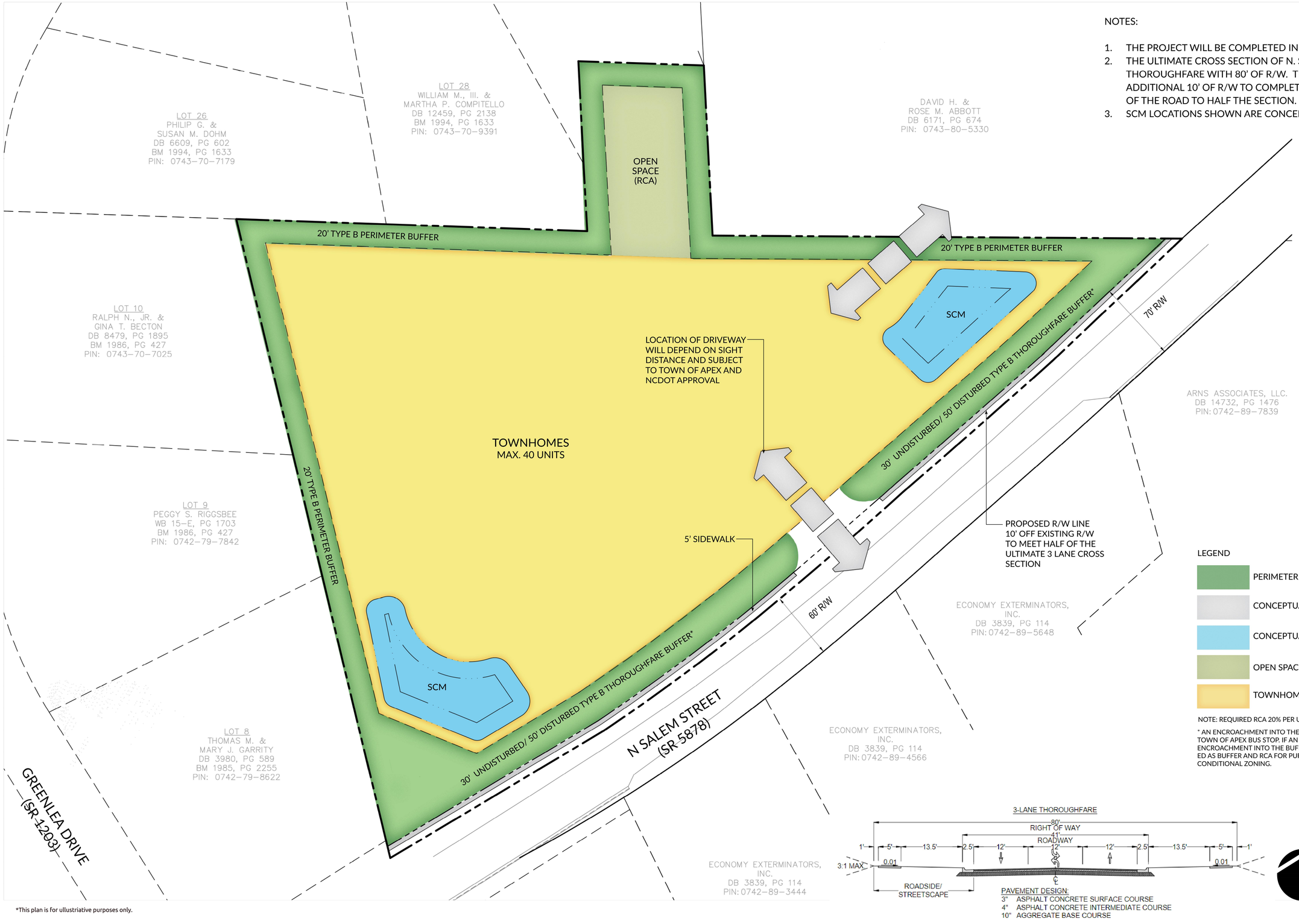
NOTES:

1. THE PROJECT WILL BE COMPLETED IN A SINGLE PHASE.
2. THE ULTIMATE CROSS SECTION OF N. SALEM STREET IS A 3 LANE THOROUGHFARE WITH 80' OF R/W. THE PROJECT WILL DEDICATE ADDITIONAL 10' OF R/W TO COMPLETE THE NEARSIDE WIDENING OF THE ROAD TO HALF THE SECTION.
3. SCM LOCATIONS SHOWN ARE CONCEPTUAL.



LEGEND

- PERIMETER BUFFER
- CONCEPTUAL ROAD CONNECTION
- CONCEPTUAL SCM LOCATION
- OPEN SPACE
- TOWNHOMES

NOTE: REQUIRED RCA 20% PER UDO SECTION 8.1.2.C.4

* AN ENCROACHMENT INTO THE BUFFER MAY BE REQUIRED FOR A TOWN OF APEX BUS STOP. IF AN ENCROACHMENT IS REQUIRED, THE ENCROACHMENT INTO THE BUFFER SHALL CONTINUE TO BE COUNTED AS BUFFER AND RCA FOR PURPOSES OF MEETING THE UDO AND CONDITIONAL ZONING.

PAVEMENT DESIGN:
3" ASPHALT CONCRETE SURFACE COURSE
4" ASPHALT CONCRETE INTERMEDIATE COURSE
10" AGGREGATE BASE COURSE

0' 40' 80'
1 inch = 40 feet

*This plan is for ullustriative purposes only.

No.	Revision	Date	By

Designer WR	Scale AS NOTED
Drawn By WR	Date 07/29/2022
Checked By ET	Job No. 02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAROLINA

CONCEPTUAL PUD & PHASING PLAN

WithersRavenel
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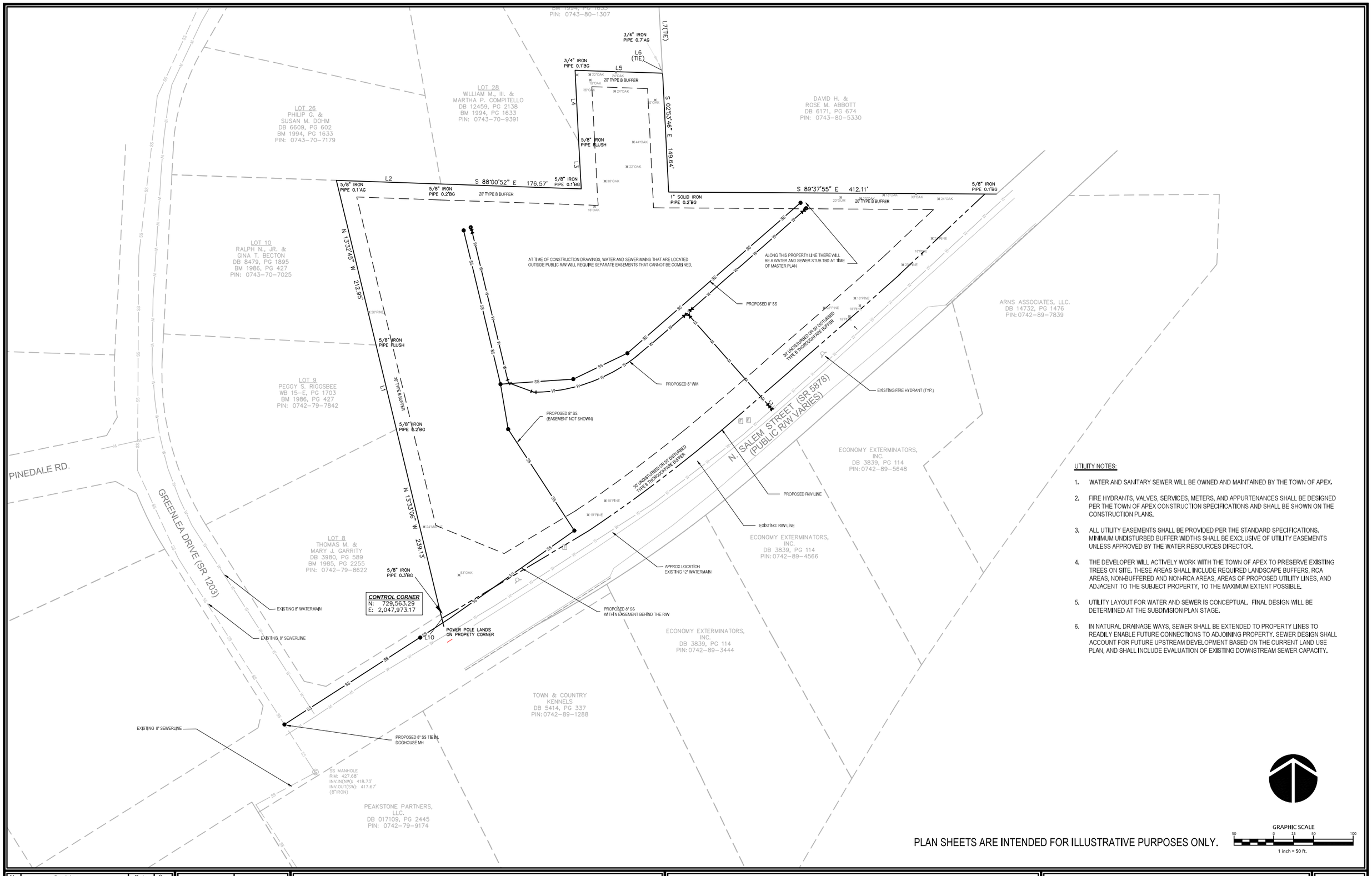
Sheet No. 2



UTILITY NOTES:

1. WATER AND SANITARY SEWER WILL BE OWNED AND MAINTAINED BY THE TOWN OF APEX.
2. FIRE HYDRANTS, VALVES, SERVICES, METERS, AND APPURTENANCES SHALL BE DESIGNED PER THE TOWN OF APEX CONSTRUCTION SPECIFICATIONS AND SHALL BE SHOWN ON THE CONSTRUCTION PLANS.
3. ALL UTILITY EASEMENTS SHALL BE PROVIDED PER THE STANDARD SPECIFICATIONS. MINIMUM UNDISTURBED BUFFER WIDTHS SHALL BE EXCLUSIVE OF UTILITY EASEMENTS UNLESS APPROVED BY THE WATER RESOURCES DIRECTOR.
4. THE DEVELOPER WILL ACTIVELY WORK WITH THE TOWN OF APEX TO PRESERVE EXISTING TREES ON SITE. THESE AREAS SHALL INCLUDE REQUIRED LANDSCAPE BUFFERS, RCA AREAS, NON-BUFFERED AND NON-RCA AREAS, AREAS OF PROPOSED UTILITY LINES, AND ADJACENT TO THE SUBJECT PROPERTY, TO THE MAXIMUM EXTENT POSSIBLE.
5. UTILITY LAYOUT FOR WATER AND SEWER IS CONCEPTUAL. FINAL DESIGN WILL BE DETERMINED AT THE SUBDIVISION PLAN STAGE.
6. IN NATURAL DRAINAGE WAYS, SEWER SHALL BE EXTENDED TO PROPERTY LINES TO READILY ENABLE FUTURE CONNECTIONS TO ADJOINING PROPERTY. SEWER DESIGN SHALL ACCOUNT FOR FUTURE UPSTREAM DEVELOPMENT BASED ON THE CURRENT LAND USE PLAN, AND SHALL INCLUDE EVALUATION OF EXISTING DOWNSTREAM SEWER CAPACITY.

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

GRAPHIC SCALE
50 0 25 50 100
1 inch = 50 ft.

No.	Revision	Date	By

Designer: WR	Scale: AS NOTED
Drawn By: WR	Date: 04/20/2022
Checked By: ET	Job No.: 02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAR

CONCEPTUAL UTILITY PLAN

WithersRavenel
Engineers | Planners | Surveyors
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Sheet No. 3

K:\2021\-1999\01366-Baker Residential & Salem ISD\ACD\Zoning Site\PLOT PLANS\Conceptual Utility Plan.dwg, Wednesday, July 6, 2022 8:08:17 AM, ANGIL ED

LOT 29
GILMER D. &
SHARON M. BRYANT
DB 6872, PG 266
BM 1994, PG 1633
PIN: 0743-80-1307

LOT 28
WILLIAM M., III. &
MARTHA P. COMPITELLO
DB 12459, PG 2138
BM 1994, PG 1633
PIN: 0743-70-9391

LOT 26
PHILIP G. &
SUSAN M. DOHM
DB 6609, PG 602
BM 1994, PG 1633
PIN: 0743-70-7179

DAVID H. &
ROSE M. ABBOTT
DB 6171, PG 674
PIN: 0743-80-5330

LOT 10
RALPH N., JR. &
GINA T. BECTON
DB 8479, PG 1895
BM 1986, PG 427
PIN: 0743-70-7025

LOT 9
PEGGY S. RIGGSBEE
WB 15-E, PG 1703
BM 1986, PG 427
PIN: 0742-79-7842

LOT 8
THOMAS M. &
MARY J. GARRITY
DB 3980, PG 589
BM 1985, PG 2255
PIN: 0742-79-8622

ARNS ASSOCIATES, LLC.
DB 14732, PG 1476
PIN: 0742-89-7839

ECONOMY EXTERMINATORS, INC.
DB 3839, PG 114
PIN: 0742-89-5648

ECONOMY EXTERMINATORS, INC.
DB 3839, PG 114
PIN: 0742-89-4566

ECONOMY EXTERMINATORS, INC.
DB 3839, PG 114
PIN: 0742-89-3444

TOWN & COUNTRY KENNELS
DB 5414, PG 337
PIN: 0742-89-1288

PEAKSTONE PARTNERS,

PIN: 0742-89-1824
263,285 S.F.
6.04 AC.
2021 N. SALEM ST.

CONCEPTUAL SCM LOCATION TBD ATTIME OF MASTER SUBDIVISION

CONCEPTUAL SCM LOCATION TBD AT TIME OF MASTER SUBDIVISION

CONTROL CORNER
N: 729,563.29
E: 2,047,973.17

POWER POLE LANDS ON PROPETY CORNER

5/8" IRON PIPE 0.1'AG
5/8" IRON PIPE 0.2'BG
5/8" IRON PIPE 0.1'BG
5/8" IRON PIPE FLUSH
1" SOLID IRON PIPE 0.2'BG
3/4" IRON PIPE 0.7'AG
3/4" IRON PIPE 0.1'BG
5/8" IRON PIPE 0.3'BG

L1 (TIE) S 88°00'52" E 176.57'
L2 N 13°32'45" W 212.95'
L3 S 02°53'46" E 149.64'
L4 S 89°37'55" E 412.11'
L5 N 13°33'06" W 259.31'
L6 (TIE)
L7 (TIE)
L8
L9 S 68°10'30" W 218.04'
L10

20' TYPE B BUFFER
30' UNDISTURBED OR SP.DISTRIBED TYPE B HYDROGRAPHIC BUFFER

N. SALEM STREET (SR 5878)
(PUBLIC R/W VARIES)

PROPOSED R/W LINE
EXISTING R/W LINE

PINEDALE RD.
GREENLEA DRIVE (SR 1203)

SS MANHOLE
RIM=422.68'
INV.IN(NW)= 418.73'
INV.OUT(SW)= 417.67'
(8"SRDN)

STORMWATER MANAGEMENT NOTES:

1. EXISTING UTILITY INFORMATION BASED ON GIS DATA. PRELIMINARY BOUNDARY SURVEY PREPARED BY NEWCOMB LAND SURVEYORS, PLLC,. DATED MARCH 2022.
2. WETLAND/STREAMS ARE NOT PRESENT ON THIS PROPERTY PER FIELD REVIEW BY SPANGLER ENVIRONMENTAL DATED DEC. 2021.
3. NO REGULATORY FEMA MAPPED FLOODPLAINS EXIST ON SITE.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE TOWN OF APEX PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
5. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED PER THE TOWN OF APEX STANDARDS AND REGULATIONS FOR STORMWATER QUANTITY AND QUALITY (UDO SECTION 6.1.7 B).
6. ALL APPLICABLE LOCAL AND STATE ENVIRONMENTAL PERMITS SHALL BE OBTAINED PRIOR TO START OF CONSTRUCTION.
7. STORMWATER TREATMENT WILL BE HANDLED BY INDIVIDUAL OR REGIONAL FACILITIES WITHIN THE SUBJECT PROPERTY OR ADJACENT OFF-SITE DRAINAGE EASEMENT.
8. THE POST DEVELOPMENT PEAK FLOW RATE OF ON-SITE STORMWATER WILL NOT EXCEED THE PRE-DEVELOPMENT PEAK FLOW RATE IN ACCORDANCE WITH THE UDO.
9. STORMWATER CONTROL MEASURES SHOWN ARE CONCEPTUAL IN NATURE AND WILL BE FINALIZED AT TIME OF MASTER SUBDIVISION PLAN.

GRAPHIC SCALE
50 0 25 50 100
1 inch = 50 ft.

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

No.	Revision	Date	By

Designer	WR	Scale	AS NOTED
Drawn By	WR	Date	04/20/2022
Checked By	ET	Job No.	02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAR

CONCEPTUAL STORMWATER PLAN

WithersRavenel
Engineers | Planners | Surveyors
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Sheet No. 4

K:\2021\-1\02211366\Site\Preliminary\N. Salem ISC\ACADDrawing Sheet\PLAN\4-Conceptual Stormwater Plan.dwg, Tuesday, June 7, 2022 10:58:02 PM, ~ NWA, ED

TYPICAL FRONT LOAD TOWNHOME ELEVATIONS

ELEVATIONS ARE INTENED FOR ILLUSTRATIVE USE ONLY

No.	Revision	Date	By

Designer WR	Scale AS NOTED
Drawn By WR	Date 04/20/2022
Checked By ET	Job No. 02211366.0

2021 N. SALEM STREET PUD

APEX WAKE COUNTY NORTH CAR

ARCHITECTURAL ELEVATIONS

WithersRavenel
Engineers | Planners | Surveyors
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Sheet No.
5

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Application #22CZ16 1039 Irongate Drive, Aaron Robertson, petitioner, for the property located at 1039 Irongate Drive (PIN 0741129183)

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #22CZ16 was approved at the September 27, 2022 Town Council meeting.

Attachments

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

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 0.46 ACRES LOCATED AT 1039 IRONGATE DRIVE FROM RURAL RESIDENTIAL (RR) TO MEDIUM DENSITY-CONDITIONAL ZONING (MD-CZ)

#22CZ16

WHEREAS, Aaron Robertson/A-Man's Property Services, LLC., owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of July 2022 (the "Application"). The proposed conditional zoning is designated #22CZ16;

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 #22CZ16 before the Planning Board on the 12th day of September 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of September 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ16. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #22CZ16;

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 #22CZ16 before the Apex Town Council on the 27th day of September 2022;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of September 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 #22CZ16 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 Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district Medium Density-Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density-Conditional Zoning (MD-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 proposed rezoning is reasonable and in the public interest because it resolves the nonconformity associated with the current placement of the foundation for the single-family dwelling. The existing foundation was poured in the front setback of the current zoning district causing a compliance issue with UDO Section 5.1.1 *Table of Intensity and Dimensional Standards, Residential Districts*. The proposed rezoning conditions also ensure that the lot cannot be further subdivided so that it remains consistent with the lot sizes in the neighborhood; and

WHEREAS, the Apex Town Council by a vote of 4 to 1 approved Application #22CZ16 rezoning the subject tract located at 1039 Irongate Drive from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-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."

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 Medium Density-Conditional Zoning (MD-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 all of the following conditions which are imposed as part of this rezoning:

Limitation of 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 indicate that other sections of the UDO do not apply.

Permitted Uses and Limitations:

1. Single-family (P)
2. Accessory apartment (P)

Conditions:

1. The minimum lot width shall be 90 feet.
2. The front setback shall be at least 25.5 feet.
3. No permitted encroachments within the required front setback shall be allowed with the exception of eaves.

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 #: 22CZ16 Submittal Date:

Insert legal description below.

Legal description for lot 26, Irongate Subdivison

Beginning at an existing iron pipe on the southern right of way of Irongate Drive in Wake County, North Carolina, said iron pipe being the northeastern corner of Lot 26 in Iron Gate Subdivision as recorded in book of maps 1969, page 156 in the Wake County Registry; thence leaving said right of way along common property line of, now or formerly, Sharon Greene as recorded in Wake County Registry in deed book 7913 page 467, Lots 24 and 25, S04°30W 200.00 feet to an existing iron pipe; thence N85°30W 100.00 feet along the northern boundary of, now or formerly, EBT Farms, LLC property as recorded in said Registry in deed book 7913 page 467; thence N04°30W 200.00 feet with common property line of, now or formerly, Henry and Fannie Byrd as recorded in said Registry in deed book 2377 page 147, Lot 28, to an existing iron pipe on the southern right of way of Irongate Drive; thence along said right of way S85°30E 100.00 feet to the Point of Place of Beginning containing 0.459 +/- acres.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): John Mullis, Public Works Director

Department(s): Public Works

Requested Motion

Motion to approve a Street Tree Maintenance Agreement between the Town and Depot 499 Owners Association, Inc. (Association) to allow installation of street trees in the public rights of way and perpetual maintenance thereof by the Association and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Street Tree Maintenance Agreement is between the Town and Depot 499 Owners Association, Inc. (Association) for the project known as Depot 499 Subdivision which will be located on recombined lots shown on that certain plat recorded in Book of Maps 2022, Page 00214. The Association wishes to install street trees in public rights of way and provide for perpetual maintenance thereof by the Association. The Street Trees are shown on the approved construction drawings in the attached Exhibits A - F.

Attachments

- Street Tree Maintenance Agreement
- Exhibits A - F

STATE OF NORTH CAROLINA **STREET TREE MAINTENANCE AGREEMENT**

WAKE COUNTY

THIS **STREET TREE MAINTENANCE AGREEMENT ("Agreement")**, is made this _____ day of _____, 2022, by and between **Depot 499 Owners Association, Inc.** hereinafter referred to as **"Association,"** and the Town of Apex, hereinafter referred to as the "**Town**."

WHEREAS, the Association is the manager and administrator of the limitations, covenants, conditions, restrictions, easements, liens and equitable servitudes for a certain subdivision in the County of Wake, State of North Carolina, which is commonly known as **Depot 499 Subdivision ("Depot 499")**, and which will be located on recombined lots as shown on that certain plat recorded in **Book of Maps 2022, Page 00214**, Wake County Registry (hereinafter the **"Property"**).

WHEREAS, Lennar Carolinas, LLC (the "**Developer**"), intends to plant trees ("Street Trees") within the rights-of-way that have been dedicated or will be dedicated to the Town (hereinafter "Public ROW"). The Public ROW and Street Trees to be planted in Public ROW are shown on approved construction drawings L5.01; L5.02; L5.03; L5.04; L5.05; and L5.06, and are attached hereto and incorporated into this Agreement (hereinafter collectively referred to as "Exhibits"). Association is responsible for the maintenance of said Street Trees located in the Public ROWs owned, operated, and maintained by Town.

WHEREAS, Street Trees serve to clean air, sequester carbon, and aid in combatting global climate change. Street Trees offer more aesthetically appealing walking environments and serve to beautify and enhance neighborhoods while also helping to manage stormwater.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the planting of the Street Trees in the Public ROW and perpetual maintenance thereof by the Association.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknssociation and the Town hereby covenant and

agree:

1. Subject to the terms herein, the Town agrees to allow Association, at Association's sole risk and expense, to encroach and enter into the Public ROW within the Property for the purpose of installing, planting, maintaining, and replacing if needed, Street Trees. The Street Trees to be planted will be of the type and in the location as described in the Exhibits.

2. This Agreement shall not divest the Town of any rights or interest in said Public ROWs.

ASSOCIATION RESPONSIBILITIES

3. Association is responsible for any and all expenditures of labor or materials required for the installation, planting, repair, removal, replacement, and maintenance of the Street Trees and shall be allowed to maintain the Street Trees and to perform all needed repairs, maintenance, and replacement of the Street Trees as may be necessary from time to time. In the event replacement is necessary Street Trees will be replaced with the same type of tree and in the same location originally called for in the Exhibits. Association shall perform maintenance of the Street Trees to the same standard and shall exercise the same degree of care, skill and judgment in the performance of maintenance as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

4. Maintenance includes, but is not limited to, all those actions necessary to promote the life, growth, health, or beauty of a tree, including watering, weed control, staking, fertilizing, adjustment and timely removal of stakes, ties, tree guards, tree gates and pest and disease management procedures. Maintenance shall also include pruning necessary to ensure the Street Trees do not cause any traffic sight visibility hazards, that pedestrians have clear access to any sidewalks, that stormwater flow will not be impeded, and electric utility lines and town facilities and infrastructure will not be negatively impacted. No Street Tree shall be planted or permitted to grow underneath overhead lines and all Street Trees shall be distanced at least 10 feet from sewer lines, 5 feet from water lines, and 3 feet from other utilities unless otherwise permitted by the Town. Street Trees, when at maturity, shall maintain a minimum distance of 10 feet from any conductor or any equipment that can become conductive.

5. Association shall hire certifier tree care specialists to perform necessary

maintenance on Street Trees. Association will provide the Town with the name and contact information for the certified arborists or trained tree care specialists performing maintenance activities.

6. Association, and any entity working at Association's direction, shall not "top" Street Trees, meaning there will be no cutting of tree branches to stubs, or to lateral branches that are smaller than 1/3 the size of the branch being cut. Association is responsible for removing all maintenance-related debris and disposing of it properly.

7. Association shall ensure that the Public ROWs are free from any obstruction and are safe and usable for pedestrians upon completion of any maintenance activities. Association shall comply with Town of Apex Standard Specifications and Construction Details while performing work in the Public ROW that could obstruct vehicular or pedestrian traffic.

8. The Town shall not be held responsible for any property damage, injury, or death of any person which results from any defect in design, or negligence or omission created by or resulting from, the planting or maintenance of the Street Trees described herein, or any cause of action arising out of the installation, maintenance, removal, replacement, destruction, or location of said Street Trees.

9. Association 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 Street Trees; provided that, Association 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.

10. Paragraphs 8 and 9 of this Agreement shall survive the termination of this Agreement for any reason.

11. Association agrees to abide by

e laws, regulations, statutes and ordinances

in carrying out its obligations pursuant to this Agreement.

12. If the Town deems, within its sole discretion, that removal, pruning, or modification of all or a portion of the Street Trees is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities or infrastructure located within the Public ROWs, or to otherwise maintain the public health and safety, then Association shall cause such removal, pruning, or modification to be made at Association's sole expense within 30 days after receipt of notice from the Town and shall be completed in a manner that protects the public health and safety and will allow the Town complete and safe access to its facilities. In the event that the Association fails to timely remove, prune, or modify the Street Trees as directed, or in the event of an emergency associated with the condition of the Public ROWs or protection of Town facilities, the Town is authorized to remove or modify all or such portion of the Street Trees 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 Public ROWs, or to otherwise protect the public health and safety. The Town shall have the sole discretion to determine the existence of an emergency, or a public health and safety condition, associated with the condition of the Public ROWs.

13. Association agrees to reimburse the Town the entire expense and cost of removal, pruning, or modification of the Street Trees in the event that the Town performs such actions pursuant to Paragraph 12 of this Agreement.

14. Association, during the life of this Agreement, agrees to procure and maintain, from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid commercial general liability insurance in the minimum amount of $1,000,000 covering full liability for any and all personal injury, property damage or wrongful death caused by the installation, planting, maintenance, location, repair or existence of Street Trees. If the policy has a blanket additional insured provision, the Association's insurance shall be primary and non-contributory to other insurance. Association 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 Association and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Association shall give the Town thirty ( ) days notice of such change. Should Association 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 a breach of this Agreement. Notwithstanding the foregoing, neither the requirement of Association to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

ASSIGNMENT

15. Neither this Agreement nor any duties or obligations hereunder may be assigned by Owner without written approval from the Town. Any purported assignment made in violation of this Paragraph shall be null and void.

NOTICES

16. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Assistant Town Manager
Town of
Apex
PO Box 250
Apex, NC 27502

To Association: Depot 499 Owners Association, Inc.
1100 Perimeter Park Drive, Suite 112
Raleigh, NC 27560-9119

MISCELLANEOUS

17. Neither Association nor Town, having taken commercially reasonable precautions, shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by natural disaster, fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disobedience, or other event reasonably outside of the parties' control. Due to the ever-changing circumstances surrounding the COVID-19 pandemic, situations may arise during the performance of this Agreement that affect availability of resources or staff of Association or the Town. There could

be changes in anticipated performance times and service costs. Association will exercise reasonable efforts to overcome the challenges presented by current circumstances. The Parties agree that they shall not be liable to each other for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 pandemic.

18. In the event there is a dispute between the parties concerning the interpretation of the terms of this 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.

19. No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

20. Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

21. The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations; that they have fully read and understood this Agreement before signing their names; and that they act voluntarily and with full advice of counsel.

22. In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

23. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

24. The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

25. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, Association hereby warrants and agrees that Association will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement "protected class" includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

26. The Association shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify). Association shall require all of the Association's contractors to comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (E-Verify).

27. The Association warrants and agrees that no labor supplied by the Association or the Association's contractors in the performance of this Agreement shall be obtained by means of deception, coercion, intimidation or force, or otherwise in violation of North Carolina law, specifically Article 10A, Subchapter 3 of Chapter 14 of the North Carolina General Statutes, Human Trafficking.

28. Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement 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 Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

[The Remainder of this Page Intentionally Left Blank; Signatures Follow]

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

Association

Depot 499 Owners Association, Inc.

By: _____ (SEAL)

NORTH CAROLINA
COUNTY OF WAKE [*county in which acknowledgement taken]*

I, TREVOR N. ENNIS, a Notary Public of WAKE County, North Carolina, certify that Heather Caster, personally appeared before me this day and acknowledged that he/she is the PRESIDENT for Depot 499 Owners Association, Inc. herein, and that by authority duly given as PRESIDENT for the corporation the foregoing instrument was signed and sealed by him/her on behalf of the corporation and acknowledged said writing to be the act and deed of said corporation.

Witness my hand and official stamp or seal, this day of 15TH SEPTEMBER, 2022.

Trevor N. Ennis

[*Signature of Notary Public*] (Affix Notarial Stamp-

Seal) My Commission Expires: MAY 1ST, 2027

TREVOR N. ENNIS NOTARY PUBLIC WAKE COUNTY, N.C.

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

Association

Depot 499 Owners Association, Inc.

By:_____(SEAL)

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

I, Heather Gaster, a Notary Public of Johnston County, North Carolina, certify that Robert Smart, personally appeared before me this day and acknowledged that he/she is the Secretary for Depot 499 Owners Association, Inc. herein, and that by authority duly given as Secretary for the corporation the foregoing instrument was signed and sealed by him/her on behalf of the corporation and acknowledged said writing to be the act and deed of said corporation.

Witness my hand and official stamp or seal, this day of 14th September, 2022.

[*Signature of Notary Public*] (Affix Notarial Stamp-

Seal) My Commission Expires: May 30, 2024

HEATHER G. GASTER
Johnston County
My Commission Expires
May 30, 2024

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

Association

Depot 499 Owners Association, Inc.

By: Landon Walls (SEAL)

NORTH CAROLINA
COUNTY OF Johnston *[county in which acknowledgement taken]*

I, Heather Gaster, a Notary Public of Johnston County, North Carolina, certify that Landon Walls, personally appeared before me this day and acknowledged that he/she is the Treasurer for Depot 499 Owners Association, Inc. herein, and that by authority duly given as Treasurer for the corporation the foregoing instrument was signed and sealed by him/her on behalf of the corporation and acknowledged said writing to be the act and deed of said corporation.

Witness my hand and official stamp or seal, this day of 14th September, 2022.

Heather Gaster

[*Signature of Notary Public*]

(Affix Notarial Stamp-Seal) My Commission Expires: May 30, 2024

HEATHER G. GASTER
Johnston County
My Commission Expires
May 30, 2024

TOWN OF APEX

_____
Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [*county in which acknowledgement taken]*

I, _____, a Notary Public of _____ County, North Carolina, certify that _____ personally came before me this day and acknowledged that he is the Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by him as its Town Clerk.

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

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

PLANT SCHEDULE AREA 'A'

TREES	CODE	COMMON NAME
	NSG	Green Gable Sour Gum
	PTL	Loblolly Pine
	QLA3	Overcup Oak
	QNT	Nuttall Oak
	TDB	Bald Cypress
EVERGREEN TREE	**CODE**	**COMMON NAME**
	INS	Nellie R. Stevens Holly
	MGT	Teddy Bear Southern Magnolia
UNDERSTORY TREE	**CODE**	**COMMON NAME**
	ABS	Streetwise Trident Maple
	ATM	Main Street Shantung Maple
	CCF	Forest Pansy Redbud
	LMK	Lavender Crape Myrtle Multi-Trunk
	PCC	Chinese Pistache
	SJP	Japanese Snowbell
SHRUBS	**CODE**	**COMMON NAME**
	OFFL	Fruit Landii Fortune Osmanthus
	VACD	Chindo Viburnum

KEY MAP

LANDSCAPE NOTES

1. ALL SLOPES GREATER THAN 3:1 BUT LESS THAN 2:1 SHALL BE STABILIZED WITH SUITABLE COMBINATION OF PLANTINGS AND RETENTION DEVICES.
2. ALL PORTIONS OF THE BUFFER THAT DO NOT COMPLY WITH THE REQUIREMENTS FOR THE SPECIFIED TYPE AND SIZE SHALL BE SHOWN AS SUPPLEMENTAL AS NEEDED ON THE PLANS. IF AREAS AREA LOCATED DURING CONSTRUCTION THAT REQUIRE SUPPLEMENTATION AND ARE NOT SHOWN AS SUPPLEMENTED ON THE PLANS, THEY SHALL BE SUPPLEMENTED AS REQUIRED BY THE TOWN OF APEX ZONING COMPLIANCE OFFICER.
3. ALL TREES LOCATED WITHIN SIGHT DISTANCE EASEMENTS SHALL BE LIMBED UP SO NO VIEW BETWEEN THE HEIGHTS OF 2'-8' IS OBSCURED. LARGER TREE SIZE AT INSTALL MAY BE REQUIRED PER AMERICAN NURSERY AND LANDSCAPE ASSOCIATION STANDARDS TO ALLOW FOR TREES TO BE SAFELY LIMBED UP TO 8'.

SITE LEGEND

- ACCESSIBLE RAMPS (TYPE A, TYPE B, TYPE C)
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- ROOT BARRIER
- ROOT AERATION TRENCH
- WETLANDS
- RESOURCE CONSERVATION AREA
- AMENITY AREA
- BUFFER WITHIN RIPARIAN/WETLAND ZONE OR DENSELY VEGETATED AREA (REQUIRES NO NEW PLANTINGS)
- BUFFER WITH EXISTING VEGETATION (REQUIRES SUPPLEMENTAL NEW PLANTINGS)

EASEMENT KEY

TOA	TOWN OF APEX
PuDE	PUBLIC DRAINAGE EASEMENT
PrDE	PRIVATE DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
RWME	RETAINING WALL MAINTENANCE EASEMENT

GRAPHIC SCALE
0 20 40 80
1 inch = 40 ft.

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

PW – Transportation	Approved rdalton 04/13/2022 11:51:36 AM	WR – Stormwater	N / A sforster 04/20/2022 11:51:17 AM
Building Inspections	N / A siswerts 04/14/2022 4:22:24 PM	Planning	Approved kahn 04/18/2022 1:40:02 PM
WR – Utility Engineering	Approved jdillon 04/18/2022 1:23:28 PM	Planning – Transportation	N / A kwarren 04/19/2022 7:10:41 AM
Electric	N / A rsmith 04/14/2022 8:56:53 PM	Fire	N / A khungerford 04/14/2022 9:47:10 AM
WR – S&E	N / A sforster 04/25/2022 11:51:21 AM	Parks, Recreation & Cultural Res.	N / A arenicke 04/14/2022 10:33:38 AM

Date

McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713

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

www.mcadamsco.com

CLIENT

LENNAR
1100 PERIMETER PARK, SUITE 112
MORRISVILLE, NC 27560
PHONE: 919. 465. 5929

LENNAR

DEPOT 499
CONSTRUCTION DRAWINGS
0 APEX BARBECUE ROAD
APEX, NORTH CAROLINA, 27502

NORTH CAROLINA LANDSCAPE ARCHITECTURE REGISTRATION SARA RUNGE DONOHOE 2027

EXHIBIT A

REVISIONS

NO.	DATE	
1	03.07.2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & SANITARY SEWER REVISIONS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-CD-LS1
CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

SHEET

LANDSCAPE PLAN AREA "A"

L5.01

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawings\Current Drawings\LEN19090-CD-LS1.dwg, 3/8/2022 1:22:44 PM, Michael Povaznik

FINAL DRAWING - RELEASED FOR CONSTRUCTION

SITE LEGEND

ACCESSIBLE RAMPS — TYPE A, TYPE B, TYPE C

PHASE LINE

PROPERTY LINE

RIGHT-OF-WAY LINE

LOT LINE

EASEMENT LINE

CENTERLINE

ROOT BARRIER

ROOT AERATION TRENCH

WETLANDS

RESOURCE CONSERVATION AREA

AMENITY AREA

BUFFER WITHIN RIPARIAN/WETLAND ZONE OR DENSELY VEGETATED AREA (REQUIRES NO NEW PLANTINGS)

BUFFER WITH EXISTING VEGETATION (REQUIRES SUPPLEMENTAL NEW PLANTINGS)

LANDSCAPE NOTES

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3. ALL TREES LOCATED WITHIN SIGHT DISTANCE EASEMENTS SHALL BE LIMBED UP SO NO VIEW BETWEEN THE HEIGHTS OF 2'-8' IS OBSCURED. LARGER TREE SIZE AT INSTALL MAY BE REQUIRED PER AMERICAN NURSERY AND LANDSCAPE ASSOCIATION STANDARDS TO ALLOW FOR TREES TO BE SAFELY LIMBED UP TO 8'.

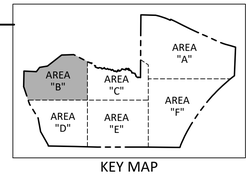
PLANT SCHEDULE AREA 'B'

TREES	CODE	COMMON NAME
	CCH	American Hornbeam
	NSG	Green Gable Sour Gum
	QLA	Overcup Oak
	QPL	Willow Oak
	QPL3	Willow Oak

UNDERSTORY TREE	CODE	COMMON NAME
	ABS	Streetwise Trident Maple
	CCF	Forest Pansy Redbud
	LMK	Lavender Crape Myrtle Multi-Trunk
	PCC	Chinese Pistache
	SJP	Japanese Snowbell

EASEMENT KEY

TOA	TOWN OF APEX
PuDE	PUBLIC DRAINAGE EASEMENT
PrDE	PRIVATE DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
RWME	RETAINING WALL MAINTENANCE EASEMENT



KEY MAP

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

PW – Transportation: Approved rbaker 04/13/2022 11:51:49 AM	Date	WR – Stormwater: N / A sforster 04/13/2022 11:50:55 AM	Date
Building Inspections: N / A sevarns 04/14/2022 4:22:59 PM	Date	Planning: Approved kahn 04/13/2022 1:40:57 PM	Date
WR – Utility Engineering: Approved jstilton 04/19/2022 1:23:48 PM	Date	Planning – Transportation: N / A tvanlaanen 04/20/2022 7:10:58 AM	Date
Electric: N / A rsmith 04/14/2022 8:57:16 PM	Date	Fire: N / A khuegerich 04/14/2022 9:47:47 AM	Date
WR – S&E: N / A sforster 04/25/2022 11:50:58 AM	Date	Parks, Recreation & Cultural Res.: N / A arenicke 04/18/2022 10:33:50 AM	Date

ALPINE SUMMER LANE (50' PUBLIC R/W)

YELLOW BLOOM TRAIL (50' PUBLIC R/W)

BARRETT RUN TRAIL (64' PUBLIC R/W)

TREE CLIMBING ALLEY (26' PUBLIC R/W)

NIGHT SKY TRAIL (64' PUBLIC R/W)

GARDEN PLOW ALLEY (26' PUBLIC R/W)

PLAY LAWN #3

STORMWATER CONTROL MEASURE "A"

EXISTING WETLAND

EXISTING POND

PERENNIAL STREAM

VARIABLE WIDTH TOA PUBLIC UTILITY EASEMENT

VARIABLE WIDTH TOA/RWME

RETAINING WALL (DESIGN BY OTHERS)

RETAINING WALL SEE L5.07 (DESIGN BY OTHERS)

10' PUBLIC DRY UTILITY EASEMENT

20' PUBLIC DRY UTILITY EASEMENT

5' TOA PUE

10' PrDE

20' TOA PuDE

100' TOWN OF APEX BUFFER

100' TYPE 'A' BUFFER

TREE PROTECTION FENCE/LIMITS OF DISTURBANCE (TYP.)

10'x70' SIGHT DISTANCE TRIANGLE (TYP.)

PHASE 1 PHASE 3

PHASE 1 PHASE 4

PHASE 3 PHASE 4

(4) QPL3 (6) QLA

(4) CCF (2) NSG

(8) NSG

(6) CCF (2) ABS

(6) SJP (4) ABS (4) LMK (6) SJP

(3) QPL

(5) PCC

(8) PCC (8) PCC

(2) QLA

(6) CCF (4) NSG

(7) QLA

(3) CCH

SEE SHEET L5.03

SEE SHEET L5.04

GRAPHIC SCALE
0 20 40 80
1 inch = 40 ft.

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

McADAMS
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LENNAR

DEPOT 499

CONSTRUCTION DRAWINGS
0 APEX BARBECUE ROAD
APEX, NORTH CAROLINA, 27502

NORTH CAROLINA LICENSED LANDSCAPE ARCHITECT SARA RUNGE DONOHOE 2027

EXHIBIT B

REVISIONS

NO.	DATE	
1	01.14.2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & ROUNDABOUT UTILITY REVISIONS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-CD-LS1
CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

SHEET

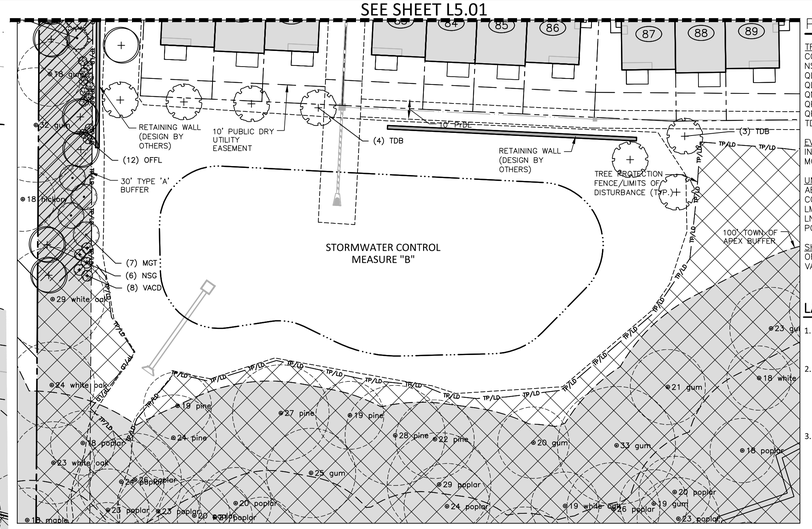
LANDSCAPE PLAN AREA "B"

L5.02

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawings\Current Drawings\LEN19090-CD-LS1.dwg, 1/14/2022 7:48:24 AM, Michael Porvaznik

FINAL DRAWING - RELEASED FOR CONSTRUCTION

SEE SHEET L5.01



INSET "A"
SCALE: 1"=40'

PLANT SCHEDULE AREA 'C'

TREES	COMMON NAME
CCH	American Hornbeam
NSG	Green Gable Sour Gum
QLA	Overcup Oak
QLA3	Overcup Oak
QNT	Nuttall Oak
QPL	Willow Oak
QPL3	Willow Oak
TDB	Bald Cypress

EVERGREEN TREE	COMMON NAME
INS	Nellie R. Stevens Holly
MGT	Teddy Bear Southern Magnolia

UNDERSTORY TREE	COMMON NAME
ABS	Streetwise Trident Maple
CCF	Forest Pansy Redbud
LMK	Lavender Crape Myrtle Multi-Trunk
LNZ	White Crape Myrtle Multi-Trunk
PCC	Chinese Pistache

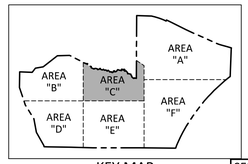
SHRUBS	COMMON NAME
OFFL	Fruit Landii Fortune Osmanthus
VACD	Chindo Viburnum

LANDSCAPE NOTES

1. ALL SLOPES GREATER THAN 3:1 BUT LESS THAN 2:1 SHALL BE STABILIZED WITH SUITABLE COMBINATION OF PLANTINGS AND RETENTION DEVICES.
2. ALL PORTIONS OF THE BUFFER THAT DO NOT COMPLY WITH THE REQUIREMENTS FOR THE SPECIFIED TYPE AND SIZE SHALL BE SHOWN AS SUPPLEMENTAL AS NEEDED ON THE PLANS. IF AREAS AREA LOCATED DURING CONSTRUCTION THAT REQUIRE SUPPLEMENTATION AND ARE NOT SHOWN AS SUPPLEMENTED ON THE PLANS, THEY SHALL BE SUPPLEMENTED AS REQUIRED BY THE TOWN OF APEX ZONING COMPLIANCE OFFICER.
3. ALL TREES LOCATED WITHIN SIGHT DISTANCE EASEMENTS SHALL BE LIMBED UP SO NO VIEW BETWEEN THE HEIGHTS OF 2'-8' IS OBSCURED. LARGER TREE SIZE AT INSTALL MAY BE REQUIRED PER AMERICAN NURSERY AND LANDSCAPE ASSOCIATION STANDARDS TO ALLOW FOR TREES TO BE SAFELY LIMBED UP TO 8'.

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

Approved (dalton 04/14/2022 11:52:03 AM)		N / A (dorter 04/25/2022 11:50:39 AM)	
PW – Transportation	Date	WR – Stormwater	Date
N / A (sewers 04/14/2022 4:23:11 PM)		Approved (kelly.mcdonald 04/21/2022 4:43:04 PM)	
Building Inspections	Date	Planning	Date
Approved (jdillon 04/19/2022 1:25:06 PM)		N / A (rowmedy 04/20/2022 7:11:08 AM)	
WR – Utility Engineering	Date	Planning – Transportation	Date
N / A (rsmith 04/14/2022 8:57:39 PM)		N / A (shuegerich 04/14/2022 4:48:18 AM)	
Electric	Date	Fire	Date
N / A (dorter 04/25/2022 11:50:43 AM)		N / A (arencke 04/14/2022 10:34:02 AM)	
WR – S&E	Date	Parks, Recreation & Cultural Res.	Date



KEY MAP

GRAPHIC SCALE
0 20 40 80
1 inch = 40 ft.

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

SITE LEGEND

- ACCESSIBLE RAMPS (TYPE A, TYPE B, TYPE C)
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- ROOT BARRIER
- ROOT AERATION TRENCH
- WETLANDS
- RESOURCE CONSERVATION AREA
- AMENITY AREA
- BUFFER WITHIN RIPARIAN/WETLAND ZONE OR DENSELY VEGETATED AREA (REQUIRES NO NEW PLANTINGS)
- BUFFER WITH EXISTING VEGETATION (REQUIRES SUPPLEMENTAL NEW PLANTINGS)

EASEMENT KEY

TOA	TOWN OF APEX
PuDE	PUBLIC DRAINAGE EASEMENT
PrDE	PRIVATE DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
RWME	RETAINING WALL MAINTENANCE EASEMENT

SEE SHEET L5.02

SEE SHEET L5.05

SEE SHEET C5.06

FINAL DRAWING - RELEASED FOR CONSTRUCTION

McADAMS
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Durham, NC 27713

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

www.mcadamsco.com

CLIENT

LENNAR
1100 PERIMETER PARK, SUITE 112
MORRISVILLE, NC 27560
PHONE: 919. 465. 5929

LENNAR

DEPOT 499

CONSTRUCTION DRAWINGS
0 APEX BARBECUE ROAD
APEX, NORTH CAROLINA, 27502

NORTH CAROLINA LANDSCAPE ARCHITECT REGISTRATION BOARD 2027 SARA RUNGE DONOHOE

EXHIBIT C

REVISIONS

NO.	DATE	
1	03.07.2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & SANITARY SEWER REVISIONS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-CD-LS1
CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

SHEET

LANDSCAPE PLAN AREA "C"

L5.03

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawings\Current Drawings\LEN19090-CD-LS1.dwg, 3/8/2022 12:04:46 PM, Michael Povazsnik

SITE LEGEND

ACCESSIBLE RAMPS — TYPE A, TYPE B, TYPE C

PHASE LINE

PROPERTY LINE

RIGHT-OF-WAY LINE

LOT LINE

EASEMENT LINE

CENTERLINE

ROOT BARRIER

ROOT AERATION TRENCH

WETLANDS

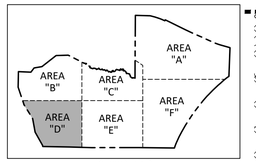
RESOURCE CONSERVATION AREA

AMENITY AREA

BUFFER WITHIN RIPARIAN/WETLAND ZONE OR DENSELY VEGETATED AREA (REQUIRES NO NEW PLANTINGS)

BUFFER WITH EXISTING VEGETATION (REQUIRES SUPPLEMENTAL NEW PLANTINGS)

KEY MAP



LANDSCAPE NOTES

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EASEMENT KEY

TOA	TOWN OF APEX
PuDE	PUBLIC DRAINAGE EASEMENT
PrDE	PRIVATE DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
RWME	RETAINING WALL MAINTENANCE EASEMENT

PLANT SCHEDULE AREA 'D'

TREES	CODE	COMMON NAME
	CCH	American Hornbeam
	NSG	Green Gable Sour Gum
	QLA	Overcup Oak
	QPL	Willow Oak
	QPL3	Willow Oak
	TDB	Bald Cypress
	UAE	American Elm
UNDERSTORY TREE	**CODE**	**COMMON NAME**
	ABS	Streetwise Trident Maple
	CCF	Forest Pansy Redbud
	LMK	Lavender Crape Myrtle Multi-Trunk
	LNZ	White Crape Myrtle Multi-Trunk
	PCC	Chinese Pistache
	SJP	Japanese Snowbell

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

PW – Transportation: Approved, cdalton 04/13/2022 11:52:17 AM	Date	WR – Stormwater: N / A, sforster 04/25/2022 11:50:00 AM	Date
Building Inspections: N / A, sevans 04/14/2022 4:23:23 PM	Date	Planning: Approved, kmcmillan 04/18/2022 12:46:39 PM	Date
WR – Utility Engineering: Approved, jsilton 04/19/2022 1:25:38 PM	Date	Planning – Transportation: N / A, bramsey 04/19/2022 7:11:20 AM	Date
Electric: N / A, rsmith 04/14/2022 8:58:00 PM	Date	Fire: N / A, bhargetich 04/14/2022 9:48:41 AM	Date
WR – S&E: N / A, sforster 04/25/2022 11:50:05 AM	Date	Parks, Recreation & Cultural Res.: N / A, arenicke 04/14/2022 10:34:16 AM	Date

GRAPHIC SCALE
0 20 40 80
1 inch = 40 ft.

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

SEE SHEET L5.02

SEE SHEET L5.05

ALPINE SUMMER LANE (50' PUBLIC R/W)
BARRETT RUN TRAIL (64' PUBLIC R/W)
ROOSTER CROW ALLEY (26' PUBLIC R/W)
NIGHT SKY TRAIL (64' PUBLIC R/W)
POEBROTHER ALLEY (26' PUBLIC R/W)
RABBIT HOP TRAIL (50' PUBLIC R/W)
GEESE STOP ALLEY (26' PUBLIC R/W)
EXISTING NC-540 (VARIABLE WIDTH PUBLIC R/W)

PHASE 3
PHASE 4
PHASE 5

PLAY LAWN #4

STORMWATER CONTROL MEASURE "D"

TREE PROTECTION FENCE/LIMITS OF DISTURBANCE (TYP.)
10' PUBLIC DRY UTILITY EASEMENT
EXISTING WETLAND
RETAINING WALL SEE L5.06 (DESIGN BY OTHERS)
100' TYPE 'A' BUFFER
RETAINING WALL (DESIGN BY OTHERS)
20' PUBLIC DRY UTILITY EASEMENT
VARIABLE WIDTH HOA RWME
10' PUBLIC DRY UTILITY EASEMENT
10'x70' SIGHT DISTANCE TRIANGLE (TYP.)
REVEGETATED AREA. SEE PLANTING TYPICAL SHEET L5.07

McADAMS
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Durham, NC 27713

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fax 919. 361. 2269
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PHONE: 919. 465. 5929

LENNAR

DEPOT 499
CONSTRUCTION DRAWINGS
0 APEX BARBECUE ROAD
APEX, NORTH CAROLINA, 27502

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SARA RUNGE DONOHUE 2027

EXHIBIT D

REVISIONS

NO.	DATE	
1	01 .14 .2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & ROUNDABOUT UTILITY REVISIONS

PLAN INFORMATION

PROJECT NO.	LEN-19090
FILENAME	LEN19090-CD-LS1
CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

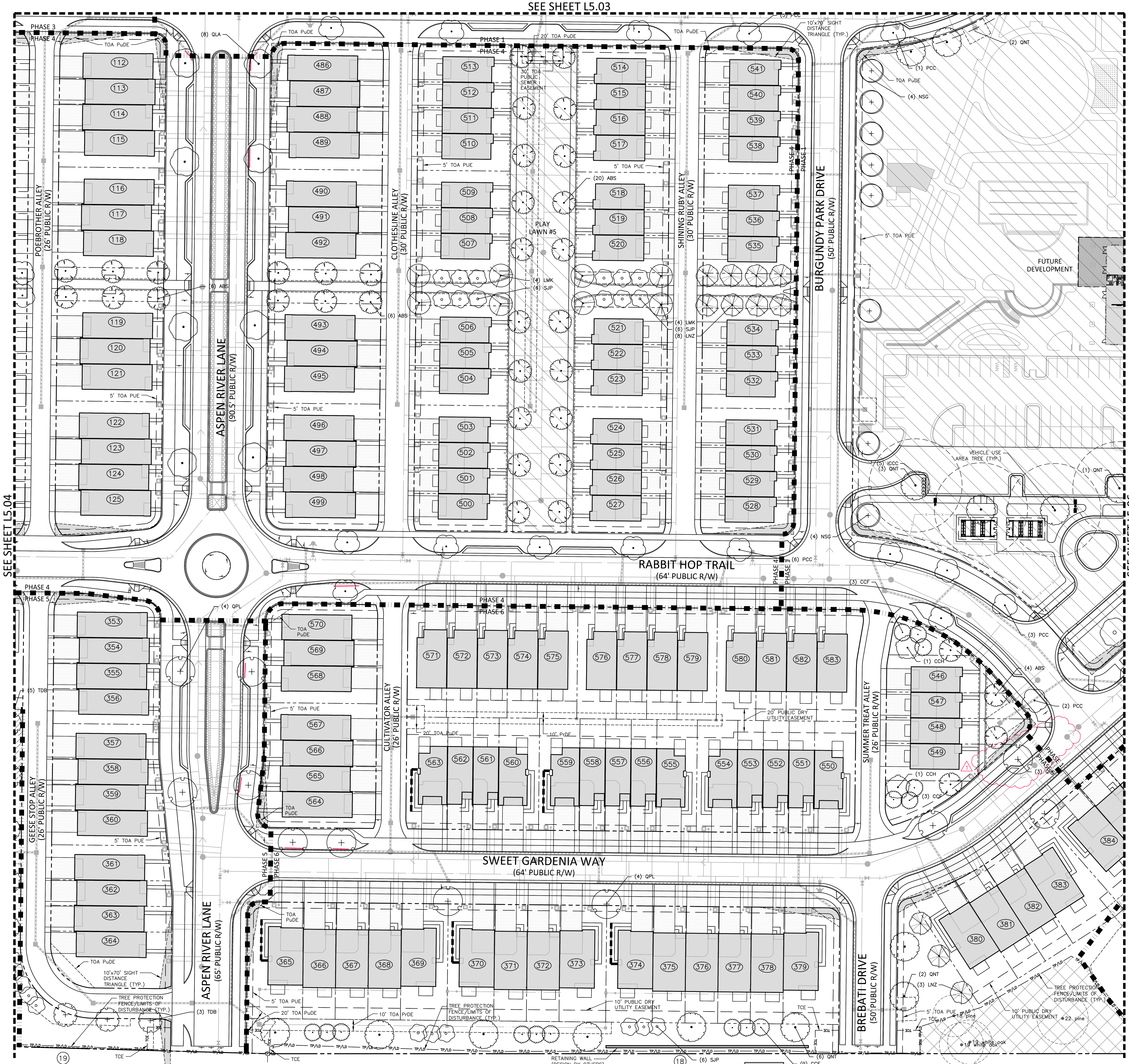
SHEET

LANDSCAPE PLAN AREA "D"

L5.04

FINAL DRAWING - RELEASED FOR CONSTRUCTION

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawing\Current Drawing\LEN19090-CD-LS1.dwg, 1/14/2022 7:49:30 AM, Michael Porvaznik



PLANT SCHEDULE AREA 'E'

TREES	CODE	COMMON NAME
	CCH	American Hornbeam
	NSG	Green Gable Sour Gum
	QLA	Overcup Oak
	QNT	Nuttall Oak
	QPL	Willow Oak
	TDB	Bald Cypress
UNDERSTORY TREE	**CODE**	**COMMON NAME**
	ABS	Streetwise Trident Maple
	CCF	Forest Pansy Redbud
	LMK	Lavender Crape Myrtle Multi-Trunk
	LNZ	White Crape Myrtle Multi-Trunk
	PCC	Chinese Pistache
	SJP	Japanese Snowbell
SHRUBS	**CODE**	**COMMON NAME**
	ICCC	Carissa Holly

EASEMENT KEY

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PrDE	PRIVATE DRAINAGE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TCE	TEMPORARY CONSTRUCTION EASEMENT
RWME	RETAINING WALL MAINTENANCE EASEMENT

SITE LEGEND

- TYPE Ⓐ, TYPE Ⓑ, TYPE Ⓒ — ACCESSIBLE RAMPS
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- ROOT BARRIER
- ROOT AERATION TRENCH
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N

GRAPHIC SCALE
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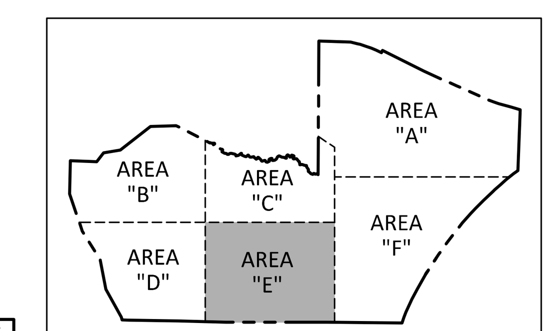
1 inch = 40 ft.



KEY MAP

SEE SHEET C0.00 FOR ALL PROJECT, SITE, GRADING, STORM DRAINAGE AND UTILITY NOTES

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Approved rdalton 04/13/2022 11:52:30 AM — PW – Transportation	Date	N / A sfortier 04/25/2022 11:48:24 AM — WR – Stormwater	Date
N / A sewens 04/14/2022 4:23:36 PM — Building Inspections	Date	Approved [illegible] 04/19/2022 1:46:55 PM; N / A svanevery 04/20/2022 7:11:31 AM — Planning	Date
Approved jdillon 04/19/2022 1:25:59 PM — WR – Utility Engineering	Date	N / A khuegerich 04/14/2022 9:49:10 AM — Planning – Transportation	Date
N / A rsmith 04/14/2022 8:58:30 PM — Electric	Date	N / A areincke 04/14/2022 10:34:29 AM — Fire	Date
N / A sfortier 04/25/2022 11:48:29 AM — WR – S&E	Date	Parks, Recreation & Cultural Res.	Date

FINAL DRAWING - RELEASED FOR CONSTRUCTION

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EXHIBIT E

REVISIONS

NO.	DATE	
1	03 .07 .2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & SANITARY SEWER REVISIONS

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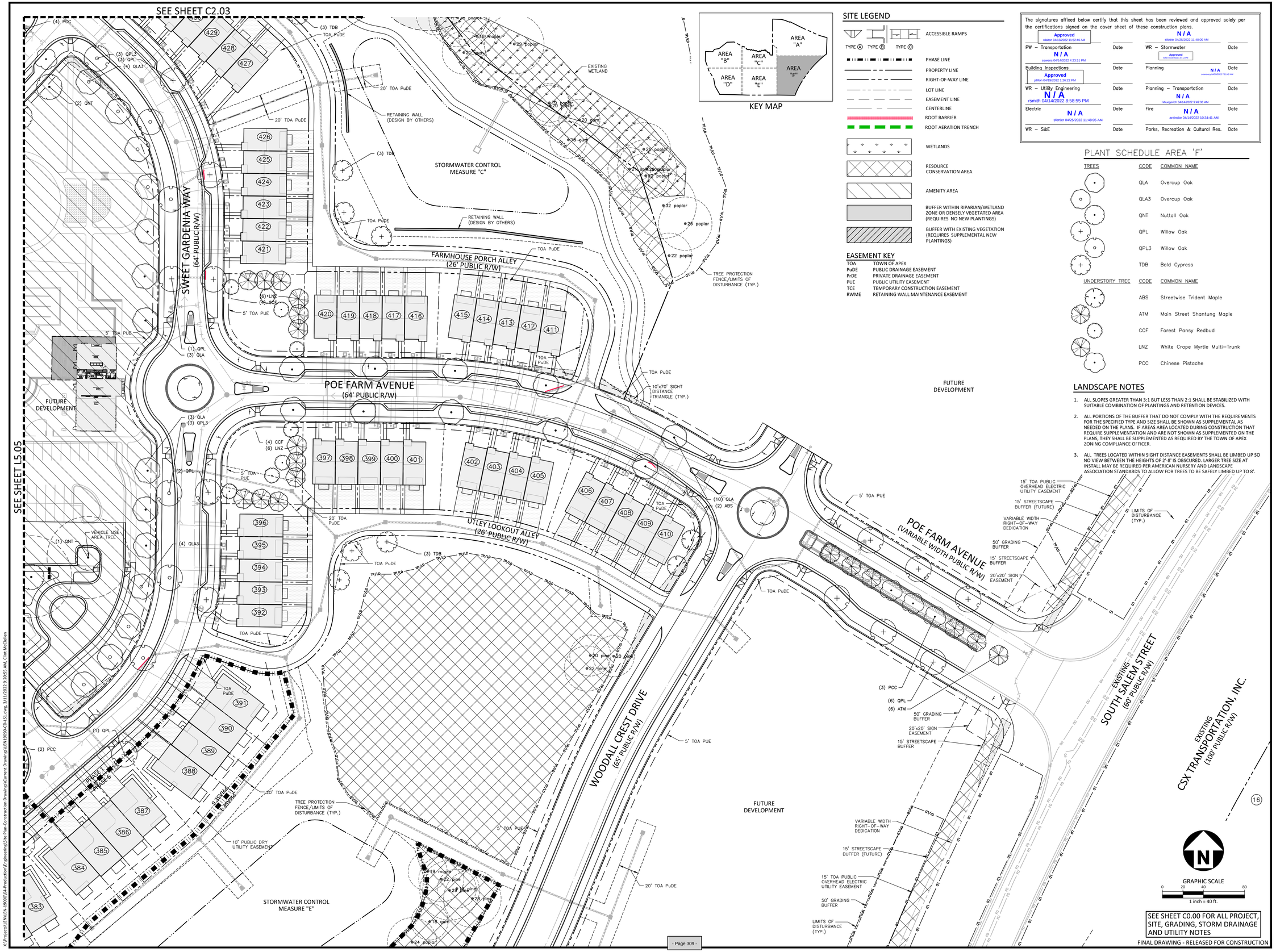
FILENAME	LEN19090-CD-LS1
CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

SHEET

LANDSCAPE PLAN AREA "E"

L5.05

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawings\Current Drawings\LEN19090-CD-LS1.dwg, 3/8/2022 1:06:23 PM, Michael Porvaznik



KEY MAP

SITE LEGEND

- ACCESSIBLE RAMPS (TYPE A, TYPE B, TYPE C)
- PHASE LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- ROOT BARRIER
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EASEMENT KEY

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PW – Transportation: N/A (rdalton 04/13/2022 11:52:46 AM; sawarns 04/14/2022 4:23:51 PM)	Date	WR – Stormwater: N/A (sforster 04/25/2022 11:48:00 AM; Approved kalle 04/19/2022 1:47:42 PM)	Date
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WR – S&E	Date	Parks, Recreation & Cultural Res.	Date

PLANT SCHEDULE AREA 'F'

TREES	CODE	COMMON NAME
	QLA	Overcup Oak
	QLA3	Overcup Oak
	QNT	Nuttall Oak
	QPL	Willow Oak
	QPL3	Willow Oak
	TDB	Bald Cypress

UNDERSTORY TREE	CODE	COMMON NAME
	ABS	Streetwise Trident Maple
	ATM	Main Street Shantung Maple
	CCF	Forest Pansy Redbud
	LNZ	White Crape Myrtle Multi-Trunk
	PCC	Chinese Pistache

LANDSCAPE NOTES

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LENNAR

DEPOT 499

CONSTRUCTION DRAWINGS
0 APEX BARBECUE ROAD
APEX, NORTH CAROLINA, 27502

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 2027 SARA RUNGE DONOHOE

EXHIBIT F

REVISIONS

NO.	DATE	
1	03.07.2022	REVISED SCM DETAILS, FUTURE IRRIGATION LINE, WATER & SEWER SERVICE SHIFTS, & SANITARY SEWER REVISIONS

PLAN INFORMATION

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CHECKED BY	JGY
DRAWN BY	---
SCALE	1"=40'
DATE	08. 13. 2021

SHEET

LANDSCAPE PLAN AREA "F"

L5.06

X:\Projects\LEN\LEN-19090\04-Production\Engineering\Site Plan-Construction Drawings\Current Drawings\LEN19090-CD-LS1.dwg, 3/11/2022 9:20:55 AM, Clint McClellen

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Apex Tax Report dated September 12, 2022.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on October 3, 2022, approved and accepted the enclosed tax report for the Town of Apex, dated September 12, 2022 for the period of August 1, 2022 through August 31, 2022.

Attachments

- Tax Report

WAKE COUNTY
NORTH CAROLINA

Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SIG HUTCHINSON, CHAIR
SHINICA THOMAS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
MARIA CERVANIA
SUSAN EVANS
JAMES WEST

October 4, 2022

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on October 3, 2022, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

Yvonne Gilyard
Deputy Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Board Report

Return

Date : 10/03/2022

Approved By : DocuSigned by: Kim Lorbacher 40E02502250A4D9...

TO : WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

No.	Name of Tax Payer	Account Number	Tax and Penalties		Total Rebate	Total Refund	Request Status
1	PODVOJSKY, STEFAN BUI 1842 FIRENZA DR APEX NC, 27502	0004205955- 2022- 2022- 000000	City County	245.62 371.12	616.74	616.74	Refund
	Marcus D. Kinrade		Total City Rebated	245.62			
	Wake County Tax Administrator		Total County Rebated	371.12			
	DocuSigned by: Marcus Kinrade 37C19A0FB14C430...		**Total Rebate/Refund**		616.74	616.74	

CC:

***Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.**

Print Lock

WAKE COUNTY
NORTH CAROLINA

Wake County Tax Administration

Rebate Details

08/01/2022 - 08/31/2022

APEX

DATE	TIME	PAGE
09/12/2022	11:09:31 AM	1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
823890	428.67	0.00	42.87	0.00	471.54	08/16/2022	0006921613	2022	2022	000050	VU ESTATES LLC
823889	415.71	0.00	83.14	0.00	498.85	08/16/2022	0006921613	2022	2021	000000	VU ESTATES LLC
SUBTOTALS FOR BUSINESS ACCOUNTS	**844.38**	**0.00**	**126.01**	**0.00**	**970.39**	**2**	**Properties Rebated**				
BUSINESS REAL ESTATE ACCOUNTS											
823858	280.44	0.00	0.00	0.00	280.44	08/16/2022	0000489825	2022	2022	000000	REDDY KALLAM, SIVA NAGA BASIVI
823147	280.44	0.00	0.00	0.00	280.44	08/10/2022	0000489842	2022	2022	000000	GANDHI, VISHNU
823146	280.44	0.00	0.00	0.00	280.44	08/10/2022	0000489840	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823014	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489823	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823013	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489822	2022	2022	000000	LAU, ELAINE
823012	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489821	2022	2022	000000	FAROOQUE, MOHAMMED MOTHASHIM
823011	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489819	2022	2022	000000	RAMALINGAM, MANOJ KUMAR
823010	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489818	2022	2022	000000	CHOU, WEI-LING
823009	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489817	2022	2022	000000	VARADARAJAN, LALITHA
822628	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484902	2022	2022	000000	DRP NC 4 LLC
822629	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484903	2022	2022	000000	DRP NC 4 LLC
822630	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484904	2022	2022	000000	DRP NC 4 LLC
822631	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484905	2022	2022	000000	DRP NC 4 LLC
822632	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484906	2022	2022	000000	DRP NC 4 LLC
822633	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484907	2022	2022	000000	DRP NC 4 LLC
822634	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484908	2022	2022	000000	DRP NC 4 LLC

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUNTS											
822635	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484909	2022	2022	000000	DRP NC 4 LLC
822636	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484910	2022	2022	000000	DRP NC 4 LLC
822637	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484911	2022	2022	000000	DRP NC 4 LLC
822638	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484912	2022	2022	000000	DRP NC 4 LLC
822639	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484913	2022	2022	000000	DRP NC 4 LLC
822640	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484914	2022	2022	000000	DRP NC 4 LLC
822641	22.14	0.00	0.00	0.00	22.14	08/03/2022	0000484926	2022	2022	000000	BEAZER HOMES LLC
822642	29.93	0.00	0.00	0.00	29.93	08/03/2022	0000484930	2022	2022	000000	BEAZER HOMES LLC
822643	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484962	2022	2022	000000	DRP NC 4 LLC
822644	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484963	2022	2022	000000	DRP NC 4 LLC
822645	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484964	2022	2022	000000	DRP NC 4 LLC
822646	145.55	0.00	0.00	0.00	145.55	08/03/2022	0000484965	2022	2022	000000	DRP NC 4 LLC
823844	29.93	0.00	0.00	0.00	29.93	08/16/2022	0000484925	2022	2022	000000	PRABHU, KIRAN KUMAR MANDAVALLI
823845	18.86	0.00	0.00	0.00	18.86	08/16/2022	0000484927	2022	2022	000000	BEAZER HOMES LLC
823846	29.93	0.00	0.00	0.00	29.93	08/16/2022	0000484928	2022	2022	000000	BEAZER HOMES LLC
823847	22.14	0.00	0.00	0.00	22.14	08/16/2022	0000484929	2022	2022	000000	BEAZER HOMES LLC
823856	280.44	0.00	0.00	0.00	280.44	08/16/2022	0000489820	2022	2022	000000	CUI, LIANJIE
823857	280.44	0.00	0.00	0.00	280.44	08/16/2022	0000489824	2022	2022	000000	MAJETI, DURGA RAJESH
823859	280.44	0.00	0.00	0.00	280.44	08/16/2022	0000489826	2022	2022	000000	TRIPATHY, BUBU
823860	280.44	0.00	0.00	0.00	280.44	08/16/2022	0000489827	2022	2022	000000	GANAPATHYSAMY, JAIKUMARAN
823861	310.37	0.00	0.00	0.00	310.37	08/16/2022	0000489828	2022	2022	000000	LIM, VICTOR
822995	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489807	2022	2022	000000	M/I HOMES OF RALEIGH LLC
822996	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489808	2022	2022	000000	M/I HOMES OF RALEIGH LLC
822997	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489809	2022	2022	000000	M/I HOMES OF RALEIGH LLC
822998	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489810	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823002	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489811	2022	2022	000000	M/I HOMES OF RALEIGH LLC

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS REAL ESTATE ACCOUNTS											
823003	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489812	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823004	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489813	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823005	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489814	2022	2022	000000	M/I HOMES OF RALEIGH LLC
823006	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489815	2022	2022	000000	LEE, FENG JUNG
823007	280.44	0.00	0.00	0.00	280.44	08/08/2022	0000489816	2022	2022	000000	SOUNDARARAJAN, BALAJI
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	**9,387.77**	**0.00**	**0.00**	**0.00**	**9,387.77**	**47**	**Properties Rebated**				
INDIVIDUAL PROPERTY ACCOUNTS											
823153	69.19	0.00	0.00	0.00	69.19	08/08/2022	0006936292	2022	2022	000000	DORTCH, KATELYNN
824148	129.06	30.00	0.00	0.00	159.06	08/18/2022	0006970001	2022	2021	000000	PELLEGRINI, JAMES JUDE
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	**198.25**	**30.00**	**0.00**	**0.00**	**228.25**	**2**	**Properties Rebated**				
INDIVIDUAL REAL ESTATE ACCOUNTS											
825126	184.50	0.00	0.00	0.00	184.50	08/31/2022	0000045984	2022	2022	000000	LEATHERS, CHERI
821918	235.38	0.00	0.00	0.00	235.38	08/03/2022	0000479557	2022	2022	000000	SHAH, DHARA
823020	80.60	0.00	0.00	0.00	80.60	08/08/2022	0000454891	2022	2022	000000	KING, JOY SAMUELS
821910	148.14	0.00	0.00	0.00	148.14	08/03/2022	0000453479	2022	2022	000000	KESSLER, DELORES GENNELL

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	**648.62**	**0.00**	**0.00**	**0.00**	**648.62**	**4**	**Properties Rebated**				
WILDLIFE BOAT ACCOUNTS											
825262	245.62	0.00	0.00	0.00	245.62	08/31/2022	0004205955	2022	2022	000000	PODVOJSKY, STEFAN BUI
822606	142.28	0.00	0.00	0.00	142.28	08/02/2022	0004206148	2022	2022	000000	JOHNSON, TRAVIS TODD
825380	9.82	0.00	0.00	0.00	9.82	08/31/2022	0004203284	2022	2022	000000	FLAHERTY, JON EARL
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	**397.72**	**0.00**	**0.00**	**0.00**	**397.72**	**3**	**Properties Rebated**				
TOTAL REBATED FOR APEX	**11,476.74**	**30.00**	**126.01**	**0.00**	**11,632.75**	**58**	**Properties Rebated for City**				

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 11, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of September 27, 2022.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF SEPTEMBER 27, 2022

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, 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 UDO Amendments before the Town Council on the 7th day of September 2022.

The Apex Town Council held a public hearing on the 27th day of September 2022. Amanda Bunce, Current Planning Manager presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

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

The Town Council on the 27th day of September 2022 by a vote of 5 to 0, approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the various UDO Amendments of June 28, 2022 are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Secs. 4.2.2 *Use Table*; 4.3.3 *Use Classifications, Utilities*; 4.4.3 *Supplemental Use Standards, Utilities*; 8.2.6.B.4 *Land Use Classes*; and 8.3.2 *Off-Street Parking Requirements* create the use "Yard waste transfer station", allow it as with Special Use Permit approval in the Light Industrial (LI) zoning district and establish the definition, supplemental standards, land use class, and parking standards for such use.
2. The amendments to UDO Secs. 7.2.5 *Single-Family Residential Grading* and 8.1.2.B.2 *Site and Tree Survey Required* update change the date of LiDAR data from a specific date to the latest data acquired by the Town of Apex and ensure the requirements for topographic information are consistent throughout the UDO.
3. The amendments to UDO Sec. 8.7 *Signs* to modify the standards for internally illuminated signs and signs within Planned Development Districts and create a sign type and standards for interior signs located in parking lots.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen Coleman, CMC, NCCCC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: October 11, 2022

Item Details

Presenter(s): Tim Herman, Fire Chief
David Dillon, Deputy Fire Marshal

Department(s): Fire Services Department

Requested Motion

Motion to adopt a proclamation designating the week of October 9 through 15, 2022 as Fire Prevention Week in the Town of Apex.

Approval Recommended?

Yes

Item Details

Fire Prevention Week is celebrating its 100th year, the longest running health campaign, to honor the brave firefighters and first responders who risk their lives to protect us every day and reaffirm the importance of fire safety and preparedness.

Fire Prevention Week was started by the National Fire Protection Association (NFPA) in 1922 to commemorate the Great Chicago Fire of 1871. Fire Prevention Week teaches children and adults how to stay safe in the event of a fire. In 1925, President Calvin Coolidge proclaimed the first National Fire Prevention Week to occur from October 4 through October 10, 1925. President Coolidge stated that, "This waste results from the conditions which justify a sense of shame and horror; for the greater part of it could and ought to be prevented... It is highly desirable that every effort be made to reform the conditions which have made possible so vast a destruction of the national wealth".

The Great Chicago Fire burned from October 8 to October 10, 1871, with most of the damage occurring on October 9th. The fire caused roughly $ 200 million in damages, killing approximately 300 people, and destroying over 17, 000 buildings and structures. The consequences were more than just fire damage itself, as martial law had to be declared after an outbreak of looting and lawlessness.

Fire impacts a community financially, including lost tax revenue, reduced tourism and business

investment, downgraded bonds, and reduced real estate values. This week, all people in the Town of Apex should educate themselves about fire prevention and safety and recommit to taking the necessary steps to prevent fires. The year's theme, " Fire won' t wait. Plan your escape." effectively serves to remind Apex residents of the importance of having a home fire escape plan.

Attachments

- Proclamation

Proclamation

Fire Prevention Week

from the Office of the Mayor

WHEREAS, The Town of Apex is committed to ensuring the safety and security of all those living in and visiting our town; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, Home fires caused 2,580 civilian deaths in the United States in 2020, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, Smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Apex residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; and

WHEREAS, Apex residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2022 Fire Prevention Week theme, "Fire won't wait. Plan your escape," effectively serves to remind Apex it is important to have a home fire escape plan.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim October 9-15, 2022, as Fire Prevention Week throughout this community, and urge all the people of Apex to prepare and practice a home fire escape plan for Fire Prevention Week 2022 and to support the many public safety activities and efforts of Town's fire prevention services.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed. This the 11th day of October 2022.

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 11, 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 Haddock Properties, Haddock Body Shop, containing 1.989 acres, Annexation No. 703 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
- Notice to Holly Springs and Holly Springs Approval
- 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. 2022-103
ANNEXATION PETITION NO. #703
Haddock Properties – Haddock Body Shop – 1.989 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 October 11, 2022, after due notice by posting to the Town of Apex website, http://www.apexnc.org/news/public-notices-legal-ads; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on October 11, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex – Smithfield Road Collusion Center (PIN#0740649391), dated July 24, 2020" and recorded in Book of Maps book number 2022 and page number , 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 11th day of October, 2022.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

_____
Laurie L. Hohe
Town Attorney

Legal Description

All that tract or parcel of land lying or being in Holly Springs Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at an existing PK nail on the northern margin of SR 1172 (Old Smithfield Road) a variable Public RIW, said point being the southeast corner of Greenway Waste Solutions of Apex, LLC as described in Deed Book 9909, page 1039, Deed Book 16777, Page 570 and Book of Maps 2002, Pages 1159-1161 all of the Wake County Registry, and runs thence as the eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 38 minutes 11 seconds East for a distance of 442.33 feet to an existing iron pipe;
THENCE continuing along the eastern line said Greenway Waste Solutions of Apex, LLC North 02 degrees 09 minutes 07 seconds East for a distance of 34.48 feet to a point in the run of branch;

THENCE leaving the line of said Greenway Waste Solutions of Apex, LLC and along the run of branch the following courses and distances:
South 65 degrees 09 minutes 11 seconds East for a distance of 25.25 feet to a point;
North 88 degrees 13 minutes 37 seconds East for a distance of 25.15 feet to a point;
South 56 degrees 31 minutes 49 seconds East for a distance of 30.20 feet to a point;
South 71 degrees 51 minutes 51 seconds East for a distance of 37.30 feet to a point;
North 73 degrees 23 minutes 54 seconds East for a distance of 38.75 feet to a point;
North 30 degrees 48 minutes 09 seconds East for a distance of 15.31 feet to a point;
North 11 degrees 59 minutes 36 seconds East for a distance of 14.57 feet to a point;
North 74 degrees 18 minutes 50 seconds East for a distance of 15.66 feet to a point on the western margin of NC 55 Bypass, a variable public RIW;
THENCE continuing along the western margin of NC 55 Bypass South 22 degrees 12 minutes 15 seconds East for a distance of 63.48 feet to an existing concrete RIW monument;
THENCE continuing along the western margin of NC 55 Bypass South 04 degrees 13 minutes 24 seconds East for a distance of 285.56 feet to an existing concrete RIW monument;
THENCE continuing along the margin of said NC 55 Bypass South 47 degrees 06 minutes 06 seconds West for a distance of 102.56 to an existing concrete RIW monument on the northern margin of said SR 1172;
THENCE along the northern margin of said SR 1172 along a curve to the left having a radius of 1031.81 feet and an arc length of 176.94 feet being subtended by a chord bearing of South 67 degrees 31 minutes 37 seconds West for a distance of 176.73 feet to the Point and Place of BEGINNG;

Together with and subject to 60 Access Easement as described in Deed Book 9488, Page 925, 30' Powerline easement as described in Deed Book 8522, Page 2338 all of the Wake County Registry as well as all covenants, easements, and restrictions of record.

Said property contains 1.989 acres in traverse 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. 2022-103, adopted at a meeting of the Town Council, on the 11th day of October, 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 11th day of October, 2022.

_____
Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL)

Media Contact:
Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (September 30, 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 **11th day of October, 2022**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-31:

Annexation Petition #703
Haddock Properties – Haddock Body Shop – 1.989 acres

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. 703" 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, October 11, 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.

###

LEGAL DESCRIPTION
1.989 Ac. to be Annexed into the Town of Apex

All that tract or parcel of land lying or being in Holly Springs Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at an existing PK nail on the northern margin of SR 1172 (Old Smithfield Road) a variable Public R/W, said point being the southeast corner of Greenway Waste Solutions of Apex, LLC as described in Deed Book 9909, page 1039, Deed Book 16777, Page 570 and Book of Maps 2002, Pages 1159-1161 all of the Wake County Registry, and runs thence as the eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 38 minutes 11 seconds East for a distance of 442.33 feet to an existing iron pipe;

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South 65 degrees 09 minutes 11 seconds East for a distance of 25.25 feet to a point;
North 88 degrees 13 minutes 37 seconds East for a distance of 25.15 feet to a point;
South 56 degrees 31 minutes 49 seconds East for a distance of 30.20 feet to a point;
South 71 degrees 51 minutes 51 seconds East for a distance of 37.30 feet to a point;
North 73 degrees 23 minutes 54 seconds East for a distance of 38.75 feet to a point;
North 30 degrees 48 minutes 09 seconds East for a distance of 15.31 feet to a point;
North 11 degrees 59 minutes 36 seconds East for a distance of 14.57 feet to a point;
North 74 degrees 18 minutes 50 seconds East for a distance of 15.66 feet to a point on the western margin of NC 55 Bypass, a variable public R/W;

THENCE continuing along the western margin of NC 55 Bypass South 22 degrees 12 minutes 15 seconds East for a distance of 63.48 feet to an existing concrete R/W monument;

THENCE continuing along the western margin of NC 55 Bypass South 04 degrees 13 minutes 24 seconds East for a distance of 285.56 feet to an existing concrete R/W monument;

THENCE continuing along the margin of said NC 55 Bypass South 47 degrees 06 minutes 06 seconds West for a distance of 102.56 to an existing concrete R/W monument on the northern margin of said SR 1172;

THENCE along the northern margin of said SR 1172 along a curve to the left having a radius of 1031.81 feet and an arc length of 176.94 feet being subtended by a chord bearing of South 67 degrees 31 minutes 37 seconds West for a distance of 176.73 feet to the Point and Place of BEGINNG;

Together with and subject to 60 Access Easement as described in Deed Book 9488, Page 925, 30' Powerline easement as described in Deed Book 8522, Page 2338 all of the Wake County Registry as well as all covenants, easements, and restrictions of record.

Said property contains 1.989 acres in traverse more or less.

The foregoing description was prepared by:
Stancil & Associates
Professional Land Surveyors, P.A.
98 East Depot Street
P. O. Box 730, Angier, N.C. 27501
Phone: 919-639-2133
Fax: 919-639-2602

"The Peak of Good Living"

Town Clerk's Office
Allen Coleman, Town Clerk

TOWN OF APEX NORTH CAROLINA

September 26, 2022

Linda McKinney, Town Clerk
Town of Holly Springs
P.O. Box 8
Holly Springs, North Carolina, 27540

RE: Pending Annexation Petition #703
PIN#: 0740649391 | DB: 9121; PG: 1284 | BM: 2002; PG: 335

Dear Ms. McKinney:

You are being sent this information pursuant to a 2013 annexation boundary line agreement between the Town of Holly Springs and the Town of Apex and serves as notice at least 60 days before adoption of any annexation ordinance.

Pursuant to paragraph 4(c) of the agreement, there is a 60-day waiting period prior to annexation. If after your review of this information, the Town of Holly Springs does not object to this annexation, if you would kindly indicate to us your waiver of the 60-day period, it would be helpful and appreciated. Otherwise, 60 days from the date of this letter the annexation may commence.

As a reminder, per the annexation agreement between our towns, Holly Springs has ten days from receipt of this letter to notify us that they are not waiving the 60-day waiting period..

Should you have questions or need additional information, please contact me at 919-249-1260 or allen.coleman@apexnc.org.

Thank you,

Allen Coleman, CMC, NCCCC

Town Clerk

Enclosure(s): Ariel Map Annexation 703

From: Linda McKinney
To: Allen Coleman
Subject: RE: --[EXTERNAL]--Apex Annexation 703 - Haddock Properties 1.989 acres
Date: Tuesday, September 27, 2022 4:26:45 PM
Attachments: image008.png
image009.png
image010.png
image011.png
image012.png
image013.png

Notice: This message is from an external sender.
Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Allen,
The Town of Holly Springs has no objection to this annexation.

Regards,

Linda C. McKinney, NCCMC
Town Clerk
Town of Holly Springs
PO Box 8 | 128 S Main Street | Holly Springs, NC 27540
Office: (919) 557-3900 | linda.mckinney@hollyspringsnc.gov

NOTICE: Town of Holly Springs emails have switched to .gov addresses. Please make sure to update my contact information to linda.mckinney@hollyspringsnc.gov.

Warning: This email is subject to disclosure under the North Carolina Public Records Law (NCGS 132-1).

From: Allen Coleman <Allen.Coleman@apexnc.org>
Sent: Monday, September 26, 2022 10:26 AM
To: Linda McKinney <linda.mckinney@hollyspringsnc.gov>
Subject: --[EXTERNAL]--Apex Annexation 703 - Haddock Properties 1.989 acres

Good Morning Linda,

I hope you had a wonderful weekend. Attached is the latest annexation for Apex. Please let us know if Holly Springs has any objections or if they agree to waive the 60-day waiting period.

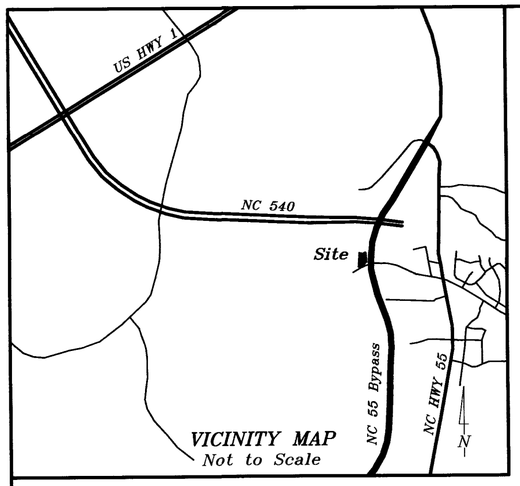
Thank you!

Allen Coleman, **CMC, NCCCC**
Town Clerk
Town of Apex
Town Clerk's Office
73 Hunter Street | P.O. Box 250
Apex, NC 27502
(O) (919) 249-1260
(M) (336) 583-6223
(E) Allen.Coleman@apexnc.org
(W) www.apexnc.org

Please note that email(s) sent to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Warning: This email is subject to disclosure under the North Carolina Public Records Law (NCGS 132-1).



LEGEND:

———	Lines Surveyed	TP	Telephone Pedestal
— — —	Lines Not Surveyed	MH	Manhole
— — —	Tie or Adjoining Lines	WM	Water Meter
— — —	Right of Way Lines	Esmt.	Easement
EIP/EIS	Existing Iron Pipe or Stake	R/W	Right-of-Way
ECM	Existing Concrete Monument	C/L	Centerline
EPK	Existing P.K. Nail	P.C.	Plat Cabinet
PKS	P.K. Nail Set	D.B.	Deed Book
EMN	Existing MAG Nail	P.B.	Plat Book
MNS	MAG Nail Set	B.M.	Book of Maps
ISS	Iron Stake Set	PIN	Parcel Identifier Number
CSS	Cotton Spindle Set		
ECS	Existing Cotton Spindle	Ac.	Acres
RRS	Railroad Spike	Sq. Ft.	square feet
ELS	Existing Lightwood Stake	CP	Computed Point
PP	Power Pole	[ ]	Street Address
OHE	Overhead Electric Lines		
FH	Fire Hydrant		

N.C.G.S. North Carolina Geodetic Survey
NAD 27 North American Datum of 1927
NAD 83 North American Datum of 1983

NOTES:

* Iron Stakes set at all property corners unless noted otherwise.
* Areas determined by coordinate method.
* All distances/dimensions are Horizontal ground distances unless otherwise indicated.

I, Thomas Lester Stancil, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book See , Page Ref. , etc.) (other); that the boundaries not surveyed are shown clearly indicated as drawn from information found in references as shown hereon; that the ratio of precision as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended.
Witness my original signature, registration number and seal this the the 24th day of July , A.D. 2020.

Surveyor

L-1512
License Number

NORTH CAROLINA PROFESSIONAL SEAL L-1512 LAND SURVEYOR Thomas Lester Stancil

I hereby certify that this survey is of another category, such as the combining or recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision.

Thomas Lester Stancil, P.L.S.

References

Deed Book 2679, Page 62 (Power line Easement, no width given)
Deed Book 8325, Page 2075 (NC DOT R/W Project 8.142601
Deed Book 8522, Page 2338 (30' Power line Easement)
Deed Book 9488, Page 925 (Access Easement)
Deed Book 10008, Page 2306 (10' and 30' Power line Easement)
Deed Book 14889, Page 2603 (NC DOT R/W Project R-2635A)
Deed Book 14827, Page 1214 (Consent for Judgement)
Deed Book 17757, Page 1678 (Memo of Action)
Deed Book 18267, Page 47 (Title to Haddock)
Book of Maps 2002, Page 335
Book of Maps 2002, Page 1159
Book of Maps 2020, Page 2193
NC DOT Project R-2635A
All others as shown and/or noted hereon

RECORDED IN WAKE COUNTY, BOOK OF MAPS 2022, PAGE _____

Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	1031.81'	176.94'	9°49'32"	176.73'	S 67°31'37" W
C-2	1031.81'	70.79'	3°55'51"	70.77'	S 60°38'55" W

Course	Bearing	Distance
L-1	N 02°09'07" E	34.48'
L-2	S 65°09'11" E	25.25'
L-3	N 88°13'37" E	25.15'
L-4	S 56°31'49" E	30.20'
L-5	S 71°51'51" E	37.30'
L-6	N 73°23'54" E	38.75'
L-7	N 30°48'09" E	15.31'
L-8	N 11°59'36" E	14.57'
L-9	N 74°18'50" E	15.66'
L-10	S 22°12'15" E	63.48'

FEMA FLOOD HAZARD STATEMENT
Lots shown on this plat are not located within the FEMA Flood Hazard "Zone AE" as shown on FEMA map No. 3720074000J Effective Date: 5/2/2006

Apex ETJ, NOT inside Town Limits
Zoned: LI
Greenway Waste Solutions of Apex, LLC
Deed Book 9099, Page 1039
Deed Book 16777, Page 570
Book of Maps 2002, Pages 1159-1161

In Apex Town Limits
Zoned: LI-CZ
Haddock Properties, LLC
Deed Book 18267, Page 47
Deed Book 16777, Page 570
Book of Maps 2020, Page 2193

Existing Town of Apex Sanitary Sewer Easement Deed Book 8943, Page 586 Deed Book 9134, Page 2395

Existing Town of Apex Sanitary Sewer Easement Book of Maps 1982, Page 273 Deed Book 3059, Page 114

Run of Branch is the existing corporate limits for the Town of Apex and the zoning Limit line

Apex ETJ
Zoned: LI-CZ

1.989 Acres (In Traverse)

Zoned: LI
Wake County
Deed Book 2272, Page 678
Book of Maps 2016, Pages 1426-1428

Property Line is the existing corporate limits for the Town of Apex and the zoning Limit line

Unknown width Access Easement Deed Book 9488, Page 925

NC HWY 55 Bypass Variable Public R/W

Right-of-Way is the existing corporate limits for the Town of Apex and the zoning Limit line

Apex ETJ
Zoned: RR

Current Owners
Haddock Properties, LLC
PO Box 507
Glenville, NC 28736

Town of Apex Jurisdiction

Town of Apex and Town of Holly Springs corporate limits boundary per Wake County GIS

Town of Holly Springs Jurisdiction

SR 1172
Old Smithfield Road
Variable Public R/W

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

Annexation Map
For the Town of Apex
Surveyed and Mapped for:
Smithfield Road Collision Center
800 North Raleigh Street Suite C1 Angier NC 27501

TOWN: APEX | TOWNSHIP: HOLLY SPRINGS | COUNTY: WAKE
STATE: NORTH CAROLINA | REID: 0067681 | PIN: 0740649391
ZONE: LI-CZ

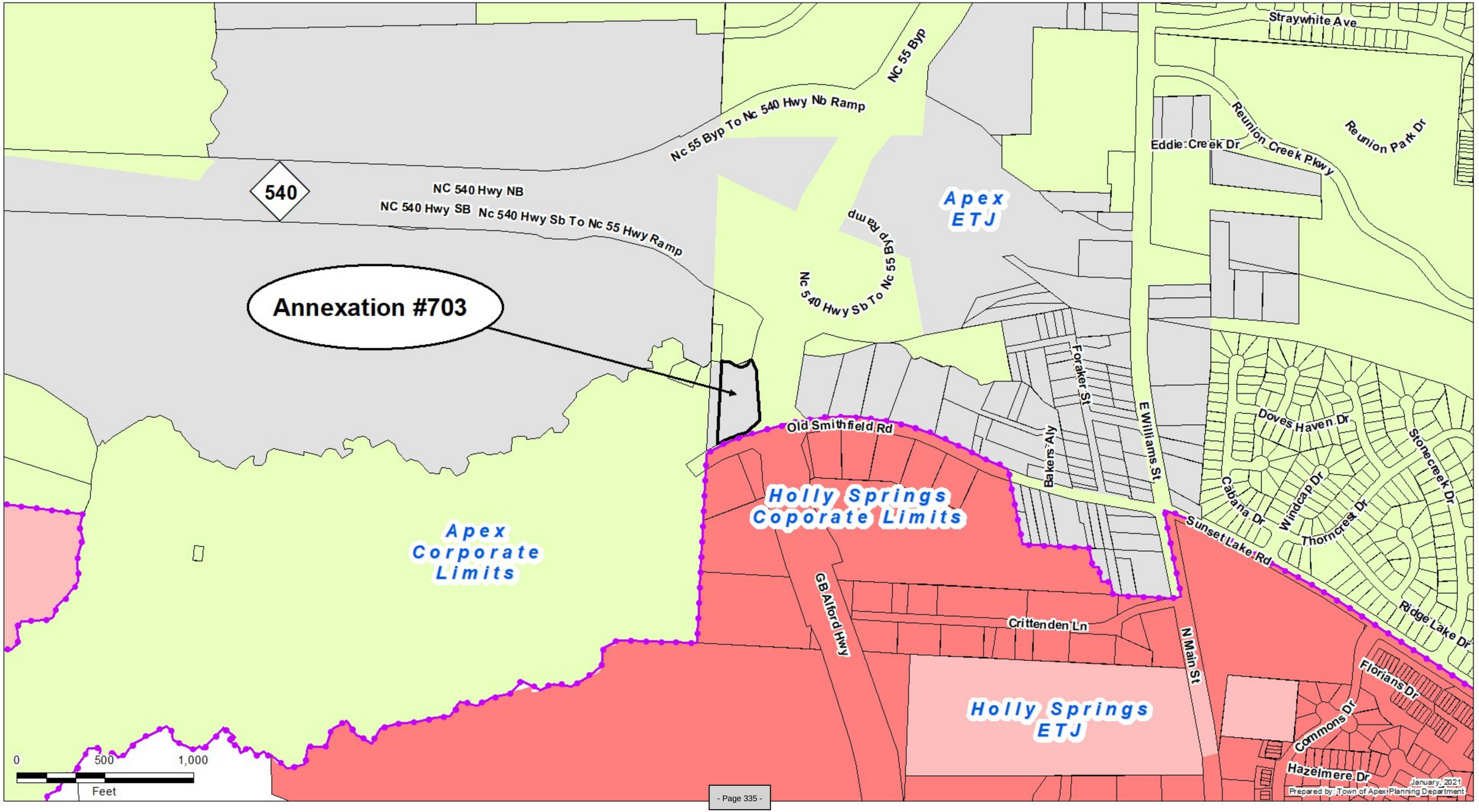
DATE: 7-24-2020	SURVEYED BY: SDB
SCALE: 1" = 60'	DRAWN BY: PAN
CHECKED & CLOSURE BY: VJM	FIELD BOOK: LWHS1833.cgr
	DRAWING FILE NO.: LWHS-1833B

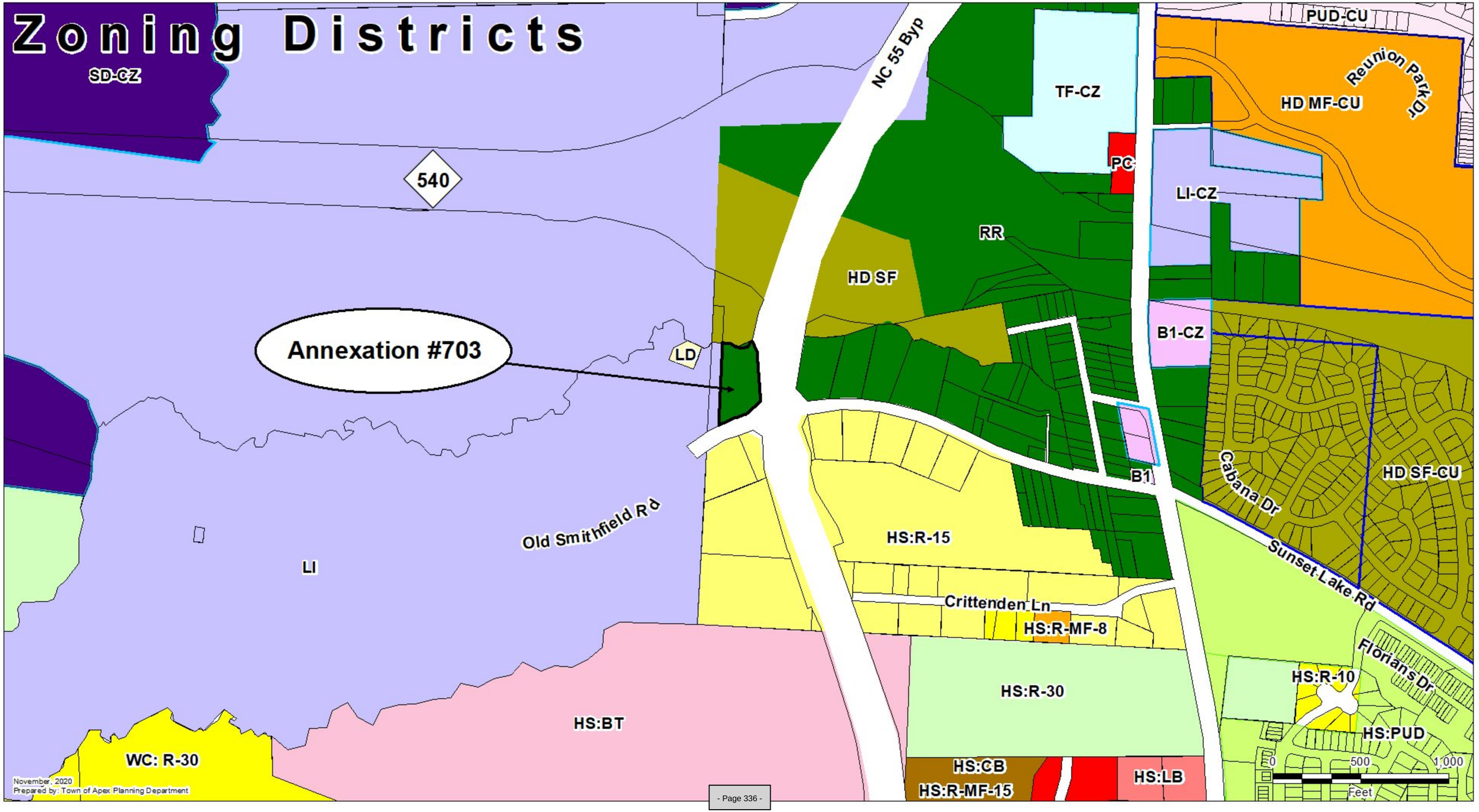
Revisions:
Attorney comments 9-16-2020
Apex comments 12-29-2020
Update Owner etc 6-8-2022
Apex Comments 8-24-2022

Horizontal Scale 30 0 60

STANCIL & ASSOCIATES,
Professional Land Surveyor, P.A. C-0831
98 East Depot Street, P. O. Box 730, Angier, N.C. 27501
Phone: 919-639-2133 Fax: 919-639-2602

NC 540 Hwy NB
NC 540 Hwy SB
540
Nc 540 Hwy Sb To Nc 55 Hwy Ramp
NC 55 Byp
Nc 540 Hwy Sb To Nc 55 Byp Ramp
Greenway Waste of Apex
Annexation #703
Mosley Ave
Old Smithfield Rd
Bakers Aly
GB Alford Hwy
South Wake Landfill
November, 2020
September 2020 Aerial Photography
Prepared by: Town of Apex Planning Department
0
500
1,000
Feet


Annexation #703
540
NC 540 Hwy NB
NC 540 Hwy SB
Nc 540 Hwy Sb To Nc 55 Hwy Ramp
Nc 55 Byp To Nc 540 Hwy Nb Ramp
NC 55 Byp
Nc 540 Hwy Sb To Nc 55 Byp Ramp
Apex ETJ
Apex Corporate Limits
Holly Springs Coporate Limits
Holly Springs ETJ
Old Smithfield Rd
Bakers Aly
Foraker St
E Williams St
Straywhite Ave
Reunion Creek Pkwy
Reunion Park Dr
Eddie Creek Dr
Doves Haven Dr
Stonecreek Dr
Windcap Dr
Cabana Dr
Thorncrest Dr
Sunset Lake Rd
Ridge Lake Dr
GB Alford Hwy
Crittenden Ln
N Main St
Florians Dr
Commons Dr
Hazelmere Dr
0
500
1,000
Feet
January, 2021
Prepared by: Town of Apex Planning Department


Zoning Districts
SD-CZ
540
Annexation #703
LD
LI
Old Smithfield Rd
HS:BT
WC: R-30
NC 55 Byp
TF-CZ
PC
RR
HD SF
LI-CZ
PUD-CU
Reunion Park Dr
HD MF-CU
B1-CZ
B1
Cabana Dr
HD SF-CU
HS:R-15
Sunset Lake Rd
Crittenden Ln
HS:R-MF-8
HS:R-30
HS:R-10
Florians Dr
HS:PUD
HS:CB
HS:R-MF-15
HS:LB
0
500
1,000
Feet
November, 2020
Prepared by: Town of Apex Planning Department

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

Haddock Properties, LLC Owner Name (Please Print)	0740649298 Property PIN or Deed Book & Page #
919.805.2227 Phone	rhaddock46@gmail.com 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: Lester Stancil & Associates, PA

Phone: 919.639.2133 Fax: _____

E-mail Address: stancilsurvey@gmail.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	1.989	Need water service due to well failure	☐
Population of acreage to be annexed:	0	Need sewer service due to septic system failure	☐
Existing # of housing units:	0	Water service (new construction)	☑
Proposed # of housing units:	0	Sewer service (new construction)	☑
Zoning District*:	LI-CZ	Receive Town Services	☐

*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 IN A LIMITED LIABILITY COMPANY

In witness whereof, Haddock Properties a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 21 day of June, 2022.

Name of Limited Liability Company Haddock Properties 2LC

By: Richard Haddock
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Jackson KB

Sworn and subscribed before me, Kristal B. Bennett, a Notary Public for the above State and County, this the 22nd day of June, 2022

Notary Public

SEAL

Kristal B. Bennett
NOTARY PUBLIC
Transylvania County
North Carolina
My Commission Expires November 12, 2025

My Commission Expires: November 12, 2025

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: PUBLIC HEARING

Meeting Date: October 11, 2022

Item Details

Presenter(s): Jenna Shouse, Senior Long Range Planner

Department(s): Planning & Community Development

Requested Motion

Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to change the proposed bicycle and pedestrian facility type along the west side of Richardson Road from proposed street-side greenway to proposed side path and to change the proposed bicycle and pedestrian facility type east of Richardson Road from a proposed public greenway to a proposed side path along a future street.

Approval Recommended?

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 28, 2022 meeting.

Planning and Community Development Department staff will present these items to the Planning Board at their October 10, 2022 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.

Item Details

The purpose of this hearing is to consider the proposed facility type changes in the bicycle and pedestrian network to align with the 2045 Land Use Map, account for the Richardson Road conservation easement, and align with the anticipated The Townes at the Station development.

Attachments

- Staff Report

The purpose of the public hearing is to consider the facts in order to formulate a decision. The Bicycle and Pedestrian System Plan map represents a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, and recreation. The Plan does not require a schedule for implementation nor does it set aside funding for improvements. Instead, it helps the Town establish long term priorities and identify requirements for new development. The Plan was last amended on September 13, 2022.

The purpose of the public hearing is to consider amendments to the Bicycle and Pedestrian System Plan map to:

1. Change the proposed bicycle and pedestrian facility type along the west side of Richardson Road between Humie Olive Road and US 1 from proposed street-side greenway to proposed side path.
2. Change the proposed bicycle and pedestrian facility type east of Richardson Road from a proposed public greenway to a proposed side path along a future street.

A map of the proposed amendments to the Bicycle and Pedestrian System Plan map is displayed in Figure 1 below.

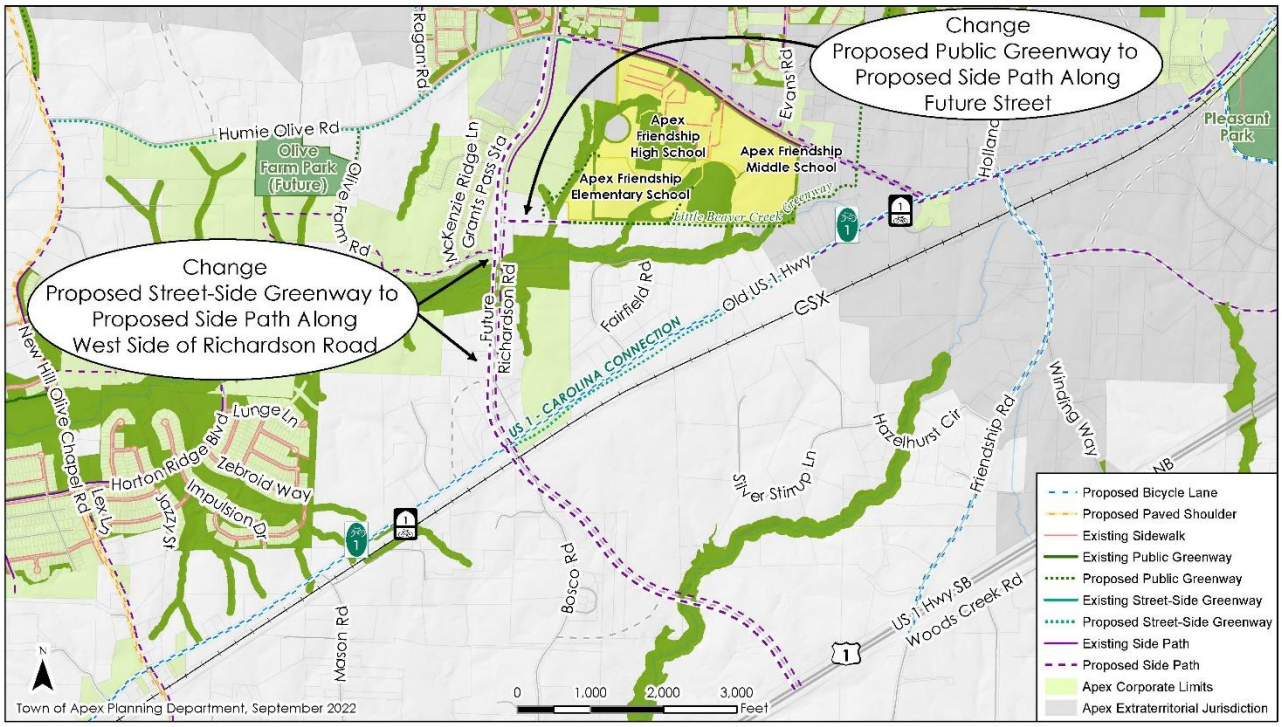


Figure 1. Proposed Bicycle and Pedestrian System Plan Map Amendments

The purposes of the proposed amendments are to align the facility type with the 2045 Land Use Map, account for the Richardson Road conservation easement, and align with the anticipated The Townes at the Station development.

Street-side greenways are intended to provide an enhanced off-road, recreational bicycle and pedestrian facility along roadways in Apex with a rural context. The 2045 Land Use Map designates development along future Richardson Road between Humie Olive Road and US 1 as Medium Density Residential. Side path along

both sides of future Richardson Road is a more suitable bicycle and pedestrian facility for this type of development.

Additionally, the approved Friendship Station Planned Unit Development (PUD) along the west side of existing Richardson Road, south of Humie Olive Road, was proposed prior to the proposed street-side greenway designation. A street-side greenway cannot be accommodated along this section of Richardson Road based on the approved development.

There are constraints for development within the future Richardson Road conservation easement. A street-side greenway cannot be provided along this section of Richardson Road as street-side greenways are meandering paths with a wide landscaped buffer. Street-side greenways require a 20' public greenway easement and are located outside of the public right-of-way.

Based on the considerations described above, the proposal is to change the bicycle and pedestrian facility type along the west side of Richardson Road from proposed street-side greenway to proposed side path.

The Townes at the Station is an anticipated PUD along the east side of future Richardson Road, south of Humie Olive Road. The proposal is to change the bicycle and pedestrian facility type from proposed greenway to proposed side path along a future residential street within the development to connect to a proposed greenway that connects to the Apex Friendship Schools campus.

Staff Recommendation:
Planning and Community Development Department staff and Parks, Recreation, and Cultural Resources Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 28, 2022 meeting.

Planning Board Recommendation:
Planning and Community Development Department staff will present this item to the Planning Board at their October 10, 2022 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.