



AGENDA | VIRTUAL REGULAR TOWN COUNCIL MEETING

January 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: Nicole L. Dozier

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

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

[PR1](#) Jacques K. Gilbert, Mayor

Presentation of Dr. Martin Luther King Jr., Day Proclamation

[PR2](#) Jacques K. Gilbert, Mayor

Recognition of Accomplishment for Apex Cougars Pop Warner Cheer Team.

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](#) Adam Stephenson, Transportation Engineering Manager

Motion to approve Municipal Agreement with NCDOT for Inspection of Bridges on the Municipal Street System F.A. Project BRZ-NBIS (22), Option C, and authorize Town Manager to execute same.

[CN2](#) Shelly Mayo, Planner II

Motion to set the Public Hearing for the January 25, 2022 Town Council meeting regarding Rezoning Application #21CZ28 Retreat at Cedar Crossing PUD Amendment. The applicant, Toll Southeast LP Company, Inc., seeks to rezone approximately 36.54 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 433 New Hill Olive Chapel Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350,

1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive; 1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.

[CN3](#) Dianne Khin, Director of Planning and Community Development

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for January 25, 2022 on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary & Alison N. Cleary (Alderwood PUD) property containing 9.96 acres located at 8016 Jenks Road, 8000 Jenks Road, 7912 Jenks Road, Annexation #722 into the Town's corporate limits.

[CN4](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

[CN5](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

[CN6](#) Tesa Silver, Deputy Town Clerk

Motion to approve Minutes of the November 23, 2021 Regular Council Meeting.

[CN7](#) Tesa Silver, Deputy Town Clerk

Motion to approve the Apex Tax Report dated December 1, 2021.

[CN8](#) Erika Sacco, Director

Motion to have ESRI GIS Small Government Team Enterprise Licensee agreement approved for 3-year renewal.

[CN9](#) Motion to reappoint John Garrison, and appoint Jason Maynard and Adam Efird as members on the Environmental Advisory Board (EAB).

[CN10](#) Motion to reappoint Katie Schaaf and Suzanne Mason as Chair and Vice Chair, respectively, of the Environmental Advisory Board (EAB).

[CN11](#) Colleen Merays, Downtown & Small Business Development Coordinator

Motion to close and use the Town Hall Parking Lot and roads for the Apex Chamber of Commerce's Run the Peak special event, and adopt ordinances modifying Town Code Section 14-14 for the Town Hall Parking Lot, 73 Hunter Street for the special event on March 12, 2022.

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](#) Liz Loftin, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately 0.426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

[PH2](#) Shelly Mayo, Planner II

Public Hearing and possible motion to approve Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon Capital, LLC., seeks to rezone approximately 3.08 acres from Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

[PH3](#) Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

[PH4](#) Amanda Grogan, Budget & Performance Manager

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget.

OLD BUSINESS

[OB1](#) Christopher "C.J." Valenzuela, Housing Program Manager

Possible motion to provide financial support to DHIC, Inc. for the affordable housing project known as Broadstone Walk in the form of a loan from the Affordable Housing Fund for construction contingent upon final project approval and approve corresponding Budget Ordinance Amendment No. 12.

[OB2](#) Vance Holloman, Finance Director

Possible motion to approve a Resolution declaring the results of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds.

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 11, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Presentation of Dr. Martin Luther King Jr., Day Proclamation

Approval Recommended?

N/A

Item Details

N/A

Attachments

- Proclamation



Town of Apex, North Carolina

Proclamation

from the Office of the Mayor

Martin Luther King Jr., Day

WHEREAS, on January 15, 1929, Reverend Dr. Martin Luther King Jr.,-one of the most influential orators for peace, equality, and human rights in world history-was born in Atlanta, Georgia; and

WHEREAS, throughout his life Dr. King's words and actions inspired a vision where people "transformed the jangling discords of our nation into a beautiful sympathy of brotherhood,;" and

WHEREAS, Dr. King sacrificed his life to spread a message of universal equality and justice that touched the soul of our nation. He created efforts to end racial segregation and discrimination through civil disobedience and other nonviolent means; and

WHEREAS, Dr. King's message continues to resonate with the world today by reminding us the imperative to continue the fight for justice and equality no matter the opposition; and

WHEREAS, Dr. King's goal of a just and united society have continued since his tragic assassination in 1968, and will go on until his dream of freedom, equality and justice for all is fully realized.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex proclaim Monday, January 17, 2022 Martin Luther King Jr., Day and call upon the citizens of Apex to pay tribute to the life and works of Dr. Martin Luther King Jr.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 11th day of January 2022


Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: January 11, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Recognition of Accomplishment for Apex Cougars Pop Warner Cheer Team.

Approval Recommended?

N/A

Item Details

The Mayor will recognize the Apex Cougars Pop Warner Cheer Team on their first National Championship in the team's sixteen year history.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve Municipal Agreement with NCDOT for Inspection of Bridges on the Municipal Street System F.A. Project BRZ-NBIS (22), Option C, and authorize Town Manager to execute same.

Approval Recommended?

Yes

Item Details

The National Bridge Inspection Standards (NBIS) requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed twenty-four (24) months. Options for meeting this requirement are:

- A. Municipality inspects with in-house staff (none in NC do this);
- B. Municipality contracts directly with a qualified engineering firm (only 2 in NC do this);
- C. Municipality may request NCDOT contract with a qualified engineering firm.

The Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty percent (80%) of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality. The term of the agreement is 10 years. For 2022, Apex has 18 structures requiring inspection at an estimated cost of \$650 per structure for a total estimated cost of \$11,700. This cost is included in our FY21-22 department budget.

Attachments

- Municipal Agreement, Option C



North Carolina

Wake County

North Carolina Department of Transportation
and the City/Town of Apex
Municipal Agreement
Inspection of Bridges on the Municipal Street System
F.A. Project BRZ-NBIS (22)

THIS AGREEMENT is made and entered into on the last date executed below, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City/Town of Apex, a municipal corporation, hereinafter referred to as the Municipality.

WITNESSETH

WHEREAS, the National Bridge Inspection Standards (NBIS) requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed twenty-four (24) months.

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Municipality has approved the herein above referenced inspections and analysis and the Municipality has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, as stated in this Agreement and in the Department's published guidelines and procedures.

- 1. The Department or a Consulting Engineering firm retained by the Department shall inspect, load rate, and prepare the necessary inspection reports.
2. All work shall be done in compliance with the following documents.
(A) National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
(B) AASHTO Manual for Bridge Evaluation (current edition) including all interim revisions.

(C) Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December 1995.

3. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges and plans for the bridges when available.
4. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the Department of their plans to resolve Priority Maintenance Notices and Regulatory Sign Notices within thirty (30) days of issuance. Critical Findings require a response within ten (10) days of notice.
5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.
6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty percent (80%) of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.
7. Upon completion of the bridge inspection, and load rating work, the Department shall invoice the Municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I). It is anticipated that the cost to the municipality will be approximately \$650 per structure. The actual cost is based on the work being performed, therefore the final invoice amount will not be known until the work is complete.
8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such a time as the Department has received payment in full.
9. It is the policy of the Department not to enter into any Agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this Agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.
10. This Agreement shall have an effective term of ten (10) years beginning upon execution by all parties and ending on the same date ten (10) years later, subject to the following termination conditions:
 - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.

(B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.

11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

12. AMENDMENT:

If any Party desires to amend the Agreement, then the proposed amendment and the reasons for the proposed amendment shall be communicated in writing to the other Party. If the Parties agree to the proposed amendment, then the amendment shall be effected by entering a written amendment to the Agreement. An amendment that does not change the substantive or financial commitments of the Agreement may be executed by the Chief Engineer and the Municipality. Any other amendment to the terms of this Agreement to be effective must be in the form of a written instrument properly authorized and executed by the governing boards of each Party to this Agreement. Any amendment to this Agreement to be effective must be in writing and signed by both Parties.

13. All Parties hereby respectively confirm that the individuals executing the Agreement are authorized to execute this Agreement and to bind the respective entities to the terms contained herein. All Parties confirm they have read this Agreement, conferred with counsel, and fully understand its contents.

14. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Western Division.

IT IS UNDERSTOOD AND AGREED that the approval of the work by the Department is subject to the conditions of this agreement, and that no expenditure of funds on the part of the Department will be made until the terms of this agreement have complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: _____ TOWN/CITY OF APEX _____

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

(SEAL)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance/Billing Address:

Town/City of Apex _____

PO Box 250 _____

Apex, NC 27502 _____

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 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 January 25, 2022 Town Council meeting regarding Rezoning Application #21CZ28 Retreat at Cedar Crossing PUD Amendment. The applicant, Toll Southeast LP Company, Inc., seeks to rezone approximately 36.54 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 433 New Hill Olive Chapel Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350, 1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive; 1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.

Approval Recommended?

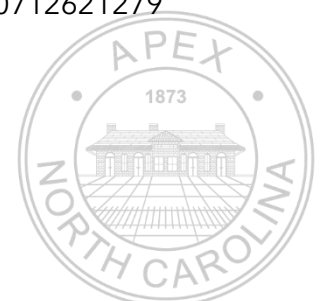
The Planning and Community Development Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0712720377, 0712620118, 0712529114, 0712621121, 0712621088, 0712622037, 0712622097, 0712624007, 0712624057, 0712625006, 0712625076, 0712626132, 0712626241, 0712625296, 0712625228, 0712624275, 0712624224, 0712623274, 0712623224, 0712622264, 0712622216, 0712621332, 0712528182, 0712621013, 0712628045, 0712525521, 0712620385, 0712525451, 0712525446, 0712524596, 0712525615, 0712525688, 0712526677, 0712527611, 0712526489, 0712527531, 0712527584, 0712528527, 0712528569, 0712529612, 0712529665, 0712528304, 0712528347, 0712528490, 0712529310, 0712529246, 0712529271, 0712620349, 0712528770, 0712525372, 0712528217, 0712620625, 0712621279

Attachments

- Vicinity Map
- Application



Rezoning #21CZ28

CHATHAM COUNTY

NEW HILL OAK CHAPEL RD

BARN RD

LOVAGE DR

BUTTERFLY PL

Deer Creek

Retreat at Cedar Crossing



November 13, 2021 Aerial Photography



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 #:	<u>21CZ28</u>	Submittal Date:	<u>10/1/2021</u>
Fee Paid	<u>\$ 600</u>	Check #	<u>Visa</u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Cedar Crossing PUD Amendment
Address(es): See Attached

PIN(s) _____
Acreage: 36.54

Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Low Density Residential

Requested 2045 LUM Designation: Low Density Residential

See next page for LUM amendment

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

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

Applicant Information

Name: TOLL SOUTHEAST LP COMPANY INC
Address: 250 GIBRALTAR RD
City: HORSHAM State: PA Zip: 19044
Phone: _____ E-mail: _____

Owner Information

Name: TOLL SOUTHEAST LP COMPANY INC
Address: 250 GIBRALTAR RD
City: HORSHAM State: PA Zip: 19044
Phone: _____ E-mail: _____

Agent Information

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

Other contacts: Nil Ghosh - Morningstar Law Group - nghosh@morningstarlawgroup.com
Jason Barron - Morningstar Law Group - jbarron@morningstarlawgroup.com



Nil Ghosh | Associate
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Raleigh, NC 27601
919-590-0362
nghosh@morningstarlawgroup.com
www.morningstarlawgroup.com

December 22, 2021

Shelly Mayo
Planner II
Town of Apex

RE: Cedar Crossing PUD Amendment

Dear Shelly Mayo:

This letter is to inform you of the intent of the proposed PUD Amendment for the above-captioned project. The intent of this PUD amendment is to amend Rezoning Case #18CZ12 Olive Glen PUD in the following ways:

- A. Allowing the required play lawn to be developed as an active amenity provided that:
 - a. Mulch walking paths are incorporated into the design of the amenity
 - b. A wildflower garden, community garden, or native pollinator demonstration garden is included within the amenity
 - c. Within the amenity area, the developer shall select and install tree, shrub and perennial species with special attention to providing diverse and abundant pollinator food and host plant sources, including plants that bloom in succession from spring to fall.
 - d. The amenity includes at least one (1) pet waste station
 - e. Any lighting installed within the amenity area shall use full cutoff LED fixtures that have a maximum color temperature of 3000K and include light timers, motion sensors, or other smart lighting technology.
 - f. No additional parking shall be required for the proposed amenity courts. The parking spaces at the mail kiosk may be used to access the proposed courts.
- B. A change to the timing of greenway construction in Section 12:
 - a. All approved public greenway trails must be completed at the point that ~~twenty five percent (25%)~~ fifty percent (50%) of the building permits for the total number of residential units in the Olive Glen PUD have been issued.
- C. A change to the architectural conditions contained in Section 7 of the PUD but only modified for Lot 37 (1353 Mascoma Drive) of the subdivision:
 - a. The garage cannot protrude more than 1 foot out from the front façade or front porch, except with respect to Lot 37 (Wake County PIN 0712-62-4275, 1353 Mascoma Drive) which shall not protrude more than 5 feet out from the front façade or front porch.

No further changes are proposed. This encompasses the entire scope of the proposed amendment.

Respectfully,

Nil Ghosh | Associate
Morningstar Law Group

Site Address	PIN	Owner
1208 BLUE MIST CT	0712-52-4596	TOLL SOUTHEAST LP COMPANY INC
1216 BLUE MIST CT	0712-52-5446	TOLL SOUTHEAST LP COMPANY INC
1220 BLUE MIST CT	0712-52-5451	TOLL SOUTHEAST LP COMPANY INC
1212 BLUE MIST CT	0712-52-5521	TOLL SOUTHEAST LP COMPANY INC
1204 BLUE MIST CT	0712-52-5615	TOLL SOUTHEAST LP COMPANY INC
1201 BLUE MIST CT	0712-52-5688	TOLL SOUTHEAST LP COMPANY INC
3528 OLIVE GLEN DR	0712-52-6489	TOLL SOUTHEAST LP COMPANY INC
1205 BLUE MIST CT	0712-52-6677	TOLL SOUTHEAST LP COMPANY INC
3524 OLIVE GLEN DR	0712-52-7531	TOLL SOUTHEAST LP COMPANY INC
3520 OLIVE GLEN DR	0712-52-7584	TOLL SOUTHEAST LP COMPANY INC
1209 BLUE MIST CT	0712-52-7611	TOLL SOUTHEAST LP COMPANY INC
0 OLIVE GLEN DR	0712-52-8217	TOLL SOUTHEAST LP COMPANY INC
3525 OLIVE GLEN DR	0712-52-8304	TOLL SOUTHEAST LP COMPANY INC
3521 OLIVE GLEN DR	0712-52-8347	TOLL SOUTHEAST LP COMPANY INC
3517 OLIVE GLEN DR	0712-52-8490	TOLL SOUTHEAST LP COMPANY INC
3516 OLIVE GLEN DR	0712-52-8527	TOLL SOUTHEAST LP COMPANY INC
3512 OLIVE GLEN DR	0712-52-8569	TOLL SOUTHEAST LP COMPANY INC
0 OLIVE GLEN DR	0712-52-8770	TOLL SOUTHEAST LP COMPANY INC
3510 TUFTONBORO LN	0712-52-9114	TOLL SOUTHEAST LP COMPANY INC
1314 MASCOMA DR	0712-52-9246	TOLL SOUTHEAST LP COMPANY INC
1318 MASCOMA DR	0712-52-9271	TOLL SOUTHEAST LP COMPANY INC
1310 MASCOMA DR	0712-52-9310	TOLL SOUTHEAST LP COMPANY INC
3508 OLIVE GLEN DR	0712-52-9612	TOLL SOUTHEAST LP COMPANY INC
3504 OLIVE GLEN DR	0712-52-9665	TOLL SOUTHEAST LP COMPANY INC
1322 MASCOMA DR	0712-62-0118	TOLL SOUTHEAST LP COMPANY INC
1311 MASCOMA DR	0712-62-0349	TOLL SOUTHEAST LP COMPANY INC
1315 MASCOMA DR	0712-62-0385	TOLL SOUTHEAST LP COMPANY INC

3500 OLIVE GLEN DR	0712-62-0625	TOLL SOUTHEAST LP COMPANY INC
0 TUFTONBORO LN	0712-62-1013	TOLL SOUTHEAST LP COMPANY INC
1332 MASCOMA DR	0712-62-1088	TOLL SOUTHEAST LP COMPANY INC
1328 MASCOMA DR	0712-62-1121	TOLL SOUTHEAST LP COMPANY INC
1323 MASCOMA DR	0712-62-1279	TOLL SOUTHEAST LP COMPANY INC
1319 MASCOMA DR	0712-62-1332	TOLL SOUTHEAST LP COMPANY INC
1336 MASCOMA DR	0712-62-2037	TOLL SOUTHEAST LP COMPANY INC
1340 MASCOMA DR	0712-62-2097	TOLL SOUTHEAST LP COMPANY INC
1329 MASCOMA DR	0712-62-2216	TOLL SOUTHEAST LP COMPANY INC
1335 MASCOMA DR	0712-62-2264	TOLL SOUTHEAST LP COMPANY INC
1341 MASCOMA DR	0712-62-3224	TOLL SOUTHEAST LP COMPANY INC
1345 MASCOMA DR	0712-62-3274	TOLL SOUTHEAST LP COMPANY INC
1346 MASCOMA DR	0712-62-4007	TOLL SOUTHEAST LP COMPANY INC
1350 MASCOMA DR	0712-62-4057	TOLL SOUTHEAST LP COMPANY INC
1349 MASCOMA DR	0712-62-4224	TOLL SOUTHEAST LP COMPANY INC
1353 MASCOMA DR	0712-62-4275	TOLL SOUTHEAST LP COMPANY INC
1354 MASCOMA DR	0712-62-5006	TOLL SOUTHEAST LP COMPANY INC
1358 MASCOMA DR	0712-62-5076	TOLL SOUTHEAST LP COMPANY INC
1357 MASCOMA DR	0712-62-5228	TOLL SOUTHEAST LP COMPANY INC
1361 MASCOMA DR	0712-62-5296	TOLL SOUTHEAST LP COMPANY INC
1362 MASCOMA DR	0712-62-6132	TOLL SOUTHEAST LP COMPANY INC
1366 MASCOMA DR	0712-62-6241	TOLL SOUTHEAST LP COMPANY INC
0 MASCOMA DR	0712-62-8045	TOLL SOUTHEAST LP COMPANY INC
433 NEW HILL OLIVE CHAPEL RD	0712-72-0377	TOLL SOUTHEAST LP COMPANY INC

AGENT AUTHORIZATION FORM

Application #: 21CZ28

Submittal Date: 10/1/2021

TOLL SOUTHEAST LP COMPANY INC 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: 433 New Hill Olive Chapel Road

The agent for this project is: Peter Bellantoni

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

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*



Peter Bellantoni
Type or print name

10/01/21
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 #: 21CZ28

Submittal Date: 10/1/2021

The undersigned, Peter Bellantoni (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 The Retreat at Cedar Crossing and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/1/19, and recorded in the Wake County Register of Deeds Office on 11/1/19, in Book 17636 Page 236.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/1/19, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/1/19, 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 1st day of October, 20 21.

Peter Bellantoni (seal)

Peter Bellantoni

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Johnston

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



Janet R. Bowsher
Notary Public
State of North Carolina
My Commission Expires: 3/28/22

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

Submittal Date:

Insert legal description below.

Beginning at point on the Eastern R/W of New Hill Olive Chapel Rd. (NCSR 1141) said point having N.C. grid coordinates of N=722, 750.40' & E= 2,015,345.55' (NAD 1983/2011); Thence runs S 87-05'9"E 557.15 to an existing iron pipe; thence runs S 87-05'-19"E 1,968.13'to an existing iron pipe; thence runs S 03 50'9"W 691.17'to a 1" iron rod; thence runs N 87-29'-17" W 295.62' to an existing iron pipe; thence runs N 87-11' -53"W 1,288.09' to an existing iron pipe; thence runs N 31-28'-20"W 264.47' to an existing iron pipe; thence runs N 30-09'-25"W 120.72' to an existing iron pipe; thence runs S 74-44'8"W 274.56' to an iron pipe set on the Eastern R/W of New Hill Olive Chapel Rd. Thence runs S 74-44' -08"W 30.01' to a point in the center of said road; thence along the center of the road the following metes and bounds; N 17- 01'-11"W 71.24', N 16-54'-33"W 59.95', N 16-24'-45"W 77.83', N 15-37-49"W 75.88', N 13-54'-11"W 88.47', N 12-22'-56"W 94.89', N 09-54'-29"W 27.08' to a point on the centerline; thence leaving said centerline S 87-05' -19"E 30. 77' to the point and place of beginning. This tract contains 1,591,790 sq. ft. or 36.54 acres all according to a survey by Barry L. Scott, PLS dated 04-19-2018.

First Neighborhood Meeting
August 30, 2021

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.

8/13/2021

Date

Dear Neighbor:

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

See Attached

Address(es)	PIN(s)
-------------	--------

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

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

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

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

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

We propose to amend the existing PUD to reduce the size of the required play lawn area for this age-restricted community and increase the community's amenity area. No other changes are proposed.

Estimated submittal date: September 1

MEETING INFORMATION:	
Property Owner(s) name(s):	<u>Toll Southeast LP Company Inc.</u>
Applicant(s):	<u>Toll Southeast LP Company Inc.</u>
Contact information (email/phone):	<u>jbarron@morningstarlawgroup.com/919-590-0371</u>
Meeting Address:	<u>https://bit.ly/mlg08302021mtg</u>
Date/Time of meeting**:	<u>August 30th, 2021, 6:00 PM - 8:00 PM</u>

MEETING AGENDA TIMES:		
Welcome:	<u>6:00 PM</u>	Project Presentation: <u>6:02 PM</u> Question & Answer: <u>6:05 PM</u>

**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>.

Site Address	PIN
1208 BLUE MIST CT	0712-52-4596
0 OLIVE GLEN DR	0712-52-5372
1216 BLUE MIST CT	0712-52-5446
1220 BLUE MIST CT	0712-52-5451
1212 BLUE MIST CT	0712-52-5521
1204 BLUE MIST CT	0712-52-5615
1201 BLUE MIST CT	0712-52-5688
3528 OLIVE GLEN DR	0712-52-6489
1205 BLUE MIST CT	0712-52-6677
3524 OLIVE GLEN DR	0712-52-7531
3520 OLIVE GLEN DR	0712-52-7584
1209 BLUE MIST CT	0712-52-7611
0 OLIVE GLEN DR	0712-52-8217
3525 OLIVE GLEN DR	0712-52-8304
3521 OLIVE GLEN DR	0712-52-8347
3517 OLIVE GLEN DR	0712-52-8490
3516 OLIVE GLEN DR	0712-52-8527
3512 OLIVE GLEN DR	0712-52-8569
0 OLIVE GLEN DR	0712-52-8770
1314 MASCOMA DR	0712-52-9246
1318 MASCOMA DR	0712-52-9271
1310 MASCOMA DR	0712-52-9310
3508 OLIVE GLEN DR	0712-52-9612
3504 OLIVE GLEN DR	0712-52-9665
1311 MASCOMA DR	0712-62-0349
1315 MASCOMA DR	0712-62-0385
3500 OLIVE GLEN DR	0712-62-0625
433 NEW HILL OLIVE CHAPEL RD	0712-62-9321

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Olive Glen PUD Amendment Zoning: PUD-CZ
 Location: New Hill Olive Chapel Road at Olive Glen Drive
 Property PIN(s): See attached Acreage/Square Feet: _____

Property Owner: Toll Southeast LP Company Inc.
 Address: 250 Gibraltar Rd
 City: Horsham State: PA Zip: 19044
 Phone: _____ Email: _____

Developer: Toll Southeast LP Company Inc.
 Address: 250 Gibraltar Rd
 City: Horsham State: PA Zip: 19044
 Phone: _____ Fax: _____ Email: _____

Engineer: Justin Brown - Eastern States Engineering
 Address: 900 Perimeter Park Drive, Suite B3
 City: Morrisville State: NC Zip: 27560
 Phone: _____ Fax: _____ Email: _____

Builder (if known): Toll Southeast LP Company Inc.
 Address: 250 Gibraltar Rd
 City: Horsham State: PA Zip: 19044
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

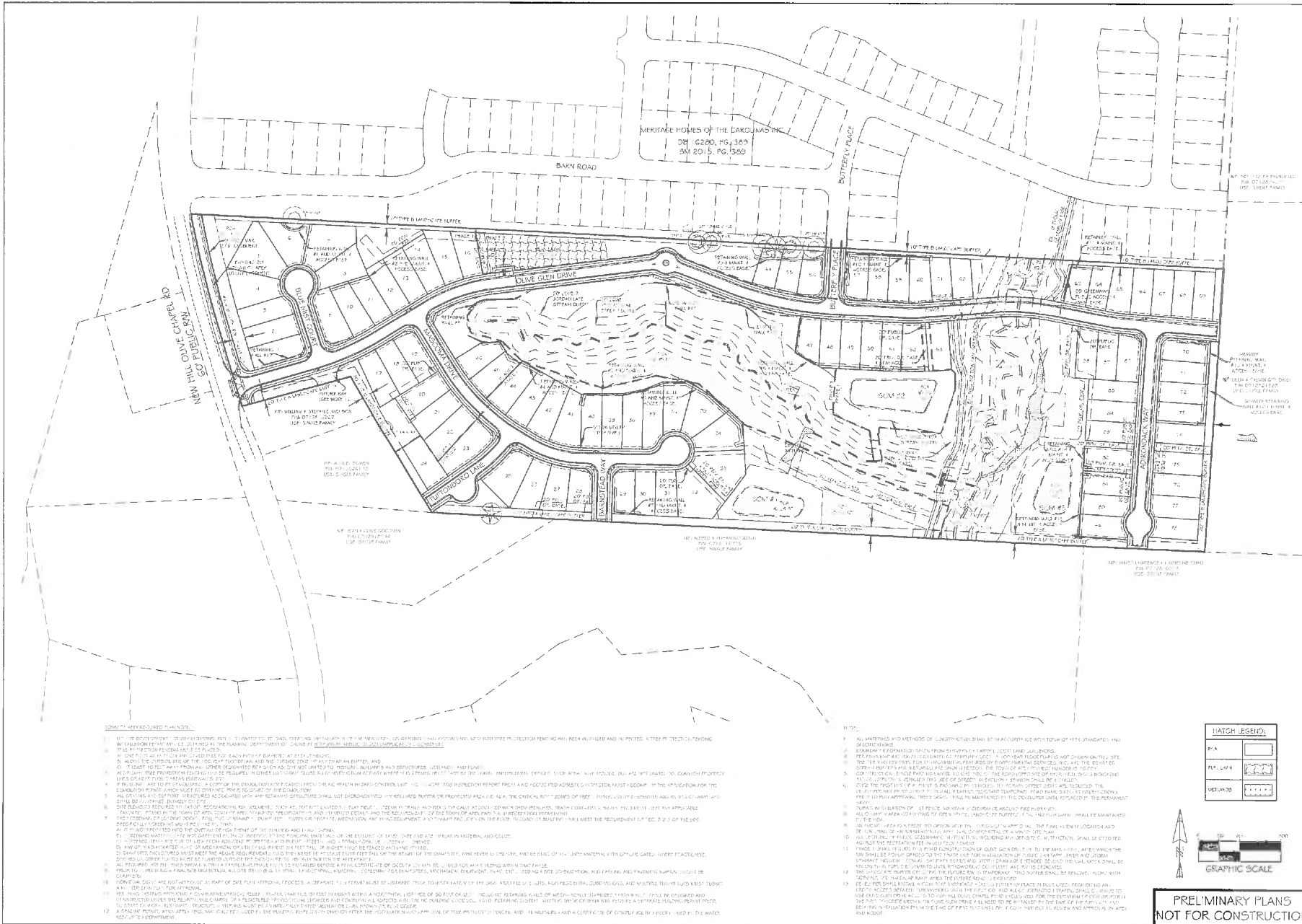
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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



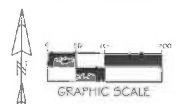
CONTRACT REVIEW CHECKLIST

1. ALL DEVELOPMENT COSTS SHALL BE PAID FOR BY THE DEVELOPER. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS OF THE DEVELOPMENT.
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NOTES

1. ALL MATTERS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CEDAR RAPIDS, IOWA, AND THE IOWA DEPARTMENT OF TRANSPORTATION.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS OF THE DEVELOPMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS OF THE DEVELOPMENT.
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HATCH LEGEND	
PA	[Symbol]
PA	[Symbol]
WETLANDS	[Symbol]



**PRELIMINARY PLANS
NOT FOR CONSTRUCTION**

Jones & Crossen
ENGINEERING, PLLC
Civil Engineering | Construction Management | Land Planning

FOR REVIEW ONLY

**RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN**
IOWA COUNTY, IOWA

PRELIMINARY LOT LAYOUT PLAN OVERALL

221 N. SALEM ST.
SUITE 201
PO BOX 1942
APO, IA 52506
Office: 563.382.1174
Registration: P-0151
www.jonescrossen.com

DATE: FEBRUARY 1, 2019

SCALE: 1" = 100'

PROJECT NO: 19-001

DRAWN BY: [Name]

CHECKED BY: [Name]

DATE: 2/1/19

PAGE: 5

YEAR: 2022

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual per Town's Requirements
 Date of meeting: August 30, 2021 Time of meeting: 6:00pm-8:00pm
 Property Owner(s) name(s): Toll Southeast LP Company, Inc
 Applicant(s): Toll Southeast LP Company, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	William & Stefanie Jackson	501 New Hill Olive Chapel Rd			
2.	Jason Barron, Morningstar Law Group	421 Fayetteville St, Ste 530 Raleigh			
3.	Peter Bellantoni	900B Perimeter Park Dr			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Toll Southeast LP Company, Inc

Applicant(s): Toll Southeast LP Company, Inc

Contact information (email/phone): jbarron@morningstarlawgroup.com / 919.590.0371

Meeting Address: Virtual per Town's Requirements

Date of meeting: August 30, 2021 Time of meeting: 6:00 PM to 8:00 PM

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

Question/Concern #1:

will this affect timing of development

Applicant's Response:

No, it will not

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, Jason Barron, do hereby declare as follows:

Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual per Town's Requirements (indicate format of meeting) on August 30, 2021 (date) from 530pm (start time) to 730pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

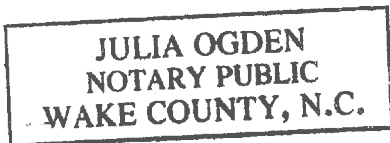
10/1/21
Date


By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

SEAL




Notary Public
Julia Ogden
Print Name

My Commission Expires: April 21, 2024

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____

Submittal Date: _____

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

	Owner's Name	PIN
1.	LIST PROVIDED BY TOWN	
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
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14.	_____	_____
15.	_____	_____

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

Date: 10/1/21

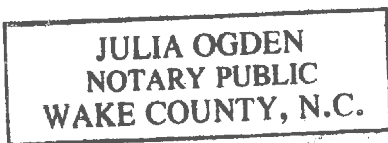
By: [Signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Julia Ogden, a Notary Public for the above State and County, on this the 1 day of October, 2021.

[Signature]
Notary Public
Julia Ogden
Print Name

SEAL



My Commission Expires: April 21, 2024

Second Neighborhood Meeting
December 20, 2021

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.

12/6/21

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
See Attached

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

Application Type		Approving Authority
<input checked="" type="radio"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="radio"/>	Major Site Plan	Town Council (QJPH*)
<input type="radio"/>	Special Use Permit	Town Council (QJPH*)
<input type="radio"/>	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)):

We are having a second neighborhood meeting to discuss the changes to the play lawn area for this

age-restricted community. Additionally, we are changing one architectural commitment with respect to a

single lot (Lot 37) which already is under construction. The garage will extend 5-ft beyond the front porch instead of 1-ft on that lot only.

Estimated submittal date: Submitted October 1

MEETING INFORMATION:

Property Owner(s) name(s): Toll Southeast LP Company, Inc.

Applicant(s): Toll Southeast LP Company, Inc.

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

Electronic Meeting invitation/call in info: https://morningstarlaw.group/12202021mtg

Date of meeting**: 12/20/21

Time of meeting**: 5PM - 7PM

MEETING AGENDA TIMES:

Welcome: 5:00 PM Project Presentation: 5:02 PM Question & Answer: 5:05 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>.

Site Address	PIN
1208 BLUE MIST CT	0712-52-4596
0 OLIVE GLEN DR	0712-52-5372
1216 BLUE MIST CT	0712-52-5446
1220 BLUE MIST CT	0712-52-5451
1212 BLUE MIST CT	0712-52-5521
1204 BLUE MIST CT	0712-52-5615
1201 BLUE MIST CT	0712-52-5688
3528 OLIVE GLEN DR	0712-52-6489
1205 BLUE MIST CT	0712-52-6677
3524 OLIVE GLEN DR	0712-52-7531
3520 OLIVE GLEN DR	0712-52-7584
1209 BLUE MIST CT	0712-52-7611
0 OLIVE GLEN DR	0712-52-8217
3525 OLIVE GLEN DR	0712-52-8304
3521 OLIVE GLEN DR	0712-52-8347
3517 OLIVE GLEN DR	0712-52-8490
3516 OLIVE GLEN DR	0712-52-8527
3512 OLIVE GLEN DR	0712-52-8569
0 OLIVE GLEN DR	0712-52-8770
1314 MASCOMA DR	0712-52-9246
1318 MASCOMA DR	0712-52-9271
1310 MASCOMA DR	0712-52-9310
3508 OLIVE GLEN DR	0712-52-9612
3504 OLIVE GLEN DR	0712-52-9665
1311 MASCOMA DR	0712-62-0349
1315 MASCOMA DR	0712-62-0385
3500 OLIVE GLEN DR	0712-62-0625
433 NEW HILL OLIVE CHAPEL RD	0712-62-9321

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Olive Glen PUD Amendment Zoning: PUD-CZ

Location: New Hill Olive Chapel Road at Olive Glen Drive

Property PIN(s): See attached Acreage/Square Feet: _____

Property Owner: Toll Southeast LP Company Inc.

Address: 250 Gibraltar Rd

City: Horsham State: PA Zip: 19044

Phone: _____ Email: _____

Developer: Toll Southeast LP Company Inc.

Address: 250 Gibraltar Rd

City: Horsham State: PA Zip: 19044

Phone: _____ Fax: _____ Email: _____

Engineer: Justin Brown - Eastern States Engineering

Address: 900 Perimeter Park Drive, Suite B3

City: Morrisville State: NC Zip: 27560

Phone: _____ Fax: _____ Email: _____

Builder (if known): Toll Southeast LP Company Inc.

Address: 250 Gibraltar Rd

City: Horsham State: PA Zip: 19044

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

FOR REVIEW ONLY

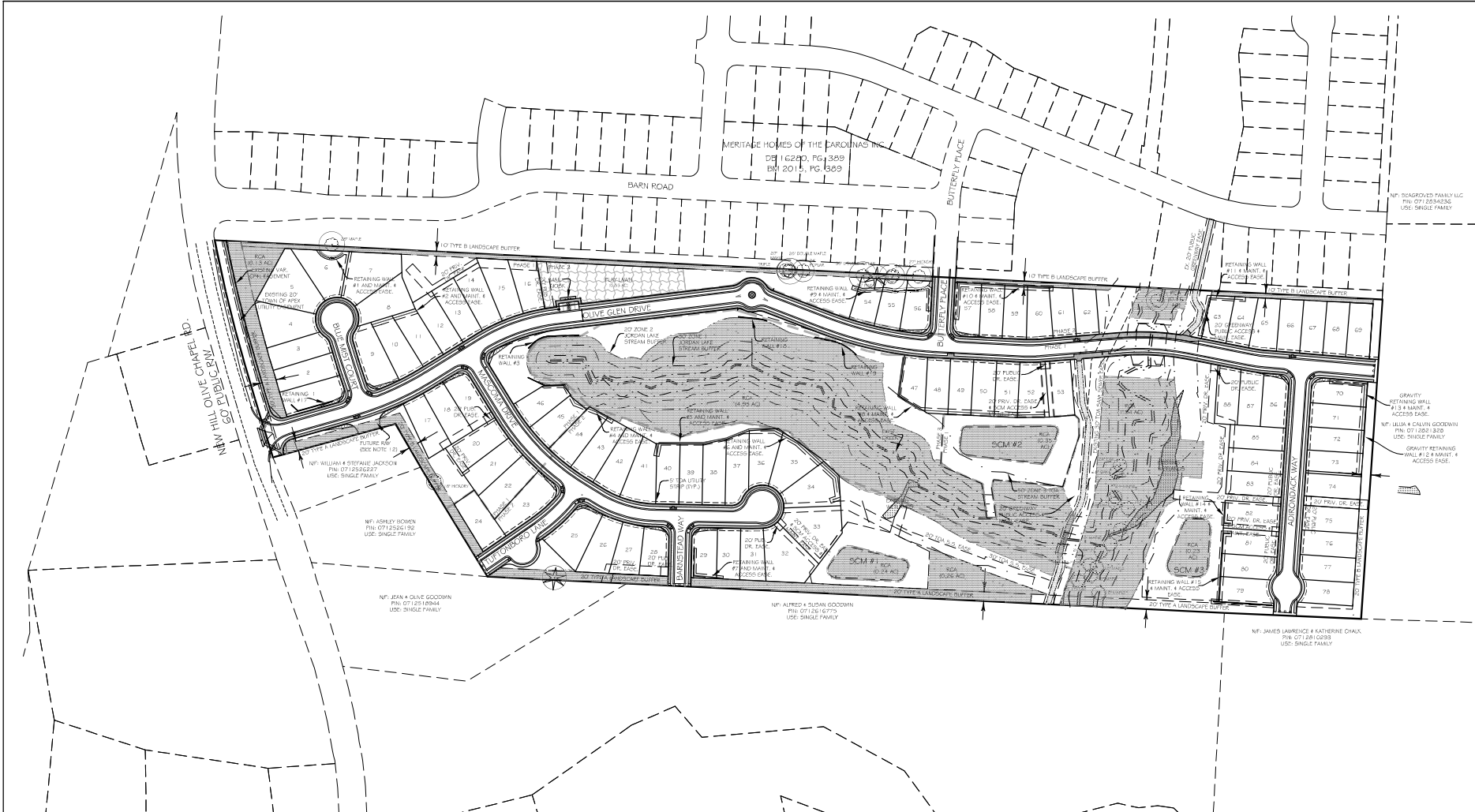
**RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN**
WAKE COUNTY, NORTH CAROLINA

PRELIMINARY LOT LAYOUT PLAN OVERALL

TOWN OF APEX

DATE:	FEBRUARY 1, 2019
PROJECT NO.:	20180719
DATE:	2019/01/28
PROJECT NO.:	20180719
DATE:	2019/02/03
PROJECT NO.:	20180719
DATE:	2019/02/20
PROJECT NO.:	20180719
DATE:	2019/02/20
PROJECT NO.:	20180719

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2022

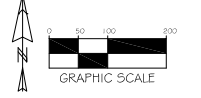
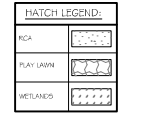


TOTAL OF AREAS REQUIRED IN ALL NOTES:

- NO SITE OR EQUIPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF THE STRUCTURES, 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 WWW.WAKECOUNTYGOVERNMENT.GOV/SUBDIVISIONS/SCHEDULES.
- IN ONE FOOT AREA FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT:
 - (A) BEING THE OUTSIDE LINE OF THE "TWO-TIER" CIRCULAR AND THE OUTSIDE EDGE OF ANY RIMPINAL RUTTER; AND
 - (B) AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RES. SAVED TREES, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
- ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE TOWN ENFORCEMENT OFFICER, SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEIGHBORLY NEEDS (ROADWAYS, ETC.).
- IF BUILDINGS ARE TO BE DEMOLISHED, A COPY OF THE DEMOLITION NOTIFICATION FROM THE NC HEALTH HAZARD CONTROL UNIT AND AN ASBESTOS INSPECTION REPORT FROM A NC ACCREDITED ASBESTOS INSPECTOR MUST ACCOMPANY THE APPLICATION FOR THE DEMOLITION PERMIT WHICH MUST BE OBTAINED PRIOR TO START OF THE DEMOLITION.
- ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENOUGH INTO ANY REQUIRED RUTTER OR PROTECTED AREA (E.G., REA, THE CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY SERVICES AND RIGHTS-OF-WAY), AND SHALL BE CONFINED STRICTLY TO THE SITE.
- SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS, GREENWAY TRAILS AND OTHER TRAILS ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS TOUHS IN THE TOWN OF APEX TOWN OF APEX STRENGTHENING REGULATIONS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
- THE SCREENING OF LOADING DOCKS, WALK-OUT CONTAINERS, DUMPSTERS, OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, GROUND OR BUILDING SHALL MEET THE REQUIREMENT OF SEC. 8.2.8 OF THE UDD. SPECIFIC SCREENING MUST BE DONE SO THAT:
 - (A) IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPING;
 - (B) SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE MATERIALS OF THE BUILDING OR LANDSCAPE AND ARE SIMILAR IN MATERIAL AND COLOR;
 - (C) SCREENING FENCE IS OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED;
 - (D) ANY GROUND MOUNTED WALL OR MECHANICAL OR UTILITY EQUIPMENT SHALL BE AT LEAST EIGHT FEET HIGH AND BE FINISHED AND LANDSCAPED;
 - (E) DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS GREATER, AND BE BUILT OF MASONRY MATERIAL WITH OPAQUE GATES, WHERE PRACTICABLE, SHIELDS OR OTHER PLANTS MUST BE PLANTED OUTSIDE THE ENCLOSURE FOR AMPLIFICATION;
 - (F) ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
 - (G) PRIOR TO INCLUDING A FINAL SITE INSPECTION, ALL SITE ITEMS (E.G., EROSION, LANDSCAPING, SCREENING FOR DUMPSTERS, MECHANICAL EQUIPMENT, HVAC, ETC.) SHOULD HAVE SITE STABILIZATION, AND FINISHING AND PAIDMENT MARKINGS MUST BE COMPLETED.
- NOTHING SHALL BE NOT APPROVED AS PART OF SITE PLAN APPROVAL PROCESS. A SEPARATE SIGN PERMIT MUST BE OBTAINED PRIOR TO INSTALLATION OF THE SIGN. MULTIPLE USE SIGNS, NON-RESIDENTIAL, SUBSIDIARIES, AND MULTIPLE TENANT SIGNS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
- RETAINING SYSTEMS FROM A ONE TO FOUR FOOT VERTICAL OR GREATER THAN FIVE FEET IN HEIGHT WITHIN A HORIZONTAL DISTANCE OF 50 FEET OR LESS, INCLUDING RETAINING WALLS OR MECHANICALLY STABILIZED EARTH WALLS, SHALL BE DESIGNED AND CONSTRUCTED UNDER THE RESPONSIBLE CHARGE OF A REGISTERED PROFESSIONAL ENGINEER AND COMPLY IN ALL ASPECTS WITH THE NC BUILDING CODE SEC. 1610. RETAINING SYSTEMS MEETING THESE CRITERIA WILL REQUIRE A SEPARATE BUILDING PERMIT PRIOR TO START OF WORK. RETAINING STRUCTURE MATERIALS MUST BE ALL RESILIENT FIBER MEDIUM OR DENSE BRICK OR BEST EQUAL.
- A GRADING PERMIT, WHEN APPLICABLE, MAY ONLY BE ISSUED BY THE BUILDING INSPECTIONS DIVISION AFTER THE INSTALLATION AND APPROVAL OF TREE PROTECTION FENCING AND THE MEASUREMENT AND A CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED BY THE WATER RESOURCES DEPARTMENT.

NOTES:

- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS.
- ESSENTIAL INFORMATION TAKEN FROM SURVEYS BY SMERRY SCOTT AND SURVEYORS.
- PER PLAN MAP #19200719 (BDD) DATED 08 FEBRUARY 2007. A 100-YEAR FLOODPLAIN IS NOT SHOWN ON THIS SITE.
- THE SITE WAS REVIEWED FOR ENVIRONMENTAL FEATURES BY ENVIRONMENTAL SERVICES, INC. AND THE IDENTIFIED STREAM BUFFERS AND WETLANDS ARE SHOWN HEREON. THE TOWN OF APEX PROJECT NUMBER IS 15-000.
- CONSTRUCTION VEHICLE PARKING LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF PROPERTY), SIGNS INDICATING NO CONSTRUCTION VEHICLES THIS SIDE OF STREET. IN DESIGN A SPANWAY SHALL BE INSTALLED.
- ONCE THE FROST LIFT OF ASPHALT IS FEASIBLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED. THE DEVELOPER WILL BE REQUIRED TO INSTALL WHETHER TEMPORARY ROAD NAME SIGNS AT INTERSECTIONS PRIOR TO PLAN APPROVAL. THESE SIGNS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL REPLACED BY THE PERMANENT SIGNS.
- DURING INSTALLATION OF SILT FENCE, MAINTAIN 3' CLEARANCE AROUND FIRE HYDRANTS.
- ALL COMMON AREAS CONSISTING OF OPEN SPACE, LANDSCAPE BUFFERS, PIA, AND PLAY LAWNS SHALL BE MAINTAINED BY THE HOA.
- AN AMENITY AREA IS A RESERVE OPTION WITH THIS SUBDIVISION APPROVAL. THE FINAL AMENITY LOCATION AND DESIGN SHALL BE AN ADMINISTRATIVE APPROVAL BY SUBMITTAL OF A MINOR SITE PLAN.
- ALL AREAS OF PUBLIC GREENWAY CONSTRUCTION, INCLUDING ANY OFF-SITE CONSTRUCTION, SHALL BE CREDITED AGAINST THE PRESERVATION TREE-LAND USE REQUIREMENT.
- PHASE 1 SHALL INCLUDE FINAL ROAD CONSTRUCTION OF OLIVE GLEN DRIVE UP TO THE MAIL KIOSK, AFTER WHICH THE ROW SHALL BE ROUGH GRADED TO THE PHASE LINE FOR INSTALLATION OF PUBLIC SANITARY SEWER AND STORM DRAINAGE INCLUDING SOA #2. SANITARY SEWER AND STORM DRAINAGE EXISTENCE BEFORE THE MAIL KIOSK SHALL BE RECORDED AND PUBLIC FACILITIES UNTIL ROADWORK IS COMPLETED AND ROW IS DEDICATED.
- THE LANDSCAPE BUFFER CROSSING THE FUTURE ROW IS TEMPORARY. THIS BUFFER SHALL BE REMOVED ALONG WITH SIDEWALK AND HANDCAP TRAMP WHEN THE FUTURE ROAD IS EXTENDED.
- GRAVITY RETAINING WALL #1 IS 4' HIGHER THAN THE 4' ACCESS BASE.
- GRAVITY RETAINING WALL #2 IS 4' HIGHER THAN THE 4' ACCESS BASE.



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

FOR REVIEW ONLY

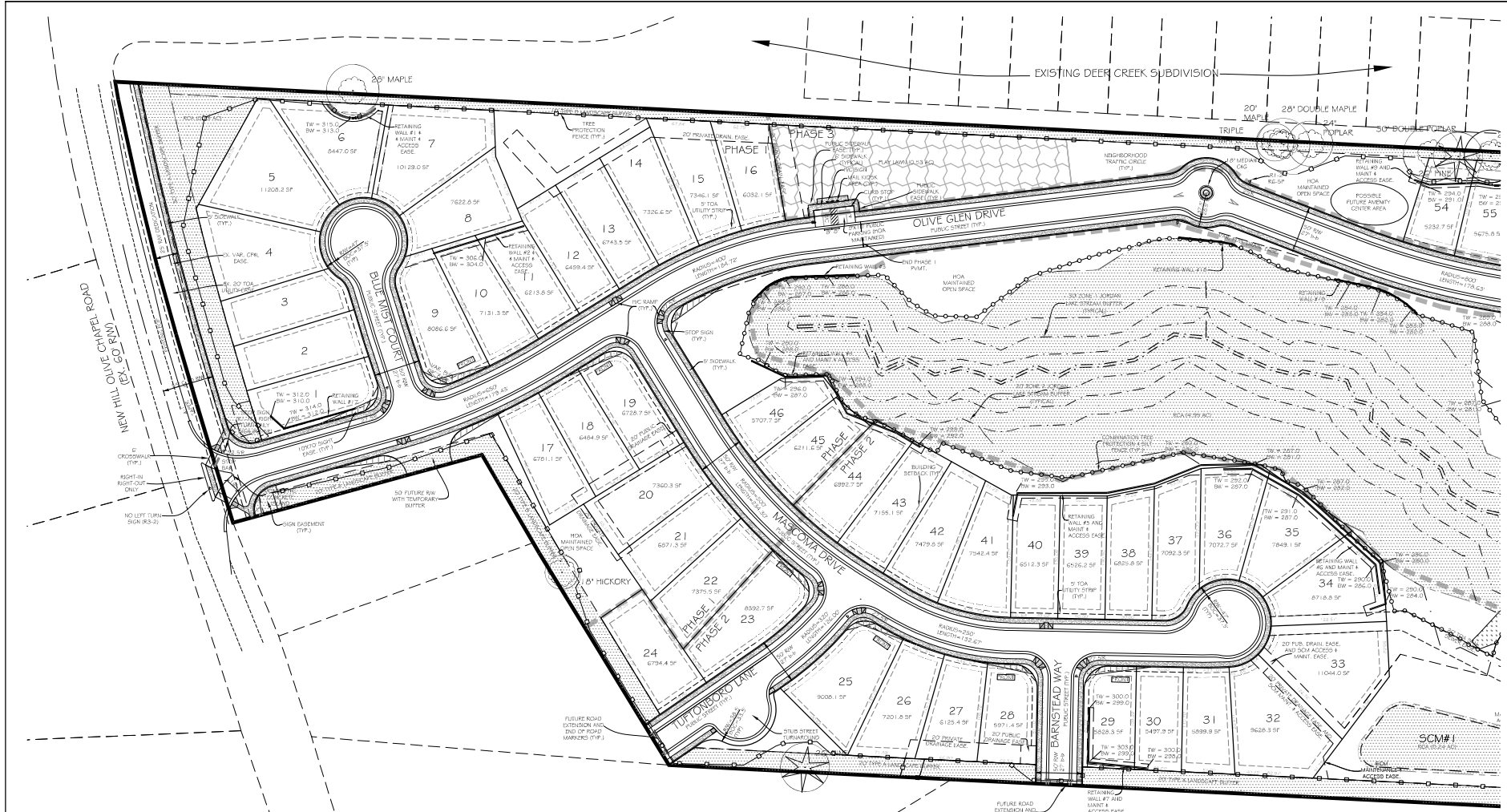
RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN
PRELIMINARY LOT LAYOUT PLAN 1

TOWN OF APEX

FEBRUARY 1, 2019

2/25/19	1ST TRC
2/26/19	2ND TRC
3/26/19	HPV REV. 144
2/27/20	HPV REV. 144
2/26/20	HPV REV. 244

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TOWN OF APEX REQUIRED PLAN NOTES:

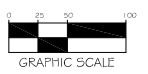
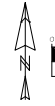
- NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&P MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION REPORT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT WWW.APEX.ORG/CONSTRUCTION/REGULATIONS/NOTICES.
- TREE PROTECTION FENCING MUST BE PLACED:
 - ONE FOOT FROM ANY MAINTAINED TREE FOR EACH INCH OF DIAMETER AT 4.5 FEET HEIGHT.
 - ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER, AND
 - AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED PCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, METADAMS, AND PONDS.
- 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 NOT BE LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (CORRIDORS, ETC.).
- IF BUILDINGS ARE TO BE DEVELOPED, A COPY OF THE DEVELOPMENT NOTIFICATION FROM THE NC HEALTH HAZARD CONTROL UNIT AND AN ASBESTOS INSPECTION REPORT FROM A NC ACCREDITED ASBESTOS INSPECTOR MUST ACCOMPANY THE APPLICATION FOR THE DEVELOPMENT WHICH MUST BE OBTAINED PRIOR TO START OF THE DEVELOPMENT.
- ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (I.E. PCA, THE ORIGINAL CRITICAL ZONES OF TREES, PUBLIC UTILITY FACILITIES AND RIGHTS-OF-WAY, AND SHALL BE CONTAINED ENTIRELY ON SITE.
- SITE ELEMENTS REQUIRED TO SATISFY REGULATORY REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS, 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 STANDARD DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX FINCS AND RECREATION DEPARTMENT.
- THE SCREENING OF LOADING DOCKS, ROLL-OUT CONTAINERS, DUMPSTERS, OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, GROUND OR BUILDING SHALL MEET THE REQUIREMENT OF SEC. 4.2.2.9 OF THE UDO. SPECIFICALLY SCREENING MUST BE DONE SO THAT:
 - IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPING.
 - SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INTERFERE WITH THE PROPOSED MATERIALS OF THE BUILDING OR LANDSCAPE AND ARE SIMILAR IN MATERIAL AND COLOR.
 - SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
- DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS THEY MUST BE AT LEAST EIGHT FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS GREATER, AND BE BUILT OF MASONRY MATERIAL WITH SOLID GATES, WHERE PROTECTION CHAINS OR OTHER DEVICES MUST BE PLACED OUTSIDE THE ENCLOSURE TO VISUALLY SORTIFY THE APPEARANCE.
- ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY CAN BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
- PROTECTIONS FOR SIGNAGE: ALL SITE TOWERS, LIGHTING, LANDSCAPING, SIGNAGING, SCHEDULING FOR DUMPSTERS, MECHANICAL EQUIPMENT, HVAC, ETC., SEEING A SITE STABILIZATION, AND PARKING AND PAVEMENT MARKINGS MUST BE COMPLETED.
- INDIVIDUAL SIGNAGE IS NOT APPROVED AS PART OF FINAL APPROVAL PROCESS. A SEPARATE SIGN PERMIT MUST BE OBTAINED PRIOR TO INSTALLATION OF THE SIGN. MULTIPLE LINK LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TRACT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.
- RETAINING SYSTEMS PROVIDING A CONTINUOUS VERTICAL FACE MUST BE GREATER THAN FIVE (5) FEET IN HEIGHT WITHIN A HORIZONTAL DISTANCE OF 50 FEET OR LESS, INCLUDING RETAINING WALLS OF MECHANICALLY STABILIZED EARTH WALLS. SHALL BE DESIGNED AND CONTROLLED UNDER THE RESPONSIBLE CHARGE OF A REGISTERED PROFESSIONAL ENGINEER AND COMPANY IN ALL ASPECTS WITH THE NC BUILDING CODE SEC. 1610. RETAINING SYSTEMS MEETING THESE CRITERIA WILL REQUIRE A SEPARATE BUILDING PERMIT PRIOR TO START OF WORK. RETAINING STRUCTURE MATERIALS MUST BE AN INTEGRALLY CURED MEDIUM OR DARK BROWN OR BURNT COLOR.
- GRADING PERMITS: WHEN APPLICABLE, MAY ONLY BE ISSUED BY THE BUILDING INSPECTIONS DIVISION AFTER THE INSTALLATION AND APPROVAL OF TREE PROTECTION FENCING AND S&P MEASURES AND A CERTIFICATE OF COMPLIANCE HAS BEEN ISSUED BY THE WATER RESOURCES DEPARTMENT.

NOTES:

- ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF APEX STANDARDS AND SPECIFICATIONS.
- BOUNDARY INFORMATION FROM SURVEYS BY HARRY L. SCOTT LAND SURVEYORS.
- PER FEMA MAP 4372007 (2000) DATED 20 FEBRUARY 2007, A 100-YEAR FLOODPLAIN IS NOT SHOWN ON THIS SITE.
- THE SITE AND REVISIONS FOR ENVIRONMENTAL FEATURES BY ENVIRONMENTAL SERVICES, INC. AND THE IDENTIFIED STREAM BUFFERS AND WETLANDS ARE SHOWN HEREON. THE TOWN OF APEX PROJECT NUMBER IS 16-001.
- CONSTRUCTION VEHICLE PARKING LIMITED TO ONE SIDE OF THE ROAD OPPOSITE OF HYDRAULIC SIGNAGE INDICATING NO CONSTRUCTION VEHICLES THIS SIDE OF STREET. IN TOWNSHIP A SPANION SHALL BE INSTALLED.
- ONCE THE FIRST LIFT OF ASPHALT IS PASSED BY VEHICLES, TEMPORARY SIGNAGE MUST BE REPLACED BY THE PERMANENT SIGNAGE.
- THE DEVELOPER WILL BE REQUIRED TO INSTALL WEATHER RESISTANT TEMPORARY ROAD NAME SIGNS AT INTERSECTIONS PRIOR TO PLAY APPROVAL. THESE SIGNS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL REPLACED BY THE PERMANENT SIGNS.
- DURING INSTALLATION OF SIGN FENCE, MAINTAIN 8' CLEARANCE AROUND THE PRODUCTS.
- ALL COMMON AREA CONSISTING OF OPEN SPACE, LANDSCAPE BUFFERS, PCA, AND PLAY LAWNS SHALL BE MAINTAINED BY THE HOA.
- AN ANCHOR AREA IS A RESERVED OPTION WITH THIS SUBDIVISION APPROVAL. THE FINAL ANCHOR LOCATION AND DESIGN SHALL BE AN ADMINISTRATIVE APPROVAL BY SUBMITTAL OF A MINOR SITE PLAN.
- PHASE 1 SHALL INCLUDE FULL ROAD CONSTRUCTION OF OLIVE GLEN DRIVE UP TO THE MAIN KIOSK, AFTER WHICH THE ROW SHALL BE CLOSED GRADUALLY TO THE PHASE LINE FOR INSTALLATION OF PUBLIC SANITARY SEWER AND STORM DRAINAGE INCLUDING SOCA #1, SANITARY SEWER AND STORM DRAINAGE EXTENDING BEYOND THE MAIN KIOSK SHALL BE RECORDED IN PUBLIC EASEMENTS UNTIL ROADWORK IS COMPLETED AND ROW IS DEDICATED.

HATCH LEGEND:

PCA	
PLAY LAWNS	
WETLANDS	



PRELIMINARY PLANS
NOT FOR CONSTRUCTION

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual
 Date of meeting: 12/20/21 Time of meeting: 5:00 PM - 7:00 PM
 Property Owner(s) name(s): Toll Southeast LP Company, Inc
 Applicant(s): Toll Southeast LP Company, 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.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Nil Ghosh	112 W Main St 2nd Floor			
2.		Durham NC 27701			
3.	Peter Bellantoni	900 Perimeter Park Dr Ste B3			
4.		Morrisville, NC 27560			
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Toll Southeast LP Company, Inc

Applicant(s): Toll Southeast LP Company, Inc

Contact information (email/phone): nghosh@morningstarlawgroup.com / 919-590-0362

Meeting Address: Virtual

Date of meeting: 12/20/21 Time of meeting: 5:00 PM to 7:00 PM

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

Question/Concern #1:

No neighbors attended the meeting

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

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, Nil Ghosh, do hereby declare as follows:

Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on 12/20/21 (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.

1/4/22
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Durham

Sworn and subscribed before me, Jeffrey Phillips, a Notary Public for the above State and County, on this the 4th day of January, 20 22.

SEAL



[Signature]
Notary Public
Jeffrey Phillips
Print Name

My Commission Expires: 02-24-2024

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for January 25, 2022 on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary & Alison N. Cleary (Alderwood PUD) property containing 9.96 acres located at 8016 Jenks Road, 8000 Jenks Road, 7912 Jenks Road, Annexation #722 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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





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

Annexation Petition# 722

Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary &
Alison N. Cleary (Alderwood PUD)

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

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

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

This the 11th day of January 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Jontesca D. Silver, CMC, NCCMC
Deputy Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #1722

Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary &
Alison N. Cleary (Alderwood PUD)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 11th day of January 2022.

Jontesca D. Silver, CMC, NCCMC
Deputy Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2021-016 Submittal Date: 11/4/2021
 Fee Paid: \$200.00 Check #: 1112

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

OWNER INFORMATION

<u>KIRKPATRICK, TERESA L</u> Owner Name (Please Print)	<u>P/O 0722780191</u> Property PIN or Deed Book & Page #
<u>LEWIS, CHARLES KENNETH LEWIS, FRANCES J</u> Owner Name (Please Print)	<u>0722784193</u> Property PIN or Deed Book & Page #
<u>CLEARY, MICHAEL DUANE CLEARY, ALISON N</u> Owner Name (Please Print)	<u>0722788252</u> Property PIN or Deed Book & Page #
<u>PUD-CZ</u> Zoning District*	<u>Receive Town Services</u>

SURVEYOR INFORMATION

Surveyor: McAdams
 Phone: 919-361-5000 Fax: _____
 E-mail Address: frederick@mcadamsco.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>9.96</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>0</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>0</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>69</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>PUD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____ Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Jesua (Kirkpatrick) Costner
Please Print

Jesua (Kirkpatrick) Costner
Signature

Please Print

Signature

Please Print

Signature

Please Print

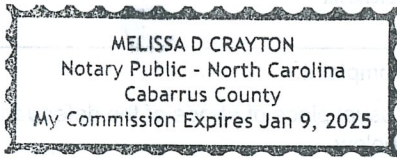
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE Cabarrus

Sworn and subscribed before me, Melissa D Crayton, a Notary Public for the above State and County,
this the 28 day of October, 2021.

Melissa D Crayton
Notary Public

SEAL



My Commission Expires: January 9, 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Charles Kenneth Lewis
Please Print

Charles Kenneth Lewis
Signature

FRANCES JOHNSON LEWIS
Please Print

Frances Johnson Lewis
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Alleghany

Sworn and subscribed before me, Sabrina W Sparks, a Notary Public for the above State and County,
this the 26th day of October, 2021.

Sabrina W Sparks
Notary Public

SEAL



My Commission Expires: 11-20-2024

COMPLETE IF BY CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

ALISON CLEARY
Please Print

Alison Cleary
Signature

Michael Cleary
Please Print

Michael Cleary
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cheryl M. Martin, a Notary Public for the above State and County,
this the 26 day of October, 2021.

Cheryl M. Martin
Notary Public

My Commission Expires: November 14, 2021



COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

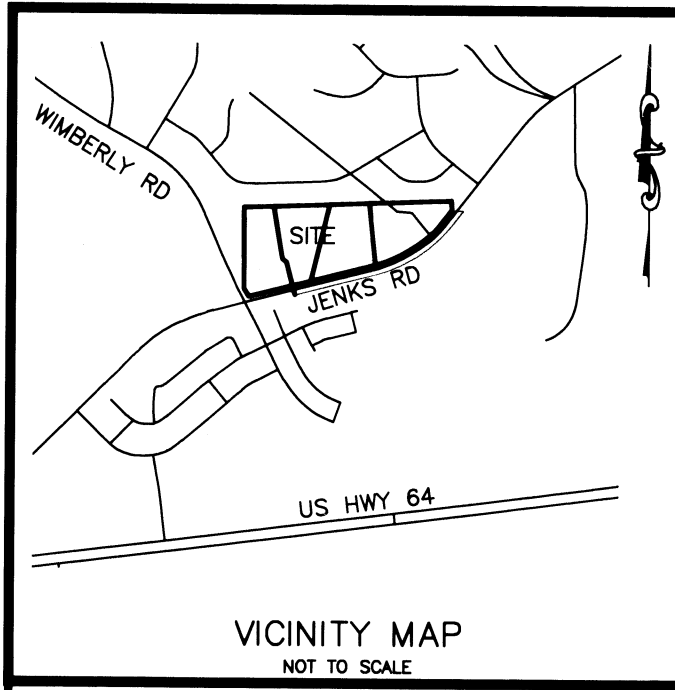
8016, 8000 & 7912 JENKS ROAD ANNEXATION

Beginning at an iron pipe on the northern right of way of Jenks Road, point also being the southeast property corner of Lot 3 as shown in Book of Maps 1987, Page 1048 of the Wake County Register of Deeds, being the **Point of Beginning**, thence with said right of way South 37°30'12" West a distance of 58.00 feet to an iron pipe; thence South 38°23'04" West a distance of 51.97 feet to an iron pipe; thence South 39°22'07" West a distance of 53.32 feet to an iron pipe; thence South 45°26'21" West a distance of 50.79 feet to an iron pipe; thence South 50°39'21" West a distance of 51.71 feet to an iron pipe; thence South 54°34'16" West a distance of 56.83 feet to an iron pipe; thence South 56°59'29" West a distance of 50.15 feet to an iron pipe; thence South 58°53'02" West a distance of 53.69 feet to an iron pipe; thence South 61°34'39" West a distance of 54.36 feet to an iron pipe; thence South 65°49'51" West a distance of 52.79 feet to an iron pipe; thence South 69°43'33" West a distance of 53.90 feet to an iron pipe; thence South 73°34'05" West a distance of 44.67 feet to an iron pipe; thence South 75°42'58" West a distance of 442.44 feet to an iron pipe; thence South 75°52'58" West a distance of 123.14 feet to an iron pipe; thence leaving said right of way North 14°19'08" West a distance of 161.07 feet to an iron pipe; thence North 53°07'45" West a distance of 32.93 feet to an iron pipe; thence North 10°37'25" West a distance of 17.37 feet to an iron pipe; thence North 09°41'58" West a distance of 334.59 feet to an iron pipe; thence North 88°00'38" East a distance of 1,174.27 feet to an iron pipe; thence South 01°35'24" East a distance of 61.08 feet to the **Point of Beginning**, containing 433,882 square feet, or 9.96 acres.

JENKS ROAD RIGHT OF WAY AREA ANNEXATION

Beginning at an iron pipe on the southern right of way of Jenks Road, point also being the northwest property corner of C.O.S. 7 as shown in Book of Maps 2020, Page 802 of the Wake County Register of Deeds, being the **Point of Beginning**, thence with said right of way South 37°36'08" West a distance of 103.29 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 234.20 feet, with a chord bearing of South 44°35'02" West, with a chord length of 233.62 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 98.11 feet, with a chord bearing of South 54°29'25" West, with a chord length of 98.07 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 119.04 feet, with a chord bearing of South 60°57'49" West, with a chord length of 118.96 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 187.33 feet, with a chord bearing of South 70°05'48" West, with a chord length of 187.03 feet to an iron pipe; thence South 75°40'52" West a distance of 168.49 feet to an iron pipe; thence South 75°40'52" West a distance of 373.12 feet to a point; thence North 14°19'08" West a distance of 64.37 feet to an iron pipe on the northern right of way of Jenks Road; thence with said right of way North 75°52'58" East a distance of 123.14 feet to an iron pipe; thence North 75°42'58" East a distance of 442.44 feet to an iron pipe; thence North 73°34'05" East a distance of 44.67 feet to an iron pipe; thence North 69°43'33" East a distance of 53.90 feet to an iron pipe; thence North 65°49'51" East a distance of 52.79 feet to an iron pipe; thence North 61°34'39" East a distance of 54.36 feet to an iron pipe; thence North 58°53'02" East a distance of 53.69 feet to an iron pipe; thence North 56°59'29" East a distance of 50.15 feet to

an iron pipe; thence North 54°34'16" East a distance of 56.83 feet to an iron pipe; thence North 50°39'21" East a distance of 51.71 feet to an iron pipe; thence North 45°26'21" East a distance of 50.79 feet to an iron pipe; thence North 39°22'07" East a distance of 53.32 feet to an iron pipe; thence North 38°23'04" East a distance of 51.97 feet to an iron pipe; thence North 37°30'12" East a distance of 51.53 feet to an iron pipe; thence North 89°22'43" East a distance of 81.87 feet to the **Point of Beginning**, containing 78,515 square feet, or 1.80 acres.



I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:44,275; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (F)(11)(D). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

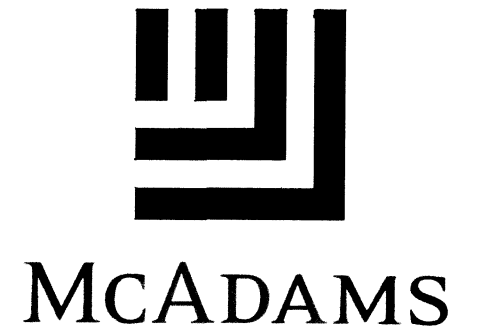
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS

8 DAY OF *September*, A.D. 2021
 RONALD T. FREDERICK PLS L-4720



GENERAL NOTES

- THIS IS AN ANNEXATION PLAT.
- BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83(2011).
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- AREA BY COORDINATE GEOMETRY.
- FLOOD NOTE: THIS PROPERTY IS PARTIALLY NOT IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A. F.I.R.M COMMUNITY PANEL 3720072200J DATED 5/2/2006.
- REFERENCES: AS SHOWN
- UTILITY STATEMENT
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
- ELEVATIONS FOR THIS SURVEY ARE BASED ON NAVD 88
- TREE LOCATIONS PROVIDED BY SOIL & ENVIRONMENTAL CONSULTANTS, PA; PROJECT NO. 14889.W1
- ZONING DISTRICT PUD-CZ (#21CZ09)



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

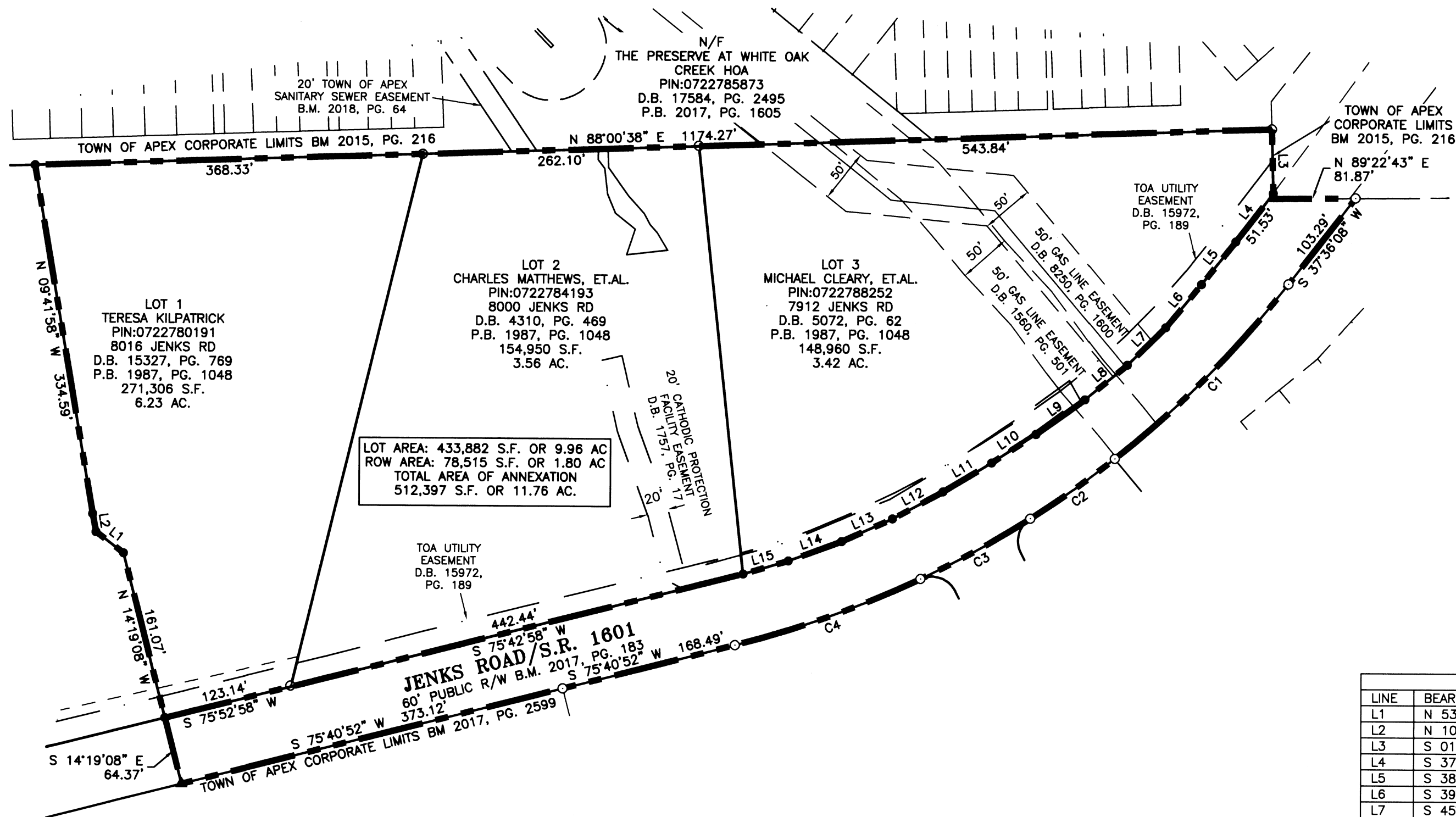
phone 919. 361. 5000
 fax 919. 361. 2269
 license number: C-0293, C-187

www.mcadamsco.com

CLIENT

TAYLOR MORRISON HOMES
 15501 WEST PARKWAY SUITE 100
 CARY, NORTH CAROLINA 27513
 MARK ALTMAN
 PHONE: 919.407.1232

AREA OF ANNEXATION
 11.76 ACRES +/-



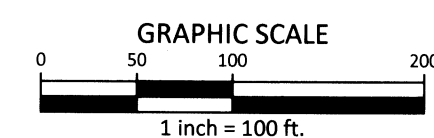
LOT AREA: 433,882 S.F. OR 9.96 AC
 ROW AREA: 78,515 S.F. OR 1.80 AC
 TOTAL AREA OF ANNEXATION
 512,397 S.F. OR 11.76 AC.

LINE	BEARING	DISTANCE
L1	N 53°07'45" W	32.93'
L2	N 10°37'25" W	17.37'
L3	S 01°35'24" E	61.08'
L4	S 37°30'12" W	58.00'
L5	S 38°23'04" W	51.97'
L6	S 39°22'07" W	53.32'
L7	S 45°26'21" W	50.79'
L8	S 50°39'21" W	51.71'
L9	S 54°34'16" W	56.83'
L10	S 56°59'29" W	50.15'
L11	S 58°53'02" W	53.69'
L12	S 61°34'39" W	54.36'
L13	S 65°49'51" W	52.79'
L14	S 69°43'33" W	53.90'
L15	S 73°34'05" W	44.67'

LEGEND

- EXISTING IRON PIPE
- EXISTING CONCRETE MONUMENT
- ▲ EXISTING NAIL
- IRON PIPE SET
- CONCRETE MONUMENT SET
- ▲ CALCULATED POINT ADDRESS
- ANNEXATION

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	961.00'	234.20'	S 44°35'02" W	233.62'
C2	961.00'	98.11'	S 54°29'25" W	98.07'
C3	961.00'	119.04'	S 60°57'49" W	118.96'
C4	961.00'	187.33'	S 70°05'48" W	187.03'



CERTIFICATE OF ANNEXATION:

ANNEXATION # _____

I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____

DAY/MONTH/YEAR

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. 2020110080
 FILENAME 2020110080-Z1
 SURVEYED BY RTF
 DRAWN BY KMM
 SCALE 1"=100'
 DATE 11.16.2021

SHEET

ANNEXATION

1-1



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Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID **0173563**

PIN # **0722780191**

Account Search

Location Address
8016 JENKS RD

Property Description
LO1 SUNNYBROOK FARMS BM1987-01048

[Pin/Parcel History](#) [Search Results](#) [New Search](#)



NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner KIRKPATRICK, TERESA L (Use the Deeds link to view any additional owners)	Owner's Mailing Address 591 BENT OAK TRL CONCORD NC 28027-9715	Property Location Address 8016 JENKS RD APEX NC 27523-7823
---	---	---

Administrative Data	Transfer Information	Assessed Value
Old Map # 594-00000-0078	Deed Date 6/21/2013	Land Value Assessed \$482,350
Map/Scale 0722 02	Book & Page 15327 0769	Bldg. Value Assessed \$381,351
VCS 20AP900	Revenue Stamps	Tax Relief
City	Pkg Sale Date	Land Use Value
Fire District 23	Pkg Sale Price	Use Value Deferment
Township WHITE OAK	Land Sale Date 6/3/1992	Historic Deferment
Land Class R-<10-HS	Land Sale Price \$42,000	Total Deferred Value
ETJ AP	Improvement Summary	Use/Hist/Tax Relief Assessed
Spec Dist(s)	Total Units 1	Total Value Assessed* \$863,701
Zoning RR	Recycle Units 1	
History ID 1	Apt/SC Sqft	
History ID 2	Heated Area 3,102	
Acreage 6.22		
Permit Date 7/11/1994		
Permit # 0000942221		

*Wake County assessed building and land values reflect the market value as of January 1, 2020, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2020 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2020 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.



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Wake County Real Estate Data Account Summary

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Real Estate ID **0173564** PIN # **0722784193**

Account Search

Location Address
8000 JENKS RD

Property Description
LO2 SUNNYBROOK FARMS BM1987-01048

[Pin/Parcel History](#) [Search Results](#) [New Search](#)



NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner LEWIS, CHARLES KENNETH & FRANCES J (Use the Deeds link to view any additional owners)	Owner's Mailing Address 323 SCENIC MOUNTAIN DR SPARTA NC 28675-9434	Property Location Address 8000 JENKS RD APEX NC 27523-7823
--	--	---

Administrative Data	Transfer Information	Assessed Value
Old Map # 594-00000-0079 Map/Scale 0722 02 VCS 20AP900 City Fire District 23 Township WHITE OAK Land Class R-<10-HS ETJ AP Spec Dist(s) Zoning RR History ID 1 History ID 2 Acreage 3.55 Permit Date Permit #	Deed Date 7/22/1988 Book & Page 04310 0469 Revenue Stamps 36.50 Pkg Sale Date 7/22/1988 Pkg Sale Price \$36,500 Land Sale Date Land Sale Price Improvement Summary Total Units 2 Recycle Units 2 Apt/SC Sqft Heated Area 2,597	Land Value Assessed \$321,250 Bldg. Value Assessed \$263,187 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$584,437

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Wake County Real Estate Data Account Summary

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Real Estate ID **0173565**

PIN # **0722788252**

Account Search

Location Address
7912 JENKS RD

Property Description
LO3 SUNNYBROOK FARMS BM1987-1048

[Pin/Parcel History](#) [Search Results](#) [New Search](#)



[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner CLEARY, MICHAEL DUANE & ALISON N (Use the Deeds link to view any additional owners)	Owner's Mailing Address 7912 JENKS RD APEX NC 27523-7821	Property Location Address 7912 JENKS RD APEX NC 27523-7821
---	--	--

Administrative Data	Transfer Information	Assessed Value
Old Map # 594-00000-0080	Deed Date 1/7/1992	Land Value Assessed \$274,600
Map/Scale 0722 02	Book & Page 05072 0062	Bldg. Value Assessed \$276,524
VCS 20AP900	Revenue Stamps 362.00	Tax Relief
City	Pkg Sale Date 1/7/1992	Land Use Value
Fire District 23	Pkg Sale Price \$181,000	Use Value Deferment
Township WHITE OAK	Land Sale Date 8/5/1991	Historic Deferment
Land Class R-<10-HS	Land Sale Price \$32,000	Total Deferred Value
ETJ AP	Improvement Summary	Use/Hist/Tax Relief Assessed
Spec Dist(s)	Total Units 1	Total Value Assessed* \$551,124
Zoning RR	Recycle Units 1	
History ID 1	Apt/SC Sqft	
History ID 2	Heated Area 2,739	
Acreage 3.41		
Permit Date 4/22/1997		
Permit # 0000973360		

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For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.



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

Annexation Petition #722
Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary &
Alison N. Cleary (Alderwood PUD)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. January 25, 2022.

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

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

This the 11th day of January 2022.

Jacques K. Gilbert, Mayor

ATTEST:

Jontesca D. Silver, CMC, NCCMC, Deputy Town Clerk

8016, 8000 & 7912 JENKS ROAD ANNEXATION

Beginning at an iron pipe on the northern right of way of Jenks Road, point also being the southeast property corner of Lot 3 as shown in Book of Maps 1987, Page 1048 of the Wake County Register of Deeds, being the **Point of Beginning**, thence with said right of way South 37°30'12" West a distance of 58.00 feet to an iron pipe; thence South 38°23'04" West a distance of 51.97 feet to an iron pipe; thence South 39°22'07" West a distance of 53.32 feet to an iron pipe; thence South 45°26'21" West a distance of 50.79 feet to an iron pipe; thence South 50°39'21" West a distance of 51.71 feet to an iron pipe; thence South 54°34'16" West a distance of 56.83 feet to an iron pipe; thence South 56°59'29" West a distance of 50.15 feet to an iron pipe; thence South 58°53'02" West a distance of 53.69 feet to an iron pipe; thence South 61°34'39" West a distance of 54.36 feet to an iron pipe; thence South 65°49'51" West a distance of 52.79 feet to an iron pipe; thence South 69°43'33" West a distance of 53.90 feet to an iron pipe; thence South 73°34'05" West a distance of 44.67 feet to an iron pipe; thence South 75°42'58" West a distance of 442.44 feet to an iron pipe; thence South 75°52'58" West a distance of 123.14 feet to an iron pipe; thence leaving said right of way North 14°19'08" West a distance of 161.07 feet to an iron pipe; thence North 53°07'45" West a distance of 32.93 feet to an iron pipe; thence North 10°37'25" West a distance of 17.37 feet to an iron pipe; thence North 09°41'58" West a distance of 334.59 feet to an iron pipe; thence North 88°00'38" East a distance of 1,174.27 feet to an iron pipe; thence South 01°35'24" East a distance of 61.08 feet to the **Point of Beginning**, containing 433,882 square feet, or 9.96 acres.

JENKS ROAD RIGHT OF WAY AREA ANNEXATION

Beginning at an iron pipe on the southern right of way of Jenks Road, point also being the northwest property corner of C.O.S. 7 as shown in Book of Maps 2020, Page 802 of the Wake County Register of Deeds, being the **Point of Beginning**, thence with said right of way South 37°36'08" West a distance of 103.29 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 234.20 feet, with a chord bearing of South 44°35'02" West, with a chord length of 233.62 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 98.11 feet, with a chord bearing of South 54°29'25" West, with a chord length of 98.07 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 119.04 feet, with a chord bearing of South 60°57'49" West, with a chord length of 118.96 feet to an iron pipe; thence with a curve to the right with a radius of 961.00 feet, with an arc length of 187.33 feet, with a chord bearing of South 70°05'48" West, with a chord length of 187.03 feet to an iron pipe; thence South 75°40'52" West a distance of 168.49 feet to an iron pipe; thence South 75°40'52" West a distance of 373.12 feet to a point; thence North 14°19'08" West a distance of 64.37 feet to an iron pipe on the northern right of way of Jenks Road; thence with said right of way North 75°52'58" East a distance of 123.14 feet to an iron pipe; thence North 75°42'58" East a distance of 442.44 feet to an iron pipe; thence North 73°34'05" East a distance of 44.67 feet to an iron pipe; thence North 69°43'33" East a distance of 53.90 feet to an iron pipe; thence North 65°49'51" East a distance of 52.79 feet to an iron pipe; thence North 61°34'39" East a distance of 54.36 feet to an iron pipe; thence North 58°53'02" East a distance of 53.69 feet to an iron pipe; thence North 56°59'29" East a distance of 50.15 feet to

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PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Jesua (Kirkpatrick) Costner
Please Print

Jesua (Kirkpatrick) Costner
Signature

Please Print

Signature

Please Print

Signature

Please Print

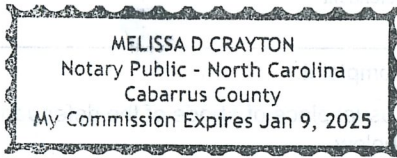
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE Cabarrus

Sworn and subscribed before me, Melissa D Crayton, a Notary Public for the above State and County,
this the 28 day of October, 2021.

Melissa D Crayton
Notary Public

SEAL



My Commission Expires: January 9, 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Charles Kenneth Lewis
Please Print

Charles Kenneth Lewis
Signature

FRANCES JOHNSON LEWIS
Please Print

Frances Johnson Lewis
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Alleghany

Sworn and subscribed before me, Sabrina W Sparks, a Notary Public for the above State and County,
this the 26th day of October, 2021.

Sabrina W Sparks
Notary Public

SEAL



My Commission Expires: 11-20-2024

COMPLETE IF BY CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

ALISON CLEARY
Please Print

Alison Cleary
Signature

Michael Cleary
Please Print

Michael Cleary
Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Cheryl M. Martin, a Notary Public for the above State and County,
this the 26 day of October, 2021.

Cheryl M. Martin
Notary Public

My Commission Expires: November 14, 2021



COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

Notary Public

SEAL

My Commission Expires: _____

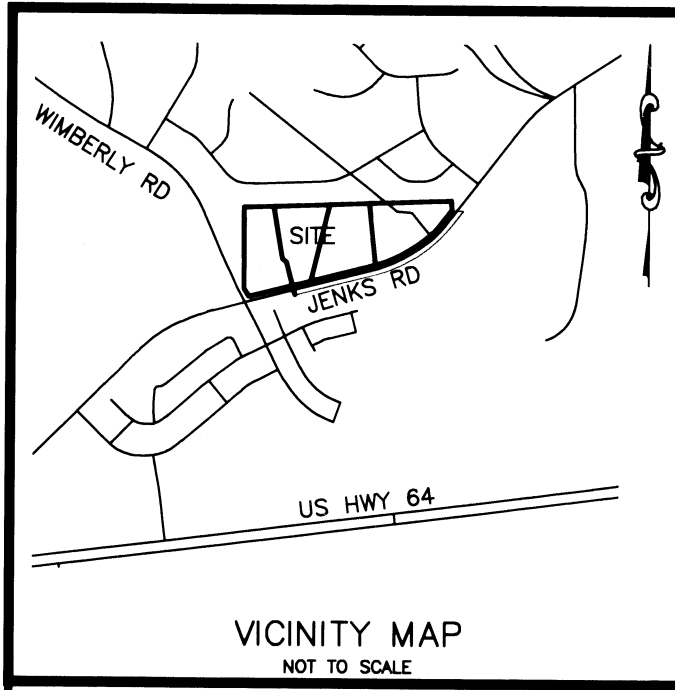
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I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:44,275; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (F)(11)(D). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

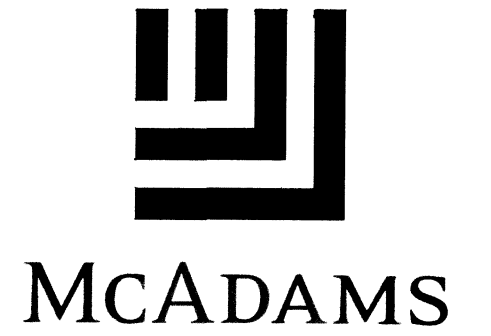
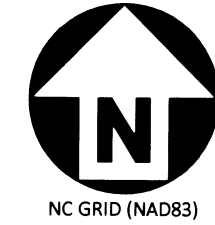
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS

8 DAY OF *September*, A.D. 2021
 RONALD T. FREDERICK PLS L-4720



GENERAL NOTES

- THIS IS AN ANNEXATION PLAT.
- BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83(2011).
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- AREA BY COORDINATE GEOMETRY.
- FLOOD NOTE: THIS PROPERTY IS PARTIALLY NOT IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A. F.I.R.M COMMUNITY PANEL 3720072200J DATED 5/2/2006.
- REFERENCES: AS SHOWN
- UTILITY STATEMENT
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- THIS SURVEY PERFORMED AND MAP PREPARED WITHOUT BENEFIT OF A TITLE REPORT. THIS SURVEY SUBJECT TO ANY FACTS AND EASEMENTS WHICH MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- NO GRID MONUMENTS FOUND WITHIN 2000' OF SITE.
- ELEVATIONS FOR THIS SURVEY ARE BASED ON NAVD 88
- TREE LOCATIONS PROVIDED BY SOIL & ENVIRONMENTAL CONSULTANTS, PA; PROJECT NO. 14889.W1
- ZONING DISTRICT PUD-CZ (#21CZ09)



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

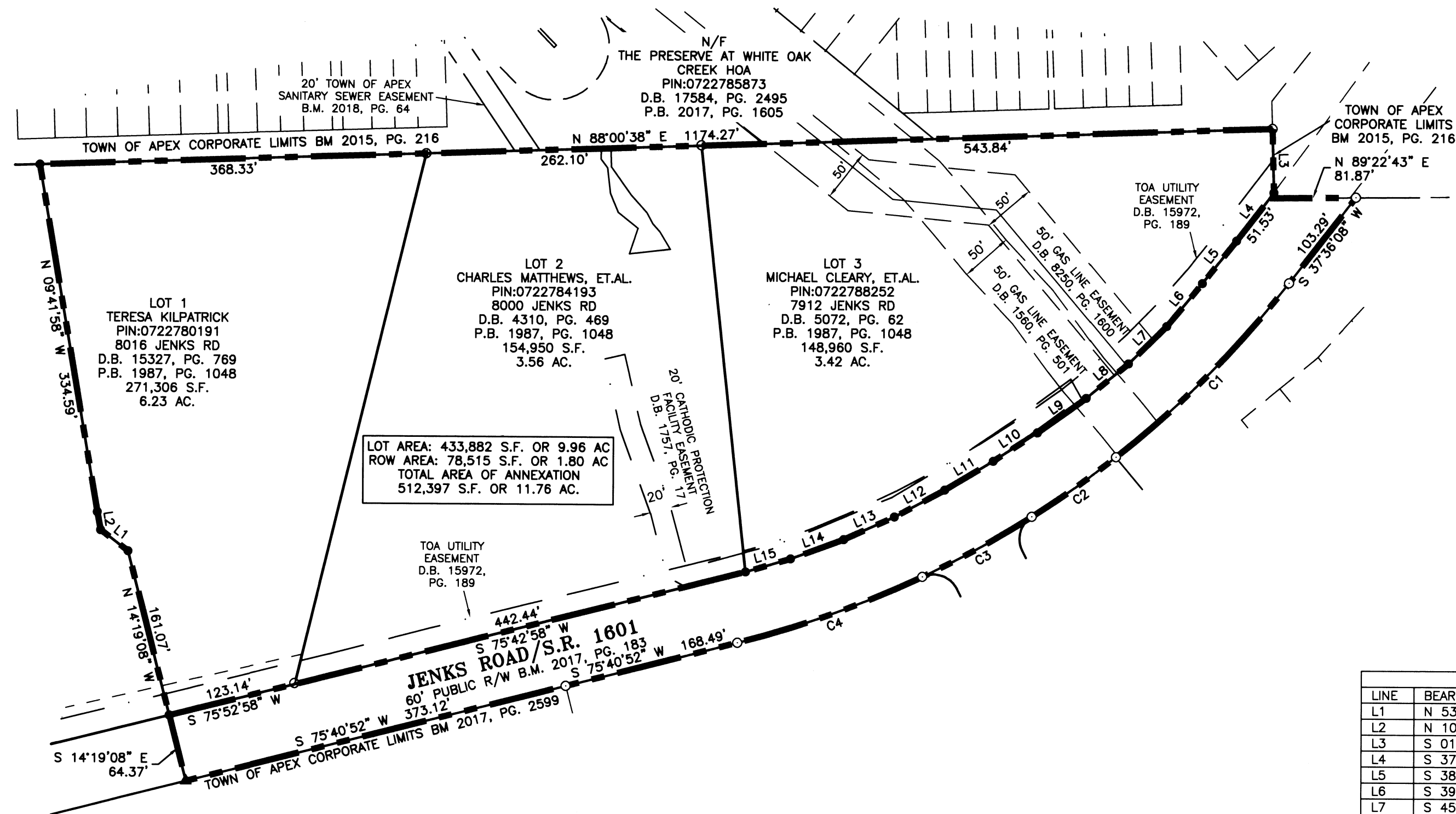
phone 919. 361. 5000
 fax 919. 361. 2269
 license number: C-0293, C-187

www.mcadamsco.com

CLIENT

TAYLOR MORRISON HOMES
 15501 WEST PARKWAY SUITE 100
 CARY, NORTH CAROLINA 27513
 MARK ALTMAN
 PHONE: 919.407.1232

AREA OF ANNEXATION
 11.76 ACRES +/-



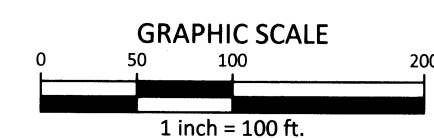
LOT AREA: 433,882 S.F. OR 9.96 AC
 ROW AREA: 78,515 S.F. OR 1.80 AC
 TOTAL AREA OF ANNEXATION
 512,397 S.F. OR 11.76 AC.

LINE	BEARING	DISTANCE
L1	N 53°07'45" W	32.93'
L2	N 10°37'25" W	17.37'
L3	S 01°35'24" E	61.08'
L4	S 37°30'12" W	58.00'
L5	S 38°23'04" W	51.97'
L6	S 39°22'07" W	53.32'
L7	S 45°26'21" W	50.79'
L8	S 50°39'21" W	51.71'
L9	S 54°34'16" W	56.83'
L10	S 56°59'29" W	50.15'
L11	S 58°53'02" W	53.69'
L12	S 61°34'39" W	54.36'
L13	S 65°49'51" W	52.79'
L14	S 69°43'33" W	53.90'
L15	S 73°34'05" W	44.67'

LEGEND

- EXISTING IRON PIPE
- EXISTING CONCRETE MONUMENT
- ▲ EXISTING NAIL
- IRON PIPE SET
- CONCRETE MONUMENT SET
- ▲ CALCULATED POINT ADDRESS
- ANNEXATION

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	961.00'	234.20'	S 44°35'02" W	233.62'
C2	961.00'	98.11'	S 54°29'25" W	98.07'
C3	961.00'	119.04'	S 60°57'49" W	118.96'
C4	961.00'	187.33'	S 70°05'48" W	187.03'



CERTIFICATE OF ANNEXATION:

ANNEXATION # _____

I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE DAY OF _____, 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____

DAY/MONTH/YEAR

DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

REVISIONS

NO. DATE

PLAN INFORMATION

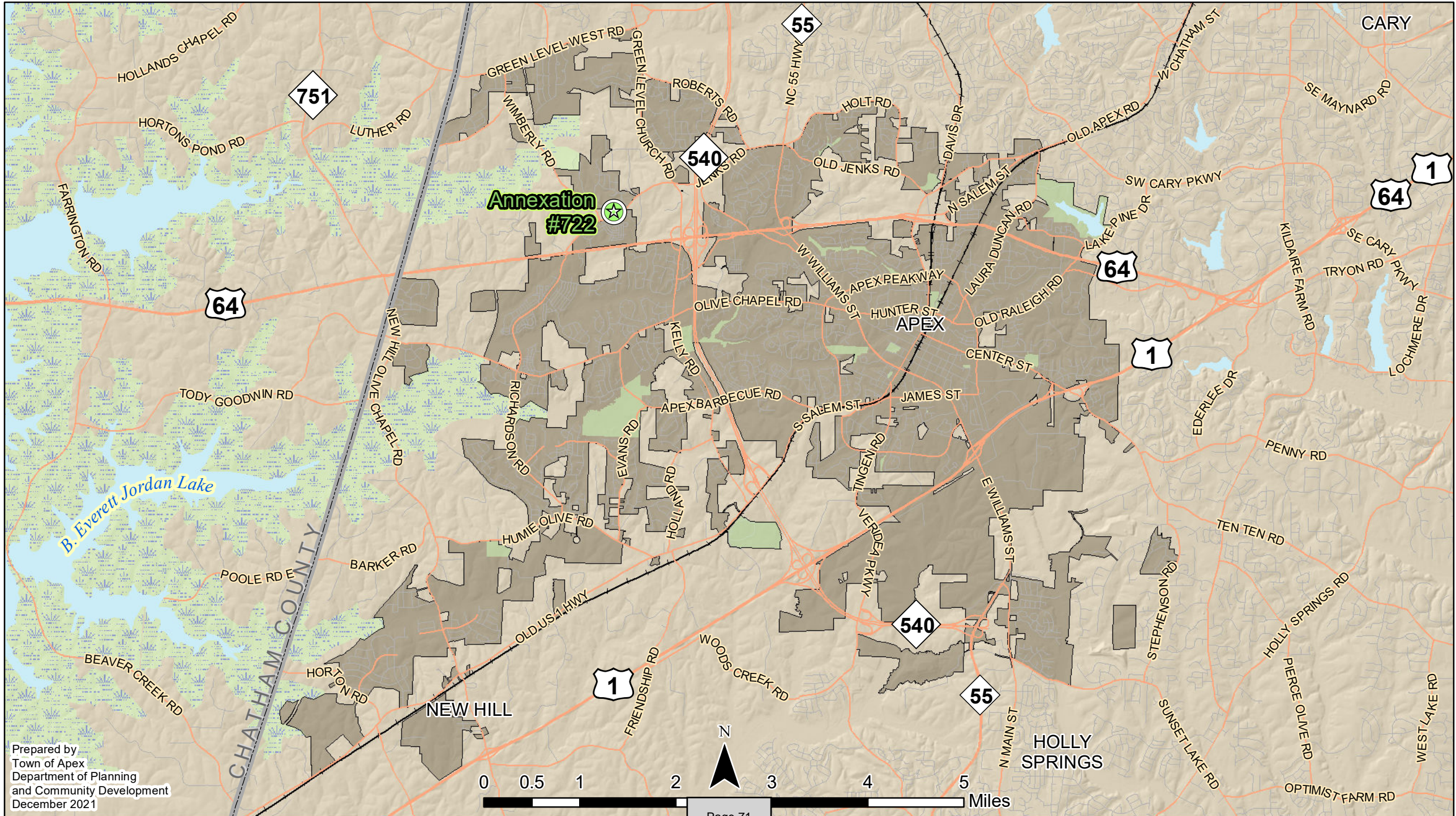
PROJECT NO. 2020110080
 FILENAME 2020110080-Z1
 SURVEYED BY RTF
 DRAWN BY KMM
 SCALE 1"=100'
 DATE 11.16.2021

SHEET

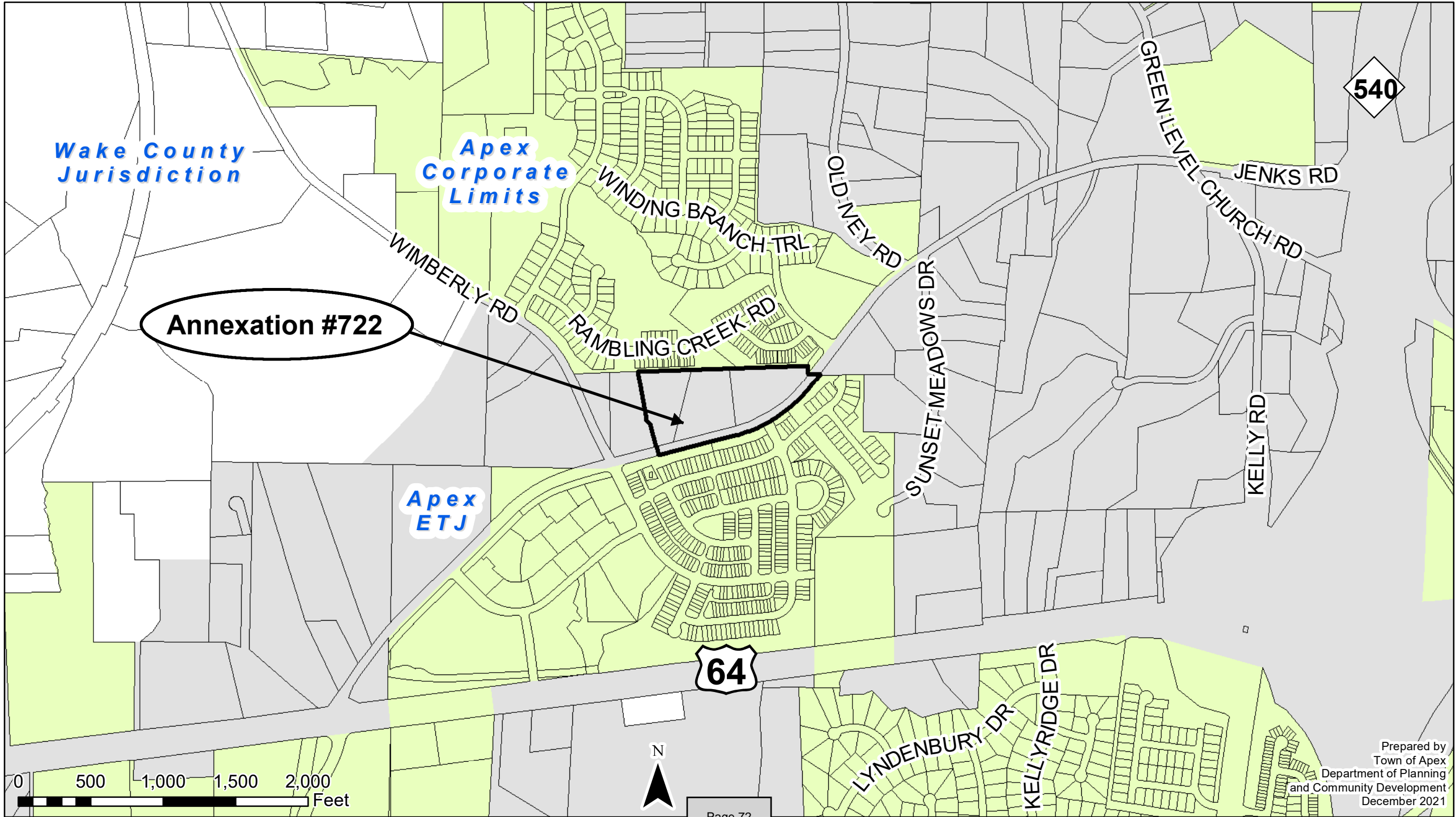
ANNEXATION

1-1

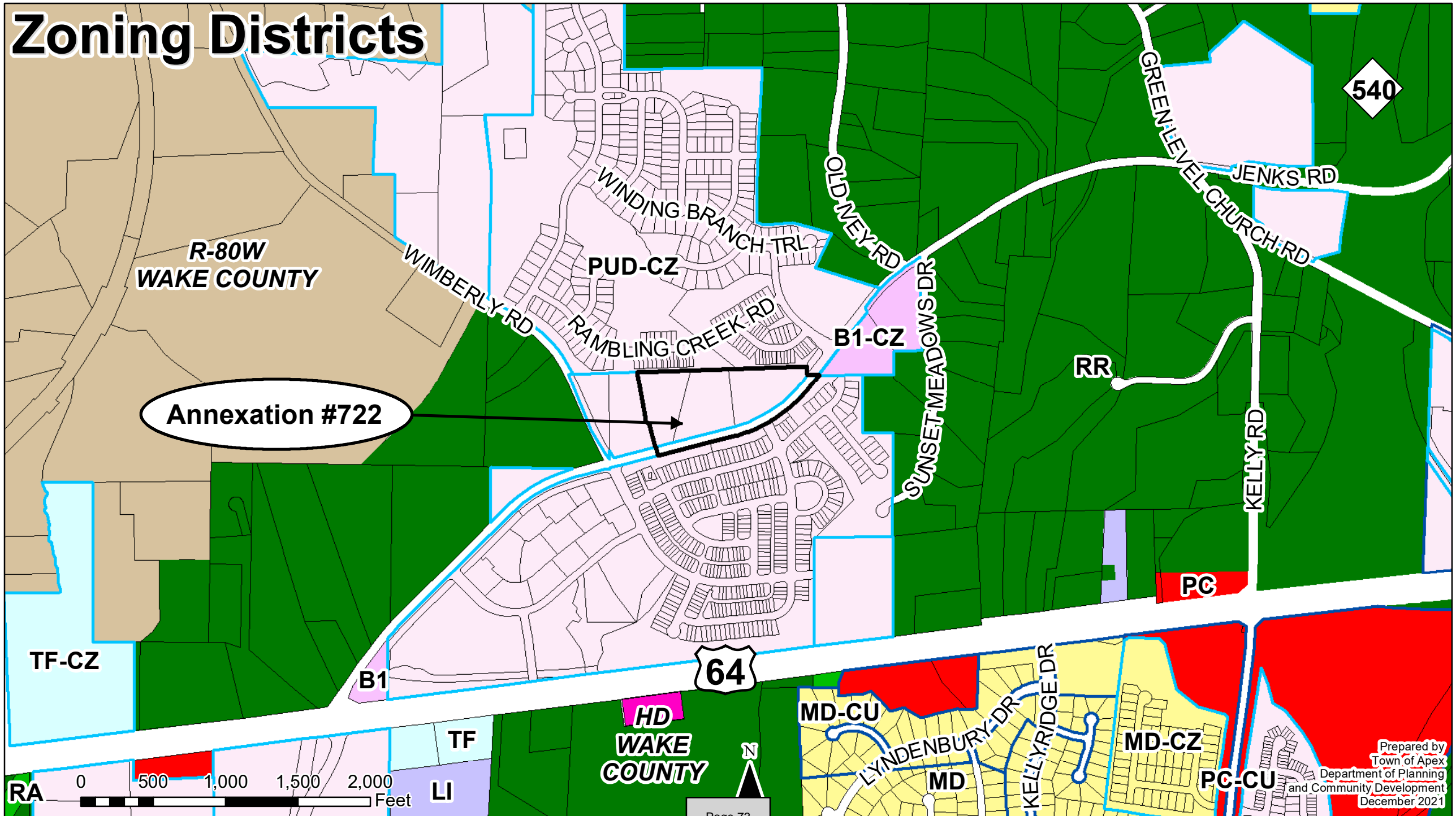




Prepared by
 Town of Apex
 Department of Planning
 and Community Development
 December 2021



Zoning Districts



540

Annexation #722

64

HD
WAKE
COUNTY

Prepared by
Town of Apex
Department of Planning
and Community Development
December 2021

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

Approve Encroachment Agreement between the Town and property owner Taylor Morrison of Carolinas, Inc. (Grantee) for the property described as a residential lot known as Wake County PIN #0722-86-1866, Book of Maps 2021, Page 01569, lot is also known as 2503 Hutch Lane, Apex, NC 27523. Grantee wishes to install certain improvements, more particularly described as a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement.

Attachments

- Encroachment Agreement
- Exhibit A



After Recording Mail To: Development Services
Town of Apex
PO Box 250
Apex, NC 27502

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Taylor Morrison of Carolinas, Inc. hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-86-1866** by the Wake County Revenue Department and more particularly described as **Lot 253** of the subdivision known as **Townes at Westford Phase 3B** as shown on that certain plat recorded in **Book of Maps 2021, Page 01569 (sheet 5 of 5)**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2503 Hutch Lane, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **10' Dry Utility Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Dry Utility Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a concrete door stoop that will encroach 7 SF onto the **Dry Utility Easement** and an AC Unit that will encroach 9 SF onto the **Dry Utility Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Dry Utility Easement**.

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

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Dry Utility Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantee: Taylor Morrison of Carolinas, Inc.
15501 Weston Parkway, Suite 100
Cary, NC 27513

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Dry Utility Easement**.

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

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

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

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement assumption of said obligations by an incorporated property or condominium owners association for **Townes at Westford, Phase 3B**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

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

GRANTEE

Taylor Morrison of Carolinas, Inc.

By: Christian Sheppard (SEAL)
Christian Sheppard
Land Development Director

NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

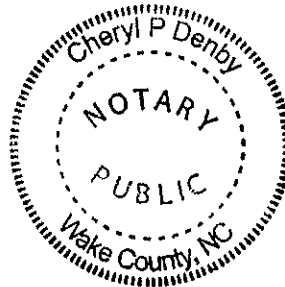
I, Cheryl P Denby, a Notary Public of Wake County, North Carolina, certify that Christian Sheppard, personally appeared before me this day and acknowledged that he is the Land Development Director for Taylor Morrison of Carolinas, Inc., a corporation, and that he as Vice President being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 9th day of December, 2021.

Cheryl P Denby
[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: 8/14/23



TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

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

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

EXHIBIT A

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD DIRECTION	CHORD
C15	25.00'	36.58'	N42°31'34"E	33.40'
C40	176.50'	35.65'	N07°26'11"E	35.59'
C41	176.50'	3.21'	N01°07'49"E	3.21'

LOT 253 INFORMATION:

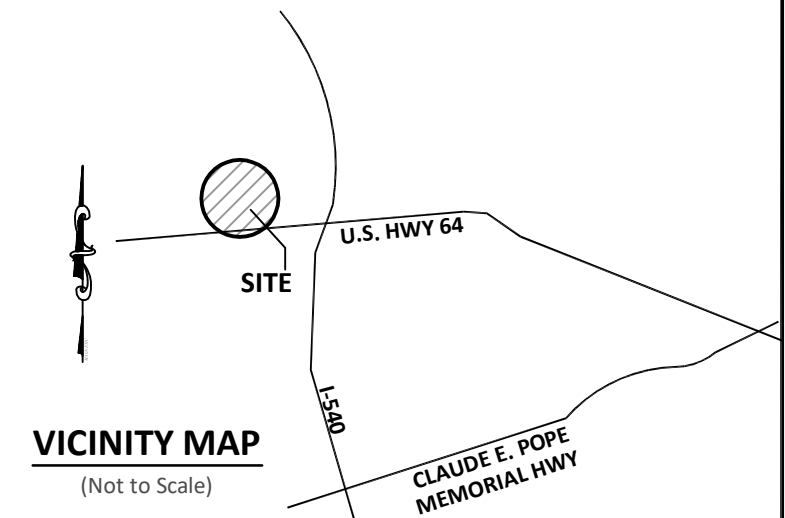
PIN: IN REVIEW
 ADDRESS: 2503 HUTCH LANE
 TOTAL LOT AREA = 0.063 AC = 2,730 SF
 HOUSE = 1,697 SF
 PORCH = 35 SF
 SIDEWALK = 84 SF
 DRIVEWAY = 363 SF
 STOOP = 9 SF
 AC PAD = 9 SF
 TOTAL PROPOSED IMPERVIOUS = 2,197 SF
 PERCENT IMPERVIOUS = 80.5 %



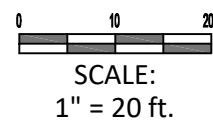
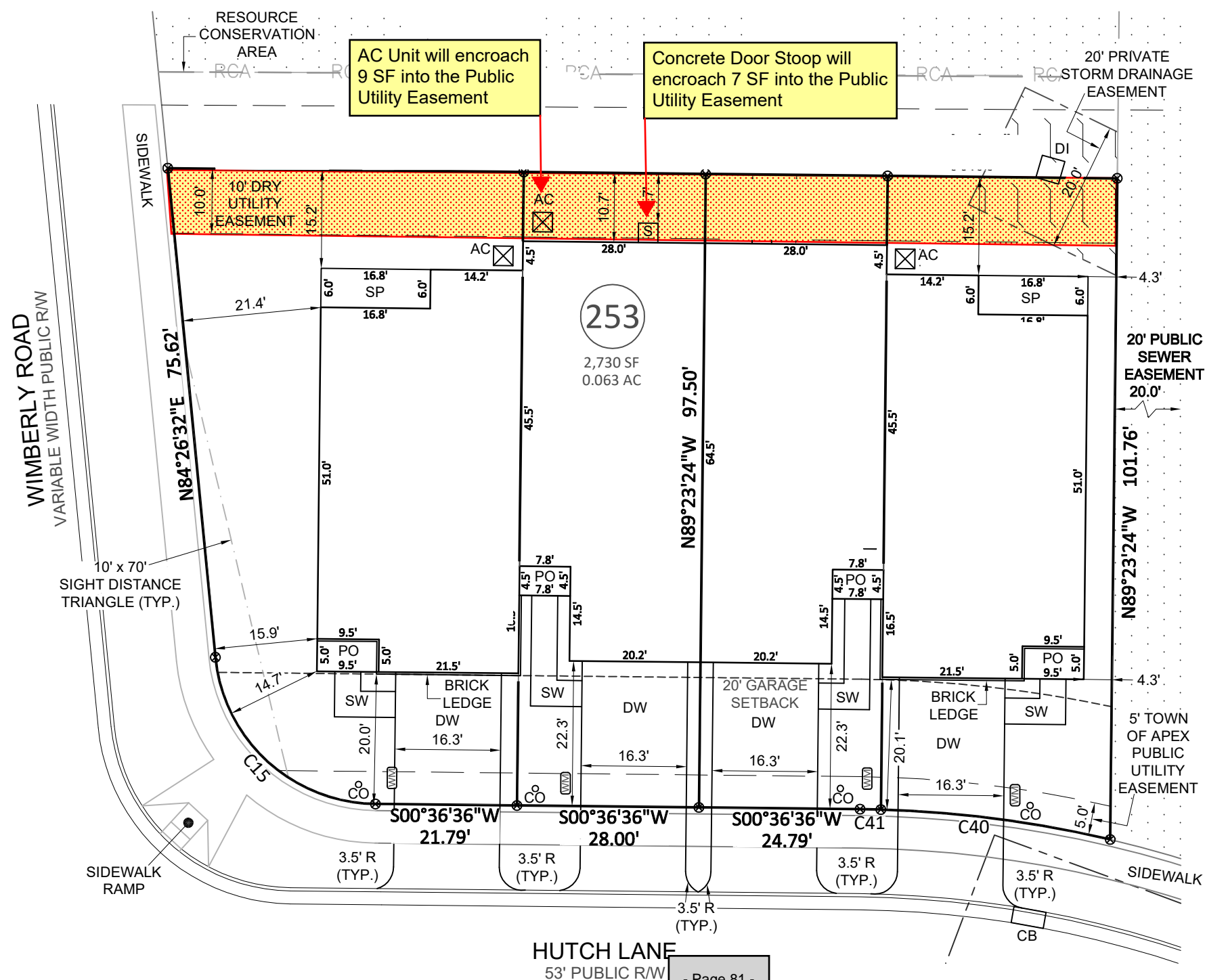
Bateman Civil Survey Company

Engineers • Surveyors • Planners

2524 Reliance Avenue, Apex, NC 27539 Ph: 919.577.1080 Fax: 919.577.1081
 www.batemancivilsurvey.com info@batemancivilsurvey.com
 NCBELS Firm No. C-2378



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



HUTCH LANE
 53' PUBLIC R/W

TOWNES AT WESTFORD PH. 3B - LOTS 251-254
 2501-2507 HUTCH LANE, APEX, NC
 WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 9/27/21 DRAWN BY: CPV CHECKED BY: SPC

REFERENCE: BM 2021, PG. 1565-1569 BCS# 190363 SCALE: 1" = 20'

P:\2019 Projects\190363 Townes at Westford\dwg\190363 WESTFORD PH 3 B.dwg, 9/28/2021 12:29:58 PM, Font Reader PDF Printer

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

Approve Encroachment Agreement between the Town and property owner Taylor Morrison of Carolinas, Inc. (Grantee) for the property described as a residential lot known as Wake County PIN #0722-86-1863, Book of Maps 2021, Page 01569, lot is also known as 2505 Hutch Lane, Apex, NC 27523. Grantee wishes to install certain improvements, more particularly described as a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement.

Attachments

- Encroachment Agreement
- Exhibit A



After Recording Mail To: Development Services
Town of Apex
PO Box 250
Apex, NC 27502

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Taylor Morrison of Carolinas, Inc. hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-86-1863** by the Wake County Revenue Department and more particularly described as **Lot 252** of the subdivision known as **Townes at Westford Phase 3B** as shown on that certain plat recorded in **Book of Maps 2021, Page 01569 (sheet 5 of 5)**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2505 Hutch Lane, NC 27523**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **10' Dry Utility Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Dry Utility Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a concrete door stoop that will encroach 7 SF onto the **Dry Utility Easement** and an AC Unit that will encroach 9 SF onto the **Dry Utility Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Dry Utility Easement**.

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

1. Subject to the terms herein, the Town agrees to allow Grantee, and Grantees' successors and assigns at Grantee sole risk and expense, to encroach into the **Dry Utility Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantee is responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment and shall be allowed to maintain the Encroachment and to perform all necessary repairs, maintenance, and replacement of the Encroachment as may be necessary from time to time.

3. The Town shall not be held responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantee agrees to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment; provided that, Grantee shall not be obligated hereunder to indemnify the Town for any negligent acts or omissions of the Town, its contractor(s) (including sub-contractors) and their respective officers, agents and employees.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantee: Taylor Morrison of Carolinas, Inc.
15501 Weston Parkway, Suite 100
Cary, NC 27513

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Dry Utility Easement**.

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

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

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

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement assumption of said obligations by an incorporated property or condominium owners association for **Townes at Westford, Phase 3B**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantee and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

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

GRANTEE

Taylor Morrison of Carolinas, Inc.

By: Christian Sheppard (SEAL)
Christian Sheppard
Land Development Director

NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

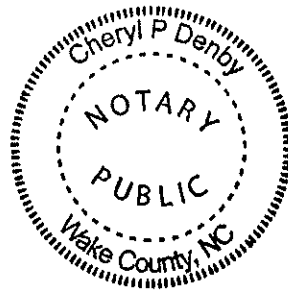
I, Cheryl P Denby, a Notary Public of Wake County, North Carolina, certify that Christian Sheppard, personally appeared before me this day and acknowledged that he is the Land Development Director for Taylor Morrison of Carolinas, Inc., a corporation, and that he as Vice President being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 9th day of December, 2021.

Cheryl P Denby
[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: 8/14/23



TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

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

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

EXHIBIT A

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD DIRECTION	CHORD
C15	25.00'	36.58'	N42°31'34"E	33.40'
C40	176.50'	35.65'	N07°26'11"E	35.59'
C41	176.50'	3.21'	N01°07'49"E	3.21'

LOT 252 INFORMATION:

PIN: IN REVIEW
 ADDRESS: 2505 HUTCH LANE
 TOTAL LOT AREA = 0.063 AC = 2,730 SF
 HOUSE = 1,697 SF
 PORCH = 35 SF
 SIDEWALK = 84 SF
 DRIVEWAY = 363 SF
 STOOP = 9 SF
 AC PAD = 9 SF
 TOTAL PROPOSED IMPERVIOUS = 2,197 SF
 PERCENT IMPERVIOUS = 80.5 %



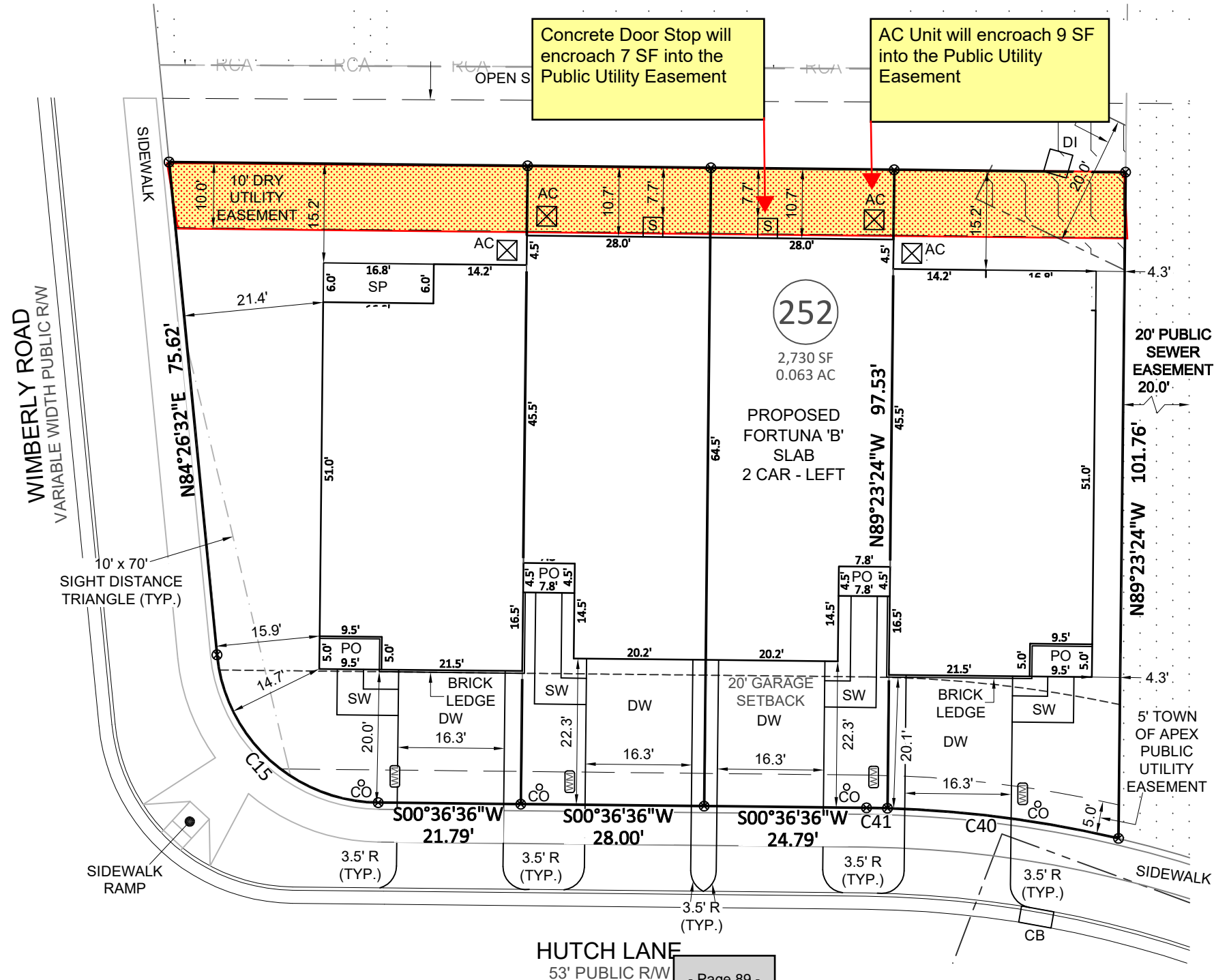
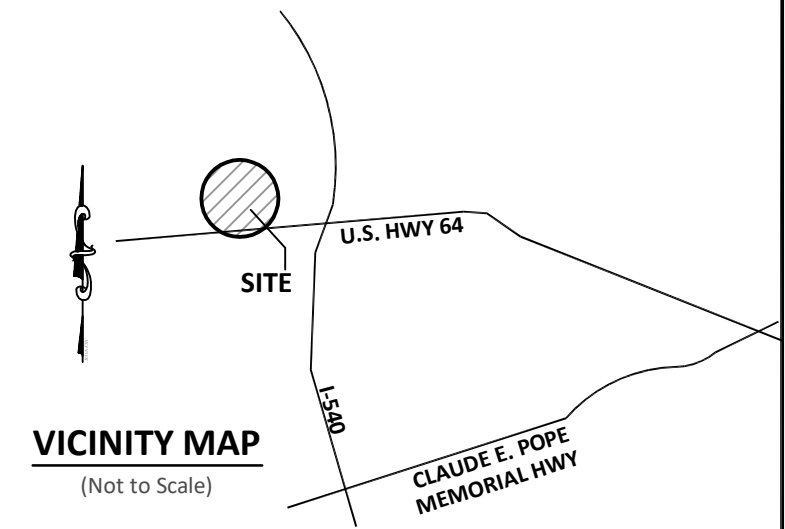
Bateman Civil Survey Company

Engineers • Surveyors • Planners

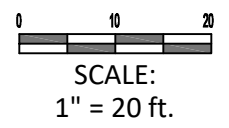
2524 Reliance Avenue, Apex, NC 27539 Ph: 919.577.1080 Fax: 919.577.1081

www.batemancivilsurvey.com info@batemancivilsurvey.com

NCBELS Firm No. C-2378



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



HUTCH LANE
 53' PUBLIC R/W

TOWNES AT WESTFORD PH. 3B - LOTS 251-254
 2501-2507 HUTCH LANE, APEX, NC
 WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 9/27/21 DRAWN BY: CPV CHECKED BY: SPC

REFERENCE: BM 2021, PG. 1565-1569 BCS# 190363 SCALE: 1" = 20'

P:\2019 Projects\190363 Townes at Westford\dwg\190363 WESTFORD PH 3 B.dwg, 9/28/2021 12:29:58 PM, Font Reader PDF Printer

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the November 23, 2021 Regular Council Meeting.

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 2021.11.23 Minutes





VIRTUAL REGULAR TOWN COUNCIL MEETING

November 23, 2021 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: Nicole L. Dozier

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

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

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

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order, roll called attendance, and led the pledge of the allegiance.

PRESENTATIONS

PR1 Apex Consolidated Alumni and North Forgotten History Committee

These two groups wish to present their thanks to the Town Council for approval of the Apex Consolidated Schools Historical Marker which will be located at Apex Elementary School

The NC Forgotten History Committee expressed thanks to Council for the approval of the Apex Consolidated Schools Historical Marker. The President of the Apex Consolidated School thanked Council as well for the approval of the marker, and the assistance to help share and maintain the history of the school. The NC Forgotten History Committee expressed a special thanks to Liz Loftin for her assistance through this process. Council expressed appreciation for all the work the committee has accomplished.

PR2 Jacques K. Gilbert, Mayor

Mayor Gilbert to present proclamation for Small Business Saturday 2021.

Mayor Gilbert read the proclamation for Small Business Saturday 2021. Staff stated there are 47 business participating in Small Business Saturday and that residents can find additional information

about Small Business Saturday at apex [Economic Development | Apex, NC - Official Website \(apexnc.org\)](http://EconomicDevelopment|Apex,NC-OfficialWebsite.apexnc.org).

CONSENT AGENDA

- CN1 Jacques K. Gilbert, Mayor
Re-appoint Michael J. Wilson as Board of Adjustment Chair, Lisa Carley as Board of Adjustment Vice-Chair, and Tracy Taylor as Board of Adjustment Alternate 1.
- CN2 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.
- CN3 Russell Dalton, Traffic Engineering Manager
Temporary closure of the on-street angled parking spaces and sidewalk along the parcel frontage of 76 Hunter Street and establishing a signed sidewalk detour route along Grand Central Station, Chessie Station, and Metro Station in effect Monday through Friday between the hours of 7:00 a.m. to 5:30 p.m. for the purpose of staging a crane and vertical building construction activity starting the week of November 22, 2021 and terminating August 1, 2022.
- CN4 Russell Dalton, Traffic Engineering Manager
Ordinance amending Section 20-163 subsection (b), reserving the first eight (8) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:00 p.m when designated by signs indicating said reservation.
- CN5 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.
- CN6 Liz Loftin, Senior Planner
Revised Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD in order to provide a revised Attachment A - Legal Description.

- CN7 Marty Stone, PE, Assistant Town Manager
Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc.
- CN8 Tesa Silver, Deputy Town Clerk
Minutes of the October 26, 2021 Regular Council Meeting
- CN9 Russell Dalton, Traffic Engineering Manager
Infrastructure Reimbursement Agreement with the Triad Math and Science Academy Company for installation of sidewalk and curb and gutter along Dropseed Drive for actual costs incurred not to exceed \$50,000.00, authorize Town manager to execute same and approve corresponding Budget Ordinance Amendment 11 and Capital Project Ordinance Amendment 2022-03.
- CN10 Catherine Crosby, Jason Armstrong, Laurie Hohe
Ordinance amendment to multiple town code sections providing that certain violations of the Town Code are punishable as misdemeanors.
- CN11 Colleen Merays, Downtown & Small Business Development Coordinator
Co-sponsored Apex Farmers' Market request to amend their approved schedule and add an additional market day on Saturday, December 18, 2021 in the Depot Parking Lot.
- CN12 Vance Holloman, Finance Director
Resolution accepting American Rescue Plan Act Funds.
- CN13 Vance Holloman, Finance Director
A vendor agreement between the Town and Wake County which will enable eligible Apex utility customers to receive assistance under the Low-Income Water Assistance Program (LIHWAP) and authorize the Finance Director to execute the agreement.
- CN14 Mary Beth Manville, Human Resources Director
Additional Sick Leave Policy for Town employees, effective January 10, 2021.
- CN15 Laurie Hohe, Town Attorney
Ordinance amendment to Sections 6-13 and 13-85 of the Town of Apex Code of Ordinances.
- CN16 Steve Maynard, Purchasing & Contracts Manager
Member Cooperative Bid Agreement for Joint Purchasing of Utility Materials, Supplies, and equipment.
- CN17 Steve Maynard Purchasing & Contracts Manager
Report of award of contract to Wesco Distribution for purchase of single phase pad mount transformers.

CN18 Steve Adams, Real Estate & Public Utilities

Deed of 23% interest in property recently purchased by Town of Cary as part of the Cary Apex Water Treatment Facility and authorize Town Manager to execute any documents related to the transfer.

CN19 Steve Adams, Real Estate & Public Utilities

Town of Cary moving forward with the recombination of the parcel Wake County PIN 0722-58-5884, into the larger parcel Wake County PIN 0722-48-4517 to become part of the Cary Apex Water Treatment Facility and authorize Town Manager to execute all related documents for the recombination plat.

CN20 Keith McGee, Fire Chief

Five-year agreement between the Town of Apex and HAAS Alert to provide automated vehicle safety alerts on fire apparatus that are motionless with warning lights in operation.

CN21 Jacques K. Gilbert, Mayor

Re-appoint Veronika Maynard-Simon and Mary Miskimon and to appoint Steven Mikes and Elizabeth O'Brien to the Tree Citizens Advisory Panel (TreeCAP).

Assistant Manager Purvis stated that the date in Consent Item 14 should read 2022 and not 2021.

Mayor Gilbert called for a motion to approve the Consent Agenda.

Mayor Pro Tem Dozier made the motion to approve the consent agenda with the stated change;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier requested that an item be added to New Business to discuss concerns related to Wake County Main EMS Station.

Mayor Gilbert called for a motion to approve the Regular Agenda.

Council Member Killingsworth made the motion to approve the agenda with the requested change to add on as New Business 1;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

Caroline Pugh expressed concerns about the recent bond passage, and the development and expansion of the Apex Peakway now and in the future.

Jacob Perry asked Council to consider increasing the number of EV Charge Stations in Apex.

Tina Sherman expressed concerns regarding the Wake County Apex Main EMS Station. She stated that the minor site plan had deficiencies regarding buffers, stormwater drainage, lighting, and grading. She also expressed traffic and safety concerns regarding the stub street at Ellerview Drive. Ed and Cindy Sienkiewicz, Elliot Tyson, Herb Curkin, Imran and Mariya Aukhli, Jennifer Tyson, Jim and Margaret Kuhn, Jodi Kleiber, John Sherman, Lovely Jose, Marty Pease, Niyati Doshi, Robyn Pecora, Sebastian Dennison, Thomas Pecora, and Viswanada Bommepalle also expressed these same concerns.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Mian Lin property containing 1.14 acres located at 5921 Farmpond Road, Annexation #719 into the Town's corporate limits.

Staff oriented Council to the site, stated that the request is due to the need for water services, and staff is recommending approval.

Mayor Gilbert declared the Public Hearing Opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Mayor Pro Tem Dozier made the motion to
approve the annexation;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

PH2 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Linderman Properties, LLC (Triangle Math & Science Academy) property containing 20.083 acres located at 351 New Hill Olive Chapel Road, Annexation #720 into the Town's corporate limits.

Staff oriented Council to the site and staff is recommending approval. Council questioned if notifications were sent to surrounding residential property owners, and staff explained the current process.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Killingworth made the motion to
approve the annexation;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

PH3 Lauren Staudenmaier, Planner II

Rezoning Application #21CZ21 Beauregard Place at Weddington. The applicant, AG Wimberly LLC., seeks to rezone approximately 3.30 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 0 Wimberly Road.

Staff oriented Council to the site. The Environmental Advisory Board held a preapplication meeting on July 15, 2021 and provided suggested zoning conditions. The Town received a letter of impact from Wake County Public School System and have anticipated insufficient capacity. The application is consistent with the 2045 Land Use Plan, the Planning Board recommended approval and Planning Staff recommend approval.

John Woodlief with Bass, Nixon, & Kennedy, Inc., representing the applicant, stated that this is a low-density, low impact development and that they are anticipating a total of 5 lots. The development is extending the existing Beauregard Place and will use existing infrastructure. Mr. Woodlief stated that the applicant is proposing to reserve 1.68 acres as RCA, which is roughly 50 % of the overall site. The applicant agreed to conditions proposed by the Environmental Advisory Board related to tree preservation, stormwater mitigation, and pet waste disposal.

Council stated that the Environmental Advisory Board expressed a lot of concern regarding the environmental sensitivity of this site. Council questioned how this development would make the community stronger, and why the area wasn't developed with Weddington. Mr. Woodfield reiterated

that it is a low impact development and stated that the subdivision is a separate subdivision from Weddington.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Council Member Mahaffey made the motion to go into Closed Session to consult with the Town Attorney;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

Council Member Stallings made the motion to

return to Open Session;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a motion.

Council Member Gantt made the motion to

deny the rezoning;

Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 roll call vote.

PH4 Lauren Staudenmaier, Planner II

Rezoning Application #21CZ22 Old Ivey Road. The applicant, Ranjeet Agarwala, Estates at White Oak LLC., seeks to rezone approximately 8.82 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 1516 Old Ivey Road and 7620 McQueens Road.

Staff oriented Council to the site. The site is consistent with the 2045 Land Use Map, and a neighborhood meeting was held on August 26, 2021. The Environmental Advisory Board held a preapplication meeting on August 18, 2021 and provided suggested zoning condition to the applicant. A letter of impact was received from Wake County Public School System and schools at all grade levels are anticipated to have sufficient capacity for future students.

Jeff Roach with Peak Engineering, representing the applicant, stated that the development will have a maximum of 26 lots. He stated that the applicant agreed to all the proposed zoning conditions.

Council expressed the need to provide solar homes within the development. Staff proposed a zoning condition that at least 2 solar PVC systems be installed within the development, that all solar installation shall be completed or under construction prior to 90% of the building permits being issued and that the lots on which these homes are located on be identified on the master subdivision plat. Mr. Roach stated that the applicant would accept the condition.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Mahaffey made the motion to
approve the rezoning with the additional proposed condition;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

PH5 Sarah Van Every, Senior Planner

Rezoning Application #21CZ23 Scotts Ridge Office and Veterinary Hospital. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 1.45 acres from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 6633 Apex Barbecue Road.

Staff oriented Council to the site. The rezoning request is not consistent with the land use classification, however the uses proposed are compatible with the area and the current uses. The Environmental Advisory Board provided 7 suggested zoning conditions and those conditions have been incorporated by the applicant with the exception of the installation of the solar panels. Installing solar panels may cause problems with the existing tree canopy, and that any possible installation will be evaluated during building and design to preserve as much tree panel as possible. The Planning Board and Planning Staff recommend approval.

Jeff Roach, Peak Engineering, representing the applicant, stated the development would yield a low volume of traffic during peak times for the schools. He stated that the site would most likely be a

veterinary hospital. He also stated that the applicant did not look at solar as an option for the site, the applicant wanted to save as many of the large oak trees located on the property as possible.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Mahaffey made the motion to approve the rezoning;

Council Member Stallings seconded the motion.

The motion carried by a 3-2 roll call vote.

Council Members Stallings, Killingsworth, and Mahaffey voted in the affirmative;

Mayor Pro Tem Dozier and Council Member Gantt voted against.

PH6 Shelly Mayo, Planner II

Rezoning Application #21CZ25 Villages of Apex PUD Amendment. The applicant, Curteis Calhoun with Enclave Holdings, LLC, seeks to rezone approximately 3.62 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Laura Duncan Road.

Staff Oriented Council to the site. The amendment to the PUD development is consistent with the 2045 land use map. A neighborhood meeting was held on August 25, 2021. A letter of impact was received from Wake County Public School System anticipating insufficient capacity, however the capacity may be addressed within the next 5 years. The rezoning was previously approved and this is to ensure the rezoning complies with the Downtown Master Plan. The Planning Board recommended approval, however, they recommended that the building be regulated to 4 stories, and that the first floor be regulated to non-residential use only. Planning staff recommended approval.

Council expressed concern about only having 2 years of subsidized housing available, questioned how the 2 years of subsidized housing was established, and staff explained how the number of years was determined.

Curteis Calhoun with Enclave Holdings, provided a brief presentation of the project. Mr. Calhoun addressed concerns on traffic congestion, parking availability and use, lighting, building height, affordability, and school capacity.

After continued discussion about affordable housing the applicant agreed to the recommended zoning conditions: At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Raleigh NC Metropolitan Statistical Area (MSA) Area Median Income as published by the U.S. Department of Housing and Urban Development for at least 4 years. First floor residential will be prohibited along Hunter Street and Laura Duncan Road. The maximum height for mixed use buildings with a combination of residential and non-residential uses shall be 5 stories (65').

Mayor Gilbert declared the Public Hearing opened.

Staff stated that one comment was received from Mark and Sylvia Burleigh and Council received the comment.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Killingsworth made the motion to approve the rezoning with the recommended changes;

Council Member Gantt seconded the motion.

The motion carried by a 4-1 roll call vote.

Mayor Pro Tem Dozier and Council Members Gantt, Killingsworth, & Stallings voted in the affirmative; Council Member Mahaffey voted against.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Mayor Pro Tem Nicole Dozier, Stub Extension (Add on)

Wake County Main EMS Station

Mayor Pro Tem Dozier stated a community meeting needed to be held where all the stake holders were present to have a facilitated discussion about the details of the project. She felt that the project should be held until the stakeholders had the opportunity to meet, and then decisions could be

based on that discussion. Mayor Pro Tem Dozier stated that she would like to direct staff to hold a community meeting and for no decisions to be made until after that meeting had taken place. Council agreed with holding the meeting. Town Attorney Hohe requested to go into Closed Session for Council to consult with the Town Attorney.

Council Member Stallings made the motion to
go into Closed Session;

Mayor Pro Tem Dozier seconded the motion.

The motion carried by a 5-0 roll call vote.

Council Member Killingsworth made the motion to
return to Open Session;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 roll call vote.

Mayor Pro Tem Dozier made the motion to
direct staff to lead and organize a community meeting
with stakeholders that includes the County, the Town, the most impacted neighbors and
elected officials, and to work with the applicant
so that the meeting is held before minor site approval;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that the Annual Holiday Lights information was posted on the Town's website and social media platforms. The holiday parade will be held on December 4, 2021 starting at 5:00 p.m. in downtown Apex. She wished everyone a Happy Thanksgiving.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public Utilities

Closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

Council Member Stallings made the motion to
go into Closed Session;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

Council Member Killingsworth made the motion to
return to Open Session;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: January 11, 2022

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the Apex Tax Report dated December 1, 2021.

Approval Recommended?

Yes

Item Details

At its regular meeting held on January 3, 2022, the Wake County Board of Commissioners approved the Apex Tax Report dated 12/01/2021.

Attachments

- Tax Report




Board Report


Date : 01/03/2022

TO : WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

Return

Approved By : 

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	STATE EMPLOYEES CREDIT UNION PO BOX 25279 RALEIGH NC, 27611	0000057536- 2021- 2021- 000000	City County	174.47 268.43	442.90	442.90 Refund
	Marcus D. Kinrade		Total City Rebated	174.47		
	Wake County Tax Administrator		Total County Rebated	268.43		
			Total Rebate/Refund		442.90	442.90

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 Tax Administration

Rebate Details

11/01/2021 - 11/30/2021

APEX

DATE

12/01/2021

TIME

8:22:26 PM

PAGE

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
801350	121.88	0.00	12.19	0.00	134.07	11/17/2021	0006914682	2021	2021	000000	RESERVE AT MILLS FARM LLC
799787	111.12	0.00	11.11	0.00	122.23	11/01/2021	0006911956	2021	2021	000000	GILLIAM, PATRICK LYNN
799907	208.53	0.00	20.85	0.00	229.38	11/02/2021	0006797769	2021	2021	000000	PEAK CITY HOLDINGS LLC
801354	66.91	0.00	6.69	0.00	73.60	11/17/2021	0006821069	2021	2021	000000	ACTIVCARE PHYSICAL THERAPY LLC
801617	1.22	0.00	0.12	0.00	1.34	11/19/2021	0006465857	2021	2021	000000	TRIANGLE ENDOCRINOLOGY & DIABETES CLINIC
801883	44.07	0.00	0.00	0.00	44.07	11/29/2021	0006809557	2021	2021	006000	CIT BANK NA
801086	3.36	0.00	0.00	0.00	3.36	11/16/2021	0006938494	2021	2021	006000	CENTRAL PAYMENT DEPLOYMENT INC.

SUBTOTALS FOR BUSINESS ACCOUNTS	557.09	0.00	50.96	0.00	608.05	7	Properties Rebated				
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INDIVIDUAL PROPERTY ACCOUNTS											
802333	2.52	30.00	0.25	0.00	32.77	11/30/2021	0006674585	2021	2021	000000	SMITH, FREDERICK EARL
800305	2.07	0.00	0.21	0.00	2.28	11/04/2021	0006814472	2021	2021	000000	MAGGIO, DENISE LORRAINE
800791	2.84	0.00	0.28	0.00	3.12	11/10/2021	0006898517	2021	2021	000000	SWINGLE, FREDERICK MAHALELAH LAREBO
799799	5.12	0.00	0.51	0.00	5.63	11/02/2021	0006897770	2021	2021	000000	GREEN MOUNTAIN GROUP CORPORATION
800908	56.29	30.00	5.63	0.00	91.92	11/12/2021	0006826238	2021	2021	000000	ARAYA, MUSSIE HAGOS



Wake County Tax Administration

Rebate Details
11/01/2021 - 11/30/2021

APEX

DATE 12/01/2021
TIME 8:22:32 PM
PAGE 2

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 PROPERTY ACCOUNTS												
	68.84	60.00	6.88	0.00	135.72	5	Properties Rebated					
INDIVIDUAL REAL ESTATE ACCOUNTS												
801232	754.55	0.00	0.00	0.00	754.55	11/16/2021	0000379478	2021	2021	000000	PROKIC, DJORDJE	
801229	92.78	0.00	0.00	0.00	92.78	11/16/2021	0000287690	2021	2021	000000	KHAN, M QADER N	
799800	739.34	0.00	0.00	0.00	739.34	11/03/2021	0000296929	2021	2021	000000	AVERY, DAVID M	
800422	774.66	0.00	0.00	0.00	774.66	11/05/2021	0000012287	2021	2021	000000	BROWN, STEPHEN J	
802174	174.47	0.00	0.00	0.00	174.47	11/29/2021	0000057536	2021	2021	000000	MANGUM, INGRID	
802163	156.34	0.00	0.00	0.00	156.34	11/29/2021	0000057531	2021	2021	000000	DAVIS, BENNETT	
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS												
	2,692.14	0.00	0.00	0.00	2,692.14	6	Properties Rebated					
WILDLIFE BOAT ACCOUNTS												
802302	8.32	0.00	0.83	0.00	9.15	11/30/2021	0004199429	2021	2021	000000	SYAL, SAMIR	
800180	7.46	0.00	0.75	0.00	8.21	11/03/2021	0004205540	2021	2021	000000	CURRY, MARY ELIZABETH	
800187	11.02	0.00	1.10	0.00	12.12	11/03/2021	0004198741	2021	2021	000000	SANTA, ERIC STEVEN	
800188	16.73	0.00	1.67	0.00	18.40	11/04/2021	0004205984	2021	2021	000000	HOOKS, JIMMY HUDSON	
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS												
	43.53	0.00	4.35	0.00	47.88	4	Properties Rebated					



Wake County Tax Administration

Rebate Details

11/01/2021 - 11/30/2021

APEX

DATE

12/01/2021

TIME

8:22:32 PM

PAGE

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR	OWNER TYPE
TOTAL REBATED FOR APEX	3,361.60	60.00	62.19	0.00	3,483.79	22	Properties Rebated for City			

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Erika Sacco, Director

Department(s): Information Technology

Requested Motion

Motion to have ESRI GIS Small Government Team Enterprise Licensee agreement approved for 3-year renewal.

Approval Recommended?

Yes

Item Details

List of products include: GIS Desktop Software and extensions, developer tools, and Enterprise software and extensions.

Attachments

- Small Government Enterprise Agreement Renewal quote PDF





Quotation # Q-448358

Date: November 23, 2021

Customer # 132942 Contract #

Town of Apex
Information Technology
73 Hunter St
Apex, NC 27502-2312

ATTENTION: Erika Sacco
PHONE: 919-249-3400 x3312
EMAIL: erika.sacco@apexnc.org

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 11/23/2021 To: 2/21/2022

Material	Qty	Term	Unit Price	Total
168179	1	Year 1	\$55,000.00	\$55,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				
168179	1	Year 2	\$55,000.00	\$55,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				
168179	1	Year 3	\$55,000.00	\$55,000.00
Populations of 50,001 to 100,000 Small Government Term Enterprise License Agreement				

Subtotal:	\$165,000.00
Sales Tax:	\$11,962.50
Estimated Shipping and Handling (2 Day Delivery):	\$0.00
Contract Price Adjust:	\$0.00
Total:	\$176,962.50

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Blake Pierson	Email: bpierson@esri.com	Phone: (909) 793-2853 x8628
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The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information shall not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.



Quotation # Q-448358

Date: November 23, 2021

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: OAMS3

Customer # 132942 Contract #

Town of Apex
Information Technology
73 Hunter St
Apex, NC 27502-2312

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 11/23/2021 To: 2/21/2022

ATTENTION: Erika Sacco
PHONE: 919-249-3400 x3312
EMAIL: erika.sacco@apexnc.org

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax Esri the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

In order to expedite processing, please reference the quotation number and any/all applicable Esri contract number(s) (e.g. MPA, ELA, SmartBuy, GSA, BPA) on your ordering document.

BY SIGNING BELOW, YOU CONFIRM THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION, AND YOU ARE AUTHORIZING ESRI TO ISSUE AN INVOICE FOR THE ITEMS INCLUDED IN THE ABOVE QUOTE IN THE AMOUNT OF \$_____, PLUS SALES TAXES IF APPLICABLE. DO NOT USE THIS FORM IF YOUR ORGANIZATION WILL NOT HONOR AND PAY ESRI'S INVOICE WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

Please check one of the following:

I agree to pay any applicable sales tax.

I am tax exempt, please contact me if exempt information is not currently on file with Esri.

Signature of Authorized Representative

Date

Name (Please Print)

Title

The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (Esri).

Any estimated sales and/or use tax reflected on this quote has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. Esri reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state tax directly, then prior to invoicing, your organization must provide Esri with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Blake Pierson	Email: bpierson@esri.com	Phone: (909) 793-2853 x8628
<p>The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at https://go.esri.com/MAPS apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at https://www.esri.com/en-us/legal/terms/state-supplemental apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.</p>		

Esri Use Only:

Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____



**SMALL ENTERPRISE AGREEMENT
COUNTY AND MUNICIPALITY GOVERNMENT
(E214-3)**

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A
List of Products**

Uncapped Quantities

Desktop Software and Extensions (Single Use)

ArcGIS Desktop Advanced
ArcGIS Desktop Standard
ArcGIS Desktop Basic
ArcGIS Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise and Workgroup (Advanced and Standard)
ArcGIS Monitor
ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Engine Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics
ArcGIS Runtime (Standard)
ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
Two (2) ArcGIS CityEngine Single Use Licenses
250 ArcGIS Online Viewers
250 ArcGIS Online Creators
37,500 ArcGIS Online Service Credits
250 ArcGIS Enterprise Creators
5 ArcGIS Insights in ArcGIS Enterprise
5 ArcGIS Insights in ArcGIS Online
50 ArcGIS Tracker for ArcGIS Enterprise
50 ArcGIS Tracker for ArcGIS Online
4 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
4 ArcGIS Utility Network User Type Extensions (Enterprise)
4 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

Number of Esri User Conference registrations provided annually	4
Number of Tier 1 Help Desk individuals authorized to call Esri	4
Maximum number of sets of backup media, if requested*	2
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.

- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.

- b. The following information will be included in each Ordering Document:

- (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
- (2) Order number
- (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Megan Pendell, Sustainability Coordinator

Department(s): Water Resources

Requested Motion

Motion to reappoint John Garrison, and appoint Jason Maynard and Adam Efird as members on the Environmental Advisory Board (EAB).

Approval Recommended?

Yes

Item Details

Three EAB membership terms concluded on December 31, 2021. Mayor Gilbert recommends John Garrison, Jason Maynard, and Adam Efird for new membership. Membership services would begin on January 11, 2022 and conclude on December 31, 2024.

Attachments

- Cognito Interest Form - John Garrison
- Cognito Interest Form - Jason Maynard
- Cognito Interest Form - Adam Efird



Powered by Cognito Forms

Advisory Board Interest Form - Environmental Advisory Board

Original Submittal

Legal Name

John Garrison

Preferred First Name**Address**

806 Green Passage Lane, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Email

john@garrisongroup.org

Mobile Phone

(919) 608-1039

Alternate Phone (work/home)**Current Employer**

retired

Current Job Title**Tell us why you would like to serve?**

I am interested in helping to ensure that the Town of Apex, its citizens and businesses recognize the importance of the environment to the future well-being of the town. Having grown up within minutes of a State Park and National Forest, I understand the importance of our natural resources. I also recognize the need provide people with recreational opportunities and want to help ensure that the town's natural resources are protected so they can be used and useful for for our existing citizens as well as future generations.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I graduated from N.C. State University with a degree in Industrial Engineering. I worked for the State of North Carolina for over 35 years with the Utilities Commission's Public Staff. That job required knowledge and analysis of rules and applicable laws regarding a variety of issues affecting the citizens of North Carolina. Since retirement, I am assisting my wife on a part-time basis with her business, Garrison Consulting Group, a leadership development and organizational planning company.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

None

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

I'm interested in serving on...

- Bee City Committee
- Environmental Advisory Board
- Parks & Recreation Advisory Commission
- Public Art Committee
- Tree Citizen Advisory Panel
- Board of Adjustment
- Housing Advisory Board
- Planning Board
- Transit Advisory Committee

How did you hear about this opportunity to serve?

- Friend / Neighbor Town Website Facebook Nextdoor Twitter

Candidate Contact Information

Legal Name

Jason Maynard

First

MI

Last

Preferred First Name

Jason

(if different from Legal first name)

Address

607 S. Hughes St

Address Line 1

Apex North Carolina 27502

City

State

Zip Code

Do you live within the Apex town limits?

- Yes No

Email

jlm3030@gmail.com

Mobile Phone

(919) 810-1498

Alternate Phone (work/home)

Background Information

Current Employer

ChannelAdvisor

Current Job Title

Training and Development Coordinator

Tell us why you would like to serve?

With the constant threat of climate change cities and municipalities will need to build up resiliency in addition to help reduce causes of climate change. As a long time resident of Apex I would like to be involved in helping with this process.

Please list any education, special skills, or experience you have that would be useful while considering this form.

BS in Horticulture
Practicing Permaculture at home including managing a large hobby garden
Problem solving/technical support
Coordinating experience
Corporate teaching experience
Sustainable living

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

I have not served and town committees however, I am currently an active member of the Apex Sustainability Coalition.

Applications are held by the [Town Clerk](#) until such time that a vacancy occurs. Please note, your completed form is subject to public inspection upon request.

[Learn more](#) about each of the committees listed below.

I'm interested in serving on...

- Bee City Committee
- Environmental Advisory Board
- Parks & Recreation Advisory Commission
- Public Art Committee
- Tree Citizen Advisory Panel
- Board of Adjustment
- Housing Advisory Board
- Planning Board
- Transit Advisory Committee

How did you hear about this opportunity to serve?

- Friend / Neighbor Town Website Facebook Nextdoor Twitter

Candidate Contact Information

Legal Name

Adam		Efird
First	MI	Last

Preferred First Name

Adam
<i>(if different from Legal first name)</i>

Address

116 Pondsides Drive
Address Line 1

Do you live within the Apex town limits?

Yes No

Apex	North Carolina	27539
City	State	Zip Code

Email

arefird@gmail.com

Mobile Phone

(919) 818-1084

Alternate Phone (work/home)

--

Background Information

Current Employer

NV5

Current Job Title

Environmental Project Manager

Tell us why you would like to serve?

As an environmental professional with 15 years of experience in environmental consulting, as well as graduate level training in sustainability and the intersection of government, citizens, business, and the environment, I have a strong interest in using my background to serve the public in the town that I call home.

Please list any education, special skills, or experience you have that would be useful while considering this form.

I have a strong technical background in wetlands, streams, protected species, GIS, environmental planning, urban ecology, stormwater management, environmental policy, and permitting. I am a registered Professional Wetland Scientist (PWS) since December 2019. In addition, I've worked with multiple stakeholders to understand differing viewpoints and brought them together to find ways forward and establish common ground. In addition to the strong technical background, I have purposefully sought experience with some of the "softer" skills such as conflict resolution, communication, public involvement, consensus building, and leadership skills. Undergraduate education: Campbell University, 2006 (B.S. Biology, Environmental Science Minor). Graduate education: Virginia Tech, 2014 (Master of Natural Resources).

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.

I have not previously served on any town boards, commissions, or committees.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Megan Pendell, Sustainability Coordinator

Department(s): Water Resources

Requested Motion

Motion to reappoint Katie Schaaf and Suzanne Mason as Chair and Vice Chair, respectively, of the Environmental Advisory Board (EAB).

Approval Recommended?

Yes

Item Details

The EAB Chair and Vice Chair service terms are one year and the previous term has concluded. Mayor Gilbert recommends that Katie Schaaf is reappointed as Chair and Suzanne Mason is reappointed as Vice Chair for the 2022 term. Service would begin on January 11, 2022 and conclude on December 31, 2022.

Attachments

N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 11, 2022

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator

Department(s): Economic Development

Requested Motion

Motion to close and use the Town Hall Parking Lot and roads for the Apex Chamber of Commerce's Run the Peak special event, and adopt ordinances modifying Town Code Section 14-14 for the Town Hall Parking Lot, 73 Hunter Street for the special event on March 12, 2022.

Approval Recommended?

Yes

Item Details

The event will have a festival set up in the parking lot at town hall. It will start and finish in that location. Runners/walkers will take the shortest route to the Shepard Vineyards greenway, run the entire length, do a U-turn and return to the town hall.

Attachments

- 2022 Community Special Event Application Cover Sheet
- Event Narrative
- Ordinance related to Run the Peak Special Event





Town of Apex
2022 Community Special Event Application (Non-Profit)

Event Name: Run O'the Peak 5K & 10K

Event Date & Time:

- Saturday, March 12, 2022 (8 AM - 12 PM)

Roads & Parking Closed Date & Time:

- Town Hall Parking Lot – (5 AM to 1 PM)
- Hunter Street to Apex Peakway to Shepard's Vineyard Greenway - (8:30 AM – 11 AM)

Rain Date: NA

Event Organizer: Fit & Able for the Apex Chamber of Commerce

2022 Event Request:

For the Town to allow for the sale and consumption of alcohol on public property. This event will require approximately (1) officer due to the sale of alcohol. Off-duty officers are now contracted through Extra Duty Solutions, and will be paid for by the event organizer.

2022 Estimated Town of Apex Cost: NA – All costs will be paid by Event Organizer

Event Description: The event will have a festival set up in the parking lot at town hall. It will start and finish in that location. Runners/walkers will take the shortest route to the Shepard Vineyards greenway, run the entire length, do a U-turn and return to the town hall. *(See event narrative)*

Questions to Consider: None

Run O'the Peak Event Narrative

Event: Run O'the Peak

Date: March 12, 2022

Location: Apex Town Hall area
Roads to the Shepard's Vineyards
The Shepard's Vineyards greenway

Supporting: The Apex Chamber of Commerce' community mission: The mission of the Apex Chamber of Commerce is to engage businesses to improve the economic vitality and quality of life of the Apex community. The Apex Chamber of Commerce advocates for the business community and takes positions on public and civic issues affecting the business community, facilitates educational opportunities including seminars and events to support our members in their success, and provides networking opportunities to give Chamber members an opportunity to share ideas with other business owners.

Public property:
Apex Town Hall area
Roads to the Shepard's Vineyards

Rentals: None known at this time.

Production Company: Fit & Able Productions

Previous Races in Apex: Paint the Town Purple
Race to Market

Distances: Fun Run (about 1 mile)
5K & 10K

Expected attendance: Estimate for 1st year race is 250 to 300

Race Options: Virtual and In-person

Volunteers on site: Estimate 20 to 30

Production Company Crew on Site: 14 to 16

Set up: Starts at 5 AM on all race site

Crew Vehicles: a 20 foot U-Haul truck and 5 Pick-up trucks

Break down: Course break down follows the last participant on the course
Roads remain closed until last person has safely cleared intersections

Festival: The Apex Chamber is in the early planning stage for this event.
An update can be provided as the Chamber reaches out to the Apex Community
Sponsors will have the opportunity to have a table/booth at the event.
Food trucks will be invited, and the Apex standards will be applied.

Music will be at the festival from 8 am to Noon and will follow Apex sound restrictions.

Sponsors: To be determined by the Apex Chamber of Commerce.

Refreshments: To be determined by the Apex Chamber of Commerce.

Promotions: To be determined by the Apex Chamber of Commerce.

Description: Fit & Able Productions will launch the inaugural **Run O'the Peak** event race in partnership with the Apex Chamber of Commerce. After the race, participants can enjoy a health fair, local food trucks, and beer vendors. Come celebrate St. Patrick's Day early with the Apex Chamber!

Covid-19 Awareness: Due to the constantly evolving pandemic situation any specific changes to event operations for protecting participant health and safety in compliance with the most up-to-date recommendations and requirements will be emailed to all registered participants prior to the race. A virtual component is available for all races for those runners who aren't comfortable racing in person yet but still want to participate in the event.

In-Person Schedule:

- 7:00 AM - 9:00 AM - Packet Pick-up & Check In
- 8:45 AM - Fun Run Staggered Start
- 9:00 AM - 10K & 5K Staggered Start

Inclusion Events: Everyone is welcomed to participate! All Fit & Able Productions, Inc. events are inclusion events: anyone of any age, skill-level, or ability can participate in any race!

Safety:

1. We strongly discourage participants wearing headphones of any sort while racing for their own safety and so they can properly hear instructions on the course.
2. Kids in strollers must be registered and be with a parent registered in either the 5K, 10K, or Fun Run. Kids in strollers must be numbered, properly buckled into the stroller, and we strongly encourage them to wear a helmet.
* If you or one of your party have a physical or developmental need that may require special accommodation please contact us at least one month prior to the event to discuss reasonable accommodations that may be available.
3. No dogs or bikes permitted in the race.

Course Aid: An athletic trainer will be available at a medical tent located near the finish line. There will be a water station on the course and near the finish line. Water is also available at the registration and refreshment area.

Clean Up: Fit & Able Crew do a double venue/course canvas to insure we leave the site as we found it or better. We are invited back to many parks (Umstead, Crabtree, Bond, etc.) because we appreciate the opportunity to stage an event in any venue.

ORDINANCE NO.

**AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14
AS TO THE PARKING LOT AT APEX TOWN HALL, 73 HUNTER STREET
CLOSED FOR A SPECIAL EVENT**

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Under the authority of N.C.G.S Section 18B-300(c), subsections (b), (c), and (e) of Section 14-14 of the Apex Town Code of Ordinances is temporarily modified on March 12, 2022 to read as follows with additions as bold underlined text:

- (b) *Consumption on the public streets and municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the hours of the special event at 73 Hunter Street, Apex Town Hall, the possession and consumption of malt beverages and unfortified wine in the designated special event area is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**
- (c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the hours of the special event at 73 Hunter Street, Apex Town Hall, the possession and consumption of malt beverages and unfortified wine in the designated special event area is not**

prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.

...

- (e) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events. The prohibition stated in this subsection 14-11(e) applies to, among other areas, downtown sidewalk food service tables. **However, during the temporary closure of the parking lot at 73 Hunter Street, Apex Town Hall, for a special event, the possession and consumption of malt beverages and unfortified wine in the designated special event area during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**

Section 2. The ordinance shall be effective upon enactment.

This the 11th day of January, 2022.

Introduced by Councilmember _____

Seconded by Councilmember _____

Attest:

TOWN OF APEX

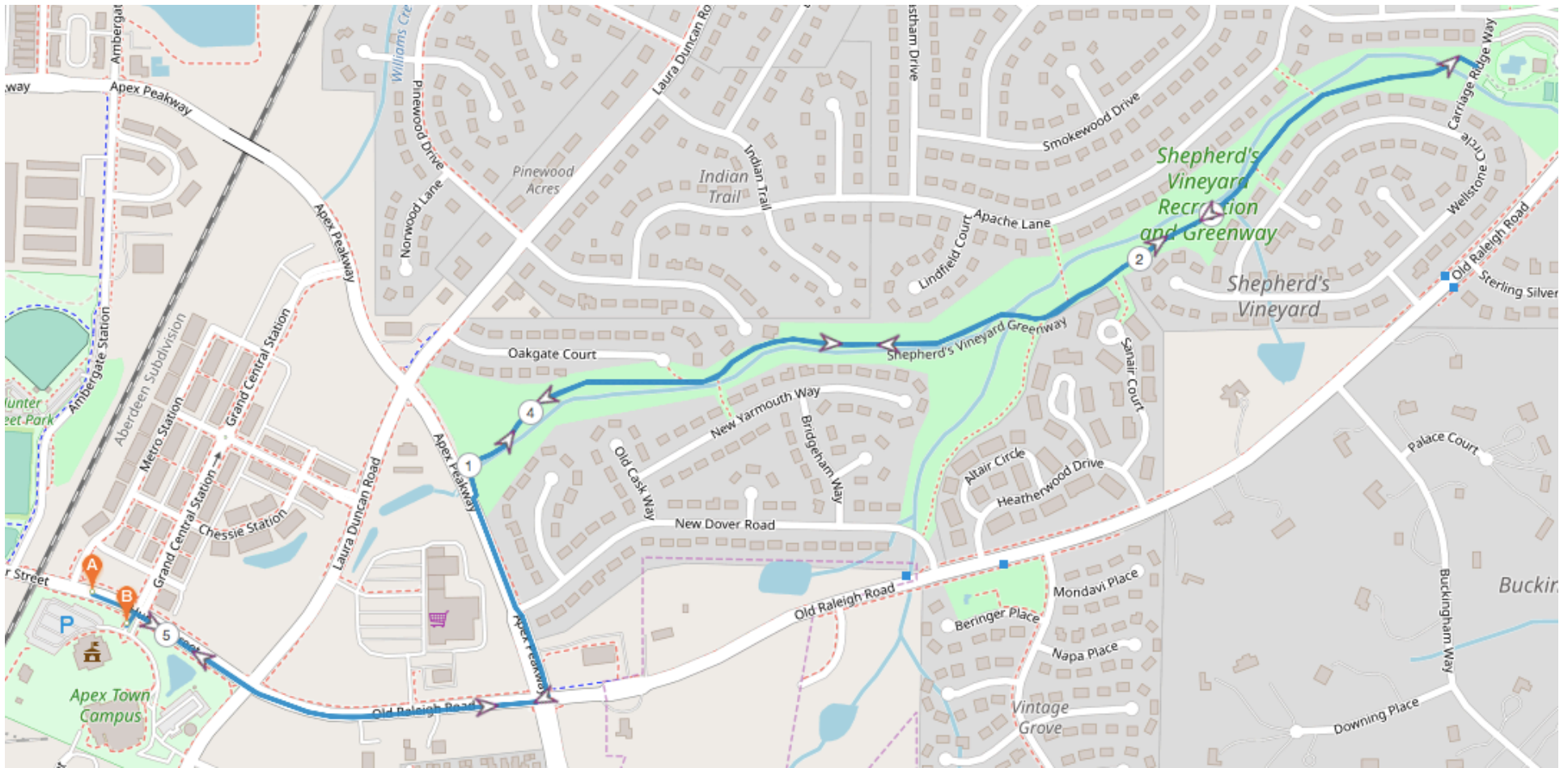
Tesa Silver
Interim Town Clerk

Jacques K. Gilbert
Mayor

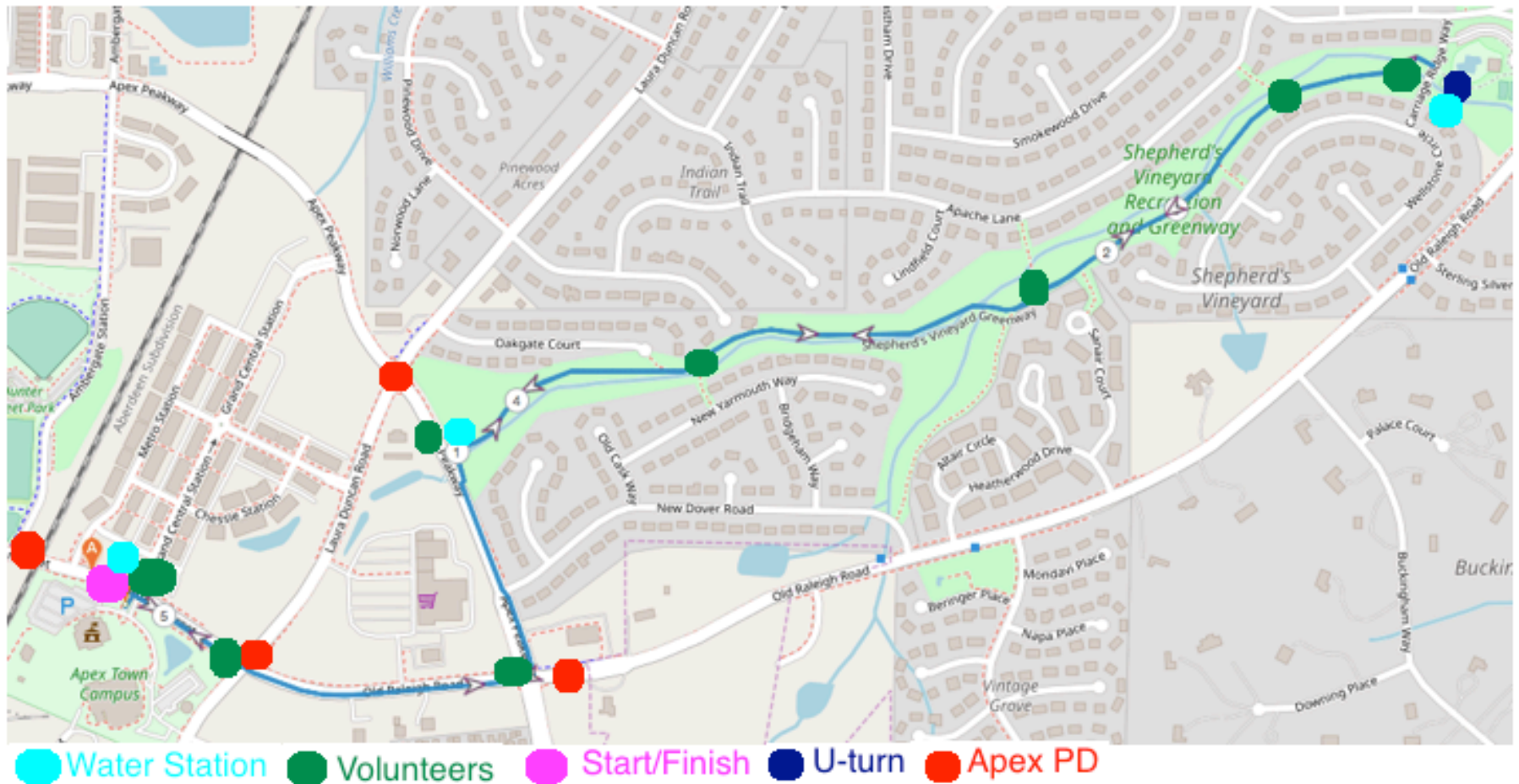
Approved As To Form:

Laurie L. Hohe
Town Attorney

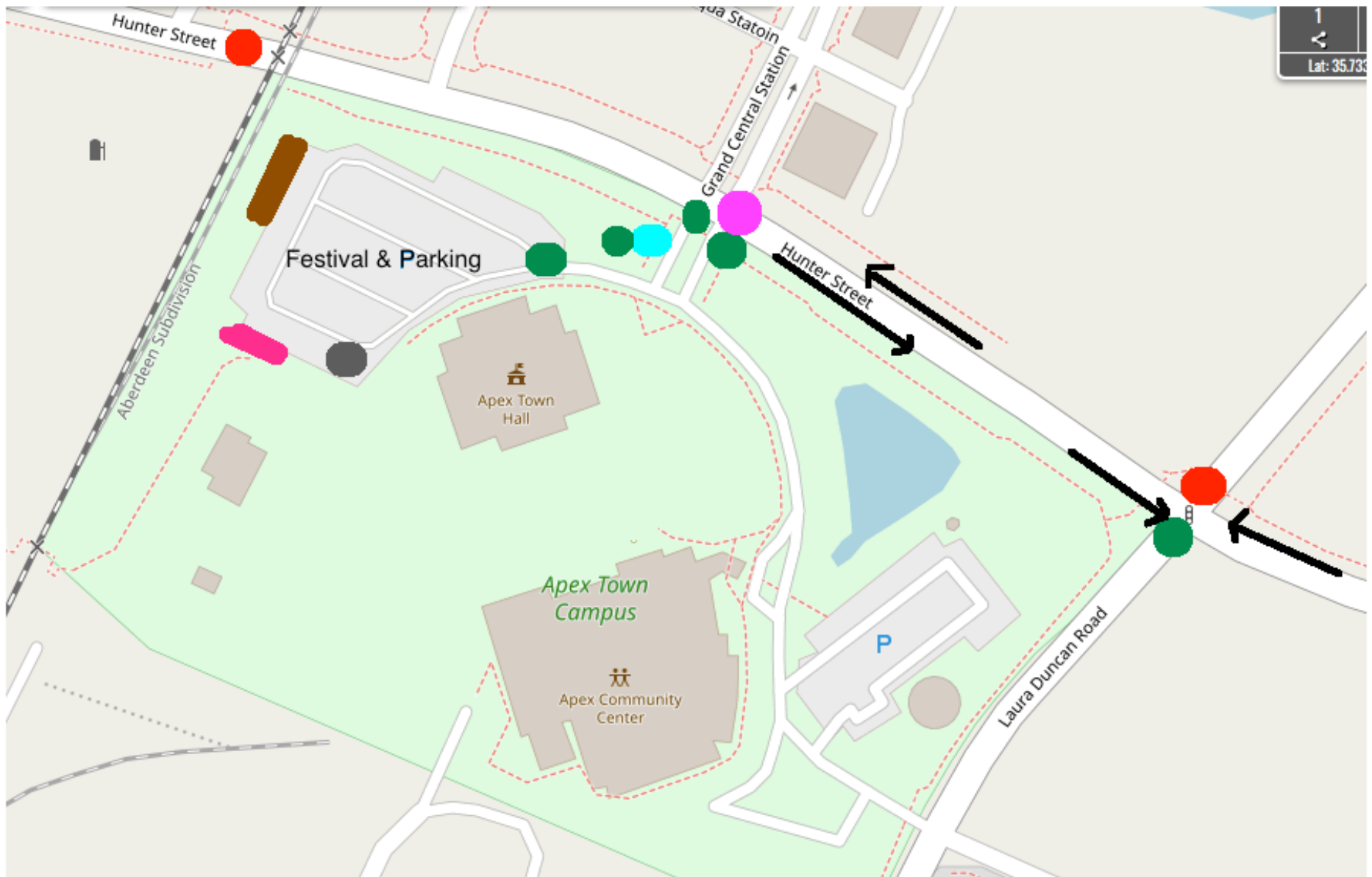
Run the Peak 5K & 10K



Run the Peak Course Staffing



Run the Peak Site Plan



- Registration
- Water Station
- Volunteers
- Start/Finish
- U-turn
- Apex PD
- Potential Stage
- Port a Pot

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 11, 2022

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately 0.426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on December 13, 2021 and by a vote of 7-0 recommended approval of the rezoning with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as a portion of PIN 0742457443.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ19 1016 N. Salem Street

January 11, 2022 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 1016 N. Salem Street
Applicant/Owner: Courtney Landoll, WithersRavenel / WFINV, LLC

PROJECT DESCRIPTION:

Acreage: ±0.426 acres
PIN: Portion of PIN 0742457443
Current Zoning: Residential Agricultural (RA)
Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)
2045 Land Use Map: Mixed Use: Medium Density Residential/Office Employment/Commercial Services
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Residential Agricultural (RA)	Single Family; School, Public or Private (Thales Academy)
South:	Residential Agricultural (RA)	Single Family
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #07CZ05)	Railroad Tracks; Single Family (Villages of Apex)
West:	Medium Density (MD); Planned Unit Development-Conditional Zoning (PUD-CZ #13CZ07)	N. Salem St.; Single Family (Haddon Place & Magnolia Walk)

Existing Conditions:

The subject property totaling +/- .426 acres is located on the east side of N. Salem Street between Apex Peakway and US 64. The primary structure is listed on the North Carolina State Historic Preservation Office survey.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on August 26, 2021. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Mixed Use: Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning of a portion of the property to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that land use classification.

STAFF REPORT

Rezoning #21CZ19 1016 N. Salem Street

January 11, 2022 Town Council Meeting



PROPOSED ZONING CONDITIONS:

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 imply that other sections of the UDO do not apply.

Permitted Uses and Limitations:

1. Single-family Residential
2. Accessory Apartment

Conditions:

1. The existing historic home will remain on the property.
2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings". All other structures or new development shall comply with the applicable sections of the UDO.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ19 with conditions offered by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on December 13, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the subject property as Mixed Use: Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning to Medium Density-Conditional Zoning (MD-CZ) is consistent with that land use classification.

Approval of the rezoning is reasonable because the proposed Medium Density Residential-Conditional Zoning (MD-CZ) district will ensure preservation of the historic structure.

CONDITIONAL ZONING STANDARDS:

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

Legislative Considerations

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

STAFF REPORT

Rezoning #21CZ19 1016 N. Salem Street

January 11, 2022 Town Council Meeting



- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Brittley Way

Maubrey Ct

Haddon Place

N Salem St

Magnolia Walk

Magnolia Row Trl

Villages of Apex

Rezoning #21CZ19

0 100 200
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ19 Submittal Date: 9/1/2021
Fee Paid: \$1,000

Project Information

Project Name: 1016 N Salem St.
Address(es): 1016 N Salem St. Apex, NC 27502
PIN(s): Portion of 0742457443

Acreage: +/- 0.426

Current Zoning: RA Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium Density, Office Employment, Commercial

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
Area proposed as non-residential development: Acreage: 0
Percent of mixed use area proposed as non-residential: Percent: 0

Applicant Information

Name: Courtney Landoll
Address: 137 S Wilmington St, Ste 200
City: Raleigh State: NC Zip: 27601
Phone: 919-469-3340 E-mail: clandoll@withersravenel.com

Owner Information

Name: WFINV LLC
Address: 4641 Paragon Park Rd.
City: Raleigh State: NC Zip: 27616
Phone: 919-427-1646 E-mail: _____

Agent Information

Name: Courtney Landoll, WithersRavenel
Address: 137 S Wilmington St, Ste 200
City: Raleigh State: NC Zip: 27601
Phone: 919-469-3340 E-mail: clandoll@withersravenel.com

Other contacts: Brendie Vega, WithersRavenel, bvega@withersravenel.com
Brandon Hafner, CaptiveAire, brandon.hafner@captiveaire.com

PETITION INFORMATION

Application #:

21CZ19

Submittal Date:

9/1/2021

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

PROPOSED USES:

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

1	Single-family Residential	21	
2	Accessory Apartment	22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
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12		32	
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15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

PETITION INFORMATION

Application #: 21CZ19 Submittal Date: 9-1-2021

PROPOSED CONDITIONS:

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

1. The existing historic home will remain on the property.

2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

All other structures or new development shall comply with the applicable sections of the UDO.

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 MD-CZ zoning district is appropriate for the proposed location and is consistent with the 2045 Land Use Map.

The 2045 Land Use Map lists MD as an allowable zoning district in the Medium Density Residential classification.

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 MD-CZ district use will not change. It will remain a single-family home. This use is compatible with the surrounding homes in the area. The reduced lot size will be more consistent with the neighboring lots in Haddon Place and Magnolia Walk.

PETITION INFORMATION

Application #:

21CZ19

Submittal Date:

9-1-2021

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 for single-family dwellings.

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 existing single-family home will have no adverse effects. It is a charming historic home, and its appeal adds value to the surrounding area.

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.

There will be no environmental impacts associated with the design. The continued presence of the home will not impair water, air, wildlife, scenic, and/or natural resources.

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

There will be no adverse impacts to public facilities and services. The home is currently on well and septic, an annexation petition will be filed after rezoning in order to connect to Town of Apex public water and sewer. There is no increase to density or number of dwellings and therefore should have no adverse impacts on existing facilities.

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

The proposed use will not adversely impact the health, safety, or welfare of the residents of the Town or the ETJ. The home is a historic and aesthetic asset to the community. Its continuance will benefit both neighboring residents and the public.

PETITION INFORMATION

Application #: 21CZ19 Submittal Date: 9-1-2021

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

The continued presence of the home will not harm adjacent properties. Other properties will benefit from the condition that the single-family home will remain. The property is surrounded by other residences.

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 use will not constitute a nuisance or hazard. The property is surrounded by other single-family homes.

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.

There are no changes associated with the use of the lot. The lot will meet all dimensional requirements. The home is in keeping with the character of the surrounding neighborhoods.

AGENT AUTHORIZATION FORM

Application #: 21CZ19

Submittal Date: 9-1-2021

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

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

The property address is: 1016 N Salem St., Apex, NC 27502

The agent for this project is: Courtney Landoll

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

Agent Name: Courtney Landoll

Address: 137 S Wilmington St., Suite 200, Raleigh, NC 27601

Telephone Number: 919-238-0387

E-Mail Address: clandoll@withersravenel.com

Signature(s) of Owner(s)*



' Brandon Hafner VP Construction/ Facilities
Type or print name

08/24/2021
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.






20210824 Agent Authorization Form Unsigned[96]

Final Audit Report

2021-08-24

Created:	2021-08-24
By:	Kristin Dietz (kristin.dietz@captiveaire.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADTWjI8KivvzIUoBTHarsNRUeNk3z4uLV

"20210824 Agent Authorization Form Unsigned[96]" History

-  Document created by Kristin Dietz (kristin.dietz@captiveaire.com)
2021-08-24 - 2:33:21 PM GMT- IP address: 71.16.149.194
-  Document emailed to Brandon Hafner (brandon.hafner@captiveaire.com) for signature
2021-08-24 - 2:34:00 PM GMT
-  Email viewed by Brandon Hafner (brandon.hafner@captiveaire.com)
2021-08-24 - 2:36:57 PM GMT- IP address: 71.16.149.194
-  Document e-signed by Brandon Hafner (brandon.hafner@captiveaire.com)
Signature Date: 2021-08-24 - 2:37:48 PM GMT - Time Source: server- IP address: 71.16.149.194
-  Agreement completed.
2021-08-24 - 2:37:48 PM GMT

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ19

Submittal Date: 9-1-2021

The undersigned, Courtney Landoll
swears or affirms as follows:

(the "Affiant") first being duly sworn, hereby

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 1016 N Salem St., Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
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 30 day of August, 2021.

Courtney H Landoll (seal)

Courtney Landoll

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 Courtney Landoll, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

Karen Hancock 8-30-21
Notary Public Karen Hancock
State of North Carolina
My Commission Expires: 5-13-2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

21CZ19

Submittal Date:

9-1-2021

Insert legal description below.

Beginning at an Existing Iron Pipe located at the Northwest corner of Lot 4-1A, "Apex Mule and Supply Co", Recorded at Book of Maps 1885, Page 119, Wake County Registry. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011) N: 725,445.26', E: 2,044,527.61', said Iron Pipe also being located on the Eastern Public Right of Way of North Salem Street, Thence leaving said Right of Way, North 69°43'32" East a distance of 122.93' to a Point; Thence South 21°02'26" East a distance of 149.35' to a Point; Thence South 69°38'26" West a distance of 125.71' to an Existing Iron Pipe located on the Eastern Public Right of Way of North Salem Street; Thence along said Public Right of Way, North 19°58'29" West a distance of 149.53' to an Existing Iron Pipe, being the point and place of Beginning, and having an area of 0.426 Acres, 18,578 Square Feet, more or less.



August 12, 2021

Re: 1016 North Salem Street (PIN # 0742457443 (portion of))

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on August 26, 2021 at 5pm. The meeting will be held virtually. You can join by smartphone, computer, tablet or other web-enabled device. A call-in number is provided for those who do not have access to a web-enabled device. Please note that by calling in you will not have access to presentation materials.

Visit the WithersRavenel public meetings page, and select **1016 N. Salem St.** for information about the meeting.

<https://withersravenel.com/publicmeetings/>

To join the meeting by web-enabled device:

Meeting WebEx Link (registration is required):

<https://withersravenel.webex.com/withersravenel/onstage/g.php?MTID=e9ccc74e7643458a225e0aa3ee6b25cc6>

To join the meeting by phone:

US Toll: +1-415-655-0001

Access Code: 161 523 6986

The purpose of this meeting is to discuss a proposed rezoning of the property located at 1016 North Salem Street. This site is currently located in the Apex ETJ and is zoned as RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. Only the portion containing the existing home is proposed to be rezoned. The remainder of the parcel will remain RA – Residential Agricultural. The existing historic home on the site is intended to be preserved as a single-family home.

Conditions being added to the rezoning include: Only permitted uses will be Single-Family home, and accessory dwelling unit. The historic home is to remain.

If you have further questions about the rezoning request, or would like to submit written comments prior to or after the meeting please contact us:

WithersRavenel

Courtney Landoll, clandoll@withersravenel.com

Brendie Vega, 919-535-5212, bvega@withersravenel.com

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.

08/12/2021

Date

Dear Neighbor:

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

1016 North Salem Street (portion of)

0742457443 (portion of)

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](http://www.apexnc.org/180/Planning-Community-Development) or the [Apex Development Report](http://www.apexnc.org/180/Planning-Community-Development) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

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

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

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

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

The parcel at 1016 N Salem St is currently zoned RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. A single family home would be in the new MD district and the remainder of the parcel would not be rezoned. The conditions being offered include limiting the permitted uses to

Single-family, and accessory apartment; and providing a historic preservation easement on the house.

Estimated submittal date: 09/01/2021

MEETING INFORMATION:

Property Owner(s) name(s):

WFINV, LLC

Applicant(s) & Contact information

WithersRavenel, Courtney Landoll, clandoll@withersravenel.com

Meeting Address:

<https://bit.ly/1016NSalem>

Meeting Address:

Call-In (415)655-0001 Access code: 161 523 6986

Date/Time of meeting**:

08/24/2021 5 pm -7 pm

MEETING AGENDA TIMES:

Welcome: 5 pm Project Presentation: 5:10 pm Question & Answer: 5:30pm

**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: 1016 N Salem St. Zoning: RA

Location: 1016 N Salem St, Apex, NC 27502

Property PIN(s): Portion of 0742457443 Acreage/Square Feet: +/- 0.426

Property Owner: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Email: brandon.hafner@captiveaire.com

Developer: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Fax: _____ Email: brandon.hafner@captiveaire.com

Engineer: WithersRavenel

Address: 137 S Wilmington St. 200

City: Raleigh State: NC Zip: 27601

Phone: 919-238-0387 Fax: _____ Email: clandoll@withersravenel.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2nd and 4th Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

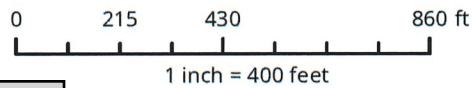
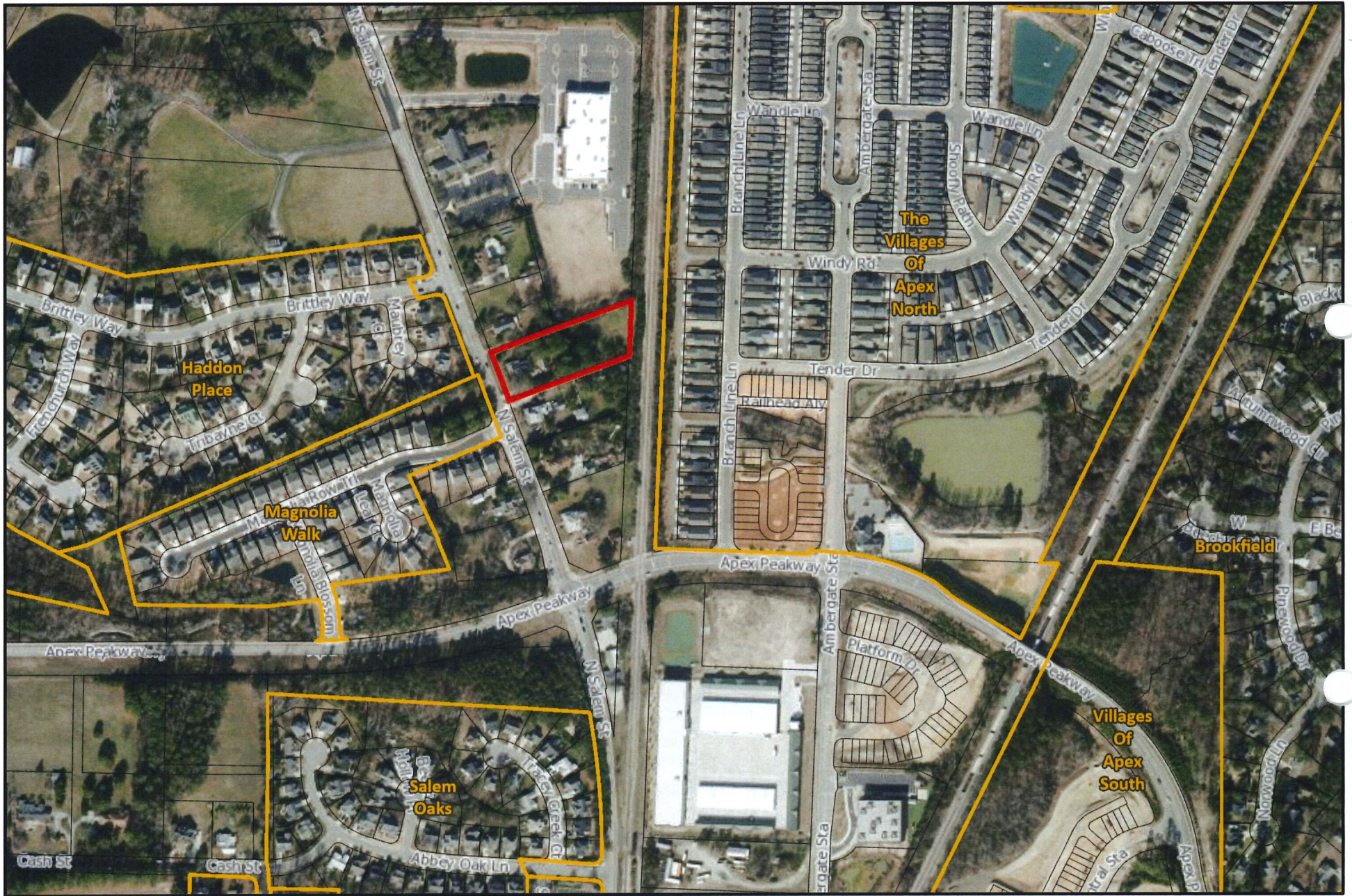
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

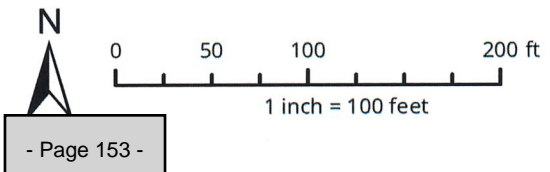
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



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



Zoning Exhibit



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.

PIN_NUM	OWNER	MAILING ADDRESS	MAILING ADDRESS 2
0742452323	BICCU, STEVEN BICCU, DENISE	1101 MAUBREY CT	APEX NC 27502-2426
0742551356	BORDEAUX, MARK DUNCAN SR BORDEAUX, ELIZABETH W	1044 BRANCH LINE LN	APEX NC 27502-2421
0742453211	BOSMAN, SCOTT C. TRUSTEE SCOTT C. BOSMAN LIVING TRUST	1216 MAGNOLIA ROW TRL	APEX NC 27502-2900
0742444955	BRIDGES, CHRISTOPHER R BRIDGES, ERIN Q	3924 153RD PL SE	MILL CREEK WA 98012-7812
0742451377	BROWN, LEIGH A BROWN, RANDY E	1103 MAUBREY CT	APEX NC 27502-2426
0742455733	CARMAC, ROBERT JONATHAN CARMAC, ELIZABETH BEAUVAIS	1020 N SALEM ST	APEX NC 27502-2922
0742453074	DAMA, NIKHIL ALLA, SRILAKSHMI	1213 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551158	DORN, DANIEL L DORN, LAUREN E	1062 BRANCH LINE LN	APEX NC 27502-2421
0742551464	FLEMING, ROBERT DAVID FLEMING, FARELIA GLOVER	1032 BRANCH LINE LN	APEX NC 27502-2421
0742551668	FRIEDRICH, JAMES STEVEN FRIEDRICH, JULIE ANNE	1000 BRANCH LINE LN	APEX NC 27502-2421
0742458114	GIBSON, DOUGLAS L GIBSON, CHERIE M	1012 N SALEM ST	APEX NC 27502-2922
0742551876	GRAY, ELIZABETH N	984 BRANCH LINE LN	APEX NC 27502-2430
0742454078	HARDIN, CLINTON BLAKE BAXTER, CHANTAL JOY	1205 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742455594	JENSEN, CHRISTINE E	1018 N SALEM ST	APEX NC 27502-2922
0742451456	KANAKOS, MICHAEL KANAKOS, JENNIFER	1105 MAUBREY CT	APEX NC 27502-2426
0742453317	LINARES, JOSE A LINARES, LIZETTE	1100 MAUBREY CT	APEX NC 27502-2426
0742448829	LIVINGSTON, TIMOTHY	5402 COLLEGE CORNER PIKE APT 3	OXFORD OH 45056-1030
0742551460	LOVATO, RICHARD ALLEN LOVATO, AMY VANDERCLUTE	1038 BRANCH LINE LN	APEX NC 27502-2421
0742551660	LUCKEY, LARRY	1012 BRANCH LINE LN	APEX NC 27502-2421
0742455034	MAGNOLIA WALK DEVELOPERS LLC	PO BOX 1328	CARY NC 27512-1328
0742452256	MAGNOLIA WALK HOMEOWNERS ASSOCIATION INC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
0742551778	MASEMAN, PAUL J	994 BRANCH LINE LN	APEX NC 27502-2430
0742453540	MOFFITT, JOLENE A	1104 MAUBREY CT	APEX NC 27502-2426
0742453527	OVERTON, ANGELA CARRIE	1106 MAUBREY CT	APEX NC 27502-2426
0742455120	PALEKAR, ALKA S PALEKAR, SHARAD D	1201 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551468	PATEL, ASHUTOSH J PATEL, MEGHANA A	1028 BRANCH LINE LN	APEX NC 27502-2421
0742457288	PATRICK, KEVIN T PATRICK, MELISSA L	1014 N SALEM ST	APEX NC 27502-2922
0742453492	PINSKER, NATHAN PINSKER, CARRIE GARTNER	1102 MAUBREY CT	APEX NC 27502-2426
0742454025	PISIPATI, DEEPAK MEDURI, SANDHYA	1209 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551872	RODGERS, MONA C RODGERS, JERRY G	990 BRANCH LINE LN	APEX NC 27502-2430
0742551562	SCHMITT, RUTH O RUTH O. SCHMITT LIVING TRUST	8904 YELLOW WOOD PL	LYNDON KY 40242-7772
0742551352	STEWART, ALLYSON L	1048 BRANCH LINE LN	APEX NC 27502-2421
0742466191	THALES ACADEMY	4641 PARAGON PARK RD	RALEIGH NC 27616-3406
0742551258	TRIPATHI, RAJESH TRIPATHI, ANURADHA	1052 BRANCH LINE LN	APEX NC 27502-2421
0742551808	VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732
0742551566	WATKINS, KOURTNEY L	1016 BRANCH LINE LN	APEX NC 27502-2421
0742452783	WEBB, CLIFTON WEBB, MARIE	1108 BRITTLLEY WAY	APEX NC 27502-2400
0742551664	WEIDENFELLER, LINDA SUE	1006 BRANCH LINE LN	APEX NC 27502-2421
0742457443	WILSON, ALFRED C WILSON, MARION W APEX TOWN OF	126 BASSWOOD DR PO BOX 250	LAKE LURE NC 28746-6302 APEX NC 27502

HRW ASSOCIATES

Current Tenant

Current Tenant

Current Tenant

Current Tenant

Current Tenant

WITHERSRAVENEL, Courtney Landoll

Brandon Hafner, CaptiveAire, Inc

4700 HOMEWOOD CT STE 380

1022 Branch Line LN

1010 N Salem ST

1011 N Salem ST

1016 N Salem ST

1300 N Salem ST

137 S Wilmington St, Ste 200

4641 Paragon Park Rd

RALEIGH NC 27609

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

Raleigh, NC 27601

Raleigh, NC 27616

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: WebEx
 Date of meeting: August 26, 2021 Time of meeting: 5 - 7 p.m.
 Property Owner(s) name(s): WFINV, LLC
 Applicant(s): WFINV, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

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

Use additional sheets, if necessary.

Name

Attendee Email

Brendie Vega

Caroline Richardson

K Watkins

Leigh Brown

Chris Jensen

Courtney Landoll

Robert Carmac

Brandon Hafner

Elizabeth Carmac



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): WFINV, LLC

Applicant(s): WFINV, LLC

Contact information (email/phone): 919-427-6146

Meeting Address: WebEx

Date of meeting: August 26, 2021 Time of meeting: 5 - 7 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:

What portion of the property will be rezoned?

Applicant's Response:

The portion of the property with the house will be rezoned. The rear of the property will be recombined.

Question/Concern #2:

Will the trees be removed in the rear of the property?

Applicant's Response:

Development of the rear of the property will likely require the removal of some trees. There will be a required landscaped buffer at the rear of the property as well.

Question/Concern #3:

Why is the house considered to be historic?

Applicant's Response:

It is on the Wake County historic survey.

Question/Concern #4:

Will there be an accessory dwelling?

Applicant's Response:

There are no current plans to create an accessory dwelling, but the future owner may be permitted to have an accessory dwelling unit.

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, Courtney Landoll, 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 via WebEx (location/address) on 08/26/2021 (date) from 5 p.m. (start time) to 7:00 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.

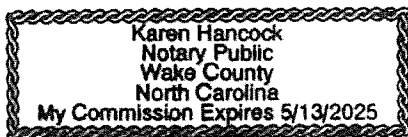
8/30/21
Date

By: Courtney H Landoll

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 30th day of August, 2021.

SEAL



Karen Hancock
Notary Public
Karen Hancock
Print Name

My Commission Expires: 5-13-2025

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #21CZ19 1016 N. Salem Street

Planning Board Meeting Date: December 13, 2021



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±0.426 acres

PIN(s): Portion of PIN 0742457443

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Medium Density Residential-Conditional Zoning (MD-CZ)

2045 Land Use Map: Mixed Use: Medium Density Residential/Office Employment/Commercial Services

Town Limits: ETJ

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: #21CZ19 1016 N. Salem Street

Planning Board Meeting Date: December 13, 2021



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case:#21CZ19 1016 N. Salem Street

Planning Board Meeting Date:December 13, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case:#21CZ19 1016 N. Salem Street

Planning Board Meeting Date:December 13, 2021



Planning Board Recommendation:

Motion: Approval

Introduced by Planning Board member: Steele

Seconded by Planning Board member: Sherman

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Denial: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13 day of December 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.12.15 11:07:52 -05'00'

Michael Marks, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce
DN: cn=Amanda Bunce, o, ou,
email=amanda.bunce@apexnc.org, c=US
Date: 2021.12.13 19:09:01 -05'00'

for

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ19
1016 N. Salem Street**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Owner: WFINV, LLC
Applicant/Authorized Agent: Courtney Landoll, WithersRavenel
Property Address: 1016 N. Salem Street
Acres: 10.426 acres
Property Identification Number (PIN): Portion of PIN 0742457443
2045 Land Use Map Designation: Mixed Use: Medium Density Residential/Office Employment/Commercial Services
Existing Zoning of Properties: Residential Agricultural (RA)
Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 13, 2021 4:30 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Amanda Bunce (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 24 – December 13, 2021



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19
1016 N. Salem Street**

De conformidad con las disposiciones de los Estatutos de la Ciudad de Apex y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) de la Ciudad de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.ralighnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 24 – December 13, 2021



TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19
1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: WFINV, LLC
Agente autorizado: Courtney Landoll, WithersRavenel
Dirección de la propiedad: 1016 N Salem Street
Superficie: 20.426 acres
Número de identificación de la propiedad: Portion of PIN 0742437443
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: Medium Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre, 2021 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.ralighnc.gov/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 24 de noviembre – 13 de diciembre de 2021

Navigation icons: back, forward, search, zoom in, zoom out, print, and a page indicator showing '2 / 2'.



TOWN OF APEX
POST OFFICE BOX 230
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ19
1016 N. Salem Street**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner: WFINV, LLC
Applicant/Authorized Agent: Courtney Landoll, WithersRavenel
Property Address: 1016 N Salem Street
Acreage: ±.426 acres
Property Identification Number (PIN): Portion of PIN 0742457443
2045 Land Use Map Designation: Mixed Use: Medium Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Residential Agricultural (RA)
Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: December 22-January 11, 2022





TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19
1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: WFINV, LLC
Agente autorizado: Courtney Landoll, WithersRavenel
Dirección de la propiedad: 1016 N. Salem Street
Superficie: ±0.426 acres
Número de identificación de la propiedad: Portion of PIN 0742457443
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: Medium Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Residential Agrícola (RA)
Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 22 de diciembre de 2011- 11 de enero de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ19 1016 N. Salem Street

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Owner: WFINV, LLC

Applicant/Authorized Agent: Courtney Landoll, WithersRavenel

Property Address: 1016 N. Salem Street

Acreage: ±0.426 acres

Property Identification Number (PIN): Portion of PIN 0742457443

2045 Land Use Map Designation: Mixed Use: Medium Density Residential/Office Employment/Commercial Services

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 13, 2021 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Amanda Bunce (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19
1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: WFINV, LLC

Agente autorizado: Courtney Landoll, WithersRavenel

Dirección de la propiedad: 1016 N Salem Street

Superficie: ±0.426 acres

Número de identificación de la propiedad: Portion of PIN 0742457443

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: Medium Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre, 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ19 1016 N. Salem Street

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Owner: WFINV, LLC

Applicant/Authorized Agent: Courtney Landoll, WithersRavenel

Property Address: 1016 N Salem Street

Acreage: ±.426 acres

Property Identification Number (PIN): Portion of PIN 0742457443

2045 Land Use Map Designation: Mixed Use: Medium Density Residential/Office Employment/Commercial Services

Existing Zoning of Property: Residential Agricultural (RA)

Proposed Zoning of Property: Medium Density Residential-Conditional Zoning (MD-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ19

1016 N. Salem Street

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: WFINV, LLC

Agente autorizado: Courtney Landoll, WithersRavenel

Dirección de la propiedad: 1016 N. Salem Street

Superficie: ±0.426 acres

Número de identificación de la propiedad: Portion of PIN 0742457443

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: Medium Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Residential Agricultural (RA)

Ordenamiento territorial propuesto para la propiedad: Medium Density Residential-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de, 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36737>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



Haddon Place

N Salem St

Magnolia Walk

Magnolia Row Trl

1018

1016

1014

Rezoning #21CZ19

September 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department



Public Hearing Sign Posted By

[Signature]
Signature

9/15/21
Date



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ19
1016 N Salem Street
Project Location: 1016 N Salem Street
Applicant or Authorized Agent: Courtney Landoll, WithersRavenel
Firm: WithersRavenel

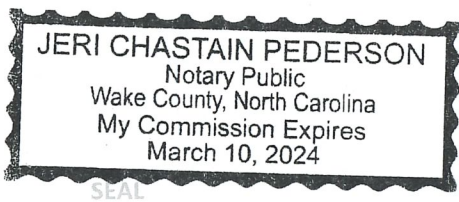
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/29/2021
Date

Shianne F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 29 day of November, 2021.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ19
1016 N Salem Street
Project Location: 1016 N Salem Street
Applicant or Authorized Agent: Courtney Landoll, WithersRavenel
Firm: WithersRavenel

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on December 22, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12-22-2021
Date

Diz Koltin for Dianne Khin
Director of Planning and Community Development

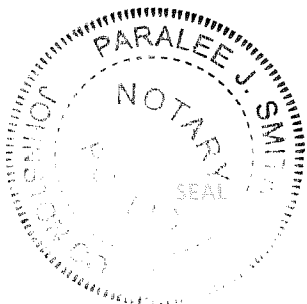
STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J Smith, a Notary Public for the above

State and County, this the 22 day of December, 2021.

Paralee J Smith
Notary Public

My Commission Expires: 9, 12, 2023



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 11, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to approve Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon Capital, LLC., seeks to rezone approximately 3.08 acres from Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on December 13, 2021 and voted, 6 to 1, to recommend approval of the rezoning with the condition that the applicant work with staff on a condition to reduce the visibility of interior doors from the exterior windows for self-service storage.

Item Details

The property to be rezoned is identified as PIN 0751277986.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ20 3075 Lufkin Road

January 11, 2022 Town Council Meeting



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

BACKGROUND INFORMATION:

Address:	3075 Lufkin Road
Applicant:	Wigeon Capital, LLC.
Owner:	Lufkin Leased Fee, LLC.
PROJECT DESCRIPTION:	
Acreage:	+/- 3.08 acres
PIN:	0751277986
Current Zoning:	Planned Commercial (PC); Planned Commercial-Conditional Use (PC-CU #98CU14 & #94CU21)
Proposed Zoning:	Light Industrial-Conditional Zoning (LI-CZ)
2045 Land Use Map:	Commercial Services
Town Limits:	Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	N/A	Ten Ten Road & US 1 Hwy
South:	Neighborhood Business-Conditional Zoning (B1-CZ #19CZ01); Planned Commercial-Conditional Use (PC-CU #98CU14 & #94CU21)	Lufkin Rd; Church or Place of Worship; Office/Retail; Convenience Store with Gas Sales
East:	Planned Commercial-Conditional Zoning (PC-CZ #15CZ30)	Ten Ten Road & US 1 Hwy; Vacant
West:	Neighborhood Business-Conditional Zoning (B1-CZ #19CZ01)	Church or Place of Worship; US 1 Hwy

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 26, 2021. The tenants of some properties were not notified and the applicant was required to have another neighborhood meeting, held on November 26, 2021. Both meeting reports are attached to the staff report.

EXISTING CONDITIONS:

The site consists of one (1) parcel totaling +/- 3.08 acres and is located on the north side of Lufkin Road. The site is currently vacant and forested.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Commercial Services. The applicant proposes a rezoning to Light Industrial-Conditional Zoning (LI-CZ) district, which is not a valid district within that Land Use Map designation. If the property is rezoned to LI-CZ as proposed, the 2045 LUM will automatically be amended to Industrial Employment per NCGS 160D-605(a).

PROPOSED ZONING CONDITIONS:

Proposed Uses:

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

STAFF REPORT

Rezoning #21CZ20 3075 Lufkin Road

January 11, 2022 Town Council Meeting



- | | |
|---------------------------------------|--|
| 1. Self-service storage | 8. Pet services |
| 2. Medical or dental office or clinic | 9. Automotive accessory sales and installation |
| 3. Office, business or professional | 10. Automotive parts |
| 4. Artisan studio | 11. Car wash or auto detailing |
| 5. Repair services, limited | 12. Woodworking or cabinetmaking |
| 6. Studio for art | 13. Manufacturing and processing, minor |
| 7. Upholstery shop | 14. Utility, minor |

Proposed Conditions:

1. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
2. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
3. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
4. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less.

The following are architectural conditions for the building façade:

1. The predominant exterior building materials shall be high quality materials, including:
 - a) Brick masonry
 - b) Decorative concrete block (either integrally colored or textured)
 - c) Stone accents
 - d) Cementitious Siding
 - e) Aluminum storefronts with anodized or pre-finished colors.
 - f) EIFS cornices, and parapet trim
 - g) Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. A self-service storage building shall have a maximum height of 3 stories above grade or 40-feet.
6. The main entrance to the building shall be emphasized.
7. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
8. Interior Doors will only be visible on 15% of the façade of each floor facing Lufkin Road and only 5% of the façade on each floor facing Ten-Ten Road in a self-service storage building. Interior doors shall not be visible facing US Highway 1. Spandrel glass shall be used for the remaining windows, except those at the entrance.
9. The use of high intensity colors or fluorescent colors shall be prohibited on interior doors visible from exterior windows.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant’s response to each condition.

EAB Suggested Condition	Applicant’s Response
1. Interior lighting of the building will be on motion sensors.	Not Included

STAFF REPORT

Rezoning #21CZ20 3075 Lufkin Road

January 11, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
2. The project will utilize LED lighting in the parking lot and will have cutoff fixtures to reduce glare.	Included. Condition 4
3. Low flow plumbing fixtures for all plumbing fixtures.	Not Included
4. Limit parking to 15 spaces maximum to minimize stormwater impacts.	Not Included
5. Solar panel on the roof to heat hot water heater, in addition to a minimum of 10-kW rooftop solar PV system.	Included. Condition 1
6. Preserve existing tree canopy in rear property as part of the 50' Type A buffer and RCA requirement.	Included. Condition 2
7. Landscape to be drought tolerant planting native to the region. Warm season turf. No irrigation.	Included. Condition 3
8. Include International Dark Sky Association compliance standards: <ul style="list-style-type: none">• Outdoor lighting shall be shielded in a way that focuses lighting to the ground.• Lighting that minimizes the emission of blue light to reduce glare shall be used.• Lighting with a color temperature to 3500K or less shall be used for outside installations.	Included. Condition 4

Three of the conditions that the EAB recommended were not added to the rezoning at Planning staff's request. Planning staff recommended that the applicant not include suggested conditions 1 & 3 because these items would affect the interior of the building and the Building Inspections and Permit Department cannot enforce zoning conditions that exceed minimum Building Code requirements and Planning staff cannot enforce conditions that affect the interior of the building.

Planning staff also recommended against suggested condition 4 because staff had recommended adding uses other than self-service storage in case the self-service storage project was never built. Fifteen parking spaces would not be enough for some of the uses but would exceed the maximum permitted for self-service storage. The UDO requires 2 parking spaces for every 1 employee at a self-service storage facility. Most facilities have 2 or 3 employees on site, therefore 4 to 6 spaces would be required. The UDO permits a maximum of 25% additional spaces beyond the required, therefore 5 or 7 spaces could be permitted.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the rezoning petition as provided by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on December 13, 2021 and voted, 6 to 1, to recommend approval of the rezoning with the condition that the applicant work with staff on a condition to reduce the visibility of interior doors from the exterior windows for self-service storage. Conditions 8 and 9 have been added to meet that requirement.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates this area as Commercial Services, which does not include the zoning district Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is not consistent with the 2045 Land Use Map. However, if the property is rezoned to LI-CZ as proposed, the 2045 Land Use Map will automatically be amended to Industrial Employment per NCGS 160D-605(a). The proposed rezoning 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.

STAFF REPORT

Rezoning #21CZ20 3075 Lufkin Road

January 11, 2022 Town Council Meeting



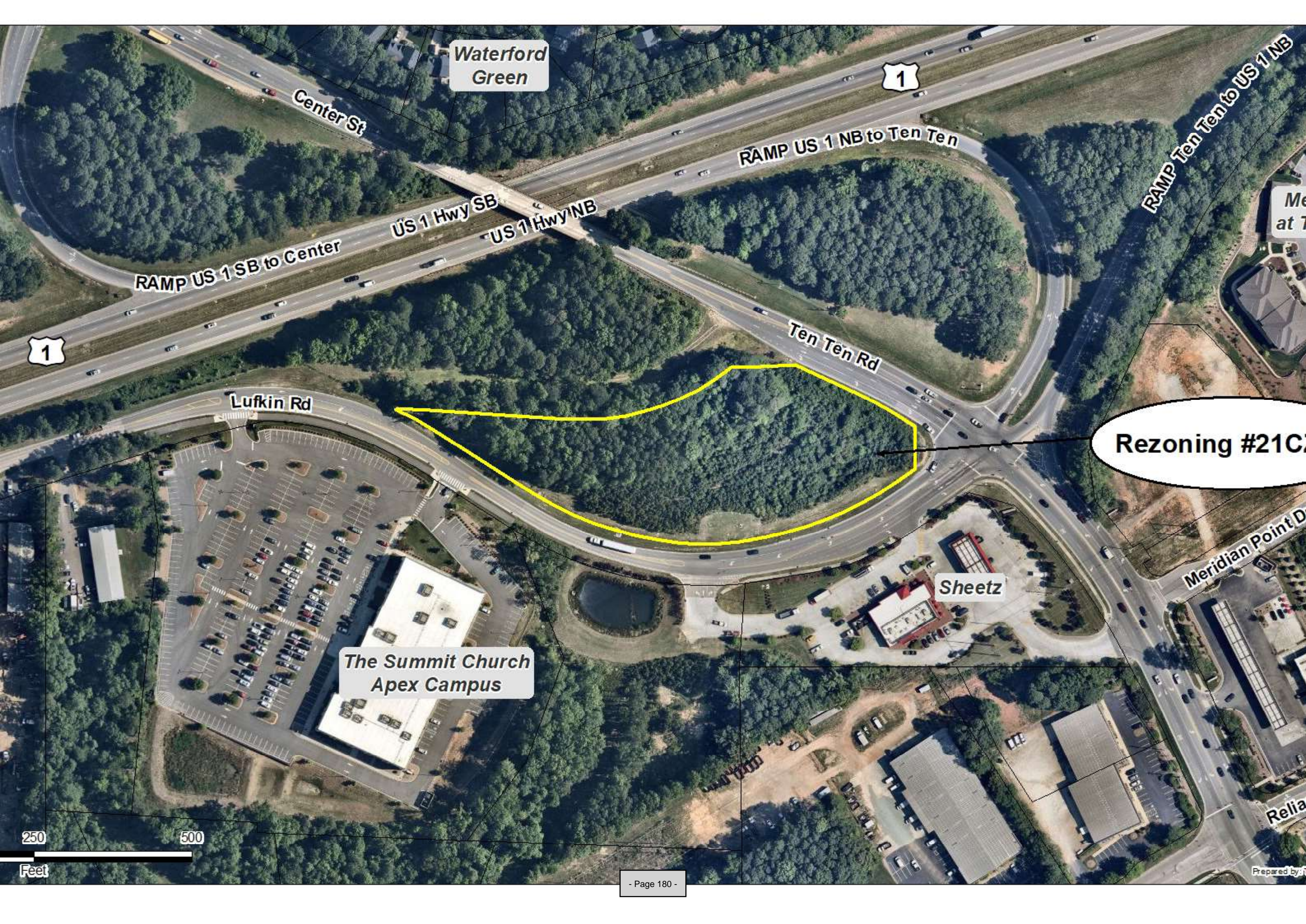
The proposed rezoning is reasonable and in the public interest, because it will permit development of this parcel with industrial uses that are most compatible with the nearby commercial uses and bring the entire property under one zoning district.

LEGISLATIVE CONSIDERATIONS

The Town Council shall find the Light Industrial-Conditional Zoning (LI-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



Waterford Green

Center St

1

RAMP US 1 NB to Ten Ten

RAMP Ten Ten to US 1 NB

RAMP US 1 SB to Center

US 1 Hwy SB

US 1 Hwy NB

1

Ten Ten Rd

Lufkin Rd

Rezoning #21C

The Summit Church Apex Campus

Sheetz

Meridian Point D

250 500

Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ20 Submittal Date: 9/1/2021
Fee Paid: \$1,700.00

Project Information

Project Name: 3075 Lufkin Road Self-Storage
Address(es): 3075 Lufkin Road
PIN(s): 0751277986
Acreage: 3.08 acres
Current Zoning: PC/PC-CU Proposed Zoning: LI-CZ (Light Industrial)
Current 2045 LUM Classification(s): Commercial Services
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

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

Applicant Information

Name: Wigeon Capital, LLC (Al Goodrich)
Address: 2607 Oberlin Road, Ste 104
City: Raleigh State: NC Zip: 27608
Phone: 919-621-9447 E-mail: agoodrich@abgoodrich.com

Owner Information

Name: Lufkin Leased Fee, LLC
Address: 400 W North Street, Ste 12
City: Raleigh State: NC Zip: 27608
Phone: 919-621-9447 E-mail: lindsay@brookwoodcp.com

Agent Information

Name: James Loyack, PLA-HagerSmith Design PA
Address: 300 S. Dawson Street
City: Raleigh State: NC Zip: 27601
Phone: 919-302-3176 E-mail: jloyack@hagersmith.com

Other contacts: _____

PETITION INFORMATION

Application #: 21CZ20 Submittal Date: 9/1/21

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

PROPOSED USES:

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

1	<u>Self-service storage</u>	<u>21</u>	<u></u>
2	<u>Medical or dental office or clinic</u>	<u>22</u>	<u></u>
3	<u>Office, business or professional</u>	<u>23</u>	<u></u>
4	<u>Artisan Studio</u>	<u>24</u>	<u></u>
5	<u>Repair services, limited</u>	<u>25</u>	<u></u>
6	<u>Studio for art</u>	<u>26</u>	<u></u>
7	<u>Upholstery shop</u>	<u>27</u>	<u></u>
8	<u>Pet services</u>	<u>28</u>	<u></u>
9	<u>Automotive accessory sales and installation</u>	<u>29</u>	<u></u>
10	<u>Automotive parts</u>	<u>30</u>	<u></u>
11	<u>Car wash or auto detailing</u>	<u>31</u>	<u></u>
12	<u>Woodworking or cabinetmaking</u>	<u>32</u>	<u></u>
13	<u>Manufacturing and processing, minor</u>	<u>33</u>	<u></u>
14	<u>Utility Minor</u>	<u>34</u>	<u></u>
15	<u></u>	<u>35</u>	<u></u>
16	<u></u>	<u>36</u>	<u></u>
17	<u></u>	<u>37</u>	<u></u>
18	<u></u>	<u>38</u>	<u></u>
19	<u></u>	<u>39</u>	<u></u>
20	<u></u>	<u>40</u>	<u></u>

PETITION INFORMATION

Application #: **21CZ20** Submittal Date: **9/1/21**

PROPOSED CONDITIONS:

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

See attached rezoning attachment

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

See attached rezoning attachment

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

See attached rezoning attachment

PETITION INFORMATION

Application #: 21CZ20 Submittal Date: 9/1/21

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

See attached rezoning attachment

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

See attached rezoning attachment

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

See attached rezoning attachment

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

See attached rezoning attachment

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

See attached rezoning attachment

PETITION INFORMATION

Application #: 21CZ20 Submittal Date: 9/1/21

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

See attached rezoning attachment

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

See attached rezoning attachment

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

See attached rezoning attachment



3075 Lufkin Road Rezoning Petition

Proposed Rezoning Conditions:

1. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
2. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
3. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
4. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less

The following are architectural conditions for the building façade:

1. The predominant exterior building materials shall be high quality materials, including:
 - a) Brick masonry
 - b) Decorative concrete block (either integrally colored or textured)
 - c) Stone accents
 - d) Cementitious Siding
 - e) Aluminum storefronts with anodized or pre-finished colors.
 - f) EIFS cornices, and parapet trim
 - g) Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. A self-service storage building shall have a maximum height of 3 stories above grade or 40-feet.
6. The main entrance to the building shall be emphasized.
7. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
8. Interior Doors will only be visible on 15% of the façade of each floor facing Lufkin Road and only 5% of the façade on each floor facing Ten-Ten Road in a self-service storage building. Interior doors shall not be visible facing US Highway 1. Spandrel glass shall be used for the remaining windows, except those at the entrance.
9. The use of high intensity colors or fluorescent colors shall be prohibited on interior doors visible from exterior windows

Legislative Considerations:

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 land use categories designated on the 2045 Land Use map for this property are Commercial Services. The limited uses proposed for the site are consistent with the purposes, goals, objectives, & policies of the 2045 Land Use Map. The restriction of the uses imposed as a condition of the rezoning petition is also complimentary and consistent to the abutting land uses.

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 Conditional Zoning District's limited use, environmental standards conditions and compliance with the UDO standards will ensure that the project is appropriate and compatible with the character of the adjacent uses.



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

The use allowed pursuant to the requested CZ zoning shall, if applicable, will fully comply with the Supplemental Zoning Conditions as listed within Section 4.4 of the UDO and/or applicable zoning conditions, notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height.

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 Limited Use proposed as a condition is a low impact use. It generates very little traffic, is a low trash generator, a low energy user and operations are completely internal to the building. The building design will complement the adjacent buildings in materials and scale.

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 rezoning petition includes supplemental conditions that limit lighting, water use, energy consumption, parking, and tree canopy disturbance. A 50' undisturbed buffer will ensure the existing tree canopy will remain intact. Stormwater measures will be implemented to meet the Town of Apex and NCDEQ stormwater requirements.

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

The proposed Conditional Zoning District use will have no adverse impact to public facilities and services. Public services and utilities already serve this area and the proposed use will have minimal impact on existing utilities and 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 Conditional Use District will comply with all Town regulations and UDO requirements.

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

The conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development is not detrimental to the 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 restricted use, the conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development will not be a nuisance or hazard to the public. This use generates low traffic volumes and the operations are internal to the building.



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.

Notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height shall be permitted to be up to three (3) stories and forty-feet (40') tall. Any development pursuant to the requested petition would comply with all applicable regulations of the Town (and imposed conditions) related to use, layout, and general development characteristics.

AGENT AUTHORIZATION FORM

Application #: 21CZ20

Submittal Date: 9/1/21

Lufkin Leased Fee, LLC (Lindsay Sewell) 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: 3075 Lufkin Road

The agent for this project is: James Loyack, PLA

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

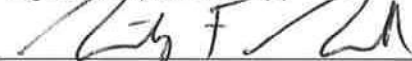
Agent Name: James Loyack PLA

Address: 300 S. Dawson Street, Raleigh, NC 27602

Telephone Number: 919-302-3176

E-Mail Address: jloyack@hagersmith.com

Signature(s) of Owner(s)*



Lindsay Sewell (Lufkin Leased Fee, LLC)
Type or print name

10/11/2021
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 #: 21CZ20

Submittal Date: 9/1/21

The undersigned, Lindsay Sewell (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- 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 3075 Lufkin Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/28/2011, and recorded in the Wake County Register of Deeds Office on 6/12/2012, in Book 2012 Page 00584.
- 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).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 3075 Lufkin Road, 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 3075 Lufkin Road, 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 11 day of October, 2021.

[Signature] (seal)
Lindsay F Sewell - manager
Lufkin Leased Fee, LLC Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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

Monica Zyph
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires May 5, 2026
[NOTARY SEAL]

[Signature]
Notary Public
State of North Carolina
My Commission Expires: May 5, 2026

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ20

Submittal Date: 9/1/2021

Insert legal description below.

Beginning at a control corner, being a concrete monument, with North Carolina grid coordinates NAD83 (NSRS 2007) of N= 718,108.455 and E= 2,052,828.106; thence N87°55'01"E 101.72' to a concrete monument; thence S65°26'26"E 86.65' to an iron pipe found; thence along a curve to the right having a radius of 932.21', a length of 125.48', a chord bearing of S61°35'00"E and a chord distance of 125.38' to an iron pipe set; thence S00°38'48"E 67.86' to an iron pipe set; thence S54°40'15"W 36.42' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 196.47', a chord bearing of S65°37'54"W and a chord distance of 195.27' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 100.90', a chord bearing of S79°55'50"W and a chord distance of 100.73' to an iron pipe set; thence along a curve to the right having a radius of 517.50', a length of 310.73', a chord bearing of N75°00'02"W and a chord distance of 306.08' to an iron pipe set; thence N57°47'56"W 191.43' to an iron pipe set; thence along a curve to the left having a radius of 517.50', a length of 66.62', a chord bearing N61°29'20"W and a chord distance of 66.57' to an iron pipe set; thence along a curve to the right having a radius of 1085.92', a length of 54.72', a chord bearing S87°50'28"E and a chord distance of 54.71' to an iron pipe set; thence S86°23'50"E 218.38' to an iron pipe found; thence along a curve to the left having a radius of 378.31', a length of 277.53', a chord bearing N72°27'09"E and a chord distance of 271.45' to the point of beginning and containing approximately 3.079 acres more or less and labeled as Lot 3 according to a map prepared by EDR Engineering entitled EASEMENT DEDICATION AND EXEMPT SUBDIVISION PLAT prepared for LUFKIN LEASED FEE L.L.C. dated 3/28/2012 and recorded at the Wake County Register of Deeds in book of maps 2012 pages 584-585.

Neighborhood Meeting #1:
August 26, 2021

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.

8/26/2021

Date

Dear Neighbor:

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

3075 Lufkin Road

0751277986

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s):

Lufkin Leased Fee, LLC

Applicant(s):

Jamie Loyack, PLA w/ HagerSmith Design PA

Contact information (email/phone):

jloyack@hagersmith.com / (919)-302-3176

Electronic Meeting invitation/call in info:

SEE Attached Microsoft Teams Link on next page

Date of meeting**:

August 26, 2021

Time of meeting**:

5:00 pm - 7:00 pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 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: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)
 Location: 3075 Lufkin Road
 Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC
 Address: 400 W North St , Ste 112
 City: Raleigh State: NC Zip: 27603
 Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC (Whit Brown)
 Address: 2607 Oberlin Road
 City: Raleigh State: NC Zip: 27608
 Phone: 919-332-3887 Fax: _____ Email: whit@wigeoncp.com

Engineer: Jamie Loyack, PLA
 Address: 300 S, Dawson Street
 City: Raleigh State: NC Zip: 27601
 Phone: 919-302-3176 Fax: _____ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich
 Address: 2607 Oberlin Road
 City: Raleigh State: NC Zip: 27608
 Phone: 919-828-6609 Fax: _____ Email: agoodrich@abgoodrich.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 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

Jamie Loyack

Subject: 3075 Lufkin Road Self Storage

Start: Thu 8/26/2021 5:00 PM
End: Thu 8/26/2021 7:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Jamie Loyack

Required Attendees: Jamie Loyack - External

Contact Info:
Jamie Loyack
Phone: 919-302-3176
Email: jloyack@hagersmith.com

Importance: Low

SkypeTeamsProperties: {"cid": "19:meeting_N2UyNTdhMzctODkyZC00MDJlLWEzYTItODRkNjBIMzZmZjk1@thread.v2", "rid": "0", "mid": "0", "uid": "null", "private": "true", "type": "0"}

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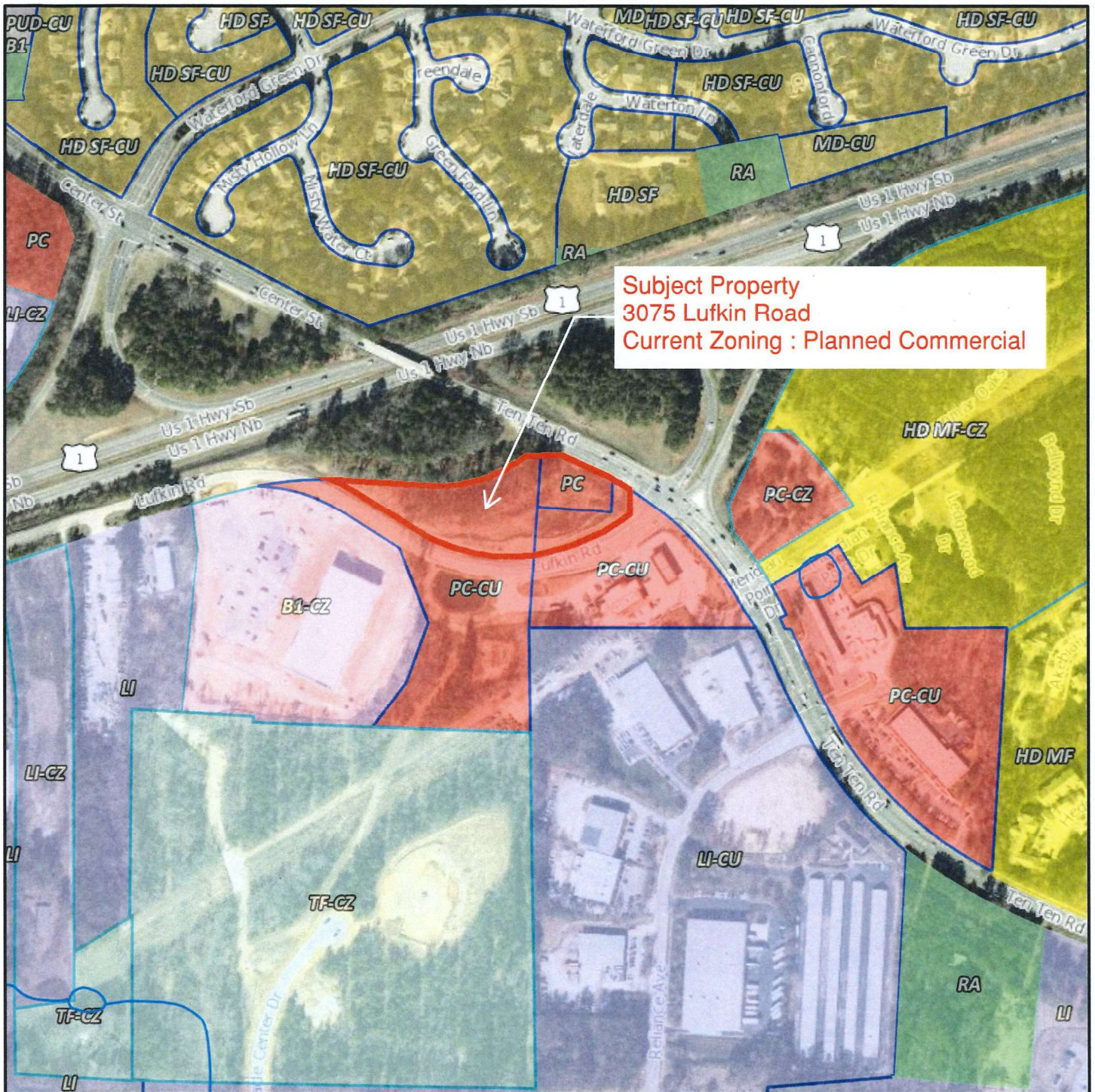
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OnlineMeetingConfLink: conf:sip:JLoyack@hagersmith.com;gruu;opaque=app:conf:focus:id:teams:2:0!19:meeting_N2UyNTdhMzctODkyZC00MDJlLWEzYTItODRkNjBIMzZmZjk1-thread.v2!55cd7f840c6a4295a5a12b462f747829!77acc538da7c492c8d6041311c909823
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MeetingCreateSource: TeamsMiddleTier_OBO_desktop

Microsoft Teams meeting

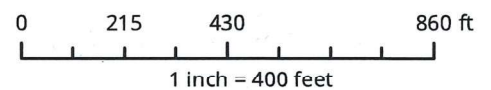
Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

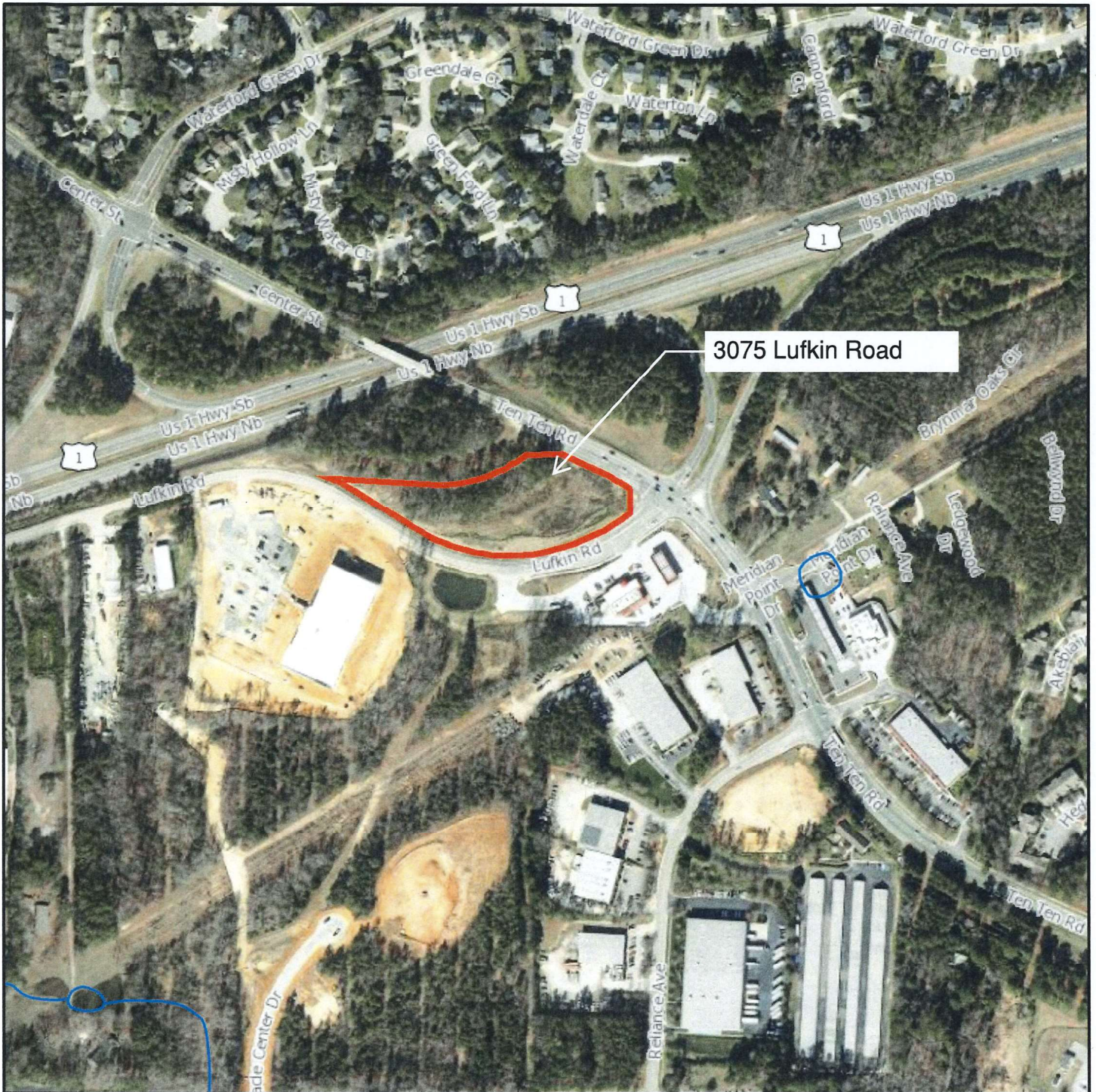


3075 Lufkin Rd Current Zoning

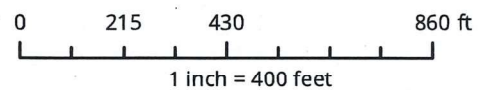


Disclaimer

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



3075 Lufkin Rd :VICINITY MAP



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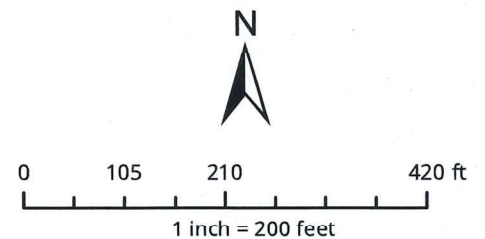


3075 Lufkin Rd

PIN: 0751277986
 PIN Ext: 000
 Real Estate ID: 0043707
 Map Name: 0751 06
 Owner: LUFKIN LEASED FEE LLC
 Mail Address 1: 400 W NORTH ST STE 112
 Mail Address 2: RALEIGH NC 27603-1570
 Mail Address 3:
 Deed Book: 014251
 Deed Page: 02628
 Deed Acres: 3.08
 Deed Date: 1/28/2011
 Building Value: \$0
 Land Value: \$1,147,111
 Total Value: \$1,147,111

Billing Class: Business
 Description: LO3 LUFKIN LEASED FEE LLC
 BM2012 -00584
 Heated Area:
 Street Name: LUFKIN RD
 Site Address: 3075 LUFKIN RD
 City:
 Planning Jurisdiction: AP
 Township: White Oak
 Year Built:
 Sale Price: \$0
 Sale Date:
 Use Type:
 Design Style:
 Land Class: Vacant

- Page 198 -



Disclaimer

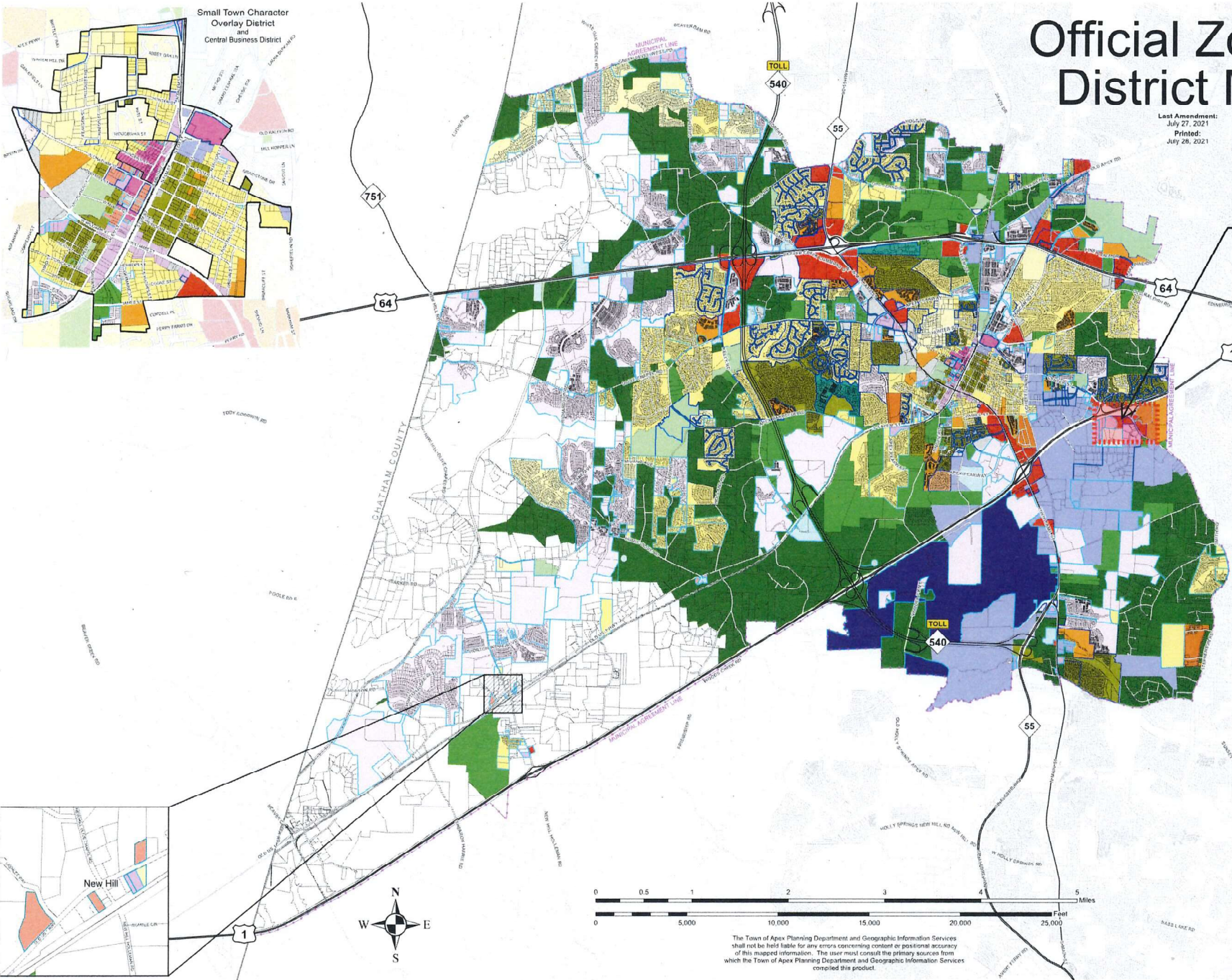
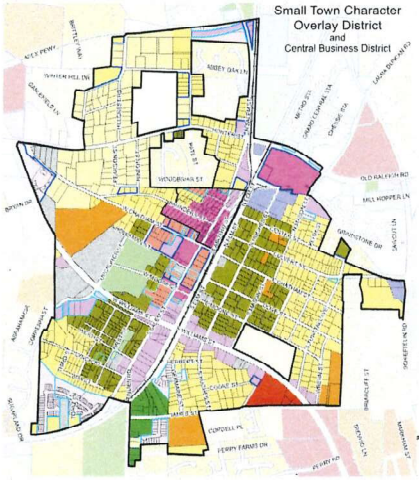
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Official Zoning District Map



Last Amendment:
July 27, 2021
Printed:
July 26, 2021

SUBJECT PROPERTY
3075 Lufkin Road
Current Zoning: PC
Proposed Zoning: LI



Zoning Districts

See UDO Article 3 for details

- B1 Neighborhood Business
- B2 Downtown Business
- CB Conservation Buffer
- HDMP High Density Multi-Family Residential
- HDSP High Density Single-Family Residential
- MD Medium Density Residential
- LD Low Density Residential
- LI Light Industrial
- MEC Major Employment Center
- MH Manufactured Housing Residential
- MHP Mobile Home Park
- MORR Mixed Office-Residential-Retail
- O&I Office and Institutional
- PC Planned Commercial
- PUD Planned Unit Development
- SD Sustainable Development
- TF Tech/Flex
- RA Residential Agricultural
- RR Rural Residential
- TND Traditional Neighborhood District
- CU Conditional Use
- CZ Conditional Zoning

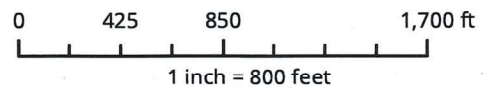


The Town of Apex Planning Department and Geographic Information Services shall not be held liable for any errors concerning content or positional accuracy of this mapped information. The user must consult the primary sources from which the Town of Apex Planning Department and Geographic Information Services compiled this product.

Prepared by the
Town of Apex Planning Department



3075 Lufkin Rd Rezoning Neighbors



Disclaimer

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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: Microsoft Teams
 Date of meeting: August 26, 2021 Time of meeting: 5:00 PM-7:00 PM
 Property Owner(s) name(s): Lufkin Fee, LLC (AI Goodrich)
 Applicant(s): Wigeon Capital, LLC (AI Goodrich)

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jamie Loyack (Hagersmith Design)	300 S. Dawson Street			
2.	Sharron Scroggin (Hagersmith Design)	300 S. Dawson Street			
3.	Whit Brown (Wigeon Capital)	2607 Oberlin Road, Raleigh, NC			
4.	George Aiken	2607 Oberlin Road, Raleigh, NC			
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Lufkin Fee, LLC

Applicant(s): Wigeon Capital, LLC

Contact information (email/phone): Jamie Loyack, PLA of HagerSmith Design PA (jloyack@hagersmith.com/919-302-3176)

Meeting Address: Microsoft Teams

Date of meeting: Thursday, August 26, 2021 Time of meeting: 5:00 PM - 7:00 PM

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

Question/Concern #1:

No adjacent owners entered the virtual meeting. Just the owner, applicant and development team members were on the MS TEAMS meeting.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

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, James Loyack, do hereby declare as follows:
Print Name

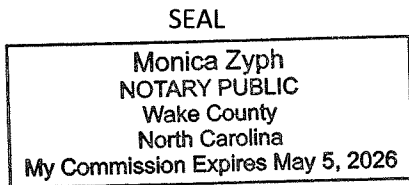
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting via Microsoft Teams (location/address) on August 26, 2021 (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.

8/31/21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Monica Zyph, a Notary Public for the above State and County, on this the 31st day of August, 2021.



[Signature]
Notary Public
Monica Zyph
Print Name

My Commission Expires: May 5, 2026

Meeting Summary

Total Number of Participants 4
Meeting Title 3075 Lufkin Road Self Storage Neighborhood Meeting
Meeting Start Time 8/26/2021, 4:48:41 PM
Meeting End Time 8/26/2021, 7:01:01 PM
Debug Id 51c4096a-0642-4ccc-9286-de552dabc52d

Full Name	Join Time	Leave Time	Duration	userPrincipalName	Role
Jamie Loyack	8/26/2021, 4:48:41 PM	8/26/2021, 7:00:59 PM	2h 12m	JLoyack@hagersmith.com	Organizer
Sharron Scroggin	8/26/2021, 4:48:52 PM	8/26/2021, 5:21:43 PM	32m 51s	scroggin@hagersmith.com	Presenter
Sharron Scroggin	8/26/2021, 5:24:51 PM	8/26/2021, 7:01:01 PM	1h 36m	scroggin@hagersmith.com	Presenter
Whit Brown	8/26/2021, 4:52:43 PM	8/26/2021, 5:22:05 PM	29m 22s	whit_wigeoncp.com#EXT#@hag	Presenter
George Aiken	8/26/2021, 5:29:40 PM	8/26/2021, 5:33:35 PM	3m 54s	gaiken@abgoodrich.com	Presenter

List of neighbors within 300-feet of parcel

Gandsworth Properties LLC
225 Gordon LN
Macon NC 27551-9054

Fridley, Darin L Fridley, Elizabeth M
30 Tody Goodwin Rd
Apex, NC 27502-8020

Reliance Holdings LLC
PO Box 1625
Apex, NC 27502-3625

Classic Road Partners LLC
10500 World Trade Blvd
Raleigh, NC 27617-4246

BCP Lufkin LLC
400 W North St, Suite 112
Raleigh, NC 27603-1570

1701 Pinnacle Center LLC
724 Gimghoul Road
Chapel Hill, NC 27514-3811

Lufkin Leased Fee LLC
400 W North St, Suite 112
Raleigh, NC 27603-1570

Lux, Shirley Ann
1818 Misty Hollow LN
Apex, NC 27502-6222

Cicek, Mustafa Cicek,
Aysenur
1816 Misty Hollow LN
Apex, NC 27502-6222

Williams, Bobby L Williams,
Michelle R
1905 Misty Water Ct
Apex, NC 27502-6223

Saitta, John B Saitta, Jesse L
1907 Misty Water Ct
Apex, NC 27502-6223

Bramante, William J
Bramante, Sheila L
1903 Misty Water Ct
Apex, NC 27502-6223

Green, Gary E Green, Patricia R
1909 Misty Water Ct
Apex, NC 27502-6223

Davis, Paul Davis, Jenna
1911 Misty Water Ct
Apex, NC 27502-6223

Harris, John Everett
Harris, Kerry Anne
1906 Misty Water Ct
Apex, NC 27502-6223

Voytko, Troy S Voytko, Lisa S
1913 Misty Water Ct
Apex, NC 27502-6223

Martinez, Sara Elisabeth Luoni
1910 Misty Water Ct
Apex, NC 27502-6223

Bloom, Michael J Bloom,
Amanda
1915 Misty Water Ct.
Apex, NC 27502-6223

Segneri, Tamara A
1917 Misty Water Ct
Apex, NC 27502-6223

Suter, David G Suter, Penny K
1914 Misty Water Ct
Apex, NC 27502-6223

Holmes, Daniel P Holmes,
Laura C
1916 Misty Water Ct.
Apex, NC 27502-6223

Olah, Scott W Olah, Amber
1909 Green Ford LN
Apex, NC 27502-6219

Bullock, Shelia D
1907 Green Ford LN
Apex, NC 27502-6219

Pinnix, Joyce H Trustee
8429 Secreto Dr
Raleigh, NC 27606-0031

Brotherton, June Marie
1903 Green Ford LN
Apex, NC 27502-6219

Miller, Ronald Miller, Diane
113 Loch Vale LN
Cary, NC 27518-9617

Finnell, M Doris
1906 Green Ford LN
Apex, NC 27502-6219

Finch, Rodney J Finch, Elvira L
1904 Green Ford LN
Apex, NC 27502-6219

Porter, Thomas H Porter, Brenda K
2007 Waterdale Ct
Apex, NC 27502-6263

2410 LTD Partners LLC
2400 Reliance Ave, Suite A
Apex, NC 27539-7010

List of neighbors within 300-feet of parcel

NGO TU HA LLC
4000 Lufkin RD
Apex, NC 27539-7000

LTD Enterprises
2400 Reliance AVE, Suite A
Apex, NC 27539-7010

Circle K Stores
PO Box 52085
Phoenix, AZ 85072-2085

Oelfke, Charles W Oelfke, Patricia
2006 Waterdale CT
Apex, NC 27502-6263

Pierce, Aaron G Pierce, Erin
2004 Waterdale CT
Apex, NC 27502-6263

Chatham Partners LLC
6131 Falls of Neuse Rd,
Ste 200
Raleigh, NC 27609-3518

Meridian at Ten Ten LLC
6131 Falls of Neuse Rd, Suite 202
Raleigh, NC 27609-3518

Waterford Green Homeowners
c/o RS Fincher and Assoc.
PO Box 1117
Apex, Nc 27502

Town of Apex Planning
73 Hunter Street (2nd Floor)
PO Box 250
Apex, NC 27502

Neighborhood Meeting #2:
November 26, 2021

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.

10/27/21

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
3075 Lufkin Road 0751277986

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at www.apexnc.org. If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

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

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

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

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

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner (in(s) name(s):	Lufkin Leased Fee, LLC
Applicant(s):	Jamie Loyack, PLA w/ HagerSmith Design PA
Contact information (email/phone):	jloyack@hagersmith.com / (919)-302-3176
Electronic Meeting invitation/call in info:	ZOOM Mtg: Meeting ID: 814 4545 7806 Passcode: 003590
Date of meeting**:	November 16, 2021
Time of meeting**:	5:00 pm - 7:00 pm

MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 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: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)
 Location: 3075 Lufkin Road
 Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC
 Address: 400 W North St , Ste 112
 City: Raleigh State: NC Zip: 27603
 Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC
 Address: 2607 Oberlin Road
 City: Raleigh State: NC Zip: 27608
 Phone: 919-332-3887 Fax: _____ Email: agoodrich@wigeoncp.com

Engineer: Jamie Loyack, PLA
 Address: 300 S, Dawson Street
 City: Raleigh State: NC Zip: 27601
 Phone: 919-302-3176 Fax: _____ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich
 Address: 2607 Oberlin Road
 City: Raleigh State: NC Zip: 27608
 Phone: 919-828-6609 Fax: _____ Email: agoodrich@abgoodrich.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 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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Virtual Meeting via ZOOM

Date of meeting: November 16, 2021 Time of meeting: 5:00pm-7:00pm

Property Owner(s) name(s): Lufkin LLC

Applicant(s): HagerSmith Design, PA

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	J. Loyack, HagerSmith Design	300 S. Dawson Street			
2.	S. Scroggin, HagerSmith Design	300 S. Dawson Street			
3.	Chris Kirk, Neighbor	3000 Lufkin Rd , Owner			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Lufkin , LLC

Applicant(s): HagerSmith Design, PA

Contact information (email/phone): _____

Meeting Format: Virtual Meeting via ZOOM

Date of meeting: November 16,2021 Time of meeting: 5:00pm-7:00pm

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

Question/Concern #1:

Chris Kirk-Building Owner at 3000 Lufkin: Is there outdoor storage? Concerned that the appearance of the building will be consistent with what has just been constructed on neighboring properties.

Applicant's Response:

There will be no outside storage. As a condition of the rezoning the developer is committed to using high quality building materials, such as brick, decorative concrete block, stone accents, cementitious siding, aluminum storefronts with anodized or pre-finished colors, glass, etc.

The architectural elevations will also be reviewed and approved by Apex Planning during site plan review.

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

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

I, James Loyack, PLA, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual Meeting via ZOOM (indicate format of meeting) on November 16, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

11.19.21
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sally M. Kath, a Notary Public for the above State and County, on this the 19th day of November, 2021.



Sally M. Kath
Notary Public
Sally M. Kath
Print Name

My Commission Expires: 1/8/23

REZONING REQUEST for:
3075 Lufkin Road
Apex, NC

Neighborhood Meeting

November 16, 2021
5:00 pm-7:00 pm
(Virtual Meeting via Zoom)

VICINITY MAP



3075 Lufkin Road Rezoning Petition



EXISTING ZONING MAP



3075 Lufkin Road Rezoning Petition

EXISTING ZONING ALLOWED USES

SOME USES ALLOWED CURRENTLY UNDER PLANNED COMMERCIAL (PC)

- Assembly Hall
- Church
- Daycare
- Veterinary Clinic or Hospital
- Transportation Facility
- Communication Tower (SUP)
- Wireless Communication Facility
- Recycling Collection Station
- Arena
- Drive-Thru Restaurant
- Medical Office
- Office
- Research Facility
- Gas Station
- Convenience Store
- Building Supplies Store
- Book Store
- Greenhouse/Nursery
- Retail Sales
- Automotive Service Station
- Automotive Parts
- Car Wash
- Vehicle Sales and rental
- Kennel
- Fitness Center
- Pawn Shop
- Microbrewery
- Theater



PROPOSED ZONING AND CONDITIONS

PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:

REZONING CONDITIONS:

1. Limit the uses for the site to the uses listed in the proposed uses section of the rezoning application.
2. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
3. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
4. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
5. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less
6. Building to be built with Brick, Masonry, Glass

PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:

LIMIT USES TO THE FOLLOWING:

1. Self-Storage
2. Utility Minor
3. Medical or dental office or clinic
4. Office, business or professional
5. Artisan Studio Repair services, limited Studio for art
6. Upholstery shop
7. Pet services
8. Automotive accessory sales and installation
9. Automotive parts
10. Car wash or auto detailing
11. Woodworking or cabinetmaking
12. Manufacturing and processing, minor

CONCEPTUAL SITE PLAN



3075 Lufkin Road Rezoning Petition



APEX TENTATIVE REZONING PETITION SCHEDULE

PLANNING PRE-SUBMITTAL MEETING:	June 3, 2021
EAB MEETING:	August 19, 2021
NEIGHBORHOOD MEETING:	November 16, 2021 (Tonight)
REZONING APPLICATION SUBMITTAL	September 1, 2021
PLANNING BOARD MEETING:	December 13, 2021
TOWN COUNCIL MEETING:	December 28, 2021



PROJECT CONTACT INFORMATION:
Jamie Loyack, PLA (HAGERSMITH DESIGN PA)
Phone #: 919-302-3176

Email: jloyack@hagersmith.com

NEIGHBORHOOD NOTIFICATION LIST- Provided by Town of Apex

2410 Ltd Partners, LLC
2400 Reliance Ave. Ste A
Apex Nc 27539-7010

3050 Lufkin, LLC
2607 Oberlin Rd Ste 104
Raleigh Nc 27608-1320

Chatham Partners, LLC
6131 Falls of Neuse Rd,
Ste 200
Raleigh, NC 27609-3518

NGO TU HA, LLC
4000 Lufkin RD
Apex, NC 27539-7000

Kirk Family Real Estate Holding, LLC
6204 Cape Charles Dr
Raleigh Nc 27617-7637

LTD Enterprises, LLC
2400 Reliance Ave, Suite A
Apex, NC 27539-7010

Lufkin Leased Fee LLC
400 W North St, Suite 112
Raleigh, NC 27603-1570

Town of Apex Planning
73 Hunter Street (2nd Floor)
PO Box 250
Apex, NC 27502

Current Tenant
3000 Lufkin Road
Apex, NC 27539

Current Tenant
3075 Lufkin Road
Apex, NC 27539

Current Tenant
2400 Reliance Ave
Apex, NC 27539

Current Tenant
2410 Reliance Ave.
Apex, NC 27539

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

Planning Board Meeting Date: December 13, 2021



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: +/- 3.08 acres

PIN(s): 0751277986

Current Zoning: Planned Commercial (PC); Planned Commercial-Conditional Use (PC-CU #98CU14 & #94CU21)

Proposed Zoning: Light Industrial-Conditional Zoning (LI-CZ)

2045 Land Use Map: Commercial Services

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: 2045 LUM would change with
this rezoning to Industrial Employment, making it consistent once rezoned.

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

Planning Board Meeting Date: December 13, 2021



Legislative Considerations:

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

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

Consistent Inconsistent Reason: 2045 LUM would change with

rezoning to Industrial Employment, making is consistent once rezoned.

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

Planning Board Meeting Date: December 13, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ20 3075 Lufkin Road

Planning Board Meeting Date: December 13, 2021



Planning Board Recommendation:

Motion: Approval

Introduced by Planning Board member: Steele

Seconded by Planning Board member: Braswell

- Approval:* the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.
- Approval with conditions:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Approval with the condition that the applicant work with staff on a condition to reduce the visibility of interior doors from the exterior windows for self-service storage.

- Denial:* the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 6 Planning Board Member(s) voting "aye"

With 1 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

Dissenting vote due to inconsistency with current 2045 Land Use Map classification and use not being a benefit to the community.

This report reflects the recommendation of the Planning Board, this the 13 day of December 2021.

Attest:

Michael Marks

Digitally signed by Michael Marks
Date: 2021.12.15 11:08:54 -05'00'

Michael Marks, Planning Board Chair

Amanda Bunce

Digitally signed by Amanda Bunce
DN: cn=Amanda Bunce, o, ou,
email=amanda.bunce@apexnc.org, c=US
Date: 2021.12.13 19:10:34 -05'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ20
3075 Lufkin Road Self-Storage**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Al Goodrich, Wigeon Capital, LLC.
Authorized Agent: James Loyack, PLA, HagerSmith Design, PA
Property Address: 3075 Lufkin Road
Acreage: ±3.08 acres
Property Identification Number (PIN): 0751277986
Current 2045 Land Use Map Designation: Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Industrial Employment
Existing Zoning of Property: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)
Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 13, 2021 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37678/21CZ20>.

Diannie F. Khin, AICP
Director of Planning and Community Development

Published Dates: November 24 – December 13, 2021

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TOWN OF APEX
PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20
3075 Lufkin Road Self-Storage

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Al Goodrich, Wigeon Capital, LLC.
Agente autorizado: James Loyack, PLA, HagerSmith Design, PA
Dirección de la propiedad: 3075 Lufkin Road
Superficie: ±3.08 acres
Número de identificación de la propiedad: 0751277986
Designación actual en el Mapa de Uso Territorial para 2045: Commercial Services
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Industrial Employment
Ordenamiento territorial existente de las propiedad: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial
Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre de 2021 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 24 de noviembre – 13 de diciembre de 2021

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TOWN OF APEX
 POST OFFICE BOX 250
 APEX, NORTH CAROLINA 27502
 PHONE 919-249-3426

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS**
 CONDITIONAL ZONING #21CZ20
 3075 Lufkin Road Self-Storage

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Al Goodrich, Wigeon Capital, LLC.
- Authorized Agent:** James Loyack, PLA, HagerSmith Design, PA
- Property Address:** 3075 Lufkin Road
- Acreage:** ±3.08 acres
- Property Identification Number (PIN):** 0751277986
- Current 2045 Land Use Map Designation:** Commercial Services
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Industrial Employment
- Existing Zoning of Property:** Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)
- Proposed Zoning of Property:** Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: December 13, 2021 4:30 PM

You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the clerk of the Planning Board, Jeri Pederson (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Planning Board vote. You must provide your name and address for the record. The written statements will be delivered to the Planning Board prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Planning Board meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town’s YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

A separate notice of the Town Council public hearing on this project will be mailed and posted in order to comply with State public notice requirements.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khin, AICP
 Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20
3075 Lufkin Road Self-Storage

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Al Goodrich, Wigeon Capital, LLC.

Agente autorizado: James Loyack, PLA, HagerSmith Design, PA

Dirección de la propiedad: 3075 Lufkin Road

Superficie: ±3.08 acres

Número de identificación de la propiedad: 0751277986

Designación actual en el Mapa de Uso Territorial para 2045: Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Industrial Employment

Ordenamiento territorial existente de las propiedad: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial

Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 13 de diciembre de 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ20
3075 Lufkin Road Self-Storage
Project Location: 3075 Lufkin Road
Applicant or Authorized Agent: Al Goodrich
Firm: Wigeon Capital, LLC.

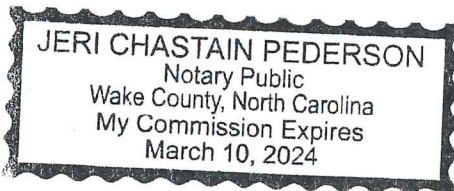
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/29/2021
Date

Jane F. Klein
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above
State and County, this the 29 day of November, 2021.



SEAL

Jeri Chastain Pederson
Notary Public

My Commission Expires: 03 / 10 / 2024



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919.249.3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ20
3075 Lufkin Road Self-Storage.**

Pursuant to the provisions of North Carolina General Statutes §1600-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: AJ Goodrich, Wigeon Capital, LLC.
Authorized Agent: James Loyack, PLA, HagerSmith Design, PA
Property Address: 3075 Lufkin Road
Acres: ±3.08 acres
Property Identification Number (PIN): 0751277986
Current 2045 Land Use Map Designation: Commercial Services
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Industrial Employment
Existing Zoning of Property: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)
Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-CZ)
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 11, 2022 - 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/lumas>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>

Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: December 22, 2021 – January 11, 2022





TOWN OF APEX
PO BOX 290
APEX, NORTH CAROLINA 27502
TELEPHONE 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20
3075 Lufkin Road Self-Storage

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Al Goodrich, Wigeon Capital, LLC.
Agente autorizado: James Loyack, PLA, HagerSmith Design, PA
Dirección de la propiedad: 3075 Lufkin Road
Superficie: 13.08 acres
Número de identificación de la propiedad: 0751277986
Designación actual en el Mapa de Uso Territorial para 2045: Commercial Services
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Industrial Employment.
Ordenamiento territorial existente de las propiedades: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial
Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de 2022 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street) o por correo USPS a P.O. Box 250, Apex, NC 27502, al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4878. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khiri, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 22 de diciembre de 2021 – 11 de enero de 2022



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ20 3075 Lufkin Road Self-Storage

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Al Goodrich, Wigeon Capital, LLC.

Authorized Agent: James Loyack, PLA, HagerSmith Design, PA

Property Address: 3075 Lufkin Road

Acreage: ±3.08 acres

Property Identification Number (PIN): 0751277986

Current 2045 Land Use Map Designation: Commercial Services

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Industrial Employment

Existing Zoning of Property: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)

Proposed Zoning of Property: Light Industrial-Conditional Zoning (LI-CZ)

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khin, AICP
Director of Planning and Community Development



TOWN OF APEX

PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL # 21CZ20
3075 Lufkin Road Self-Storage

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Al Goodrich, Wigeon Capital, LLC.

Agente autorizado: James Loyack, PLA, HagerSmith Design, PA

Dirección de la propiedad: 3075 Lufkin Road

Superficie: ±3.08 acres

Número de identificación de la propiedad: 0751277986

Designación actual en el Mapa de Uso Territorial para 2045: Commercial Services

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Industrial Employment

Ordenamiento territorial existente de las propiedad: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial

Ordenamiento territorial propuesto para la propiedad: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de 2022 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36738/21CZ20>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ20
3075 Lufkin Road Self-Storage

Project Location: 3075 Lufkin Road

Applicant or Authorized Agent: Al Goodrich

Firm: Wigeon Capital, LLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on December 22, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

12-22-2021

Date

Niz Rafim for Dianne Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me,

Paralee J Smith

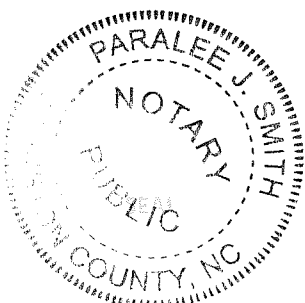
, a Notary Public for the above

State and County, this the

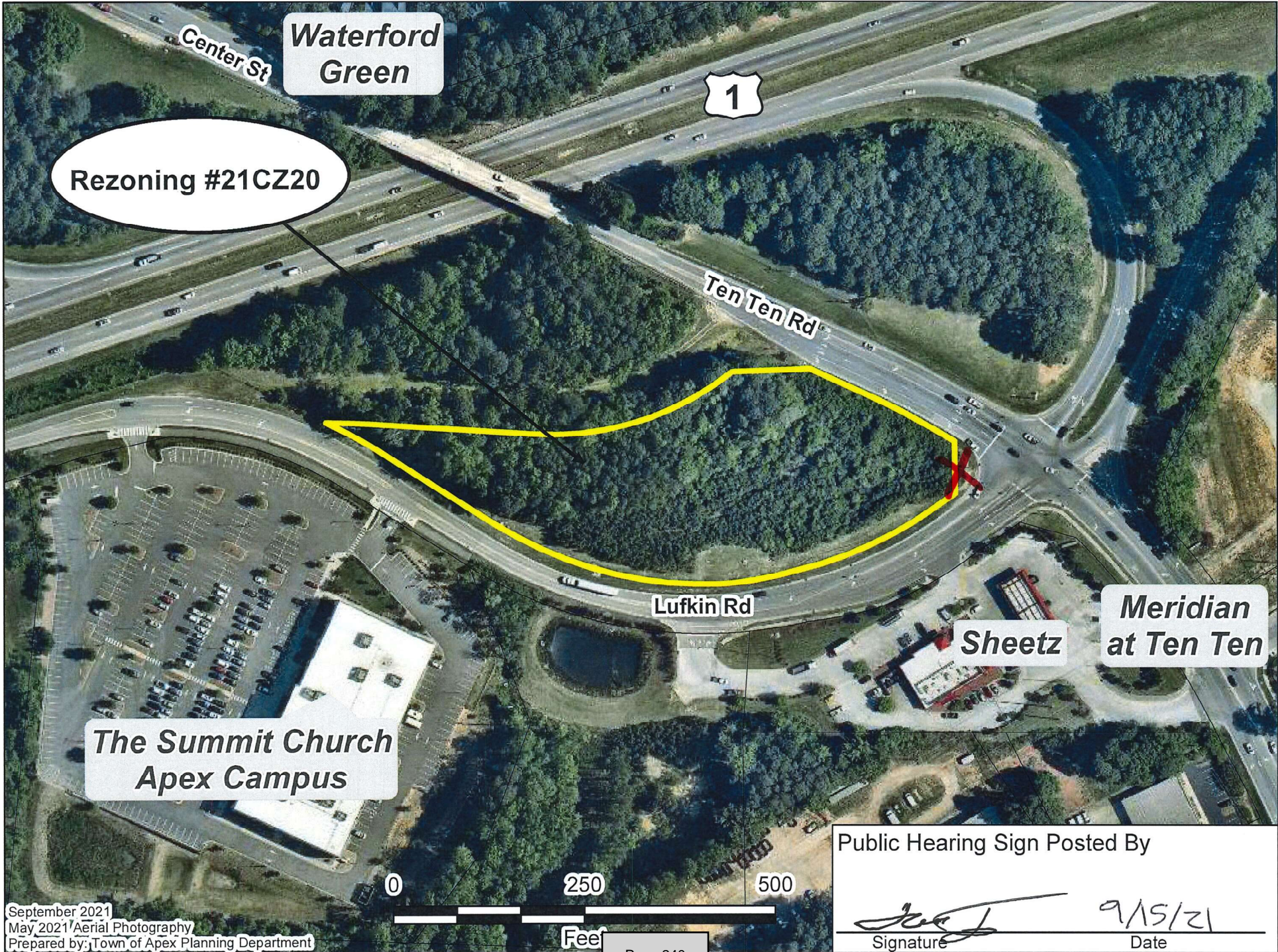
22 day of December, 2021.

Paralee J Smith

Notary Public



My Commission Expires: 12/12/2023



Waterford Green

Re zoning #21CZ20



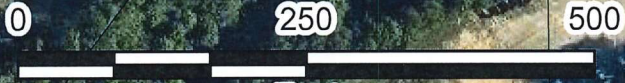
Ten Ten Rd

Lufkin Rd

**The Summit Church
Apex Campus**

Sheetz

**Meridian
at Ten Ten**



September 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

Public Hearing Sign Posted By

[Signature]
Signature

9/15/21
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 11, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board heard these amendments at their December 12, 2021 meeting and unanimously recommended approval with the condition that the wording in Sec. 6.1.12.B.10 be revised from "...pedestrian safety or a peripheral fence shall be installed..." to "...pedestrian safety. A peripheral fence may be installed..." or as needed after further consultation with Water Resources staff. The revision is to avoid the implication that using a fence allows steep slopes.

Item Details

Summary of UDO Amendments

Requested by Legal Staff:

1. Amendments to Sec. 7.1.8 *Penalties and Remedies for Violation of Article* in order to add a reference to the State statute that provides the authority for a criminal penalty for violation of a development regulation and to remove text that is no longer applicable due to changes to State law.

Requested by Planning Staff:

2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area.

Attachments

- Staff Report
- Public Notice
- Ordinance





Requested by Legal Staff:

- 1. Amendment to Sec. 7.1.8 Penalties and Remedies for Violation of Article in order to add a reference to the State statute that provides the authority for a criminal penalty for violation of a development regulation and to remove text that is no longer applicable due to changes to State law.**

Background:

Changes to State law were recently passed (SB 300) dealing with what types of ordinances may have a criminal penalty. Generally, development regulations may not have a criminal penalty, but there are limited exceptions. When the statute provides a criminal penalty, it is best now to have the ordinance be clear about the authority for that penalty and so this amendment adds a reference NCGS 160D. Note that Chapter 11 of the Town’s Code of Ordinances has been repealed so I deleted the last sentence too.

7.1.8 *Penalties and Remedies for Violation of Article*

Per NCGS 160D-807, Any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of the Town, hereafter subdivides such person's land in violation of this article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ~~a~~Article and recorded in the office of the Wake County register of deeds, shall be guilty of a **Class 1** misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land by action for injunction. ~~Further, violators of this article shall be subject, upon conviction, to fine or imprisonment as provided by Chapter 11 of the Code of Ordinances, Town of Apex, North Carolina.~~

Requested by Planning Staff:

- 2. Amendments to Secs. 6.1.12.B Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs and 8.2.7 Fences, Walls, and Berms in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA).**

Background:

The current interpretation of the UDO is that a fence is not allowed to encircle a Stormwater Control Measure (SCM) when any portion of the SCM is dedicated as Resource Conservation Area (RCA). Water Resources staff is fine with allowing fencing as it does not affect the functionality of the SCM as long as they provide proper SCM maintenance, access, and public easements, including adequate gates. Since we mandate SCMs, if the property owner/HOA feels liability is incurred as a result of that requirement, we feel they should have the opportunity to address that liability with a fence.

6.1.12.B Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs

...

- 10) ~~In lieu of peripheral fencing, d~~Detention and retention basin edges shall be contoured and shaped to form low angles at primary water line thereby ensuring greater pedestrian safety. **A peripheral fence may be installed in accordance with Sec. 8.2.7 Fences, Walls, and Berms.**

...

8.2.7 Fences, Walls, and Berms

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. ~~Fences are not allowed around detention and retention basins per Sec. 6.1.12.B.10.~~ All fences, walls, and berms shall meet the following requirements:

A) *Materials*

- 1) **Unless specified elsewhere, f**Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Sec. 8.2.7.A.4.

...

- 6) **Fences along or around a stormwater control measure shall only be constructed of wrought iron or black aluminum pickets (or products created to resemble these materials).**

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their December 12, 2021 meeting and unanimously recommended approval with the condition that the wording in Sec. 6.1.12.B.10 be revised from "...pedestrian safety or a peripheral fence shall be installed..." to "...pedestrian safety. A peripheral fence may be installed..." or as needed after further consultation with Water Resources staff. The revision is to avoid the implication that using a fence allows steep slopes. Note: These changes have been incorporated into the proposed amendment.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: December 13, 2021



Report Requirements:

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Approval

Introduced by Planning Board member: Sherman

Seconded by Planning Board member: Steele

Approval of the proposed UDO amendment(s)

Approval of the proposed UDO amendment(s) with the following conditions:

Approval with the condition that the wording in Sec. 6.1.12.B.10 be revised from

"...pedestrian safety or a peripheral fence shall be installed..." to "...pedestrian safety. A peripheral fence may be installed..." or as needed after further consultation with

Water Resources staff. The revision is to avoid the implication that using a fence allows steep slopes.

Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 13 day of December 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.12.15 11:05:53 -05'00'

Michael Marks, Planning Board Chair

Amanda Bunce Digitally signed by Amanda Bunce
DN: cn=Amanda Bunce, o, ou,
email=amanda.bunce@apexnc.org, c=US
Date: 2021.12.13 20:13:23 -05'00'

Dianne Khin, Director of Planning and
Community Development

**TOWN OF APEX**

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

**PUBLIC NOTIFICATION
OF PUBLIC HEARING
AMENDMENTS TO THE
UNIFIED DEVELOPMENT
ORDINANCE (UDO)**

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to Sec. 7.1.8 *Penalties and Remedies for Violation of Article* in order to add a reference to the State statute that provides the authority for a criminal penalty for violation of a development regulation and to remove text that is no longer applicable due to changes to State law.
2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area.

Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Town Council Public Hearing Date and Time: January 11, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

If you are unable to attend, you may provide a written statement by email to public.hearing@apexnc.org, or submit it to the Deputy Town Clerk, Tesa Silver (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

In the event that the Town Council meeting is held remotely or with at least one member attending virtually, written comments may be submitted up to 24 hours prior to the scheduled time of the meeting per NCGS §166A-19.24 according to the methods specified above. Virtual meetings may be viewed via the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Director of Planning and Community Development

es: December 22, 2021-January 11, 2022



TOWN OF APEX
POST OFFICE BOX 250
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PHONE 919-249-3426

**NOTIFICACIÓN PÚBLICA DE
AUDIENCIAS PÚBLICAS**

**modificación de la
Ordenanza de Desarrollo Unificado (UDO)**

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del personal jurídico:

1. Enmiendas a la Sec. 7.1.8 *Sanciones y remedios relacionados con la infracción de artículo*, para agregar una referencia al Estatuto estatal que autoriza una sanción penal por infracción de un reglamento de desarrollo, y para eliminar el texto que ya no es válido debido a cambios en la ley estatal.

A solicitud del personal de planificación:

2. Enmiendas a la Sec. 6.1.12.B, *Medidas de Control de Aguas Pluviales (Stormwater Control Measures, SCM)* y su diseño, ubicación y paisajismo; y a la Sec. 8.2.7, *Cercas, muros y bermas*, para permitir que las cercas encierren completamente a las SCM, incluso si parte o la totalidad de la SCM se ha designado, o se ha propuesto que se designe, Área de Conservación de Recursos.

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública del Consejo Municipal: 11 de enero de 2022 6:00 PM

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario





TOWN OF APEX

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PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Staff:

1. Amendments to Sec. 7.1.8 *Penalties and Remedies for Violation of Article* in order to add a reference to the State statute that provides the authority for a criminal penalty for violation of a development regulation and to remove text that is no longer applicable due to changes to State law.
2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area.

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Dianne F. Khin, AICP
Director of Planning and Community Development

Published Dates: December 22, 2021-January 11, 2022



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NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

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Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 22 de diciembre de 2021 – 11 de enero de 2022

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 7.1.8 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.1.8 *Penalties and Remedies for Violation of Article*

Per NCGS 160D-807, Any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of the Town, hereafter subdivides such person's land in violation of this article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ~~a~~**Article** and recorded in the office of the Wake County register of deeds, shall be guilty of a **Class 1** misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land by action for injunction. ~~Further, violators of this article shall be subject, upon conviction, to fine or imprisonment as provided by Chapter 11 of the Code of Ordinances, Town of Apex, North Carolina.~~

Section 2. Sections 6.1.12.B and 8.2.7 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs*

...

10) ~~In lieu of peripheral fencing, d~~Detention and retention basin edges shall be contoured and shaped to form low angles at primary water line thereby ensuring greater pedestrian safety. **A peripheral fence may be installed in accordance with Sec. 8.2.7 Fences, Walls, and Berms.**

...

8.2.7 *Fences, Walls, and Berms*

Fences, walls, and berms are permitted as elements of site design and in some locations, may be used to conceal storage or other unsightly or conflicting land uses. ~~Fences are not allowed around detention and retention basins per Sec. 6.1.12.B.10.~~ All fences, walls, and berms shall meet the following requirements:

A) *Materials*

1) **Unless specified elsewhere, f**Fences or walls shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), or a combination of any of these materials. Chain link fencing is allowed provided it meets the standards in Sec. 8.2.7.A.4.

...

6) Fences along or around a stormwater control measure shall only be constructed of wrought iron or black aluminum pickets (or products created to resemble these materials).

...

Section 3. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 5. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Tesa Silver
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 11, 2022

Item Details

Presenter(s): Amanda Grogan, Budget & Performance Manager

Department(s): Administration

Requested Motion

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget.

Approval Recommended?

Yes

Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated. This Pre-Budget Hearing has been advertised on the Town's website, social media, and posted in the lobby at Town Hall.

A budget prioritization tool for citizen input has been developed and will be available on the Town's website. The tool consists of a short survey that classifies Town services under seven categories (Recreation and Cultural Opportunities, Transportation and Infrastructure, Environmental Sustainability, Economic Stability and Growth, Community Development, Public Safety and Vibrant and Accessible Downtown) and allows the public to rank components of each in order of importance to them. The results will be provided to Town Council.

Any written comments received by USPS or through the advertised special email address, annual.budget@apexnc.org, will be forwarded to Town Council.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: January 11, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Possible motion to provide financial support to DHIC, Inc. for the affordable housing project known as Broadstone Walk in the form of a loan from the Affordable Housing Fund for construction contingent upon final project approval and approve corresponding Budget Ordinance Amendment No. 12.

Approval Recommended?

Yes

Item Details

On November 9, 2021 Town Council approved a DHIC, Inc. funding request of \$500,000 in the form of a loan for construction through Budget Ordinance Amendment No. 9 from the Town's Affordable Housing Fund (AHF) for the Broadstone Walk project. On August 13, 2021 DHIC Inc. was awarded a 4% Low-Income Housing Tax Credit (LIHTC) which includes a tax-exempt bond through the North Carolina Housing Finance Agency (NCHFA). However, due to the following conditions: (1) rising construction costs, (2) decrease in equity pricing, (3) first mortgage loan interest rate increase, and (4) LIHTC investor income averaging requirements requiring deeper affordability, DHIC, Inc. still has a remaining funding gap necessary to complete the project of approximately \$1,000,000. Wake County is considering contributing an additional \$500,000 to DHIC, Inc. for the Broadstone Walk project at their January 3, 2022 Board of Commissioners regular meeting. As a result, the remaining \$500,000 of gap funding would propose to come from the Town's AHF from FY 2021-22 revenues. Funding for the Budget Amendment will include reappropriation of \$150,000 from the Apex Cares Housing Rehabilitation Program (Apex Cares Program) with the remaining \$350,000 pulled from the Fund's reserves.

Attachments

- Staff Report
- Budget Ordinance Amendment No. 12



STAFF REPORT
Affordable Housing Fund Request

January 11, 2022 Town Council Meeting



On November 9, 2021 Town Council approved a DHIC, Inc. funding request of \$500,000 in the form a 30-year term, one-percent (1%) fixed interest rate loan for construction through Budget Ordinance Amendment No. 9 to the Broadstone Walk project from the Town’s Affordable Housing Fund (AHF). In addition, on December 15, 2020 Town Council approved \$1,000,000 in the form of a 30-year term, one-percent (1%) fixed interest rate loan for construction and \$165,000 grant to offset water and sewer capital reimbursement fees to the Broadstone Walk project from the Town’s AHF. The DHIC, Inc. Broadstone Walk project will include a total of 164 affordable rental units, affordable to those who earn between 40% - 60% of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI). This proposed project will be the largest one-hundred percent (100%) affordable housing project in Town history. Table 1 below provides a summary of the Town’s one-hundred percent (100%) affordable housing projects.

Table 1
Town Affordable Housing Projects

Project Name	# of Affordable Units	Housing Tenure Type	Project Date
*Broadstone Walk Apartments	164	Rental	Est. Start – Q2/Q3 2022
Beechridge Apartments	72	Rental	Completed 1999
West Haven Apartments	72	Rental	Completed 1998
Wake Acres Apartments	48	Rental	Completed 1983
White Oak Villas	16	Ownership	Completed 2013
Oak Grove	10	Rental	Completed 1963
Kissena Lane	9	Ownership	Under Construction
Total	391		

*Proposed project would be the largest affordable housing project in Town history.

North Carolina General Statute (N.C.G.S.) 160A-20.1 provides authority for the Town to expend funds for public purposes, including providing affordable housing, and N.C.G.S. 157-3(12)(e) authorizes the Town “to provide grants . . . and other programs of financial assistance to public or private developers of housing for persons of low income, or moderate income, or low and moderate income.”

On August 13, 2021 DHIC Inc. was awarded a four-percent (4%) Low-Income Housing Tax Credit (LIHTC) which includes a tax-exempt bond through the North Carolina Housing Finance Agency (NCHFA). Shortly after receiving a NCHFA 4% LIHTC award notification, DHIC, Inc. updated their overall project underwriting analysis. Due to the following conditions: (1) rising construction costs, (2) a decrease in equity pricing, (3) a first mortgage loan interest rate increase, and (4) LIHTC investor income averaging requirements requiring deeper affordability; DHIC, Inc. identified a funding gap necessary to complete the project of approximately \$1,500,000. However, after Town Council approved an additional \$500,000 to the project at their November 9, 2021 regular meeting, the remaining funding gap was lowered to approximately \$1,000,000.

LIHTC's are federal tax incentives given to states who then award developers such as DHIC, Inc. these credits for projects that meet certain criteria as outlined by both the state and federal government. DHIC, Inc. once awarded, then goes and markets these tax credits to investors who will then purchase them in exchange for offsetting taxes otherwise owed over a ten-year period. DHIC, Inc. can then use the funding provided from the tax credit investors as equity. However, the disbursement of the tax credit funding is subject to negotiation between DHIC, Inc. and an investor and in most cases, the bulk is only distributed upon stabilization because the credits are not officially awarded until the project is up and running. Because this is a negotiation process between DHIC, Inc. and an investor and due to other market factors, DHIC's equity pricing decreased from \$0.90 to \$0.87 which reflects the current investor market for tax credits.

To-date Wake County has committed \$3,000,000 of funding to the project. In addition, Wake County is considering contributing an additional \$500,000 to the project at their January 3, 2022 Board of Commissioners regular meeting. The remaining \$500,000 of gap funding is proposed to come from the Town's AHF from fiscal year (FY) 2021-22 revenues. In the Town's FY 2021-22 annual operating budget regarding the AHF, the initial balance was \$1,596,000. In addition, there was \$21,000 of prior year carryover which brought the total FY 2021-22 AHF starting balance to \$1,617,000. In the FY 2021-22 AHF budget, the Broadstone Walk project was originally budgeted for \$500,000 and the Apex Cares Housing Rehabilitation Program (Apex Cares Program) for \$250,000 which left \$867,000 of unallocated funds remaining. However, on November 9, 2021 Town Council approved an additional \$500,000 to the Broadstone Walk project through Budget Ordinance Amendment No. 9 from the AHF which left \$367,000 of unallocated funds remaining. The Town contracts with Rebuilding Together of the Triangle (RTT) to help administer the Apex Cares Program. To-date the Apex Cares Program, which is a new program, has only expended \$100,000 of their original \$250,000 budget from FY 2020-21. The original FY 2020-21 Agreement for Housing Rehabilitation Program Administration Services (Agreement) with RTT included a one-year term from December 4, 2020 to December 4, 2021. Due to the Apex Cares Program being a new program, RTT expressed to Town staff that they needed additional time to expend the remaining FY 2020-21 funding. As a result, an amendment to the Agreement was fully executed with RTT on August 25, 2021 to extend the term of the original FY 2020-21 Agreement to June 30, 2022. This left the Apex Cares Program with \$250,000 of unused budgeted funds in FY 2021-22. As a result, \$150,000 is proposed to be reappropriated from the FY 2021-22 Apex Cares Program budget along with \$350,000 of AHF unallocated funds to the Broadstone Walk project in order to fully fund the \$500,000 gap funding request. This proposed budget amendment would still leave the Apex Cares Program budgeted at \$100,000 for FY 2021-22. Table 2 below shows the proposed budget amendment and impact to the AHF for FY 2021-22.

**Table 2
Affordable Housing Fund Budget Summary**

Fund 21 – Affordable Housing		
Revenues		
Activity	Prior Approved FY 2021-22	Proposed Amended FY 2021-22
Initial Starting Balance	\$1,595,000	\$1,595,000
Interest Earned/Prior Year Carryover	\$22,000	\$22,000
Total Revenues	\$1,617,000	\$1,617,000
Expenses		
Activity	Prior Approved FY 2021-22	Proposed Amended FY 2021-22
DHIC, Inc. Broadstone Walk	\$1,000,000	\$1,500,000
Apex Cares Program	\$250,000	\$100,000
Reserved for Future Expenditures	\$367,000	\$17,000
Total Expenses	\$1,617,000	\$1,617,000

Table 3 below provides a summary of the estimated total Broadstone Walk project costs itemized by funding source, dollar amount and percentage of funding.

**Table 3
Broadstone Walk Project Budget Summary**

Funding Source	Dollar Amount	Percentage of Funding
Permanent Loan	\$17,619,000	50.67%
Wake County (FY 2020-21)	\$3,000,000	8.63%
*Wake County (FY 2021-22)	\$500,000	1.44%
Town of Apex (FY 2020-21)	\$665,000	1.91%
Town of Apex (FY 2021-22)	\$1,000,000	2.88%
**Town of Apex (FY 2021-22)	\$500,000	1.44%
Deferred Developer Fee	\$1,107,000	3.18%
Federal LIHTC Equity	\$10,380,737	29.85%
Est. Total Project Costs	\$34,771,737	100.00%

*Subject to Wake County Board of Commissioners Approval

**Subject to Town Council Approval

The primary goal of the Town’s AHF is to support affordable housing development. The Town’s funding to DHIC Inc. through this request would come in the form of a 30-year term, one-percent (1%) fixed interest rate loan in the amount of \$500,000 for construction costs. If DHIC, Inc. is able to obtain the necessary financial

commitments in order to receive project and underwriting approval, the Town would execute the following documents with DHIC, Inc. to ensure compliance and regulatory requirements are carried out: (1) Development Agreement, (2) Promissory Note, (3) Deed of Trust and (4) other due diligence documentation. 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 NCHFA LIHTC regulations.

Staff Recommendation:

Planning staff recommends approval of the additional \$500,000 gap funding request to DHIC, Inc. for the Broadstone Walk affordable housing project in order to complete the project.



Town of Apex
Budget Ordinance Amendment No. 12

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

21. Affordable Housing Fund

Section 1. Revenues:

Appropriated Fund Balance	\$350,000
Total Revenues	\$350,000

Section 2. Expenditures:

DHIC Loan - Broadstone Walk	\$350,000
Total Expenditures	\$350,000

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 January, 2022.

Attest:

Jacques K. Gilbert, Mayor

Tesa Silver, Interim Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: January 11, 2022

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

Possible motion to approve a Resolution declaring the results of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds.

Approval Recommended?

Yes

Item Details

The Town Council has received certified results of the November 2, 2021 bond referendum from the Wake County Board of Elections. Those results were approval of the bond order by a vote of 7,492 for the order and 3,051 against the order. The proposed Resolution acknowledges receipt of these results, approves the Statement of Result of the Referendum and instructs the Town Clerk to publish the Legal Notice of the Statement of Results.

Attachments

- Certified Results of Bond Referendum
- Resolution Declaration of Result
- Legal Notice Statement of Result



The regular meeting of the Town Council of the Town of Apex, North Carolina was held remotely by electronic means, at 6:00 p.m. on January 11, 2022.

Present: Mayor Jacques Gilbert, presiding, and Council Members

Absent: Council Members

Also present: _____

* * * * *

The Town Council received from the Wake County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 9, 2021, evidencing said Board’s determination of the result of the canvass of the returns of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of said Town.

After said proceedings had been considered and reviewed by the Town Council, _____ introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

RESOLUTION DECLARING THE RESULT OF THE BOND REFERENDUM HELD IN THE TOWN OF APEX, NORTH CAROLINA ON NOVEMBER 2, 2021, UPON THE QUESTION OF APPROVING \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS

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

Section 1. The Town Council, having received from the Wake County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 9, 2021, evidencing said Board’s determination of the result of the canvass of the returns of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the

question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of said Town, does hereby declare and certify the result of said referendum to be the result which is set forth in the following statement of the result of said referendum, which statement has been prepared by said Town Council:

STATEMENT OF THE RESULT
OF THE
BOND REFERENDUM
HELD IN THE
TOWN OF APEX, NORTH CAROLINA
ON NOVEMBER 2, 2021
UPON THE QUESTION OF APPROVING
\$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS

At a bond referendum held in the Town of Apex, North Carolina on November 2, 2021, 43,469 voters were registered and qualified to vote.

At said referendum, 7,492 votes were cast for the order adopted on April 27, 2021, authorizing \$42,000,000 Street and Sidewalk Improvement Bonds of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, and 3,051 votes were cast against said order, and that a majority of the qualified voters of the Town of Apex, North Carolina who voted thereon at said referendum voted in favor of said order, said order was thereby approved and is in force and effect.

Town Council of the
Town of Apex, North Carolina

Section 2. The Interim Town Clerk of the Town of Apex, North Carolina shall file a copy of the foregoing statement of the result of said referendum in her office and shall publish such statement once in The News and Observer. A statement in substantially the following form shall be published with the foregoing statement:

“Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after [date of publication].”

Section 3. This resolution shall take effect upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled “RESOLUTION DECLARING THE RESULT OF THE BOND REFERENDUM HELD IN THE TOWN OF APEX, NORTH CAROLINA ON NOVEMBER 2, 2021, UPON THE QUESTION OF APPROVING \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS” was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Jontesca D. Silver, Interim Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on January 11, 2022, as relates in any way to the declaration of the result of the bond referendum held in said Town on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of said Town and that said proceedings are to be recorded in the minutes of said Town Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

I DO HEREBY FURTHER CERTIFY that a copy of the statement of the result of the referendum adopted by the resolution set forth in the foregoing transcript has been filed in my office.

WITNESS my hand and official seal of said Town this 11th day of January, 2022.

Interim Town Clerk

[SEAL]

STATEMENT OF THE RESULT
OF THE
BOND REFERENDUM
HELD IN THE
TOWN OF APEX, NORTH CAROLINA
ON NOVEMBER 2, 2021
UPON THE QUESTION OF APPROVING
\$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS

At a bond referendum held in the Town of Apex, North Carolina on November 2, 2021, 43,469 voters were registered and qualified to vote.

At said referendum, 7,492 votes were cast for the order adopted on April 27, 2021, authorizing \$42,000,000 Street and Sidewalk Improvement Bonds of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, and 3,051 votes were cast against said order, and that a majority of the qualified voters of the Town of Apex, North Carolina who voted thereon at said referendum voted in favor of said order, said order was thereby approved and is in force and effect.

Town Council of the
Town of Apex, North Carolina

The Wake County Board of Elections met in a regular meeting at the Board of Elections Operations Center located at 1200 N. New Hope Road in Raleigh, North Carolina, the regular place of meeting, at 11:00 a.m. on November 9, 2021.

Present: Chair Erica Porter, presiding, and Board Members *Angela Hawkins, Keith Weatherly, Greg Flynn, and Gerry Cohen.*

Absent: _____

Also Present: _____

* * * * *

At 11:00 a.m., the Wake County Board of Elections met and received from the chief judge and judges of elections for the precincts and voting places in the Town of Apex, North Carolina, the returns of the bond referendum held in said Town on November 2, 2021 upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of said Town.

After said returns had been canvassed by the Wake County Board of Elections, *Angela Hawkins* introduced the following resolution, the title of which was read and a copy of which had been previously distributed to each Board Member:

RESOLUTION RELATING TO THE CANVASS OF THE RETURNS OF THE BOND REFERENDUM HELD IN THE TOWN OF APEX, NORTH CAROLINA ON NOVEMBER 2, 2021 UPON THE QUESTION OF APPROVING \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS AND DETERMINING THE RESULTS THEREOF

BE IT RESOLVED by the Wake County Board of Elections (the "Board"):

Section 1. The returns of the bond referendum held in the Town of Apex, North Carolina (the "Town") on November 2, 2021 upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of the Town having been received from the proper election

officers and having been canvassed, this Board has found and determined and does hereby declare as follows:

(a) Each chief judge and judge for said referendum was duly qualified by law and had taken the necessary oath.

(b) The election officers had incorporated in their returns not only the number of votes cast for and against the question submitted, but also the number of voters registered and qualified to vote in each precinct in said referendum.

(c) At said referendum there was submitted to the qualified voters of the Town the following question:

Shall the order adopted on April 27, 2021, authorizing \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, be approved?

(d) No complaints have been made to the Board against the regularity of said referendum.

(e) Said referendum and the registration therefor were duly and properly held in accordance with law.

Section 2. The attached schedule correctly shows the designation of the precincts at which said referendum was held and, as to each precinct, the location of the voting place, the number of voters registered and qualified to vote, the number of votes cast in favor of the question submitted and the number of votes cast against such question; the number of absentee, transfer, provisional and one-stop voting ballots returned in favor of such question and the number of absentee, transfer, provisional and one-stop voting ballots returned against such question; and the totals of such numbers.

Section 3. From the canvass made, the Board does hereby determine and certify:

(a) That 43,469 voters were registered and qualified to vote.

(b) At said referendum, 2,406 votes were cast for the order adopted on April 27, 2021, authorizing \$42,000,000 Street and Sidewalk Improvement Bonds of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of the Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, and 948 votes were cast against said order, and that a majority of the qualified voters of the Town of Apex, North Carolina who voted thereon at said referendum voted in favor of said order.

Section 4. The Chair of the Wake County Board of Elections is hereby directed to transmit immediately a certified copy of this resolution to the Town Council of the Town of Apex, North Carolina.

Upon motion of Greg Flynn, seconded by Gerry Cohen, the foregoing resolution entitled "RESOLUTION RELATING TO THE CANVASS OF THE RETURNS OF THE BOND REFERENDUM HELD IN THE TOWN OF APEX, NORTH CAROLINA ON NOVEMBER 2, 2021 UPON THE QUESTION OF APPROVING \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS AND DETERMINING THE RESULTS THEREOF" was adopted by the following vote:

Ayes: Erica Porter, Angela Hawkins, Keith Weatherly,
Greg Flynn, and Gerry Cohen.

Noes: _____

* * * * *

I, Angela Hawkins, Secretary of the Wake County Board of Elections, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Wake County Board of Elections at a regular meeting held on November 9, 2021, as relates in any way to the canvass of the returns of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds of said Town and that said proceedings are to be recorded in the minute books of said Board of Elections.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

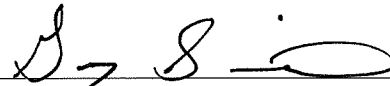
WITNESS my hand this 9th day of November, 2021.

Angela Hawkins
Secretary, Wake County Board of Elections

**CERTIFICATE OF DIRECTOR OF ELECTIONS
OF THE WAKE COUNTY BOARD OF ELECTIONS**

The undersigned duly qualified and acting Director of Elections of the Wake County Board of Elections DOES HEREBY CERTIFY that the attached ballot is a true and accurate sample ballot for the bond referendum held by the Town of Apex, North Carolina on November 2, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of November, 2021.



Gary Sims
Director of Elections
Wake County Board of Elections

RESULT OF BOND REFERENDUM BY PRECINCT

NUMBERED KEY CANVASS

RUN DATE:11/09/21 09:17 AM

Wake County, NC
Municipal Election
November 2, 2021

REPORT-EL52

PAGE 0001

0024_APEX STREET AND SIDEWALK BONDS

(You may vote for) 1

01 = Yes


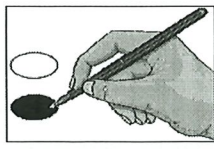
02 = No

VOTES PERCENT

7,492 71.06
3,051 28.94

	01	02
0003 03-00	803	266
0004 04-13	35	13
0015 06-09	1	1
0064 20-01	218	83
0065 20-03	536	250
0066 20-04	7	3
0067 20-05	22	1
0068 20-06A	588	306
0069 20-06B	596	252
0070 20-08	559	247
0071 20-09	476	169
0072 20-11	595	280
0073 20-12	472	189
0074 ABSEN	148	33
0075 PROVI	20	7
0076 TRANS	0	0
0077 OSAV	1	0
0078 OSBOE	9	3
0079 OSJB	2406	948

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A	B	C
<p>Sample Ballot Wake County, North Carolina November 2, 2021</p>		<p>N0002</p> 
<p>BALLOT MARKING INSTRUCTIONS: A. With the marking device provided or a black ball point pen, completely fill in the oval to the left of each candidate or selection of your choice as shown. B. Where authorized, you may write in a candidate by filling in the oval and writing the name on the Write-in line. C. If you tear, deface or wrongly mark this ballot, return it to request a replacement.</p> 		
TOWN OF APEX		REFERENDUM
<p>Town Council (You may vote for THREE)</p>		<p>Town of Apex Street and Sidewalk Improvement Bonds</p>
<p><input type="radio"/> Brett Gantt</p> <p><input type="radio"/> Ed Gray</p> <p><input type="radio"/> Christine Hale</p> <p><input type="radio"/> Audra Killingsworth</p> <p><input type="radio"/> Tim Powell</p> <p><input type="radio"/> Gordon Williford</p> <p><input type="radio"/> Write-in</p> <p><input type="radio"/> Write-in</p> <p><input type="radio"/> Write-in</p>		<p>Shall the order adopted on April 27, 2021, authorizing \$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, be approved?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
		End of Ballot
A	B	C

TO THE PUBLISHERS OF THE NEWS AND OBSERVER:

Please publish the following once in The News and Observer on Friday, January 14, 2022. If the date of publication is not January 14, 2022, then please change the date of publication in the final paragraph.

STATEMENT OF THE RESULT
OF THE
BOND REFERENDUM
HELD IN THE
TOWN OF APEX, NORTH CAROLINA
ON NOVEMBER 2, 2021
UPON THE QUESTION OF APPROVING
\$42,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS

At a bond referendum held in the Town of Apex, North Carolina on November 2, 2021, 43,469 voters were registered and qualified to vote.

At said referendum, 7,492 votes were cast for the order adopted on April 27, 2021, authorizing \$42,000,000 Street and Sidewalk Improvement Bonds of the Town of Apex, North Carolina, plus interest, for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks and multi-use paths inside and outside the corporate limits of said Town, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, and 3,051 votes were cast against said order, and that a majority of the qualified voters of the Town of Apex, North Carolina who voted thereon at said referendum voted in favor of said order, said order was thereby approved and is in force and effect.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after January 14, 2022.

Town Council of the
Town of Apex, North Carolina