



AGENDA | VIRTUAL REGULAR TOWN COUNCIL MEETING

January 25, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

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

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

Deputy Town Clerk: Tesa Silver | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

[PR1](#) Apex Town Council and Stephanie Mitchell of the Apex Public School Foundation

Presentation of the Peak S.T.A.R. Award

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

Presentation of Black History Month Proclamation

[PR3](#) Jacques K. Gilbert, Mayor

Presentation of Proclamation recognizing Health and Humanity Yogathon 2022

CONSENT AGENDA

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

[CN1](#) Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of January 11, 2022.

[CN2](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Shenandoah Homes, LLC to install a porch and house that will encroach 13 SF and steps that will encroach 9 SF onto Town's Public Utility Easement and authorize the Town Manager to execute the same.

[CN3](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a driveway that will encroach 18 SF onto Town's Public Drainage Easement and authorize the Town Manager to execute the same.

[CN4](#) Steve Adams, Real Estate and Public Utilities

Motion to approve deed of easement with Duke Energy Progress for underground electric easement and to authorize the Town Manager to execute the deed on behalf of the Town of Apex.

[CN5](#) Tesa Silver, Deputy Town Clerk

Motion to approve Minutes of the December 14, 2021 Regular Town Council Meeting, the January 11, 2022 Regular Town Council Meeting, and the January 12, 2022 Special Town Council Meeting.

[CN6](#) Mary Beth Manville, Human Resources Director

Motion to approve increasing the Legal Department's Paralegal position from 0.5625 to 1.0 FTE, and corresponding Budget Ordinance Amendment no. 13.

[CN7](#) Jason Armstrong, Chief of Police

Motion to award badge and service handgun to Captain Ann Stephens who will retire from the Apex Police Department as of February 1, 2022

[CN8](#) Dennis Brown, Senior Capital Projects Manager

Motion to approve and authorize the Town Manager to execute Facility Encroachment Agreement with CSX Transportation, Inc. for the new Pleasant Park Project.

[CN9](#) Mary Beth Manville, Human Resources Director

Motion to approve a revision to the Town's Retiree Health Insurance Policy to allow new spouses to be added on to the Town's Retiree Health insurance plan if the retiree's spouse, who was covered at the time the retiree retired from the Town, passes away or drops coverage due to divorce.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

- [PH1](#) Dianne Khin, Director of Planning and Community Development
Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Clearly & Alison N. Clearly (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.
- [PH2](#) Shelly Mayo, Planner II
Continued from the January 11, 2022 Town Council meeting. 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](#) Shelly Mayo, Planner II
Public hearing and possible motion to approve 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.
- [PH4](#) Shawn Purvis, Assistant Town Manager
Public Hearing to receive input regarding the Town of Apex ADA Assessment and Transition Plan.

OLD BUSINESS

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 25, 2022

Item Details

Presenter(s): Apex Town Council and Stephanie Mitchell of the Apex Public School Foundation

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

Requested Motion

Presentation of the Peak S.T.A.R. Award

Approval Recommended?

N/A

Item Details

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

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: January 25, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Presentation of Black History Month Proclamation

Approval Recommended?

N/A

Item Details

N/A

Attachments

- Proclamation



Town of Apex, North Carolina

Proclamation

from the Office of the Mayor

Black History Month 2022

WHEREAS, Black History Month grew out of the establishment of Negro History Week in 1926 by Carter G. Woodson and the Association for the Study of African American Life and History; and

WHEREAS, the observance of Black History Month affords a special opportunity to become more knowledgeable about Black Heritage, and to honor the many Black leaders who have contributed to the progress of our community, state, and nation; and

WHEREAS, Black History Month seeks to emphasize Black History and its cultural contribution to American life and is designed to recognize and pay tribute to the many contributions of African Americans to the history, society, and culture of our community and to the United States; and

WHEREAS, this type of emphasis can strengthen the insight of all citizens regarding the issue of human rights, the great strides that have been made in the crusade to eliminate the barriers to equality for minority groups, and the continuing struggle against racial discrimination; and

WHEREAS, Black History Month will be celebrated in the Town of Apex through exhibits and community events.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim the month of February as Black History Month in the Town of Apex and encourage all citizens to celebrate our diverse heritage and culture and to continue our efforts to create a world that is more just, peaceful, and prosperous for all.

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 25th 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 25, 2022

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Presentation of Proclamation recognizing Health and Humanity Yogathon 2022

Approval Recommended?

N/A

Item Details

N/A

Attachments

- Proclamation



Town of Apex, North Carolina

Proclamation

from the Office of the Mayor

Health for Humanity Yogathon 2022

WHEREAS, Yoga is an ancient Hindu practice developed thousands of years ago in the Indian subcontinent for maintaining spiritual, mental, and physical wellbeing; and

WHEREAS, Surya Namaskara, or Sun Salutation, is a traditional yogic practice combining a sequence of postures with breathing exercise; and

WHEREAS, Hindu Swayamsevak Sangh, or HSS, is a nonprofit charitable organization with over 235 branches in 173 cities and in 32 states including 9 branches in the state of Massachusetts, through which it conducts a Hindu values education program and community service activities such as food drives, providing hot meals to shelters and providing PPE to first responders in several cities across Massachusetts.

WHEREAS, HSS is organizing its annual Health for Humanity Yogathon with the goal of having 1,000 individual participants cumulatively complete 11,000 repetitions of Surya Namaskara to promote the spiritual, mental, and physical wellbeing of all members of the community; and

WHEREAS, yoga enthusiast, yoga studios, local schools, and other community organizations are participating in the HSS Health for Humanity Yogathon.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex do hereby recognize its annual Health for Humanity Yogathon to promote the spiritual, mental, and physical, wellbeing of all members of the community.

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 25th day of January 2022



Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of January 11, 2022.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Statement of Town Council



STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF JANUARY 11, 2022

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 11th day of January 2022.

The Apex Town Council held a public hearing on the 11th day of January 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 at the public hearing.

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

The Town Council the 11th day of January 2022 by a vote of 5 to 0, approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of January 11, 2022 are consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendment to UDO Sec. 7.1.8 *Penalties and Remedies for Violation of Article* adds a reference to the State statute providing the authority for a criminal penalty and removes text referring to a chapter in the Town Code that has been repealed.

Jacques K. Gilbert
Mayor

ATTEST:

Tesa Silver, CMC, NCCMC
Interim Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Shenandoah Homes, LLC to install a porch and house that will encroach 13 SF and steps that will encroach 9 SF onto Town's Public Utility Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Shenandoah Homes, LLC (Grantee) for the property described as a residential lot known as Wake County PIN #0741-89-8883, Book of Maps 2019, Page 00819, lot is also known as 316 Old Grove Lane, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a porch and house that will encroach 13 square feet (SF) and steps that will encroach 9 square feet (SF) onto the Town's Public 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 Shenandoah Homes, LLC hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0741-89-8883** by the Wake County Revenue Department and more particularly described as **Lot 18** of the subdivision known as **Center Street Station** as shown on that certain plat recorded in **Book of Maps 2019, Page 00819**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **316 Old Grove Lane, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot.**"

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

WHEREAS, Grantee wishes to install certain improvements more particularly described as a porch and house that will encroach 13 SF and steps that will encroach 9 SF into the **Public 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 **Public 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 **Public 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: Shenandoah Homes, LLC
3724 National Dr., Suite 220
Raleigh, NC 27612-4873

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 **Public 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 **Public 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 **Public 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 **Public 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 **Public Utility Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Public 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. Both Grantee and the Town shall be named as insured parties by endorsement of the policy. In the event of any change in the insurance policy, Grantee shall give the Town thirty (30) days notice of such change. Should Grantee fail to pay premiums upon said insurance or to perform any of the agreement, terms or conditions herein contained, the Town, at its option, by written notice may declare this Encroachment Agreement canceled and terminated and all rights acquired hereunder by Grantee shall thereupon terminate.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's duties set forth in this Encroachment Agreement.


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

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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

GRANTEE

Shenandoah Homes, LLC

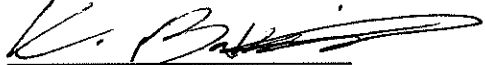
By:  (SEAL)
David Stallings
President

NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

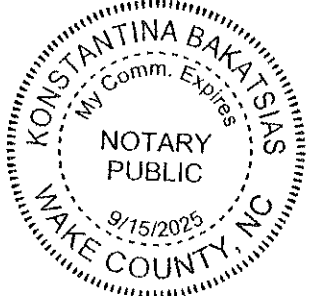
I, Konstantina Bakatsias, a Notary Public of Wake County, North Carolina, certify that David Stallings, personally appeared before me this day and acknowledged that he is the President for Shenandoah Homes, LLC Grantee herein, and that by authority duly given as President for the company, the foregoing instrument was signed and sealed by him on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 10th day of January, 2022.


[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: 9/15/2025



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]

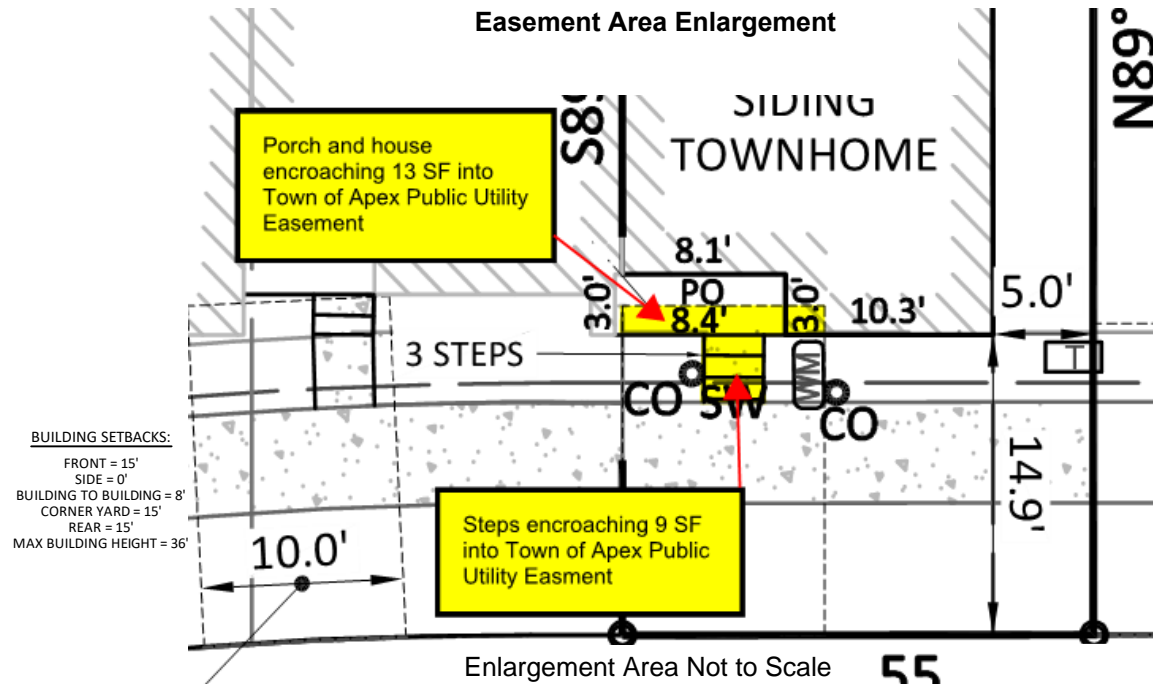
(Seal)

My Commission Expires: _____

EXHIBIT A

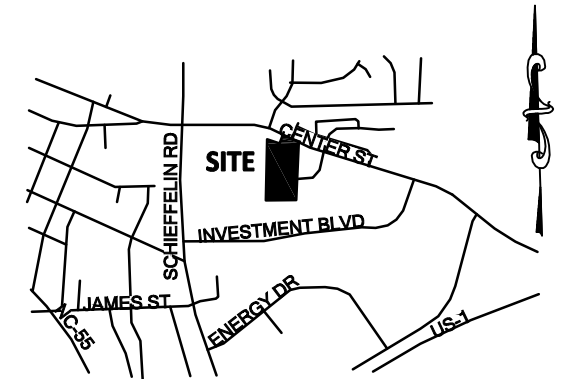
LOT INFORMATION:

PIN: 0741898883
 TOTAL LOT AREA = 0.04 AC = 1,855 SF
 HOUSE = 723 SF
 PORCH = 24 SF
 SIDEWALKS = 126 SF
 PATIO = 111 SF
 AC PAD = 9 SF
 TOTAL EXISTING IMPERVIOUS = 993 SF
 PERCENT IMPERVIOUS = 53.5 %



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

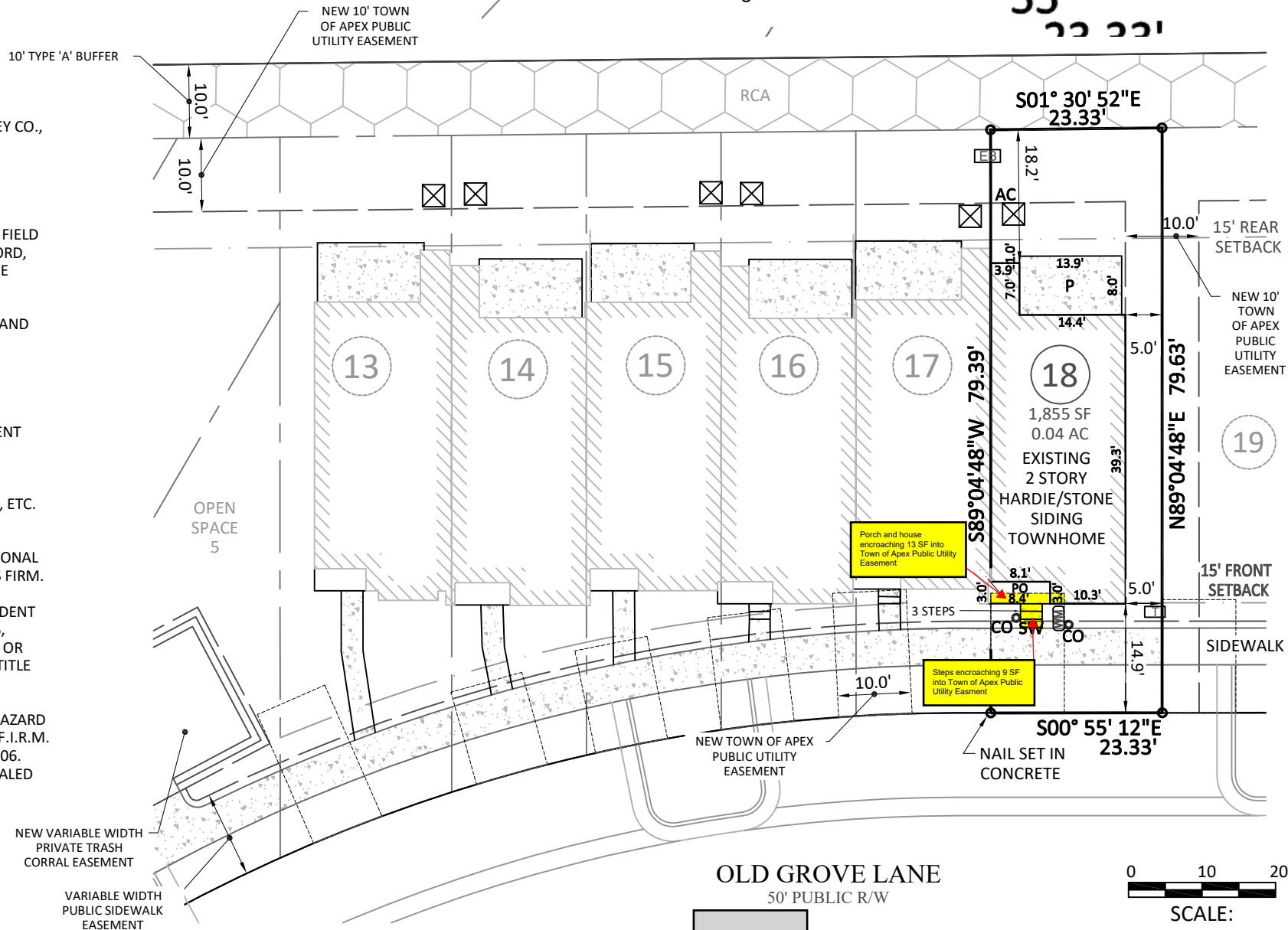


VICINITY MAP

(Not to Scale)

NOTES:

- THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY CO., UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.
- THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
- PROPERTY LINES SHOWN WERE TAKEN FROM EXISTING FIELD EVIDENCE, EXISTING DEEDS AND PLATS OF PUBLIC RECORD, AND INFORMATION SUPPLIED TO THE SURVEYOR BY THE CLIENT.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ALL BEARINGS ARE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM UNLESS OTHERWISE SHOWN.
- THIS MAP IS NOT FOR RECORDATION AND SHOULD BE REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
- THE BASIS OF NORTH AND ALL EASEMENTS, RIGHTS-OF-WAYS, BUFFERS, SETBACKS AND ADJOINERS, ETC. REFERENCED IN TITLE BLOCK.
- NO INVESTIGATION INTO THE EXISTENCE OF JURISDICTIONAL WETLANDS OR RIPARIAN BUFFERS PERFORMED BY THIS FIRM.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY HUD F.I.R.M. MAP NO. 3720074100J & 3720074200 DATED MAY 2 2006. FLOODPLAIN AND FLOODWAY SHOWN HEREON ARE SCALED GRAPHICALLY FROM SAID PANEL.
- ZONING: HD MF-CZ



LEGEND

- PO = PORCH
- SP = SCREENED PORCH
- CP = COVERED PORCH
- WGD = WOOD GRILLING DECK
- SW = SIDEWALK
- DW = CONC DRIVEWAY
- P = CONC PATIO
- ⊗ = COMPUTED POINT
- = IRON PIPE FOUND
- = IRON PIPE SET
- = DRILL HOLE FOUND
- WM = WATER METER
- CO = CLEAN OUT
- AC = AIR CONDITIONER
- ⊙ = SEWER MANHOLE
- EB = ELECTRIC BOX
- ⊙ = CABLE BOX
- ⊠ = TELEPHONE PEDESTAL
- CB = CATCH BASIN
- IC = IRRIGATION CONTROLLER
- ⊙ = LIGHT POLE
- GM = GAS METER
- EM = ELECTRIC METER
- YI = YARD INLET
- ⊙ = FIRE HYDRANT
- ⊙ = WATER VALVE
- S = STORAGE

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.

CENTER STREET STATION - LOT 18

316 OLD GROVE LANE, APEX, NC
 WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 12/6/21 DRAWN BY: MJA CHECKED BY: SPC

REFERENCE: BM 2019, PG 818-824 PROJECT#: 180137 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a driveway that will encroach 18 SF onto Town's Public Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Lennar Carolinas, LLC (Grantee) for the property described as a residential lot known as Wake County PIN #0722-22-6853, Book of Maps 2021, Page 001129, lot is also known as 2925 Watering Hole Way, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 18 square feet (SF) onto the Town's Public Drainage Easement.

Attachments

- Encroachment Agreement
- Exhibit A



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

STATE OF NORTH CAROLINA
COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2022, by and between Lennar Carolinas, LLC 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 #0722-22-6853** by the Wake County Revenue Department and more particularly described as **Lot 377** of the subdivision known as **Smith Farm Phase 3B** as shown on that certain plat recorded in **Book of Maps 2021, Page 001129 (Sheet 4 of 9)**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2925 Watering Hole Way, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **New PDE 128 SF** as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement**."

WHEREAS, Grantee wishes to install certain improvements more particularly described as a driveway that will encroach 18 SF into the **Public Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

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

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

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

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

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

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

5. Sections 3 and 4 shall survive the 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: Lennar Carolinas, LLC
1100 Perimeter Park Drive, Suite 112
Raleigh, NC 27560-9119

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 **Public Drainage Easement**.

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

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

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

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to the **Residential Lot**, or by assumption of said obligations by an incorporated party approved by the Town. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee's obligations possesses adequate financial resources and ownership interest, and Grantee's delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee's duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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

GRANTEE

Lennar Carolinas, LLC

By: [Signature] (SEAL)
Troy George
Vice President

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

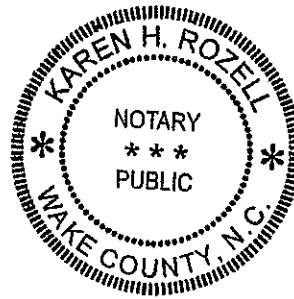
I, Karen H Rozell, a Notary Public of Wake County, North Carolina, certify that Troy George, personally appeared before me this day and acknowledged that he is the Vice President for Lennar Carolinas, LLC Grantee herein, and that by authority duly given as Vice President for the company, the foregoing instrument was signed and sealed by him on behalf of the company and acknowledged said writing to be the act and deed of said company.

Witness my hand and official stamp or seal, this 13 day of January, 2022.

[Signature]
[Signature of Notary Public]
Karen H Rozell

(Affix Notarial Stamp-Seal)

My Commission Expires: 4-17-2025



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.

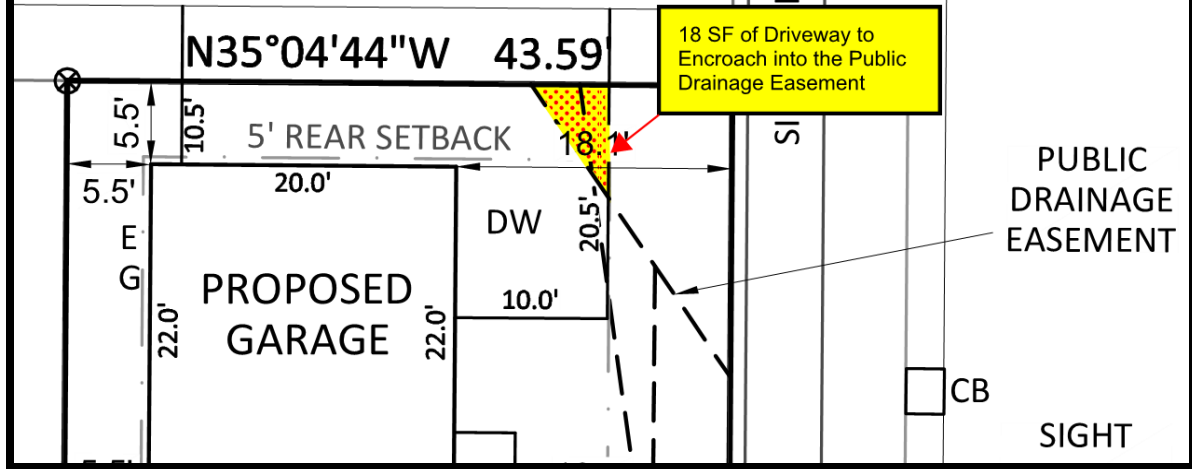
[Signature of Notary Public]

(Seal)

My Commission Expires: _____

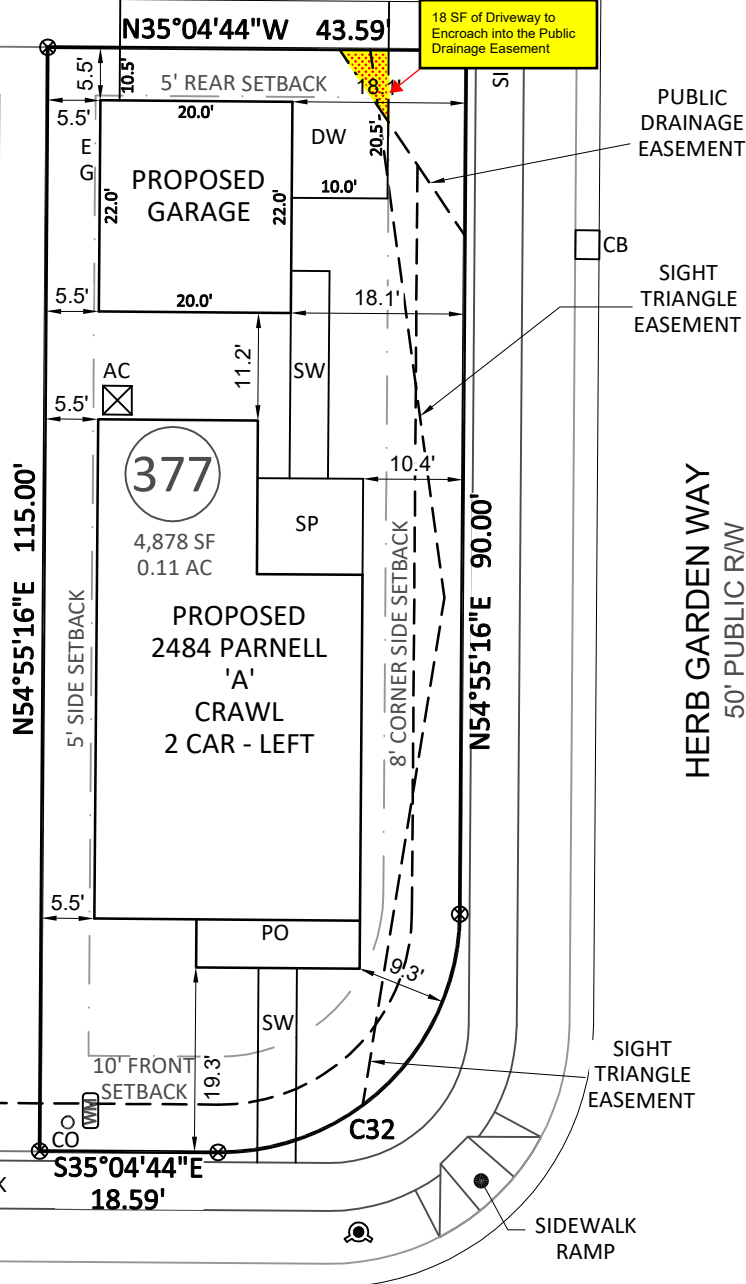
Easement Area Enlargement

SWEET POTATO ALLEY
26' PUBLIC R/W

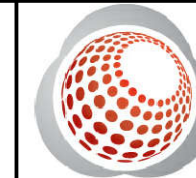


Enlargement Area Not to Scale

SWEET POTATO ALLEY
26' PUBLIC R/W



WATERING HOLE WAY
50' PUBLIC R/W



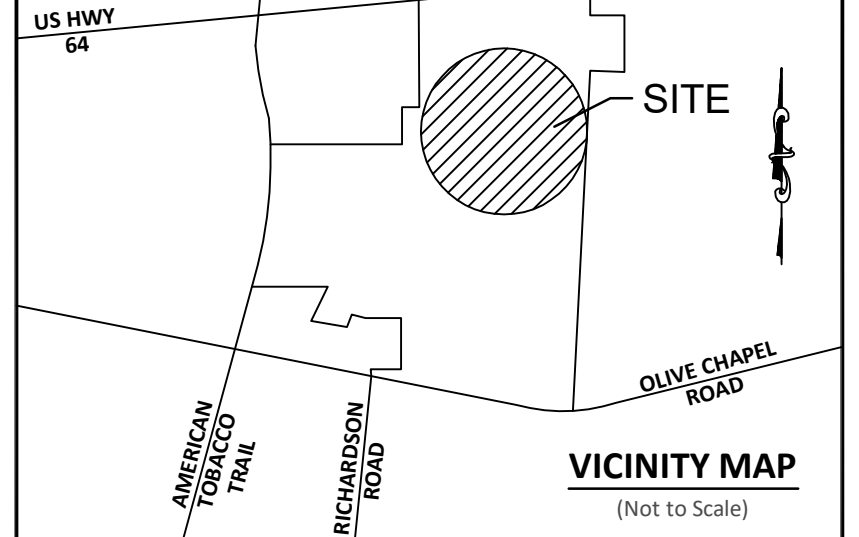
Bateman Civil Survey Company

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

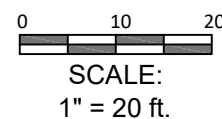


VICINITY MAP

(Not to Scale)

NOTES:

1. THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY CO., UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.
2. THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
3. PROPERTY LINES SHOWN WERE TAKEN FROM EXISTING FIELD EVIDENCE, EXISTING DEEDS AND/OR PLATS OF PUBLIC RECORD, AND INFORMATION SUPPLIED TO THE SURVEYOR BY THE CLIENT.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ALL BEARINGS ARE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM UNLESS OTHERWISE SHOWN.
5. THIS MAP IS NOT FOR RECORDATION AND SHOULD BE REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
6. THE BASIS OF NORTH AND ALL EASEMENTS, RIGHTS-OF-WAYS, BUFFERS, SETBACKS AND ADJOINERS, ETC. REFERENCED IN TITLE BLOCK.
7. NO INVESTIGATION INTO THE EXISTENCE OF JURISDICTIONAL WETLANDS OR RIPARIAN BUFFERS PERFORMED BY THIS FIRM.
8. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
9. PORTIONS OF THIS SUBDIVISION GRAPHICALLY APPEAR TO LIE WITHIN A FEMA FLOOD HAZARD AREA AS PER COMMUNITY PANEL #3720072200J DATED 5-2-2006.
10. ZONING IS : PUD-CZ
11. PROPERTY OWNER: LENNAR CORPORATION
1100 PERIMETER PARK DRIVE, SUITE 112
MORRISVILLE, NC 27560



LEGEND

- PO = PORCH
- CP = COVERED PORCH
- SW = SIDEWALK
- DW = CONC DRIVEWAY
- SP = SCREENED PORCH
- P = CONCRETE PATIO
- ⊗ = COMPUTED POINT
- = IRON PIPE FOUND
- ⊙ = IRON PIPE SET (IPS)
- = DRILL HOLE FOUND
- WM = WATER METER
- CO = CLEAN OUT
- AC = AIR CONDITIONER
- ⊙ = CABLE BOX
- ⊙ = SEWER MANOLE
- ⊠ = TELEPHONE PEDESTAL
- CB = CATCH BASIN
- ⊙ = LIGHT POLE
- G = GAS METER
- E = ELECTRIC METER
- ⊙ = FIRE HYDRANT
- YI = YARD INLET
- ⊗ = WATER VALVE

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.

SMITH FARM - PHASE 3B - LOT 377

2925 WATERING HOLE WAY, APEX, NC
WHITE OAK TWP., WAKE COUNTY

DATE: 11/22/21 DRAWN BY: CPV CHECKED BY: SPC

REFERENCE: BM 2021, PGS.1126-1134 BCS# 180293 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Steve Adams, Real Estate and Public Utilities

Department(s): Administration

Requested Motion

Motion to approve deed of easement with Duke Energy Progress for underground electric easement and to authorize the Town Manager to execute the deed on behalf of the Town of Apex.

Approval Recommended?

Yes

Item Details

Following acquisition of the Cotten property on Wimberly Road, Duke Energy is now ready to install underground electrical facilities across the frontage of the property in a new 10-foot electrical easement. This new property and electrical facilities will allow for continued growth at the Cary-Apex Water Treatment Plant co-owned and co-operated by Apex and Cary.

Attachments

- Deed of Easement
- Exhibit Map of Easement Area



Prepared by: Duke Energy Progress, LLC
Return to: Duke Energy Progress, LLC
Attn: Southeastern Land Co.
P.O. Box 1241
Conway, SC 29528

Parcel # 0722585884

EASEMENT

State of North Carolina

County of Wake

THIS EASEMENT (“**Easement**”) is made this ____ day of _____ 20____, from **TOWN OF CARY AND TOWN OF APEX**, Municipal Corporations of the State of North Carolina (“**Grantor**”, whether one or more), to **DUKE ENERGY PROGRESS, LLC**, a North Carolina limited liability company (“**Grantee**”).

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, “**Facilities**”).

Grantor is the owner of that certain property described in that instrument recorded in Deed Book 3987, Page 254, and Deed Book 17113, Page 1585, and Deed Book 18826, Page 2006, Wake County Register of Deeds (“**Property**”).

The Facilities shall be underground, except as needed on or above the ground to support the underground Facilities, and located in, upon, along, under, through, and across a portion of the Property within an easement area described as follows:

A strip of land Ten feet (10’) in uniform width, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area five feet (5’) wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the “**Easement Area**”).

For Grantee’s Internal Use:
Work Order #: 30369398

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.
3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
5. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
6. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and neighboring lands. Portions of the Facilities may be installed immediately and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations at the widths defined in this Easement.
7. Notwithstanding anything to the contrary above, the general location of the Facilities is shown on the sketch attached hereto as **Exhibit A** and incorporated herein by reference. The final and definitive location of the Easement Area shall become established by and upon the final installation and erection of the Facilities by Grantee in substantial compliance with Exhibit A.
8. All other rights and privileges reasonably necessary, in Grantee's reasonable discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20____.

TOWN OF CARY

Russ Overton, Deputy Town Manager (SEAL)

Attest:

Virginia H. Johnson, Town Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that Virginia H. Johnson personally appeared before me this day and acknowledged that he/she is Town Clerk of TOWN OF CARY, a North Carolina municipal corporation, and that by authority duly given and as the act of said Town of Cary, the foregoing EASEMENT was signed in its name by its Deputy Town Manager, sealed with its official seal, and attested by herself/himself as its Town Clerk.

Witness my hand and notarial seal, this ____ day of _____, 20____.



Notary Public: _____

Commission expires: _____

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20____.

TOWN OF APEX

(SEAL)

Attest:

_____, Town Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that _____ personally appeared before me this day and acknowledged that he/she is Town Clerk of TOWN OF APEX, a North Carolina municipal corporation, and that by authority duly given and as the act of said Town of Apex, the foregoing EASEMENT was signed in its name by its _____, sealed with its official seal, and attested by herself/himself as its Town Clerk.

Witness my hand and notarial seal, this ____ day of _____, 20____.



Notary Public: _____

Commission expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 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 December 14, 2021 Regular Town Council Meeting, the January 11, 2022 Regular Town Council Meeting, and the January 12, 2022 Special Town Council Meeting.

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 2021.12.14 Minutes
- 2022.01.11 Minutes
- 2022.01.12 Minutes





| REGULAR TOWN COUNCIL MEETING

December 14, 2021 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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

Mayor Gilbert called the meeting to order and recognized the elected officials in attendance, the Honorable Judge Ashley Dunston and the Honorable Judge James Gates. Mayor Gilbert recognized the tragedy in Kentucky and asked for a moment of silence. Supervisor in the Town's Water Department Pastor Thomas Johnson gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Vance Holloman

Presentation of the Results of the Audit of the Town's Financial Statements for the 2021 Fiscal Year by Ms. April Adams, CPA Partner, Audit Services of Cherry Bekaert LLP.

Staff stated this was the new firm selected to perform the Town's audit. Ms. Adams presented the actions, results, and required communications of the audit. She explained the internal controls, significant audit areas, key highlights, financial results, and summary. Ms. Adams stated this was a clean audit and that staff had done a good job. Responding to Council, she talked about benchmark metrics.

CONSENT AGENDA

CN1 Lauren Staudenmaier, Planner II

Statement of the Town Council for Rezoning Case #21CZ21 Beauregard Place at Weddington, AG Wimberly LLC., petitioner, for the property located at 0 Wimberly Road (PIN 0723249888).

CN2 Lauren Staudenmaier, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ22 Old Ivey Road Residential, Rangeet Agarwala, Estates at White Oak LLC., petitioner, for the properties located at 1516 Old Ivey Road and 7620 McQueens Road (PINs 0722890666 & 0722893526).

CN3 Sarah Van Every, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #21CZ23 Scotts Ridge Office and Veterinary Hospital, Kethamakka & Emmadi Properties, LLC., petitioners, for the properties located at 0 & 6633 Apex Barbecue Road (PINs 0731487012 & 0731475977).

CN4 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ25 Villages of Apex PUD Amendment. The petitioner is Curteis Calhoun with Enclave Holdings, LLC for the property located at 0 Laura Duncan Road.

CN5 Liz Loftin, Senior Planner

Set Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately .426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

CN6 Shelly Mayo, Planner II

Set the Public Hearing for the January 11, 2022 Town Council meeting regarding 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.

CN7 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the January 11, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN8 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Abhishek Monhanty and spouse Lipsa Sarangi to install a fence that will encroach 35 S.F. onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

CN9 Dennis Brown, Construction Project Manager

Lease with NC SECU for an ATM located in the new Mason Street parking lot adjacent to the Community Center and authorization for the Town Manager to sign the lease.

CN10 Russell Dalton, Traffic Engineering Manager

Temporary closure of Dropsied Drive to through traffic between Amberlight Road and Doe Blossom Lane and establish a signed detour route along Antler View Drive beginning December 28, 2021 and ending October 1, 2022 for the purpose of constructing curb and sidewalk and for activities related to the Triangle Math and Science Academy site construction.

CN11 Donna Hosch, Town Clerk

Apex Tax Report dated November 5, 2021.

CN12 Donna Hosch, Town Clerk

Minutes of November 11, 2021 Regular Council Meeting

CN13 Shawn Purvis, Assistant Town Manager

Set a Public Hearing for Tuesday, January 11, 2022 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget

CN14 Steve Maynard Purchasing & Contracts Manager

Report of award of contract to Wesco Distribution for purchase of lantern light fixture and photocells.

CN15 Joanna Helms, Director

Amendment to the Lease Agreement between Town of Apex and the Apex Chamber of Commerce.

CN16 Mary Beth Manville, Human Resources Director

Revisions to the Town's Position Authorization List, reflecting 3 additional FTEs for the Fire Department.

CN17 Mary Beth Manville, Human Resources Director

Revisions to the Town's Personnel Policies to reflect the same protected classes as covered under the Town's adopted Non-Discrimination Ordinance.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Ordinance 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.

Staff oriented Council to the site.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Ordinance; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development
Ordinance 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.

Staff oriented Council to the site.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the Ordinance; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Donna Hosch, Town Clerk

Recognition of retiring Mayor Pro Tem Nicole L. Dozier

Mayor Gilbert called upon those who would like to speak and honor Mayor Pro Tem Nicole Dozier. Fire Chief Keith McGee presented words of thanks, especially as Mayor Pro Tem (MPT) Dozier helped him navigate the legislative process. He spoke about her friendship, dedication to staff, and her many years of service. He presented her with a Chief's coin.

Human Resources Director Mary Beth Manville presented a lovely bouquet of flowers and talked about how it has been a pleasure to work with MPT Dozier. She talked about those initiatives and policies that were led by MPT Dozier in support of staff. She thanked MPT for all she has done to enhance the life and work of staff.

Larry Harris stated his sadness at MPT Dozier's departure, stating those things she has done for the Friendship Community in particular. Her efforts would not go unnoticed. Mr. Harris stated that MPT Dozier could retire from her Council seat but that she could not retire from being so nice.

Tina Sherman expressed her gratefulness for MPT Dozier's service to the Town, to all she has done for Apex citizens and the State, noting that MPT Dozier has been a gift to the community.

Pastor Thomas Johnson prayed a special and moving prayer for MPT Dozier and her family. The Praise Team celebrated MPT Dozier with two selections of song and glory.

Council Members Cheryl Stallings, Brett Gantt, Audra Killingsworth, and Terry Mahaffey presented words of honor and appreciation to MPT Dozier. They expressed their appreciation for her leadership, mentorship, and wanting to do things in the right way. She has been the voice on Council for the community for many years. We are in a better place because of her leadership.

Mayor Gilbert praised MPT Dozier for being an encourager, a leader, a negotiator, a mentor. He spoke about the amazing things which MPT Dozier has done for the employees and the impact she's made on the community. He talked about MPT Dozier's initiatives: Think Apex which will carry on and how

we made history in Apex for MPT Dozier's push for recognition of the Juneteenth holiday. Her most notable initiative was the Senior Center which will provide our seniors with a facility to maintain and improve their health.

Mayor Gilbert then read and presented MPT Dozier with the Order of the Long Leaf Pine from Governor Roy Cooper for the State of North Carolina.

Mayor Gilbert called for MPT Dozier's husband, James Dozier, to come forward. He presented him with an award for being "The Real Mayor Pro Tem" who has stood with his wife through her eight years of service. He also presented him with a gift card to enjoy a night on the town with his family.

Town Clerk Donna Hosch presented MPT Dozier with an engraved crystal vase with yellow roses to express the Town's appreciation for her service. She read the engraving.

MPT Dozier spoke about her beginning this venture, speaking about her learning and growing from each Council Member and staff, what it has meant to be a council member, and what she felt was the right way in which to serve. She spoke about diversity, equity, and inclusion being a part of what we do and how these needs to blended these into policy making. MPT Dozier presented Mayor Gilbert with the remaining funds from her campaign to start a fund for older adults - tagged as SeniorITY (I Thank You) - to help those with transportation issues or programs which need to be paid and which may cause a barrier for some seniors.

MPT Dozier talked about her efforts to help the youth of the community and how Think Apex will be expanded to honor these young people. She spoke about affordable housing and how she wanted to have a Think Apex house working with Habitat. More details on this house would follow. MPT Dozier appreciated the way council cared and honored each other's voices and how much she appreciated each and every council member. She spoke about staff and the efforts done to ensure Apex is a recognized great community. MPT Dozier read a quote from Poet Laureate Gorman. She thanked everyone for the last eight years and expressed how much she thanked God for everyone.

Before being escorted to her seat in the audience by Fire Marshall David Dillon, Mayor Gilbert left the audience with two of MPT Dozier's quotes: "Wait, I'm speaking" and "What are the main takeaways". Mayor Gilbert then had MPT Dozier DROP THE MIC!

UPDATES BY TOWN MANAGER

There were no updates by the Town Manager.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

Mayor Gilbert recessed the Regular Meeting Sine Die.

ORGANIZAITONAL PROCEEDINGS

After a brief recess, Mayor Gilbert reconvened the meeting to begin the organizational proceedings.

Administering of Oaths

Audra Killingsworth, surrounded by her immediate family, was sworn in as a Council Member by the Honorable Judge Ashleigh Parker Dunston. Council Member Killingsworth thanked her family and her supporters, and stated that she was grateful for her family and supporters.

Brett Gantt, surrounded by his immediate family, was sworn in as a Council Member by Mayor Jacques K. Gilbert. Council Member Gantt thanked the voters and stated that it is an honor to be serving on the Town Council. He thanked the staff for all the work they do and stated that he is excited and looking forward to serving four more years to impact Apex in a positive way.

Edward Gray, surrounded by his immediate family, was sworn in as a Council Member by the Honorable James E. Gates. Council Member Gray thanked Kevin Creech, Jackie Jones, those who helped with his campaign, his friend, his parents, and his wife and daughter. He spoke about the importance of giving everyone a voice.

Selection of Mayor Pro Tempore

Mayor Gilbert stated the duties of Mayor Pro Tempore according to Town Ordinances. Mayor Gilbert called for a nomination.

Council Member Stallings nominated and made the motion to appoint Council Member Killingsworth as Mayor Pro Tempore;

Council Member Gray seconded the motion.

The motion carried by a 5-0 vote.

Council Member Killingsworth was sworn in a Mayor Pro Tempore by the Honorable Judge Ashleigh Parker Dunston.

Mayor Pro Tem Killingsworth stated that she is looking forward to experience, is excited to serve in the role, and thanked Council for their support.

Appointment of Standing Committees and Liaisons

Mayor Gilbert made the following appointments:

Committees:

Economic Development-Mayor Gilbert, Chair; Council Member Stallings

Finance-Council Member Mahaffey, Chair; Council Member Gray

Housing Advisory-Mayor Pro Tem Killingsworth

Personnel-Mayor Gilbert, Chair; Mayor Pro Tem Killingsworth

Planning-Council Member Gantt, Chair; Council Member Mahaffey

Liaisons:

Apex Chamber of Commerce-Council Member Mahaffey, Primary; Mayor Gilbert, Alternate

Triangle J Council of Governments-Council Member Gantt, Primary; Council Member Gray, Alternate

Parks and Recreation Advisory Commission-Mayor Gilbert, Primary Council Member Stallings, Alternate

Executive Board of CAMPO-Mayor Gilbert, Primary; Council Member Mahaffey, Alternate

Apex Downtown Business Association-Mayor Pro Tem Killingsworth, Primary; Council Member Stallings Alternate

A recommendation was provided to disband the Environmental Committee.

Council Member Gantt made the motion to dissolve the Environmental Committee;

Mayor Pro Tem Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Calendar of Town Council Meetings for 2022 and 2023

Mayor Gilbert presented the recommended calendar of meetings for 2022 and 2023.

Mayor Pro Tem Killingsworth made the motion
to adopt the recommend calendars;
Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

ADJOURNMENT

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

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



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: Audra M. Killingsworth

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

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

Deputy Town Clerk: Tesa Silver, CMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Pro Tem Audra M. Killingsworth, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. 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. Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Killingsworth called the meeting to order and rolled called attendance. During Invocation, Council shared goals and resolutions for the new year. Mayor Pro Tem Killingsworth led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor

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

Council read the proclamation for Dr. Martin Luther King Jr., Day.

PR2 Jacques K. Gilbert, Mayor

Recognition of Accomplishment for Apex Cougars Pop Warner Cheer Team.

Mayor Pro Tem Killingsworth congratulated the Apex Cougars Pop Warner Cheer Team on their first national championship win in the team's 16-year history.

CONSENT AGENDA

CN1 Adam Stephenson, Transportation Engineering Manager

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

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

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

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

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

Minutes of the November 23, 2021 Regular Council Meeting.

CN7 Tesa Silver, Deputy Town Clerk

Apex Tax Report dated December 1, 2021.

- CN8 Erika Sacco, Director
ESRI GIS Small Government Team Enterprise Licensee agreement approved for 3-year renewal.
- CN9 Jacques K. Gilbert, Mayor
Reappointment of John Garrison, and appointment of Jason Maynard and Adam Efird as members on the Environmental Advisory Board (EAB).
- CN10 Jacques K. Gilbert, Mayor
Reappointment of 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
Closure and use of 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.

Mayor Pro Tem Killingsworth called for a motion to adopt the Consent Agenda.

Council Member Gantt made the motion;
Council Member Gray seconded the motion.
The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Pro Tem Killingsworth called for a motion to adopt the Regular Meeting Agenda.

Council Member Stallings made the motion;
Council Member Gray seconded the motion.
The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

- PH1 Liz Loftin, Senior Planner
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.

Staff oriented Council to the site. A neighborhood meeting was held on August 26, 2021, where concerns were expressed about the sidewalk. Staff is currently working on methods to address the sidewalk concerns. The rezoning is consistent with the 2045 Land Use Map. The Planning Board recommended approval.

Council questioned why a rezoning was necessary and staff explained that the rezoning would conform the lot with the zoning of the surrounding area. Staff stated that before any additional changes were made on this lot, another rezoning would have to come back before Council.

Brendie Vega, the applicant stated that they are working with the neighbors to address their concerns in regards to privacy and the trees on the property. Ms. Vega stated that they are also seeking the rezoning to later be annexed into town and to establish sewer service.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. With no comments, Mayor Pro Tem Killingsworth declared the Public Hearing closed.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Mahaffey made a motion to approve the rezoning;

Council Member Gantt seconded.

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

PH2 Shelly Mayo, Planner II

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.

Staff stated that the applicant requested the rezoning be continued to the January 25, 2022 Regular Council Meeting.

Council Member Mahaffey made a motion to continue the rezoning to the January 25, 2022 meeting;

Mayor Pro Tem Killingsworth seconded.

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

PH3 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented council to the amendments. There were no concerns from Council in regards to the amendment to Section 7.18 Penalties and Remedies for Violation of Article. Council expressed concern on how the language presented in the second amendment (Amendments to Sections 6.1.12.B) and how the language could potentially affect areas containing RCA.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. With no comments, Mayor Pro Tem Killingsworth declared the Public Hearing closed.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made a motion to approve Amendment #1 as presented;

Council Member Stallings seconded.

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

Mayor Pro Tem Killingsworth made a motion

to refer Amendment #2 back to the Planning Committee for further review;

Council Member Stallings seconded.

Mayor Pro Tem Killingsworth and Council Members Stallings, Mahaffey, and Gray voted in the affirmative.

Council Member Gantt voted against.

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

PH4 Amanda Grogan, Budget & Performance Manager

Citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget.

Staff stated that the purpose of this public hearing was to receive citizen input on the formulation of the Fiscal Year 2022-2023 Annual Budget. Staff stated that the budget priority survey is available online for citizen input. 325 participants have completed the survey thus far and 95% of those results are from residents. Staff provided Council with upcoming dates in regards to the budget.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. Staff stated that we received two comments and that those comments had been received by Council. Mayor Pro Tem Killingsworth declared the Public Hearing closed.

OLD BUSINESS

OB1 Christopher "C.J." Valenzuela, Housing Program Manager

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.

Staff provided a presentation on the Broadstone Walk Project. Staff presented the justification for the DHIC, Inc Gap Funding request and the criteria to receive funding from Wake County. Staff stated that the project needed financial support from the Town in the form of a loan from the Affordable Housing Fund contingent upon the final project approval. Council would also need to approve corresponding Budget Ordinance Amendment No. 12 in the amount of \$350,000. Staff provided the projected income limits for the.

Staff also provided a brief update on the Apex Cares Program. The Town has received 14 applications, all 14 applications are anticipated to be fully funded, and staff anticipates an increase in applications.

Council expressed concern about how the funds from Wake County are distributed. The Town raised taxes to establish the Affordable Housing Fund and it appears that the Town is being penalized for having those resources available. Council expressed concern that Wake County is contributing less to projects in Apex due to the fund and would like to see the County establish guidelines that would be utilized in determining funding disbursement for all its' municipalities.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made a motion to approve 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 approval of corresponding Budget Ordinance Amendment No. 12;

Council Member Gray seconded.

Council stated that we needed to move forward with the current project, but expressed the need to find a solution with Wake County on how funds are distributed moving forward.

Mayor Pro Tem Killingsworth and Council Members Gantt, Stallings, and Gray voted in the affirmative.

Council Member Mahaffey voted against.

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

OB2 Vance Holloman, Finance Director

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.

Staff stated that the Town received the certified results from the referendum for the Street and Sidewalk Improvement Bonds and 71% of the votes cast were in favor of the bonds. Staff is seeking the approval of resolution declaring the results of the bond referendum.

Council asked for clarification on the results and resolution received from Wake County. Staff notated the typographical error made, stated that they would get the resolution amended and that Council could proceed based on the confirmation of the affirmative votes.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made the motion to approve the resolution;

Council Member Stallings seconded.

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

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that the Martin Luther King Jr., Day celebration is this Saturday. A March will be held at 9:00 am, and will begin at Apex First Baptist Church ending at Town Hall. The Friday night event has been postponed. She congratulated the peak performers and acknowledge staff who were also acknowledged for their performance and service. Town Manager Crosby extended a special thanks to the fire department for their service and assistance with the fire in Rocky Mount at QVC.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Pro Tem Killingsworth adjourned the meeting.

Tesa Silver, Deputy Town Clerk

ATTEST:

Audra M. Killingsworth, Mayor Pro Tem



AGENDA | VIRTUAL SPECIAL TOWN COUNCIL MEETING

January 12, 2022 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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 Pro Tem Audra M. Killingsworth, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. 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. Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Killingsworth called the meeting to order and stated that the purpose of the meeting was to discuss the Wake County EMS Community Meeting and the Ellerview Stub Street Analysis.

WORK SESSION

WS1 Catherine Crosby, Town Manager

Discussion on Wake County EMS Community Meeting and the Ellerview Stub Street Analysis
Staff stated that Council received the presentation provided during the Wake County EMS Community Meeting, a summary from the meeting and the Ellerview Stub Street Analysis, and that staff was present to answer any questions Council may have.

Council asked if stub streets have been problematic in the past. Staff stated that stub streets often cause concerns, but rarely have had to come before Council. Historically when Council has become involved they typically decided to uphold the Unified Development Ordinance (UDO). Council asked how the opening of the stub street would impact traffic in the neighborhood. Staff reviewed the improvements planned for the area and stated the improvements are not anticipated to heavily impact the area.

Council asked who has the authority to interpret the UDO. Staff stated that the Planning and Community Development Director has the authority to interpret the UDO. If the applicant disagrees with the interpretation there is a right to an appeal which is heard by the Board of Adjustment. Staff stated that a written determination was provided in reference to this site and an appeal was not requested.

Staff confirmed that a neighborhood meeting was held, a presentation was given during the neighborhood meeting, and that all questions were answered. Council asked if alternatives were presented to the public. Staff stated alternatives were given (alternatives: build two stub streets with a gap in the middle or have Wake County EMS function without the building of the stub street).

Staff expressed the need to have infrastructure built when a development occurs. When infrastructure is not put into place during development, it rarely occurs, and when it does it happens at a much higher cost. The current plan has funding allocated by Wake County, delaying the infrastructure now, would reallocate funding from other future projects. Staff informed Council that failure to build the stub street could cause utility and construction conflicts,

Council expressed that they understood the comments and concerns of the residents in the community, however in this particular situation, they understand the need to follow the guidelines, standards, and requirements that have been established by the UDO, and expressed the need to ensure connectivity throughout the Town.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Pro Tem Killingsworth adjourned the meeting.

Tesa Silver, Deputy Town Clerk

ATTEST:

Audra M. Killingsworth, Mayor Pro Tem

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Mary Beth Manville, Human Resources Director

Department(s): Human Resources

Requested Motion

Motion to approve increasing the Legal Department's Paralegal position from 0.5625 to 1.0 FTE, and corresponding Budget Ordinance Amendment no. 13.

Approval Recommended?

Yes

Item Details

The Legal Department currently has a part-time Paralegal position budgeted for 22.5 hours per week (0.5625 FTE). With the soon-to-be retirement of the present incumbent, the Legal department would like to increase the position's hours to 40, making it a full-time position (1.0 FTE).

Attachments

- Budget Ordinance Amendment No. 13





Town of Apex

Budget Ordinance Amendment No. 13

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:

10. General Fund

Section 1. Revenues:

Sales Tax	\$30,000
Total Revenues	\$30,000

Section 2. Expenditures:

Legal - Personnel Expenses	\$30,000
Total Expenditures	\$30,000

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 24th 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: CONSENT AGENDA

Meeting Date: January 25 ,2022

Item Details

Presenter(s): Jason Armstrong, Chief of Police

Department(s): Police

Requested Motion

Motion to award badge and service handgun to Captain Ann Stephens who will retire from the Apex Police Department as of February 1, 2022

Approval Recommended?

Yes

Item Details

North Carolina General Statute 20-187.2(a) allows the governing body of a municipality to, upon request, declare as surplus the badge and side arm of a retiring police officer. The statute states that the badge is to be awarded at "no cost" to the retiring member and that the side arm be awarded "at a price determined by such governing body".

In recognition of her 29 years of service to the Apex Police Department, Chief Armstrong requests that one Captain badge and one handgun (described below) be declared surplus, that the price for such handgun be set at \$1.00 and that the badge and handgun be awarded to Captain Stephens.

- Glock Model 19, 9mm handgun, Serial Number XWZ2732

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Dennis Brown, Senior Capital Projects Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute Facility Encroachment Agreement with CSX Transportation, Inc. for the new Pleasant Park Project.

Approval Recommended?

Yes

Item Details

This encroachment agreement is required by CSX for the required sleeves under CSX railroad for Water, Electrical, Communications and Sewer Service to Pleasant Park.

Attachments

- CSX913070 Agreement
- CSX913070 EXHIBIT A REV1



FACILITY ENCROACHMENT AGREEMENT

THIS AGREEMENT, made and effective as of October 1, 2021, by and between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Licensor," and TOWN OF APEX, a municipal corporation, political subdivision or state agency, under the laws of the State of North Carolina, whose mailing address is Po Box 250, Apex, North Carolina 27502, hereinafter called "Licensee," WITNESSETH:

WHEREAS, Licensee desires to construct (unless previously constructed and designated as existing herein), use and maintain the below described facility(ies), including one (1) new empty conduit(s), hereinafter, collectively, called "Facilities," over, under or across property owned or controlled by Licensor at the below described location(s):

1. One (1) ^{TWENTY} ~~twelve~~ inch (20") diameter sub-grade pipeline crossing, solely for the conveyance of potable water, located at or near Apex, Wake County, North Carolina, Florence Division, Aberdeen Subdivision, Milepost S-174.19, Latitude N35:42:11.00, Longitude W78:53:09.00;
2. One (1) four inch (4") diameter sub-grade pipeline crossing, solely for the conveyance of raw/treated sewage, located at or near Apex, Wake County, North Carolina, Florence Division, Aberdeen Subdivision, Milepost S-174.19, Latitude N35:42:11.00, Longitude W78:53:09.00;
3. One (1) twenty four inch (24") diameter sub-grade pipeline crossing, housing two (2) empty conduits, use to be determined at a future date, located at or near, Apex, Wake County, North Carolina, Florence Division, Aberdeen Subdivision, Milepost S-174.19, Latitude N35:42:11.00, Longitude W78:53:09.00;

hereinafter, called the "Encroachment," as shown on print(s) labeled Exhibit "A," attached hereto and made a part hereof;

NOW, THEREFORE, in consideration of the mutual covenants, conditions, terms and agreements herein contained, the parties hereto agree and covenant as follows:

1. LICENSE:

1.1 Subject to Article 17, Licensor, insofar as it has the legal right, power and authority to do so, and its present title permits, and subject to:

(A) Licensor's present and future right to occupy, possess and use its property within the area of the Encroachment for any and all purposes, including but not limited to Licensor's track(s) structure(s), power lines, communication, signal or other wires, train control system, cellular or data towers, or electrical or electronic apparatus, or any appurtenances thereto ("Licensor's Facilities") and any other facilities as now exist or which may in the future be located in, upon, over, under or across the property;

(B) All encumbrances, conditions, covenants, easements, and limitations applicable to Licensor's title to or rights in the subject property; and

(C) Compliance by Licensee with the terms and conditions herein contained;

does hereby license and permit Licensee to construct, maintain, repair, renew, operate, use, alter or change the Facilities at the Encroachment above for the term herein stated, and to remove same upon termination.

1.2 The term Facilities, as used herein, shall include only those structures and ancillary facilities devoted exclusively to the transmission usage above within the Encroachment, and as shown on attached Exhibit A.

1.3 No additional structures or other facilities shall be placed, allowed, or maintained by Licensee in, upon or on the Encroachment except upon prior separate written consent of Licensor.

1.4 The term Licensor Facilities, as used herein shall include Licensor's track(s) structures(s), power lines, communication, signal or other wires, train control system, cellular or data towers, or electrical or electronic apparatus other property, or any appurtenances thereto and any other facilities as now exist or which may in the future be located in, upon, over, under or across the property.

2. ENCROACHMENT FEE; TERM:

2.1 Licensee shall pay Licensor a one-time nonrefundable Encroachment Fee of TWENTY-FIVE THOUSAND FIVE HUNDRED AND 00/100 U.S. DOLLARS (\$25,500.00) upon execution of this Agreement. Licensee agrees that the Encroachment Fee applies only to the original Licensee under this Agreement. In the event of a successor (by merger, consolidation, reorganization and/or assignment) or if the original Licensee changes its name, then Licensee shall be subject to payment of Licensor's current administrative and document preparation fees for the cost incurred by Licensor in preparing and maintaining this Agreement on a current basis.

2.2 However, Licensee assumes sole responsibility for, and shall pay directly (or reimburse Licensor), any additional annual taxes and/or periodic assessments levied against Licensor or Licensor's property solely on account of said Facilities or Encroachment.

2.3 This Agreement shall terminate as herein provided, but shall also terminate upon: (a) Licensee's cessation of use of the Facilities or Encroachment for the purpose(s) above; (b) removal of the Facilities; (c) subsequent mutual consent; and/or (d) failure of Licensee to complete installation within five (5) years from the effective date of this Agreement.

2.4 In further consideration for the license or right hereby granted, Licensee hereby agrees that Licensor shall not be charged or assessed, directly or indirectly, with any part

of the cost of the installation of said Facilities and appurtenances, and/or maintenance thereof, or for any public works project of which said Facilities is a part. Licensee agrees it shall not assess Licensor any stormwater fee associated with such Facilities. Furthermore, Licensee shall be responsible for any stormwater fees assessed by any City, County or State agency managing such systems.

3. CONSTRUCTION, MAINTENANCE AND REPAIRS:

3.1 Licensee shall construct, maintain, relocate, repair, renew, alter, and/or remove the Facilities, in a prudent, workmanlike manner, using quality materials and complying with any applicable standard(s) or regulation(s) of Licensor (CSXT Specifications), or Licensee's particular industry, National Electrical Safety Code, or any governmental or regulatory body having jurisdiction over the Encroachment.

3.2 Location and construction of Facilities shall be made strictly in accordance with design(s) and specifications furnished to and approved by Licensor and of material(s) and size(s) appropriate for the purpose(s) above recited.

3.3 All of Licensee's work, and exercise of rights hereunder, shall be undertaken at time(s) satisfactory to Licensor, and so as to eliminate or minimize any impact on or interference with the safe use and operation of Licensor's property and appurtenances thereto.

3.4 In the installation, maintenance, repair and/or removal of said Facilities, Licensee shall not use explosives of any type or perform or cause any blasting without the separate express written consent of Licensor. As a condition to such consent, a representative will be assigned by Licensor to monitor blasting, and Licensee shall reimburse Licensor for the entire cost and/or expense of furnishing said monitor.

3.5 Any repairs or maintenance to the Facilities, whether resulting from acts of Licensee, or natural or weather events, which are necessary to protect or facilitate Licensor's use of its property, shall be made by Licensee promptly, but in no event later than thirty (30) days after Licensee has notice as to the need for such repairs or maintenance.

3.6 Licensor, in order to protect or safeguard its property, rail operations, equipment and/or employees from damage or injury, may request immediate repair or renewal of the Facilities, and if the same is not performed, may make or contract to make such repairs or renewals, at the sole risk, cost and expense of Licensee.

3.7 Neither the failure of Licensor to object to any work done, material used, or method of construction or maintenance of said Encroachment, nor any approval given or supervision exercised by Licensor, shall be construed as an admission of liability or responsibility by Licensor, or as a waiver by Licensor of any of the obligations, liability and/or responsibility of Licensee under this Agreement.

3.8 All work on the Encroachment shall be conducted in accordance with Licensor's safety rules and regulations.

3.9 Licensee hereby agrees to reimburse Licensor any loss, cost or expense (including losses resulting from train delays and/or inability to meet train schedules) arising from any failure of Licensee to make repairs or conduct maintenance as required by Section 3.5 above or from improper or incomplete repairs or maintenance to the Facilities or Encroachment.

3.10 In the event it becomes necessary for the Licensee to deviate from the approved Exhibit, Licensee shall seek prior approval from CSXT, or when applicable, an official field representative of CSXT permitted to approve changes, authorizing the necessary field changes and Licensee shall provide CSXT with complete As-Built Drawings of the completed work. As-Built Drawings shall be submitted to Licensor in either electronic or hard copy form upon the substantial completion of the project and upon Licensor's request.

3.11 In the event of large scale maintenance/construction work to railroad bridges Licensee is required to protect power lines with insulated covers or comparable safety devices at their costs during construction/maintenance for safety of railroad employees.

4. PERMITS, LICENSES:

4.1 Before any work hereunder is performed, or before use of the Encroachment for the contracted purpose, Licensee, at its sole cost and expense, shall obtain all necessary permit(s) (including but not limited to zoning, building, construction, health, safety or environmental matters), letter(s) or certificate(s) of approval. Licensee expressly agrees and warrants that it shall conform and limit its activities to the terms of such permit(s), approval(s) and authorization(s), and shall comply with all applicable ordinances, rules, regulations, requirements and laws of any governmental authority (State, Federal or Local) having jurisdiction over Licensee's activities, including the location, contact, excavation and protection regulations of the Occupational Safety and Health Act (OSHA) (29 CFR 1926.651(b)), et al., and State "One Call" - "Call Before You Dig" requirements.

4.2 Licensee assumes sole responsibility for failure to obtain such permit(s) or approval(s), for any violations thereof, or for costs or expenses of compliance or remedy.

5. MARKING AND SUPPORT:

5.1 With respect to any subsurface installation or maintenance upon Licensor's property, Licensee, at its sole cost and expense, shall:

- (A) support track(s) and roadbed in a manner satisfactory to Licensor;
- (B) backfill with satisfactory material and thoroughly tamp all trenches to prevent settling of surface of land and roadbed of Licensor; and
- (C) either remove any surplus earth or material from Licensor's property or cause said surplus earth or material to be placed and distributed at location(s) and in such manner Licensor may approve.

5.2 After construction or maintenance of the Facilities, Licensee shall:

(A) Restore any track(s), roadbed and other disturbed property; and

(B) Erect, maintain and periodically verify the accuracy of aboveground markers, in a form approved by Licensor, indicating the location, depth and ownership of any underground Facilities or related facilities.

5.3 Licensee shall be solely responsible for any subsidence or failure of lateral or subjacent support in the Encroachment area for a period of three (3) years after completion of installation.

6. TRACK CHANGES:

6.1 In the event that rail operations and/or track maintenance result in changes in grade or alignment of, additions to, or relocation of track(s) or other facilities, or in the event future use of Licensor's rail corridor or property necessitate any change of location, height or depth in the Facilities or Encroachment, Licensee, at its sole cost and expense and within thirty (30) days after notice in writing from Licensor, shall make changes in the Facilities or Encroachment to accommodate such track(s) or operations.

6.2 If Licensee fails to do so, Licensor may make or contract to make such changes at Licensee's cost.

7. FACILITY CHANGES:

7.1 Licensee shall periodically monitor and verify the depth or height of the Facilities or Encroachment in relation to the existing tracks and facilities, and shall relocate the Facilities or change the Encroachment, at Licensee's expense, should such relocation or change be necessary to comply with the minimum clearance requirements of Licensor.

7.2 If Licensee undertakes to revise, renew, relocate or change in any manner whatsoever all or any part of the Facilities (including any change in voltage or gauge of wire or any change in circumference, diameter or radius of pipe or change in materials transmitted in and through said pipe), or is required by any public agency or court order to do so, plans therefor shall be submitted to Licensor for approval before such change. After approval, the terms and conditions of this Agreement shall apply thereto.

8. INTERFERENCE WITH RAIL FACILITIES:

8.1 Although the Facilities/Encroachment herein permitted may not presently interfere with Licensor's Facilities, in the event that the operation, existence or maintenance of said Facilities, in the sole judgment of Licensor, causes: (a) interference (including, but not limited to, physical or interference from an electromagnetic induction, or interference from stray or other currents) with Licensor's power lines, communication, signal or other wires, train

control system, or electrical or electronic apparatus; or (b) interference in any manner, with the operation, maintenance or use of Licensor's Facilities; then and in either event, Licensee, upon receipt of written notice from Licensor of any such interference, and at Licensee's sole risk, cost and expense, shall promptly make such changes in its Facilities or installation, as may be required in the reasonable judgment of the Licensor to eliminate all such interference. Upon Licensee's failure to remedy or change, Licensor may do so or contract to do so at Licensee's sole cost.

8.2 Without assuming any duty hereunder to inspect the Facilities, Licensor hereby reserves the right to inspect same and to require Licensee to undertake repairs, maintenance or adjustments to the Facilities, which Licensee hereby agrees to make promptly, at Licensee's sole cost and expense.

9. RISK, LIABILITY, INDEMNITY:

With respect to the relative risk and liabilities of the parties, it is hereby agreed that:

9.1 To the fullest extent permitted by State law (constitutional or statutory, as amended), Licensee hereby agrees to, defend, indemnify, and hold Licensor harmless from and against any and all liability, loss, claim, suit, damage, charge or expense which Licensor may suffer, sustain, incur or in any way be subjected to, on account of death of or injury to any person whomsoever (including officers, agents, employees or invitees of Licensor), and for damage to or loss of or destruction of any property whatsoever, arising out of, resulting from, or in any way connected with the construction, repair, maintenance, replacement, presence, existence, operations, use or removal of the Facilities or any structure in connection therewith, or restoration of premises of Licensor to good order or condition after removal, EXCEPT when proven to have been caused solely by the willful misconduct or gross negligence of Licensor. HOWEVER, to the fullest extent permitted by State law, during any period of actual construction, repair, maintenance, replacement or removal of the Facilities, wherein agents, equipment or personnel of Licensee are on the railroad rail corridor, Licensee's liability hereunder shall be absolute, irrespective of any joint, sole or contributory fault or negligence of Licensor.

9.2 Use of Licensor's rail corridor involves certain risks of loss or damage as a result of the rail operations. Notwithstanding Section 9.1, Licensee expressly assumes all risk of loss and damage to Licensee's Property or the Facilities in, on, over or under the Encroachment, including loss of or any interference with use or service thereof, regardless of cause, including electrical field creation, fire or derailment resulting from rail operations. For this Section, the term "Licensee's Property" shall include property of third parties situated or placed upon Licensor's rail corridor by Licensee or by such third parties at request of or for benefit of Licensee.

9.3 To the fullest extent permitted by State law, as above, Licensee assumes all responsibility for, and agrees to defend, indemnify and hold Licensor harmless from: (a) all claims, costs and expenses, including reasonable attorneys' fees, as a consequence of any sudden or nonsudden pollution of air, water, land and/or ground water on or off the Encroachment area,

arising from or in connection with the use of this Encroachment or resulting from leaking, bursting, spilling, or any escape of the material transmitted in or through the Facilities; (b) any claim or liability arising under federal or state law dealing with either such sudden or nonsudden pollution of air, water, land and/or ground water arising therefrom or the remedy thereof; and (c) any subsidence or failure of lateral or subjacent support of the tracks arising from such Facilities leakage.

9.4 Notwithstanding Section 9.1, Licensee also expressly assumes all risk of loss which in any way may result from Licensee's failure to maintain either required clearances for any overhead Facilities or the required depth and encasement for any underground Facilities, whether or not such loss(es) result(s) in whole or part from Licensor's contributory negligence or joint fault.

9.5 Obligations of Licensee hereunder to release, indemnify and hold Licensor harmless shall also extend to companies and other legal entities that control, are controlled by, subsidiaries of, or are affiliated with Licensor, as well as any railroad that operates over the rail corridor on which the Encroachment is located, and the officers, employees and agents of each.

9.6 If a claim is made or action is brought against Licensor, and/or its operating lessee, for which Licensee may be responsible hereunder, in whole or in part, Licensee shall be notified to assume the handling or defense of such claim or action; but Licensor may participate in such handling or defense.

9.7 Notwithstanding anything contained in this Agreement, the limitation of liability contained in the state statutes, as amended from time to time, shall not limit Licensor's ability to collect under the insurance policies required to be maintained under this Agreement.

10. INSURANCE:

10.1 Prior to commencement of surveys, installation or occupation of premises pursuant to this Agreement, Licensee shall procure and shall maintain during the continuance of this Agreement, at its sole cost and expense, a policy of

(i) Statutory Worker's Compensation and Employers Liability Insurance with available limits of not less than ONE MILLION AND 00/100 U.S. DOLLARS (\$1,000,000.00), which must contain a waiver of subrogation against CSXT and its Affiliates;

(ii) Commercial General Liability coverage (inclusive of contractual liability) with available limits of not less than FIVE MILLION AND 00/100 U.S. DOLLARS (\$5,000,000.00), naming Licensor, and/or its designee, as additional insured and in combined single limits for bodily injury and property damage and covering the contractual liabilities assumed under this Agreement. The evidence of insurance coverage shall be endorsed to provide for thirty (30) days' notice to Licensor, or its designee, prior to cancellation or modification of any policy. Mail CGL certificate, along with agreement, to CSX Transportation, Inc., Speed Code J180, 500 Water Street, Jacksonville, FL 32202. On each successive year, send certificate to RenewalCOI@csx.com.

(iii) Business automobile liability insurance with available limits of not less than ONE MILLION AND 00/100 U.S. DOLLARS (\$1,000,000.00) combined single limit for bodily injury and/or property damage per occurrence;

(iv) Such other insurance as Licensor may reasonably require.

10.2 If Licensee's existing CGL policy(ies) do(es) not automatically cover Licensee's contractual liability during periods of survey, installation, maintenance and continued occupation, a specific endorsement adding such coverage shall be purchased by Licensee. If said CGL policy is written on a "claims made" basis instead of a "per occurrence" basis, Licensee shall arrange for adequate time for reporting losses. Failure to do so shall be at Licensee's sole risk.

10.3 Licensor, or its designee, may at any time request evidence of insurance purchased by Licensee to comply with this Agreement. Failure of Licensee to comply with Licensor's request shall be considered a default by Licensee.

10.4 Securing such insurance shall not limit Licensee's liability under this Agreement, but shall be security therefor.

10.5 (A) In the event Licensee finds it necessary to perform construction or demolition operations within fifty feet (50') of any operated railroad track(s) or affecting any railroad bridge, trestle, tunnel, track(s), roadbed, overpass or underpass, Licensee shall: (a) notify Licensor; and (b) require its contractor(s) performing such operations to procure and maintain during the period of construction or demolition operations, at no cost to Licensor, Railroad Protective Liability (RPL) Insurance, naming Licensor, and/or its designee, as Named Insured, written on the current ISO/RIMA Form (ISO Form No. CG 00 35 01 96) with limits of FIVE MILLION AND 00/100 U.S. DOLLARS (\$5,000,000.00) per occurrence for bodily injury and property damage, with at least TEN MILLION AND 00/100 U.S. DOLLARS (\$10,000,000.00) aggregate limit per annual policy period, with Pollution Exclusion Amendment (ISO CG 28 31 11 85) if an older ISO Form CG 00 35 is used. The original of such RPL policy shall be sent to and approved by Licensor prior to commencement of such construction or demolition. Licensor reserves the right to demand higher limits.

(B) At Licensor's option, in lieu of purchasing RPL insurance from an insurance company (but not CGL insurance), Licensee may pay Licensor, at Licensor's current rate at time of request, the cost of adding this Encroachment, or additional construction and/or demolition activities, to Licensor's Railroad Protective Liability (RPL) Policy for the period of actual construction. This coverage is offered at Licensor's discretion and may not be available under all circumstances.

10.6 Notwithstanding the provisions of Sections 10.1 and 10.2, Licensee, pursuant to State Statute(s), may self-insure or self-assume, in any amount(s), any contracted liability arising under this Agreement, under a funded program of self-insurance, which fund will respond to liability of Licensee imposed by and in accordance with the procedures established by law.

11. GRADE CROSSINGS; FLAGGING:

11.1 Nothing herein contained shall be construed to permit Licensee or Licensee's contractor to move any vehicles or equipment over the track(s), except at public road crossing(s), without separate prior written approval of Licensor.

11.2 If Licensor deems it advisable, during any construction, maintenance, repair, renewal, alteration, change or removal of said Facilities, to place watchmen, flagmen, or field construction managers for protection of operations of Licensor or others on Licensor's rail corridor at the Encroachment, and to keep persons, equipment or materials away from the track(s), Licensor shall have the right to do so at the expense of Licensee, but Licensor shall not be liable for failure to do so.

12. LICENSOR'S COSTS:

12.1 Any additional or alternative costs or expenses incurred by Licensor to accommodate Licensee's continued use of Licensor's property as a result of track changes or changes to Licensor's Facilities shall also be paid by Licensee.

12.2 Licensor's expense for wages ("force account" charges) and materials for any work performed at the expense of Licensee pursuant hereto shall be paid by Licensee within thirty (30) days after receipt of Licensor's bill therefor. Licensor may, at its discretion, request an advance deposit for estimated Licensor costs and expenses.

12.3 Such expense shall include, but not be limited to, cost of railroad labor and supervision under "force account" rules, plus current applicable overhead percentages, the actual cost of materials, and insurance, freight and handling charges on all material used. Equipment rentals shall be in accordance with Licensor's applicable fixed rate. Licensor may, at its discretion, require advance deposits for estimated costs of such expenses and costs.

13. DEFAULT, BREACH, WAIVER:

13.1 The proper and complete performance of each covenant of this Agreement shall be deemed of the essence thereof, and in the event Licensee fails or refuses to fully and completely perform any of said covenants or remedy any breach within thirty (30) days after receiving written notice from Licensor to do so (or within forty-eight (48) hours in the event of notice of a railroad emergency), Licensor shall have the option of immediately revoking this Agreement and the privileges and powers hereby conferred, regardless of encroachment fee(s) having been paid in advance for any annual or other period. Upon such revocation, Licensee shall make removal in accordance with Article 14.

13.2 No waiver by Licensor of its rights as to any breach of covenant or condition herein contained shall be construed as a permanent waiver of such covenant or condition, or any subsequent breach thereof, unless such covenant or condition is permanently waived in writing by Licensor.

13.3 Neither the failure of Licensor to object to any work done, material used, or method of construction or maintenance of said Encroachment, nor any approval given or supervision exercised by Licensor, shall be construed as an admission of liability or responsibility by Licensor, or as a waiver by Licensor of any of the obligations, liability and/or responsibility of Licensee under this Agreement.

14. TERMINATION, REMOVAL:

14.1 All rights which Licensee may have hereunder shall cease upon the date of (a) termination, (b) revocation, or (c) subsequent agreement, or (d) Licensee's removal of the Facility from the Encroachment. However, neither termination nor revocation of this Agreement shall affect any claims and liabilities which have arisen or accrued hereunder, and which at the time of termination or revocation have not been satisfied; neither party, however, waiving any third party defenses or actions.

14.2 Within thirty (30) days after revocation or termination, Licensee, at its sole risk and expense, shall (a) remove the Facilities from the rail corridor of Licensor, unless the parties hereto agree otherwise, (b) restore the rail corridor of Licensor in a manner satisfactory to Licensor, and (c) reimburse Licensor any loss, cost or expense of Licensor resulting from such removal.

15. NOTICE:

15.1 Licensee shall give Licensor at least thirty (30) days written notice before doing any work on Licensor's rail corridor, except that in cases of emergency shorter notice may be given. Licensee shall provide proper notification as follows:

a. For non-emergencies, Licensee shall submit online via the CSX Property Portal from Licensor's web site, via web link:
https://propertyportal.csx.com/pub_ps_res/ps_res/jsf/public/index.faces

b. For emergencies, Licensee shall complete all of the steps outlined in Section 15.1 a. above, and shall also include detailed information of the emergency. Licensee shall also call and report details of the emergency to Licensor's Rail Operations Emergency Telephone Number: 1-800-232-0144. In the event Licensor needs to contact Licensee concerning an emergency involving Licensee's Facility(ies), the emergency phone number for Licensee is: 919-249-3301.

15.2 All other notices and communications concerning this Agreement shall be addressed to Licensee at the address above, and to Licensor at the address shown on Page 1, c/o

CSXT Contract Management, J180; or at such other address as either party may designate in writing to the other.

15.3 Unless otherwise expressly stated herein, all such notices shall be in writing and sent via Certified or Registered Mail, Return Receipt Requested, or by courier, and shall be considered delivered upon: (a) actual receipt, or (b) date of refusal of such delivery.

16. ASSIGNMENT:

16.1 The rights herein conferred are the privileges of Licensee only, and Licensee shall obtain Licensor's prior written consent to any assignment of Licensee's interest herein; said consent shall not be unreasonably withheld.

16.2 Subject to Sections 2 and 16.1, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors or assigns.

16.3 Licensee shall give Licensor written notice of any legal succession (by merger, consolidation, reorganization, etc.) or other change of legal existence or status of Licensee, with a copy of all documents attesting to such change or legal succession, within thirty (30) days thereof.

16.4 Licensor expressly reserves the right to assign this Agreement, in whole or in part, to any grantee, lessee, or vendee of Licensor's underlying property interests in the Encroachment, upon written notice thereof to Licensee.

16.5 In the event of any unauthorized sale, transfer, assignment, sublicense or encumbrance of this Agreement, or any of the rights and privileges hereunder, Licensor, at its option, may revoke this Agreement by giving Licensee or any such assignee written notice of such revocation; and Licensee shall reimburse Licensor for any loss, cost or expense Licensor may incur as a result of Licensee's failure to obtain said consent.

17. TITLE:

17.1 Licensee understands that Licensor occupies, uses and possesses lands, rights-of-way and rail corridors under all forms and qualities of ownership rights or facts, from full fee simple absolute to bare occupation. Accordingly, nothing in this Agreement shall act as or be deemed to act as any warranty, guaranty or representation of the quality of Licensor's title for any particular Encroachment or segment of Rail Corridor occupied, used or enjoyed in any manner by Licensee under any rights created in this Agreement. It is expressly understood that Licensor does not warrant title to any Rail Corridor and Licensee will accept the grants and privileges contained herein, subject to all lawful outstanding existing liens, mortgages and superior rights in and to the Rail Corridor, and all leases, licenses and easements or other interests previously granted to others therein.

17.2 The term "license," as used herein, shall mean with regard to any portion of the Rail Corridor which is owned by Licensor in fee simple absolute, or where the applicable law

of the State where the Encroachment is located otherwise permits Licensor to make such grants to Licensee, a "permission to use" the Rail Corridor, with dominion and control over such portion of the Rail Corridor remaining with Licensor, and no interest in or exclusive right to possess being otherwise granted to Licensee. With regard to any other portion of Rail Corridor occupied, used or controlled by Licensor under any other facts or rights, Licensor merely waives its exclusive right to occupy the Rail Corridor and grants no other rights whatsoever under this Agreement, such waiver continuing only so long as Licensor continues its own occupation, use or control. Licensor does not warrant or guarantee that the license granted hereunder provides Licensee with all of the rights necessary to occupy any portion of the Rail Corridor. Licensee further acknowledges that it does not have the right to occupy any portion of the Rail Corridor held by Licensor in less than fee simple absolute without also receiving the consent of the owner(s) of the fee simple absolute estate. Further, Licensee shall not obtain, exercise or claim any interest in the Rail Corridor that would impair Licensor's existing rights therein.

17.3 Licensee agrees it shall not have nor shall it make, and hereby completely and absolutely waives its right to, any claim against Licensor for damages on account of any deficiencies in title to the Rail Corridor in the event of failure or insufficiency of Licensor's title to any portion thereof arising from Licensee's use or occupancy thereof.

17.4 Licensee agrees to fully and completely indemnify and defend all claims or litigation for slander of title, overburden of easement, or similar claims arising out of or based upon the Facilities placement, or the presence of the Facilities in, on or along any Encroachment(s), including claims for punitive or special damages.

17.5 Licensee shall not at any time own or claim any right, title or interest in or to Licensor's property occupied by the Encroachments, nor shall the exercise of this Agreement for any length of time give rise to any right, title or interest in Licensee to said property other than the license herein created.

17.6 Nothing in this Agreement shall be deemed to give, and Licensor hereby expressly waives, any claim of ownership in and to any part of the Facilities.

17.7 Licensee shall not create or permit any mortgage, pledge, security, interest, lien or encumbrances, including without limitation, tax liens and liens or encumbrances with respect to work performed or equipment furnished in connection with the construction, installation, repair, maintenance or operation of the Facilities in or on any portion of the Encroachment (collectively, "Liens or Encumbrances"), to be established or remain against the Encroachment or any portion thereof or any other Licensor property.

17.8 In the event that any property of Licensor becomes subject to such Liens or Encumbrances, Licensee agrees to pay, discharge or remove the same promptly upon Licensee's receipt of notice that such Liens or Encumbrances have been filed or docketed against the Encroachment or any other property of Licensor; however, Licensee reserves the right to challenge, at its sole expense, the validity and/or enforceability of any such Liens or Encumbrances.

18. GENERAL PROVISIONS:

18.1 This Agreement, and the attached specifications, contains the entire understanding between the parties hereto.

18.2 Neither this Agreement, any provision hereof, nor any agreement or provision included herein by reference, shall operate or be construed as being for the benefit of any third person.

18.3 Except as otherwise provided herein, or in any Rider attached hereto, neither the form of this Agreement, nor any language herein, shall be interpreted or construed in favor of or against either party hereto as the sole drafter thereof.

18.4 This Agreement is executed under current interpretation of applicable Federal, State, County, Municipal or other local statute, ordinance or law(s). However, each separate division (paragraph, clause, item, term, condition, covenant or agreement) herein shall have independent and severable status for the determination of legality, so that if any separate division is determined to be void or unenforceable for any reason, such determination shall have no effect upon the validity or enforceability of each other separate division, or any combination thereof.

18.5 This Agreement shall be construed and governed by the laws of the state in which the Facilities and Encroachment are located.

18.6 If any amount due pursuant to the terms of this Agreement is not paid by the due date, it will be subject to Licensor's standard late charge and will also accrue interest at eighteen percent (18%) per annum, unless limited by local law, and then at the highest rate so permitted.

18.7 Licensee agrees to reimburse Licensor for all reasonable costs (including attorney's fees) incurred by Licensor for collecting any amount due under the Agreement.

18.8 The provisions of this License are considered confidential and may not be disclosed to a third party without the consent of the other party(s), except: (a) as required by statute, regulation or court order, (b) to a parent, affiliate or subsidiary company, (c) to an auditing firm or legal counsel that are agreeable to the confidentiality provisions, or (d) to Lessees of Licensor's land and/or track who are affected by the terms and conditions of this Agreement and will maintain the confidentiality of this Agreement.

18.9 Within thirty (30) days of an overpayment in a cumulative total amount of One Hundred Dollars (\$100.00) or more by Licensee to Licensor, Licensee shall notify Licensor in writing with documentation evidencing such overpayment. Licensor shall refund the actual amount of Licensee's overpayment within 120 days of Licensor's verification of such overpayment.

18.10 This Agreement may be executed in any number of counterparts, and such counterparts may be exchanged by electronic transmission. Upon execution by the parties hereto, each counterpart shall be deemed an original and together shall constitute one and the same instrument. A fully executed copy of this Agreement by electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate
(each of which shall constitute an original) as of the effective date of this Agreement.

Witness for Licensor:

CSX TRANSPORTATION, INC.

By: _____

Print/Type Name: _____

Print/Type Title: _____

Witness for Licensee:

TOWN OF APEX

By: _____

Who, by the execution hereof, affirms that he/she has
the authority to do so and to bind the Licensee to the
terms and conditions of this Agreement.

Print/Type Name: _____

Print/Type Title: _____

Tax ID No.: _____

Authority under Ordinance or

Resolution No. _____,

Dated _____.

CSX913070 EXHIBIT A REV 1

CSX PROPERTY SERVICES REVIEW

No Exceptions Exceptions Noted

This review is for the general conformance with CSX utility design specifications only. Sole responsibility for all aspects of the overall design shall remain with the facility owner. This review does not constitute approval to proceed without meeting all of CSX's safety and contractual requirements.

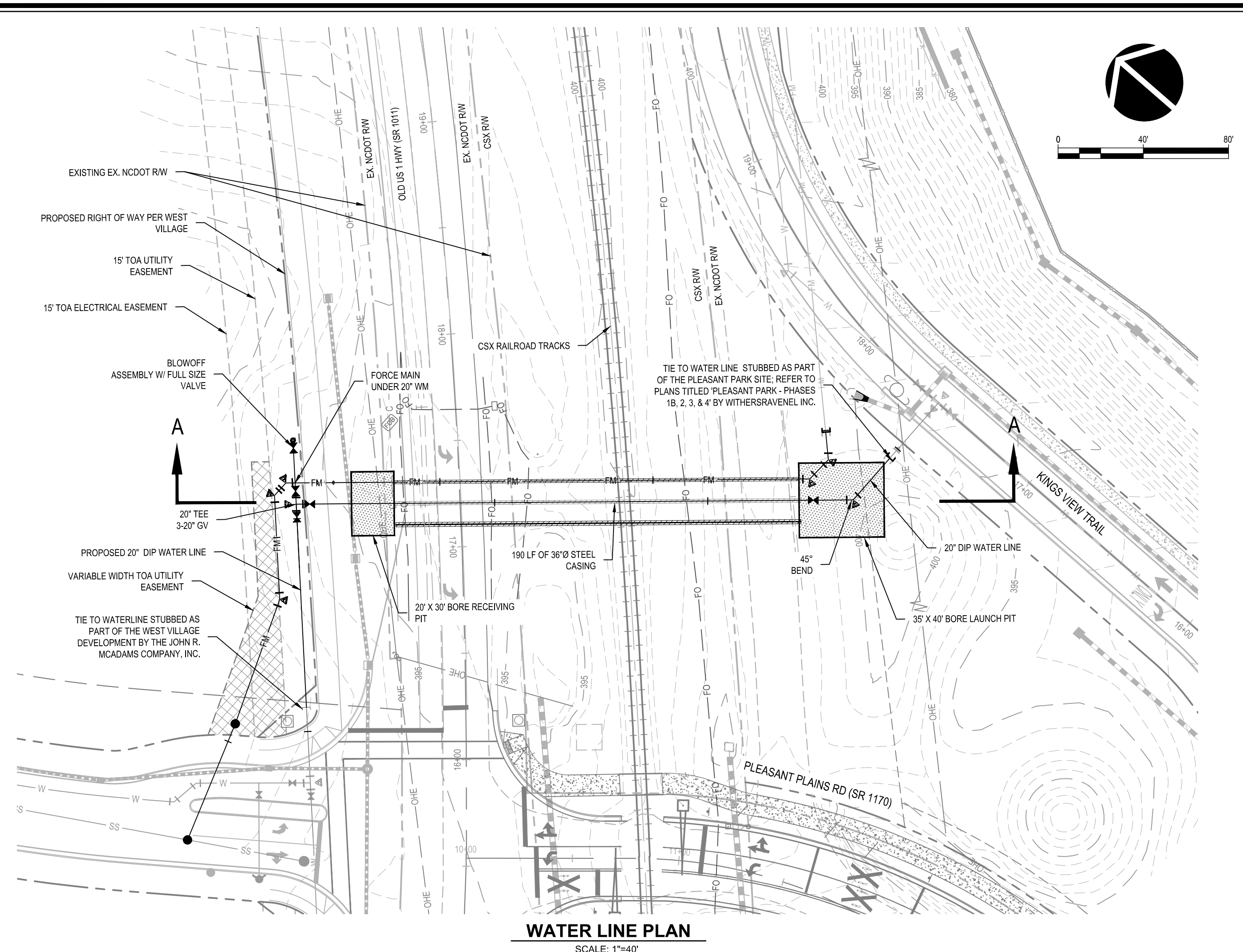
By: 

10/01/2021

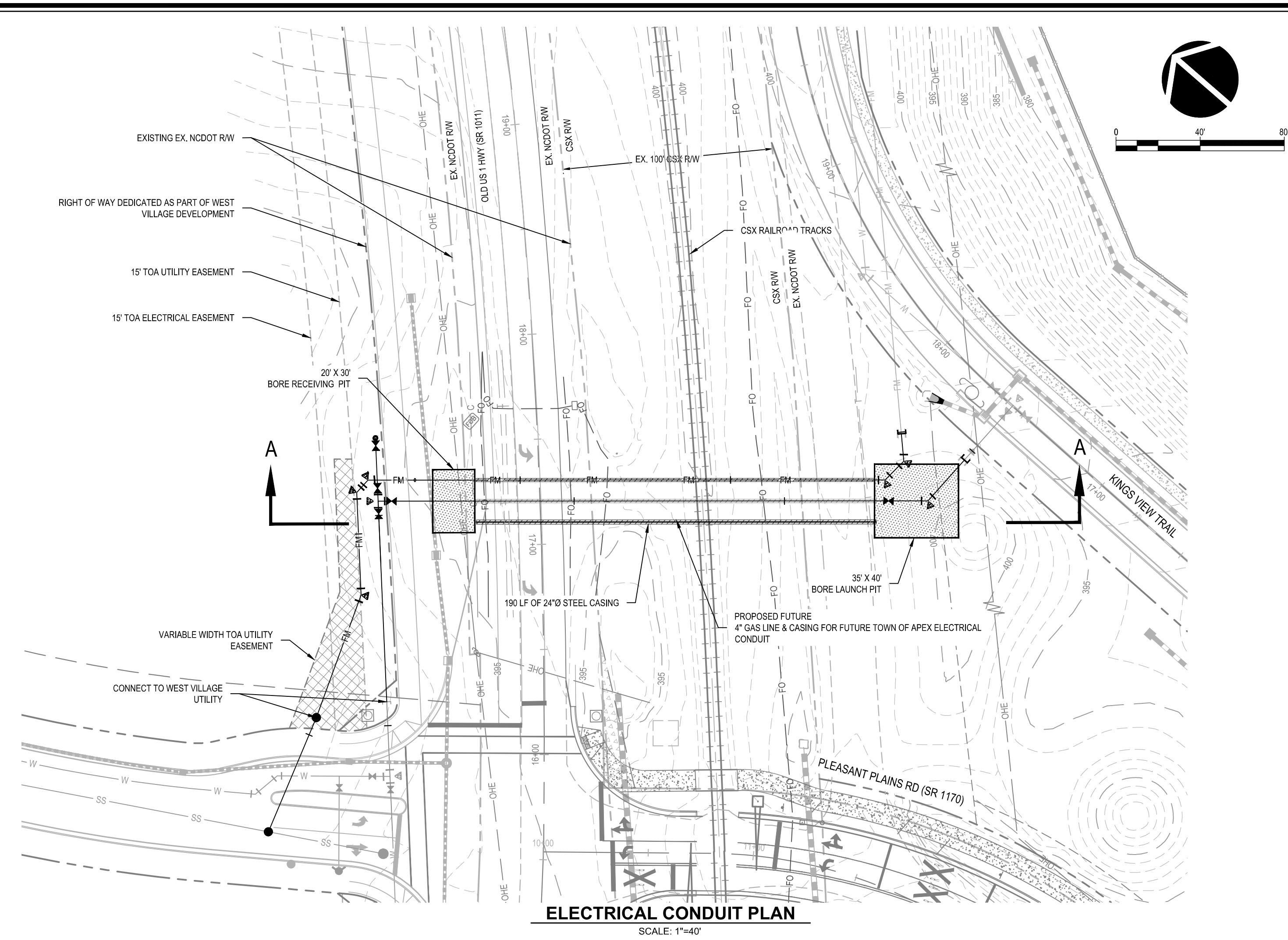
CSXT GENERAL NOTES:

1. REFER TO THE CSXT PIPELINE DESIGN & CONSTRUCTION SPECIFICATIONS FOR ADDITIONAL INFORMATION.
2. THE FRONT OF THE PIPE SHALL BE PROVIDED WITH MECHANICAL ARRANGEMENTS OR DEVICES THAT WILL POSITIVELY PREVENT THE AUGER FROM LEADING THE PIPE SO THAT NO UNSUPPORTED EXCAVATION IS AHEAD OF THE PIPE. THE BORE HEAD / AUGER SET-UP (SKETCH OR PHOTOS) SHALL BE SUBMITTED BY CONTRACTOR AND ACCEPTED BY ASSIGNED CSXT DESIGNEE PRIOR TO START OF THE JACK & BORE.
3. THE OPERATION SHALL BE PROGRESSED ON A 24-HOUR BASIS WITHOUT STOPPAGE (EXCEPT FOR ADDING LENGTHS OF PIPE) UNTIL THE LEADING EDGE OF THE PIPE HAS REACHED THE RECEIVING PIT.
4. THE AUGER AND CUTTING HEAD ARRANGEMENT SHALL BE REMOVABLE FROM WITHIN THE PIPE IN THE EVENT AN OBSTRUCTION IS ENCOUNTERED.
5. PIPELINE SHALL BE PROMINENTLY MARKED AT BOTH SIDES OF THE CSXT PROPERTY LINES BY DURABLE, WEATHERPROOF SIGNS LOCATED OVER THE CENTERLINE OF THE PIPE IN ACCORDANCE WITH CSXT SPECIFICATIONS.
6. NO CONSTRUCTION OR ENTRY UPON THE CSXT CORRIDOR IS PERMITTED UNTIL THE DOCUMENT TRANSACTION IS COMPLETED, YOU ARE IN RECEIPT OF A FULLY EXECUTED DOCUMENT, AND YOU HAVE OBTAINED AUTHORITY FROM THE LOCAL ROADMASTER.
7. IF REQUIRED, A DEWATERING PLAN IN ACCORDANCE WITH CSXT SPECIFICATIONS WILL BE SUBMITTED TO THE CSXT DESIGNEE FOR REVIEW AND APPROVAL PRIOR TO ANY DEWATERING OPERATIONS.
8. BLASTING IS NOT PERMITTED UNDER OR ON CSXT PROPERTY.
9. CSXT DOES NOT GRANT OR CONVEY AN EASEMENT FOR THIS INSTALLATION.
10. ALL PERSONNEL SHALL RECEIVE SAFETY BRIEFINGS BY A CSXT FLAGMAN OR DESIGNATED CSXT DESIGNEE EACH DAY BEFORE BEGINNING WORK ON THE RIGHT OF WAY. ADDITIONAL SAFETY BRIEFINGS MAY BE REQUIRED WHEN CONDITIONS AND/OR WORK SITES ARE CHANGED.
11. AGENCY OR ITS CONTRACTOR SHALL ARRANGE AND CONDUCT ITS WORK SO THAT THERE WILL BE NO INTERFERENCE WITH CSXT OPERATIONS, INCLUDING TRAIN, SIGNAL, TELEPHONE AND TELEGRAPHIC SERVICES, OR DAMAGES TO CSXT'S PROPERTY, OR TO POLES, WIRES, AND OTHER FACILITIES OF TENANTS OF CSXT'S PROPERTY OR RIGHT-OF-WAY.
12. CONTRACTOR ACCESS WILL BE LIMITED TO THE IMMEDIATE PROJECT AREA ONLY. THE CSXT RIGHT-OF-WAY OUTSIDE THE PROJECT AREA MAY NOT BE USED FOR CONTRACTOR ACCESS TO THE PROJECT SITE AND NO TEMPORARY AT-GRADE CROSSINGS WILL BE ALLOWED.
13. ALL MATERIAL AND EQUIPMENT WILL BE STAGED TO NOT BLOCK ANY CSXT ACCESS OR MAINTENANCE ROADS. NO HOISTING OR AUXILIARY EQUIPMENT NECESSARY FOR THE PROCEDURE SHALL BE PLACED ON CSXT TRACK STRUCTURE AND / OR BALLAST SECTION. CLEAR WORKING LOCATIONS FOR EQUIPMENT USED WILL BE LAID OUT AND APPROVED BY THE CSXT FLAGGER PRIOR TO EQUIPMENT SET-UP.
14. DURING CONSTRUCTION, THE CONTRACTOR SHALL PROTECT ALL ACTIVE RAILROAD FACILITIES, INCLUDING ELECTRICAL, WATER LINES, SEWER LINES, COMMUNICATION AND SIGNAL LINES AS WELL AS UNDERGROUND PIPING. THE CONTRACTOR SHALL BE REQUIRED TO KEEP ALL EQUIPMENT AND MATERIAL A MINIMUM OF SIX (6) FEET FROM AFOREMENTIONED ELEVATED COMMUNICATION AND SIGNAL FACILITIES.
15. CONTRACTOR MUST CONDUCT ALL OF ITS WORK IN A SAFE MANNER. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH RULES, REGULATIONS, PROCEDURES AND SAFE PRACTICES OF CSXT, OSHA, THE FRA AND ALL OTHER GOVERNMENT AGENCIES HAVING JURISDICTION OVER THE PROJECT.
16. OWNER SHALL REIMBURSE CSXT DIRECTLY FOR ALL COSTS OF FLAGGING AND INSPECTION SERVICE THAT ARE REQUIRED ON ACCOUNT OF CONSTRUCTION WITHIN CSXT PROPERTY SHOWN IN THE PLANS, OR COVERED BY AN APPROVED PLAN REVISION, SUPPLEMENTAL AGREEMENT OR CHANGE ORDER. INSPECTION SERVICE SHALL NOT RELIEVE CONTRACTOR FROM LIABILITY FOR ITS WORK.
17. OWNER OR CONTRACTOR SHALL GIVE A MINIMUM OF 30 DAYS' ADVANCE NOTICE TO CSXT DESIGNEE FOR ANTICIPATED NEED FOR FLAGGING AND INSPECTION SERVICE. NO WORK SHALL BE UNDERTAKEN UNTIL THE FLAG PERSON(S) AND INSPECTOR(S) IS/ARE AT THE JOB SITE. IF IT IS NECESSARY FOR CSXT TO ADVERTISE A FLAGGING JOB FOR BID, CSXT SHALL NOT BE LIABLE FOR THE COST OF DELAYS ATTRIBUTABLE TO OBTAINING SUCH SERVICE.
18. THE RIGHT OF WAY SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN THE CONDITION PRIOR TO BEGINNING THE PROJECT BEFORE FINAL ACCEPTANCE WILL BE PROVIDED. PUNCH LISTS SHALL BE RESPONDED TO PRIOR TO ISSUANCE OF AN ACCEPTANCE MEMORANDUM SIGNED BY THE CSXT DESIGNEE.
19. JACKING PIT: IDENTIFY HAZARDS AND PUT CONTROLS IN PLACE PRIOR TO START OF EXCAVATION. CONTRACTOR SHALL ERECT A BARRIER AND CONSTRUCTION FENCE ALONG THE FACE OF JACKING PIT CONSTRUCTION LIMITS AND NOT ENCROACH PAST IT WHEN PREPARING THE PIT. STAKE OR MARK PIT AS NEEDED FOR DIGGING. EROSION CONTROL DEVICES SHALL BE PLACED AT THE JACKING AND RECEIVING PITS PROTECTING CSXT PROPERTY AND DITCHES TO THE SATISFACTION OF THE CSXT DESIGNEE.
20. TRENCH EXCAVATION SHALL BE OF SUCH DIMENSIONS AS TO PROVIDE AMPLE ROOM FOR CONSTRUCTION. TRENCH WIDTHS SHALL BE AT LEAST 12 INCHES WIDER THAN THE OUTSIDE DIAMETER OF THE PIPE (6-INCHES EITHER SIDE OF THE PIPE). THE BOTTOM OF THE TRENCH, IN SO FAR AS IS PRACTICAL, SHALL BE EXCAVATED TO PERMIT PROPER PLACEMENT OF THE PIPE. THE EXCAVATION FOR THE PIPELINE SHALL INCLUDE THE REMOVAL OF ANY OBSTRUCTIONS ENCOUNTERED. THE TRENCH SHALL BE EXCAVATED TO A DEPTH AT LEAST 3 INCHES BELOW THE OUTSIDE BOTTOM ELEVATION OF THE PLANNED PIPELINE. WHEN NECESSARY, ALL EXCAVATIONS SHOULD BE DEWATERED PRIOR TO AND DURING INSTALLATION AND BACKFILLING OF THE SYSTEM.
21. COMPACT ALL BACKFILL IN EXCAVATIONS AND TRENCHES TO 95% MAXIMUM DRY DENSITY AS DEFINED IN ASTM STANDARD D1557. USE CLEAN, SUITABLE BACKFILL MATERIAL, INSTALL IN SIX-INCH LIFTS AND COMPACT.
22. BEDDING MATERIAL SHALL BE GRANULAR BACKFILL IDENTICAL TO SUBBALLAST, OR A WELL GRADED CRUSHED STONE OR GRAVEL.
23. BACKFILL, COVER OR FENCE ALL EXCAVATIONS WHEN UNATTENDED. THE CSXT DESIGNEE WILL APPROVE THE PROTECTION METHOD AND THE TYPE OF FENCING MATERIAL. SET FENCING BACK AT LEAST 3 FEET (91 CENTIMETERS) FROM THE EDGES OF THE EXCAVATION. SET FENCE POSTS SECURELY IN THE GROUND AND INSURE THE FENCING IS SECURELY TIED TO POSTS WITH ZIP TIES OR SOME OTHER TIE WRAP PRODUCT.
24. TRACK MONITORING: PRIOR TO COMMENCING JACK & BORE OPERATIONS, CONTRACTOR SHALL BE REQUIRED TO CONDUCT AND SUBMIT A BASELINE SURVEY ALONG THE TOP OF EACH RAIL UNDER CSXT FLAGGER PROTECTION. ADDITIONAL SURVEY DATA SHALL BE COLLECTED AND SUBMITTED ONCE EACH DAY DURING CASING PIPE INSTALLATION, OR AS DIRECTED BY CSXT DESIGNEE. CONTRACTOR SHALL ALSO TAKE ELEVATION SHOTS AT TOP OF TIE AND TOP OF CASING PIPE BEFORE STARTING THE BORE TO VERIFY DEPTH OF COVER PROPOSED FOR THE WORK HAS BEEN MET.
25. EXCAVATION: IF THE EXCAVATION IS 5 FEET OR GREATER IN DEPTH, THE WALLS MAY BE SLOPED AT 1.5 HORIZONTAL TO 1 VERTICAL TO REDUCE THE RISK OF CAVE-INS OR SLIDES. A SAFE MANNER IN WHICH TO ENTER AND EXIT THE EXCAVATION MUST BE ESTABLISHED. THE TOE OF SLOPES IN EXCAVATION SHALL IN NO CASE BE UNDERCUT BY POWER SHOVELS, BULLDOZERS, GRADERS, BLASTING, OR IN ANY MANNER. EXCAVATION SHALL NOT BE MADE IN EXCESS OF THE AUTHORIZED CROSS-SECTION.
26. PROJECTS THAT GENERATE SOILS FROM CSXT PROPERTY MUST ADHERE TO CSXT'S SOIL MANAGEMENT POLICIES. CSXT REQUIRES SOILS GENERATED FROM ITS PROPERTY TO EITHER BE REUSED ON CSXT PROPERTY OR PROPERLY DISPOSED IN A CSXT APPROVED DISPOSAL FACILITY. CSXT ENVIRONMENTAL DEPARTMENT WILL HANDLE WASTE CHARACTERIZATION AND PROFILING INTO AN APPROVED DISPOSAL FACILITY. CSXT PROHIBITS ANY ENVIRONMENTAL SAMPLING ON ITS PROPERTY UNLESS GRANTED THROUGH AN WRITTEN ENVIRONMENTAL RIGHT-OF-ENTRY OR APPROVED IN WRITING BY THE CSXT ENVIRONMENTAL DEPARTMENT. THE MANAGEMENT OF SOILS GENERATED FROM CSXT PROPERTY SHOULD BE PLANNED FOR AND PROPERLY PERMITTED (IF APPLICABLE) PRIOR TO INITIATING ANY WORK ON CSXT PROPERTY. A LIST OF CSXT APPROVED LABORATORIES AND/OR DISPOSAL FACILITIES MAY BE OBTAINED FROM THE CSXT MANAGER ENVIRONMENTAL PROGRAMS.
27. CONTRACTOR ALSO HAS THE SOLE RESPONSIBILITY OF ASCERTAINING THAT ALL OTHER UTILITIES HAVE BEEN PROPERLY LOCATED BY COMPLYING WITH THE LOCAL "CALL BEFORE YOU DIG" REGULATION(S). CONTRACTOR SHALL SOLELY BE RESPONSIBLE FOR NOTIFYING OWNERS OF ADJACENT PROPERTIES AND OF UNDERGROUND FACILITIES AND UTILITY OWNERS WHEN PROSECUTION OF THE WORK MAY AFFECT THEM, AND SHALL COOPERATE WITH THEM IN THE PROTECTION, REMOVAL, RELOCATION AND REPLACEMENT OF THEIR PROPERTY.
28. CONTRACTOR SHALL CONDUCT "PRE-DIG" MEETING PRIOR TO CONSTRUCTION WORK, WITH ALL SUBCONTRACTORS AND WORKERS TO REVIEW THE LOCATION OF ALL UTILITIES AS MARKED OUT, EXCAVATION PROCEDURES, AND TO CONFIRM THE "ONE CALL" REQUEST. THIS PERMIT IS SUBJECT TO ANY EXISTING UTILITIES THAT MAY BE IN CONFLICT WITH THE DESIGN AND REQUIRES POTHOLES. ALL EXISTING UTILITIES ARE REQUIRED TO BE POTHOLED PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL BE PERFORMED IN ACCORDANCE WITH CSXT SPECIFICATIONS. HAND EXPOSE LINES TO A POINT OF NO CONFLICT (24 INCHES ON EITHER SIDE OF THE UNDERGROUND INSTALLATION). IF MARKED UTILITY CANNOT BE LOCATED, EXCAVATION MUST NOT PROCEED AND YOU MUST NOTIFY THE ONE CALL NUMBER OR UTILITY COMPANY TO PROVIDE ADDITIONAL INFORMATION TO DETERMINE THE EXACT LOCATION.
29. BEFORE EXCAVATING, ALL SIGNAL CABLES AND OTHER UTILITIES MUST BE LOCATED AND MARKED/FLAGGED. CONTRACTOR SHALL BE HELD LIABLE FOR ANY DAMAGES TO CSXT COMMUNICATION & SIGNAL FACILITIES.

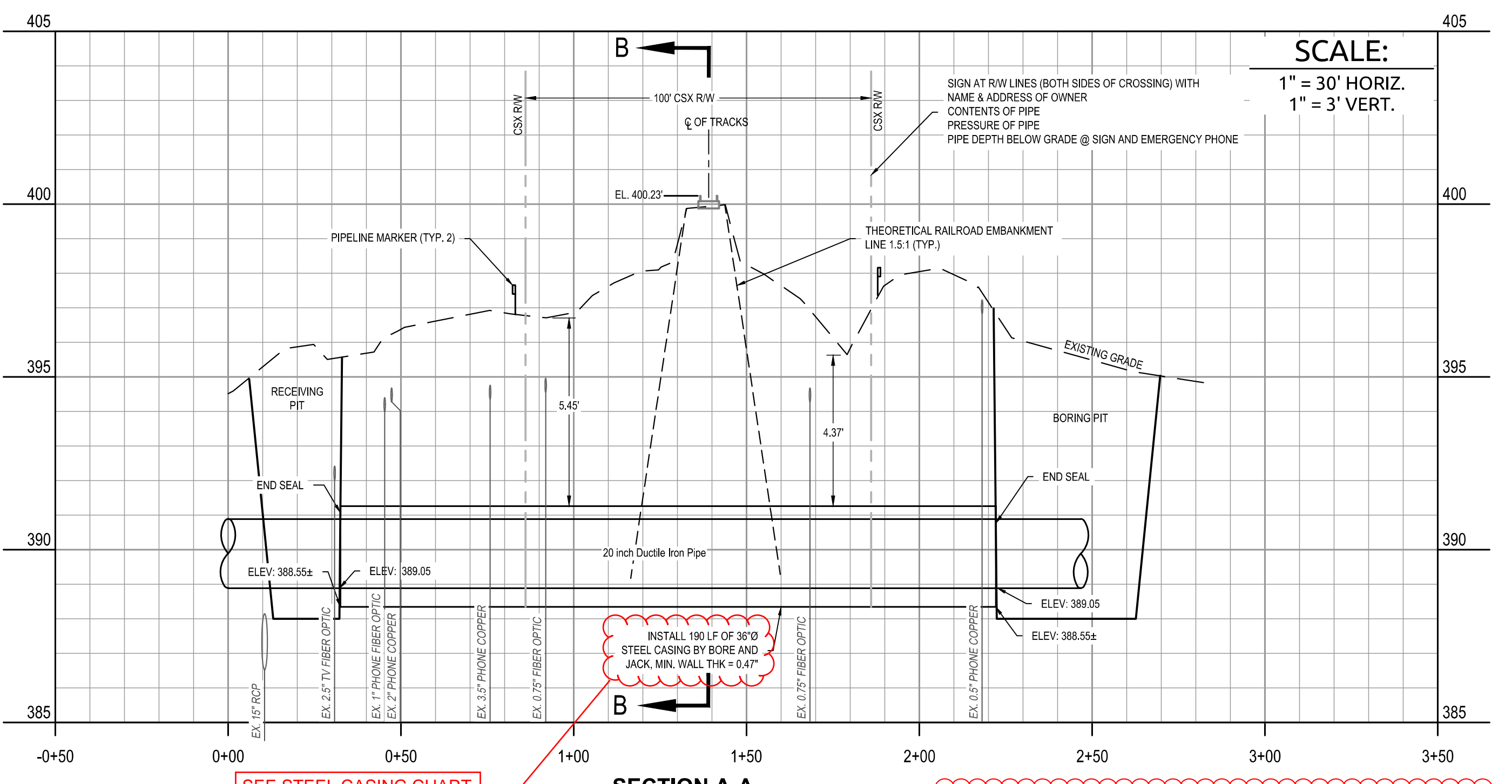
NOTE: WORK SCHEDULE IS SUBJECT TO THE APPROVAL OF ALL REQUIRED CONSTRUCTION SUBMITTALS BY THE CSXT CONSTRUCTION REPRESENTATIVE, VERIFICATION THAT PROPOSED WORK WILL NOT CONFLICT WITH ANY CSXT U.G. FACILITIES, AND THE AVAILABILITY OF CSXT FLAGGING AND PROTECTION SERVICES. CONSTRUCTION SUBMITTALS WILL BE BASED UPON THE PROPOSED SCOPE OF WORK AND MAY INCLUDE, BUT ARE NOT LIMITED TO; PROPOSED WORK PLAN, PROJECT SCHEDULE, MEANS AND METHODS, SITE ACCESS, DEWATERING, TEMPORARY EXCAVATION/ SHORING, SOIL DISPOSITION/MANAGEMENT, TRACK MONITORING, CONCRETE PLACEMENT WORK, STRUCTURAL LIFTING/RIGGING PLANS FOR HOISTING OPERATIONS, SUBSTRUCTURE CONSTRUCTION PLANS, STEEL ERECTION PLANS, ROADWORK PLANS, ETC. NO WORK MAY BEGIN ON, OVER, OR ADJACENT TO CSXT PROPERTY, OR THAT COULD POTENTIALLY IMPACT CSXT PROPERTY, OPERATIONS OR SAFETY WITHOUT THE PRIOR COMPLETION AND APPROVAL OF THE REQUIRED AFOREMENTIONED INFORMATION AND APPROVALS.



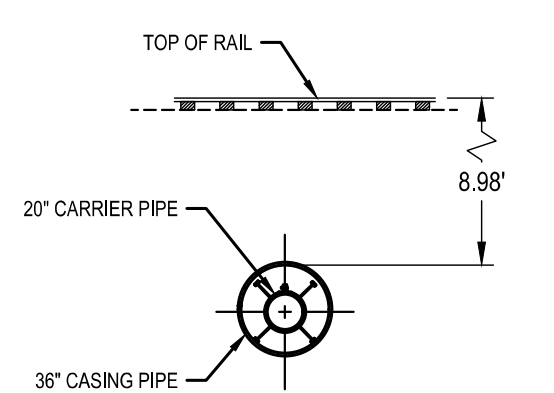
WATER LINE PLAN
SCALE: 1"=40'



ELECTRICAL CONDUIT PLAN
SCALE: 1"=40'



SECTION A-A



SECTION B-B

WATER LINE CASING DETAIL

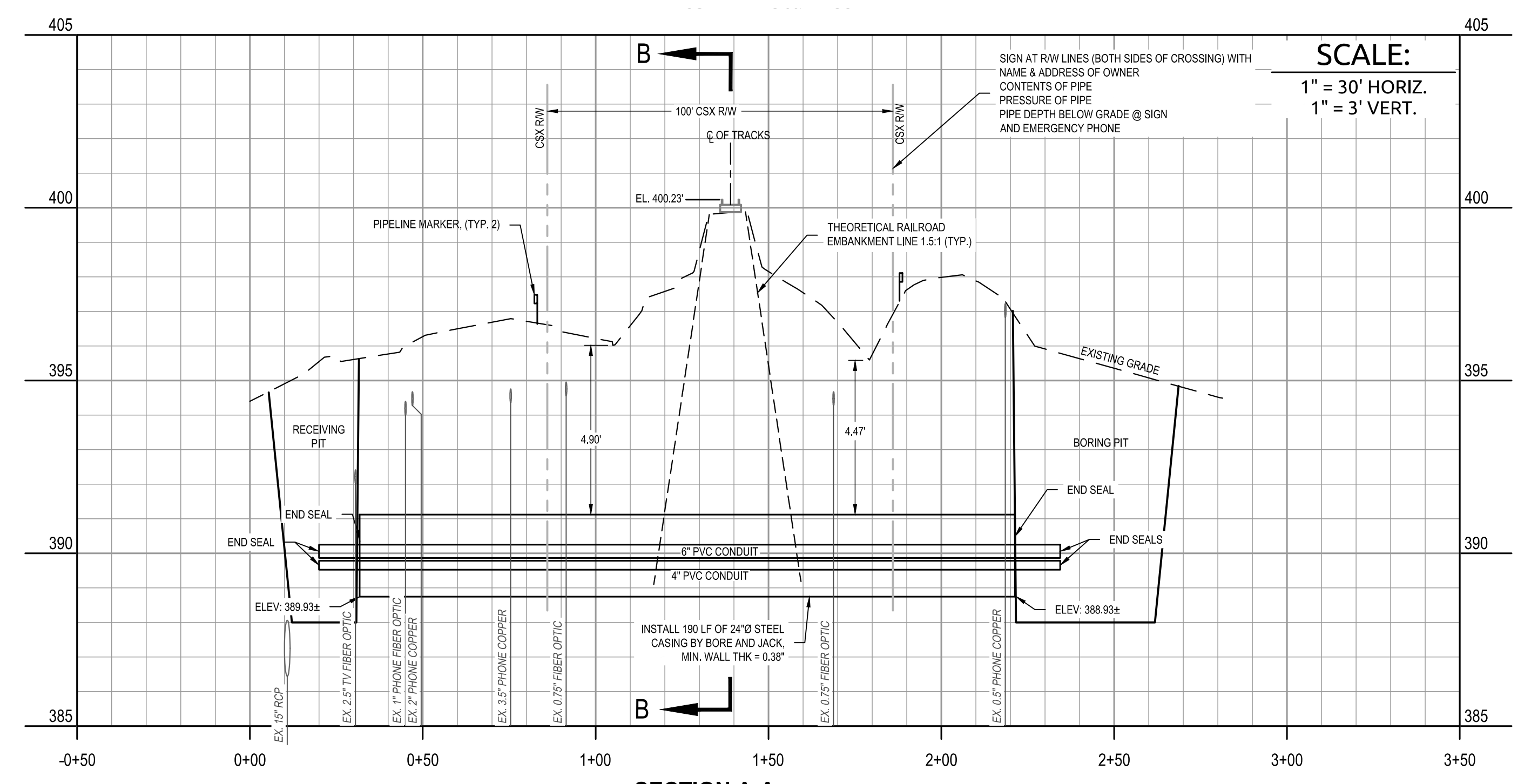
Table 3 - Ductile Iron Pipe Wall Thicknesses

Pipe Diameter (in.)	Wall Thickness (in.)	Class	Pressure Class
3	0.25	S1	350
4	0.25	S1	350
6	0.25	S0	350
8	0.25	S0	350
10	0.26	S1	350
12	0.28	S1	350
14	0.31	S2	350
16	0.34	S2	350
18	0.36	S3	350
20	0.38	S3	350
24	0.42	S5	350
30	0.49	S6	350
36	0.56	S6	350
42	0.63	S6	350
48	0.70	S6	350
54	0.79	S6	350

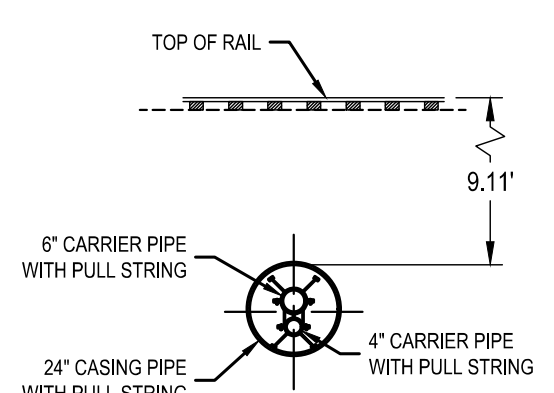
d) The pipe shall have mechanical or push on type joints.

SCALE:
1" = 30' HORIZ.
1" = 3' VERT.

- NOTES:
- THE FRONT OF THE CASING PIPE SHALL BE PROVIDED WITH MECHANICAL ARRANGEMENTS OR DEVICES THAT WILL POSITIVELY PREVENT THE AUGER FROM LEADING THE PIPE SO THAT NO UNSUPPORTED EXCAVATION IS AHEAD OF THE PIPE.
 - REFER TO ENGINEERING SPECIFICATIONS IN THE APPLICATION PACKAGE FOR ADDITIONAL INFORMATION AND GUIDANCE.
 - CASING PIPE ENDS MUST BE SEALED.



SECTION A-A



SECTION B-B

ELECTRIC CONDUIT CASING DETAIL

- NOTES:
- THE FRONT OF THE CASING PIPE SHALL BE PROVIDED WITH MECHANICAL ARRANGEMENTS OR DEVICES THAT WILL POSITIVELY PREVENT THE AUGER FROM LEADING THE PIPE SO THAT NO UNSUPPORTED EXCAVATION IS AHEAD OF THE PIPE.
 - REFER TO ENGINEERING SPECIFICATIONS IN THE APPLICATION PACKAGE FOR ADDITIONAL INFORMATION AND GUIDANCE.
 - CASING PIPE ENDS MUST BE SEALED.

SCALE:
1" = 30' HORIZ.
1" = 3' VERT.

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

PW - Engineering	Date	WR - Stormwater	Date
PW - Transportation	Date	Planning	Date
Building Inspections	Date	Planning - Transportation	Date
WR - Utility Engineering	Date	Fire	Date
Electric	Date	Parks, Recreation & Cultural Res.	Date
WR - S & E	Date		

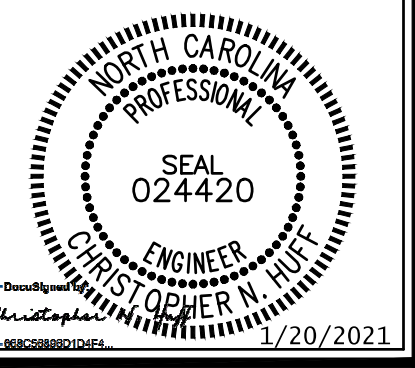
WithersRavenel
Engineers | Planners | Surveyors

115 MackKinn Drive | Cary, NC 27511 | P: 919.469.3300 | License #: C-0852 | www.withersravenel.com

**PLEASANT PARK
PHASE 1A**
APEX, NORTH CAROLINA

UTILITY PLAN

Job No. 020140542 Drawn By WR
Date 1/15/2021 Designer WR



Revisions

Sheet No.
RW-4.2

TOWN OF APEX REQUIRED PLAN NOTES: 5-8,14-23 (UTILITY PLAN)

- 5) ALL GRADING AND SUPPORT STRUCTURES ASSOCIATED WITH ANY RETAINING STRUCTURE SHALL NOT ENROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (E.G. RCA, THE CRITICAL ROOT ZONES OF TREES, PUBLIC UTILITY EASEMENTS AND RIGHTS-OF-WAY), AND SHALL BE CONTAINED ENTIRELY ON SITE.
- 6) SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL 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 PARKS AND RECREATION DEPARTMENT.
- 7) THE SCREENING OF LOADING DOCKS, ROLL-OUT TRASH CONTAINERS, DUMPSTERS, OUTDOOR STORAGE, MECHANICAL AND HVAC EQUIPMENT, AND SIMILAR FACILITIES ON THE ROOF, GROUND, OR BUILDING SHALL MEET THE REQUIREMENTS OF UDO SEC. 8.2.8. SPECIFICALLY, SCREENING MUST BE DONE SO THAT:
 - A) IT IS INCORPORATED INTO THE OVERALL DESIGN THEME OF THE BUILDING AND LANDSCAPE.
 - B) SCREENING MATERIALS ARE NOT DIFFERENT FROM OR INFERIOR TO THE PRINCIPAL MATERIALS OF THE BUILDING OR LANDSCAPE, AND ARE SIMILAR IN MATERIALS AND COLOR.
 - C) SCREENED ITEMS ARE OUT OF VIEW FROM ADJACENT PROPERTIES AND PUBLIC STREETS, AND A TOTALLY OPAQUE SCREEN IS ACHIEVED.
 - D) ANY GROUND-MOUNTED HVAC OR OTHER MECHANICAL OR UTILITY EQUIPMENT SIX (6) FEET TALL OR HIGHER MUST BE FENCED AND LANDSCAPED.
 - E) DUMPSTER ENCLOSURES MUST MEET THE ABOVE REQUIREMENTS PLUS BE EIGHT (8) FEET TALL OR THE HEIGHT OF THE DUMPSTER, WHICHEVER IS GREATER, AND BE BUILT OF MASONRY MATERIAL WITH OPAQUE GATES. WHERE PRACTICABLE, SHRUBS OR OTHER PLANTS MUST BE PLANTED OUTSIDE THE ENCLOSURE TO VISUALLY SOFTEN THE APPEARANCE.
- 8) 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.
- 14) ALL WATER AND SEWER LINES SHALL BE INSTALLED WITH A MINIMUM OF THREE (3) FEET OF COVER.
- 15) MAINTAIN A MINIMUM OF 18 INCHES OF VERTICAL SEPARATION BETWEEN UTILITIES.
- 16) VERIFY ALL ILLUSTRATED UTILITY CROSSINGS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF CONFLICTS ARE ENCOUNTERED.
- 17) CONTRACTOR SHALL COORDINATE UTILITY RELOCATION OR ABANDONMENT WITH LOCAL UTILITY COMPANIES AS REQUIRED.
- 18) ALL METERED CONNECTIONS TO TOWN POTABLE WATER SHALL HAVE A TOWN-APPROVED BACKFLOW PREVENTION ASSEMBLY INSTALLED.
- 19) WATER AND SEWER SHALL BE AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS. WHERE LOCAL CONDITIONS PREVENT A SEPARATION OF AT LEAST 10 FEET, THE WATER MAIN MAY BE LAID CLOSER, PROVIDED THAT THE ELEVATION OF THE BOTTOM OF THE WATER MAIN IS AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER WITH A HORIZONTAL SEPARATION OF AT LEAST THREE (3) FEET.
- 20) CONTRACTORS ARE NOT ALLOWED TO OPERATE ANY TOWN OF APEX WATER VALVES. ALL EXISTING VALVES WITHIN THE TOWN WATER SYSTEM SHALL BE OPERATED ONLY BY TOWN PERSONNEL. EXISTING VALVES WILL NOT BE OPERATED WITHOUT A MINIMUM NOTICE OF 24 HOURS. TOWN PERSONNEL SHALL OPERATE ALL NEW VALVES ONCE THEY HAVE BEEN TESTED, CERTIFIED, AND ACCEPTED.
- 21) ALL NEW PUBLIC WATER AND SEWER LINES CONTAINED WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WILL REQUIRE A WATER DISTRIBUTION EXTENSION PERMIT AND/OR A GRAVITY SEWER EXTENSION PERMIT TO THE RELEASE OF CONSTRUCTION DRAWINGS. ALL WATER DISTRIBUTION EXTENSION PERMIT APPLICATIONS SHALL BE ACCOMPANIED BY A SEALED ENGINEER'S REPORT PER THE TOWN OF APEX SPEC BOOK. PLEASE CONTACT THE ENGINEERING DIVISION AT 919-249-3394 TO OBTAIN THESE PERMIT APPLICATIONS.
- 22) A PLUMBING PERMIT ISSUED BY THE BUILDING INSPECTION DIVISION IS REQUIRED FOR ALL PLUMBING SYSTEMS, INCLUDING STORM DRAINAGE SYSTEMS, INSTALLED OUTSIDE THE PUBLIC RIGHT-OF-WAY OR A PUBLIC UTILITY EASEMENT. THESE SYSTEMS SHALL BE INSPECTED AND APPROVED BY THE PLUMBING INSPECTOR PRIOR TO COVERING. CONTACT THE BUILDING INSPECTIONS DIRECTOR AT 919-249-3381 FOR INFORMATION INCLUDING THE UTILIZATION OF A THIRD-PARTY INSPECTION AGENCY.
- 23) IT IS THE RESPONSIBILITY OF THE OWNER OR HIS REPRESENTATIVE(S) TO LOCATE AND IDENTIFY ALL EXISTING AND PROPOSED UTILITIES AND TO CLEARLY IDENTIFY THEM ON THE APPROVED PLANS.

Table 3 - Ductile Iron Pipe Wall Thicknesses

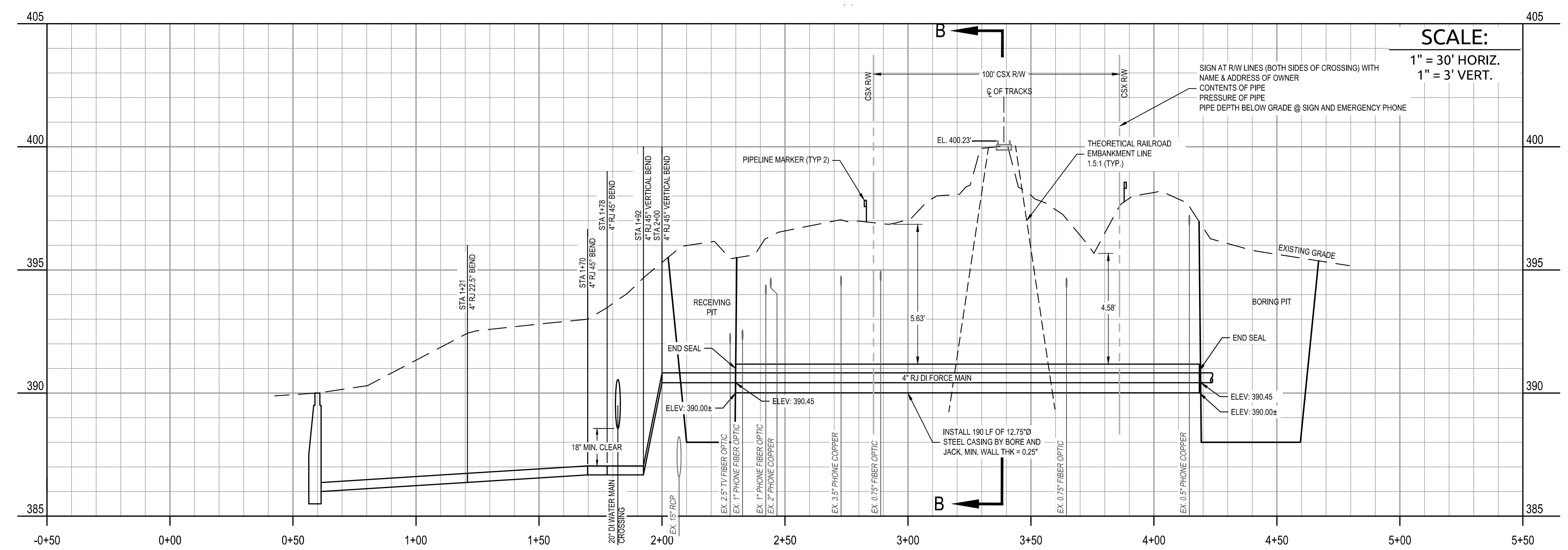
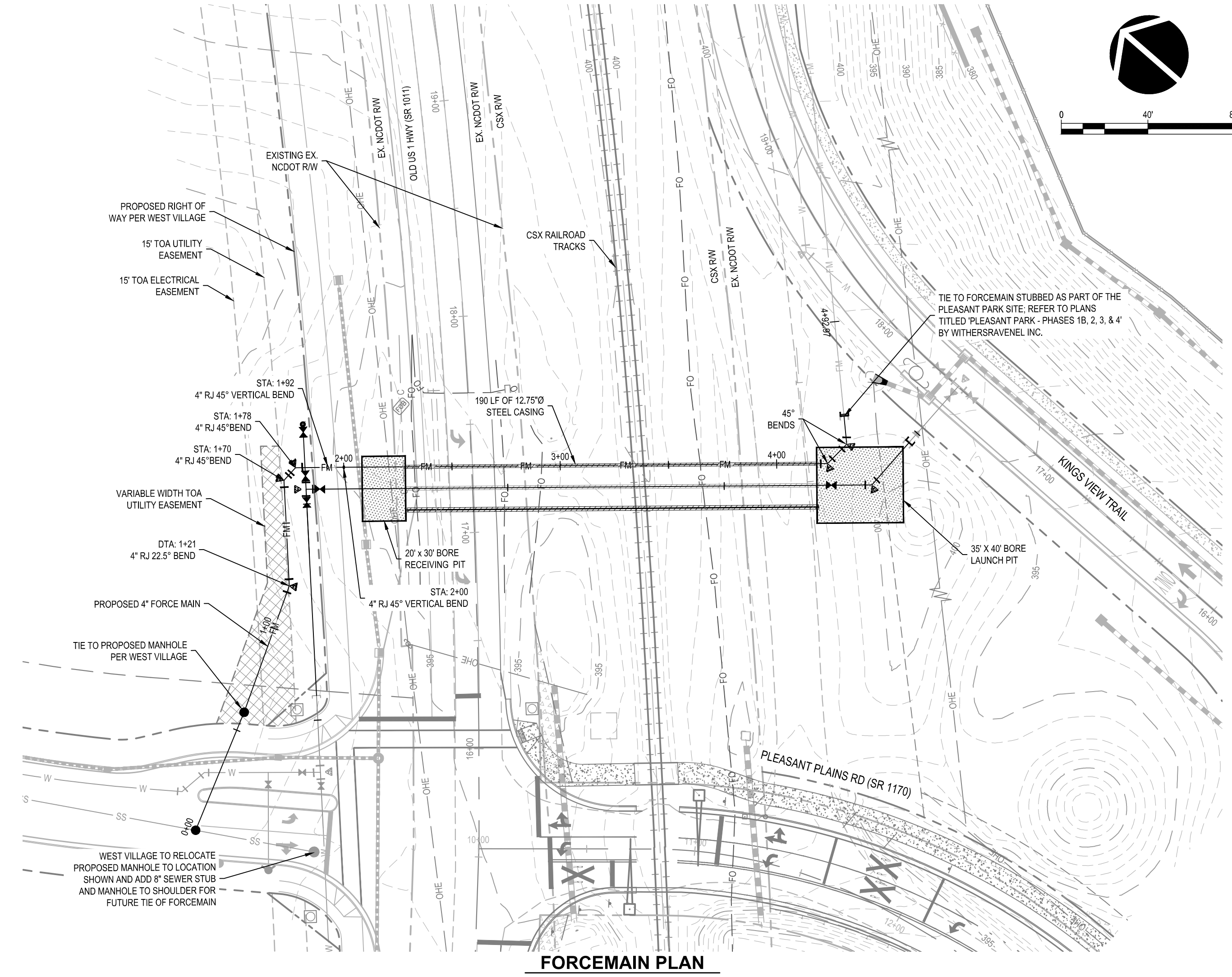
Pipe Diameter (in.)	Thickness Class		Pressure Class
	Wall Thickness (in.)	Class	
3	0.25	51	350
4	0.25	51	350
6	0.25	50	350
8	0.25	50	350
10	0.26	51	350
12	0.28	51	350
14	0.31	52	350
16	0.34	52	350
18	0.36	53	350
20	0.38	53	350
24	0.42	55	350
30	0.49	56	350
36	0.56	56	350
42	0.63	56	350
48	0.70	56	350
54	0.79	56	350

4) The pipe shall have mechanical or push on type joints.

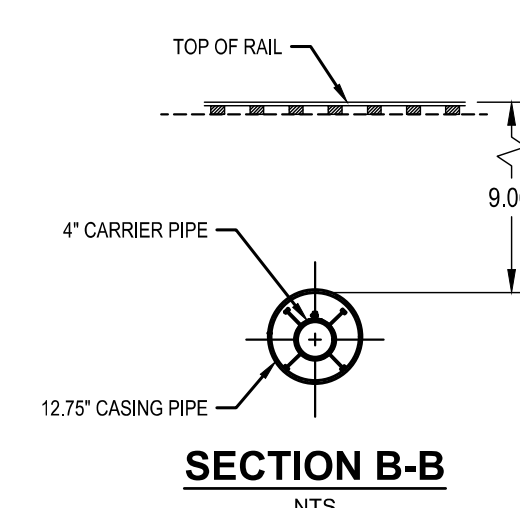
Table 2 - Steel Casing Pipe Wall Thicknesses

Pipe Diameter Nominal Pipe Size (in.)	Coated or Cathodically Protected Nominal Wall Thickness (in.)	Uncoated and Unprotected Nominal Wall Thickness (in.)
10 and under	0.188	0.188
12 & 14	0.188	0.250
16	0.219	0.281
18	0.250	0.312
20 & 22	0.281	0.344
24	0.312	0.375
26	0.344	0.406
28	0.375	0.438
30	0.406	0.469
32	0.438	0.500
34 & 36	0.469	0.532
38	0.500	0.562
40	0.531	0.594
42	0.562	0.625
44 & 46	0.594	0.657
48	0.625	0.688
50	0.656	0.719
52	0.688	0.750
54	0.719	0.781
56 & 58	0.750	0.812
60	0.781	0.844
62	0.812	0.875
64	0.844	0.906
66 & 68	0.875	0.938
70	0.906	0.969
72	0.938	1.000

- e) Coated steel pipe that is bored or jacked into place shall conform to the wall thickness requirements for uncoated steel pipe since the coating may be damaged during installation.
- f) For the required wall thicknesses on uncased steel carrier pipes conveying natural gas, refer to Uncased Pipelines Carrying Gas section in this document.
- g) Smooth wall steel pipes with a nominal diameter over 72 inches will not be permitted.



FORCEMAIN PROFILE



FORCEMAIN CASING DETAIL

- NOTES:
1. THE FRONT OF THE CASING PIPE SHALL BE PROVIDED WITH MECHANICAL ARRANGEMENTS OR DEVICES THAT WILL POSITIVELY PREVENT THE AUGER FROM LEADING THE PIPE SO THAT NO UNSUPPORTED EXCAVATION IS AHEAD OF THE PIPE.
 2. REFER TO ENGINEERING SPECIFICATIONS IN THE APPLICATION PACKAGE FOR ADDITIONAL INFORMATION AND GUIDANCE.
 3. CASING PIPE ENDS MUST BE SEALED.

The signatures affixed below certify that this sheet has been reviewed and approved solely per the certifications signed on the cover sheet of these construction plans.

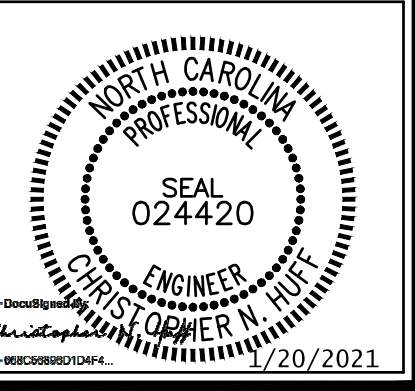
PW - Engineering	Date	WR - Stormwater	Date
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WR - S & E	Date		

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Engineers | Planners | Surveyors

**PLEASANT PARK
PHASE 1A**
APEX, NORTH CAROLINA

UTILITY PLAN

Job No.	020140542	Drawn By	WR
Date	1/15/2021	Designer	WR



Revisions

Sheet No.
RW-4.1

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 25, 2022

Item Details

Presenter(s): Mary Beth Manville, Human Resources Director

Department(s): Human Resources

Requested Motion

Motion to approve a revision to the Town's Retiree Health Insurance Policy to allow new spouses to be added on to the Town's Retiree Health insurance plan if the retiree's spouse, who was covered at the time the retiree retired from the Town, passes away or drops coverage due to divorce.

Approval Recommended?

Yes

Item Details

A question regarding the coverage of spouses on the Town's retiree health insurance plan was recently brought to the attention of Town staff through the Personnel Committee. Specifically, the question was regarding the ability for a retiree to add a new dependent spouse if a Town retiree, who was covering a spouse at the time of retirement, loses their spouse through divorce or from the spouse passing, and then remarries. In response to the question, Town Staff met with the Personnel Committee to discuss the current policy and reasons behind it. As a result of the conversation, the Personnel Committee recommended modifying the retiree health insurance policy to allow retirees to add a spouse back on to the plan if the retiree was covering a spouse on the retiree health plan, and lost their spouse due to their spouse's passing or divorce. While typically, any changes to the retiree health insurance policy would not be recommended given that the retiree health insurance program ended in 2020, Town staff believe that the small change to allow a retiree to add a new spouse back onto the plan (if retiree spouse coverage was previously in place), would not have substantial impacts to the group health insurance plan. That being said, staff will monitor any impacts to this change and notify Council should the policy need to be reverted.

Background information shared with the Personnel Committee:

The Town's pre-65 retiree health insurance policy allows dependents (including spouses) to be covered on the Town's group health insurance plan if the retiree is on the group health plan and the dependents are

covered at the time the employee retires. Should the retiree drop dependent coverage for any reason (including spouse divorce or passing), the coverage drops to retiree only coverage and the retiree is unable to add dependents back on the plan at a later date. This is a Town policy that exists for risk/liability purposes, in an effort to manage the group plan's health claims costs. The Town's health insurance plan is self-funded, meaning that the Town is responsible for paying all medical costs for retirees and employees, up to a stop-loss limit of \$150,000. The Town also pays the premiums for the fully-insured stop-loss plan, in which the health insurance company pays for any claims over \$150,000, and adjusts the Town's premiums accordingly based off the amount of stop-loss claims paid. The costs needed to cover the medical claims as well as the stop-loss premiums are used to determine the overall premium that the Town, employees, and retirees are required to pay each month in order to fund the health plan.

Ideally, the amount of premiums received from the Town and employees would be enough to cover the cost of the plan (medical claims), otherwise an increase in premiums is required or the benefits covered must be reduced so that the person using the plan (employee/retiree/dependents) pays more for the cost of care. The Town makes efforts to maintain this balance of premiums-to-costs through a variety of measures such as employee wellness requirements, wellness incentives, condition management programs, etc., all designed to keep the health of the members well managed so that the cost of the plan doesn't outweigh the premiums received. When it comes to drivers of health plan costs, spouses, in general, tend to use the plan more, and this past year's health claims (Sept 2020 - Aug 2021) showed that covered spouses represented 20% of our high cost claimants (claims exceeding \$75,000), and were our main utilizers of hospital admissions, ER visits, avoidable ER visits (could have gone to urgent care but went to the ER instead), and specialist visits. Similarly, when looking at the per member per month cost for the year, our retiree population averages \$120 more per month than our employee population. This is the reason that the existing retiree health insurance policy regarding dependent/spouse coverage is in place, as an effort to reduce the risk to the group health insurance plan.

As of the month of December, there are 25 retirees on the pre-65 group health insurance plan. Of those retirees, only 3 are covering spouses on the plan.

If Council would like to proceed with changing the policy to allow new spouses to be added back to the plan, Town staff do not anticipate significant impact to costs given the small number of spouses covered; however, staff would monitor any impacts if the situation were to change, and notify Council should the policy need to be reverted.

For informational purposes, neighboring jurisdictions were asked about their retiree health insurance policy regarding dependents, and the results are below. They were also asked about an exception for deceased spouses that were on the plan, and the same responses were given that are listed below.

Agency	Allow dependents to be added after retirement?
Raleigh	Yes
Wake County	No
Cary	No
Wake Forest	No
Garner	No
Holly Springs	No
Morrisville	No
Fuquay-Varina	No

Attachments



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 25, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Clearly & Alison N. Clearly (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.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2022-0125-02
ANNEXATION PETITION NO. #722
Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary &
Alison N. Cleary (Alderwood PUD)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§ 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on January 25, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§ 160A-31, as amended.

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

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on January 25, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Alderwood Annexation Map for the Town of Apex, The John R. McAdams Company, Inc., dated November 16, 2021" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 25th day of January 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

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

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Jontesca Silver, CMC, NCCMC, Deputy Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0125-02, adopted at a meeting of the Town Council, on the January 25, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 26th day of January 2022.

(SEAL)

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

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

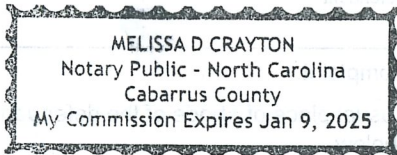
Signature

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

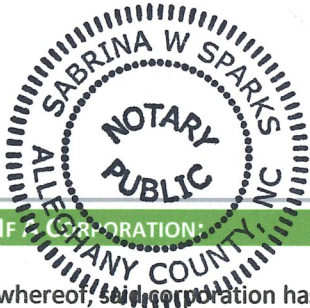
Signature

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

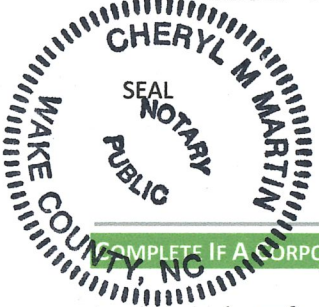
STATE OF NORTH CAROLINA
COUNTY OF WAKE

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: _____

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: _____

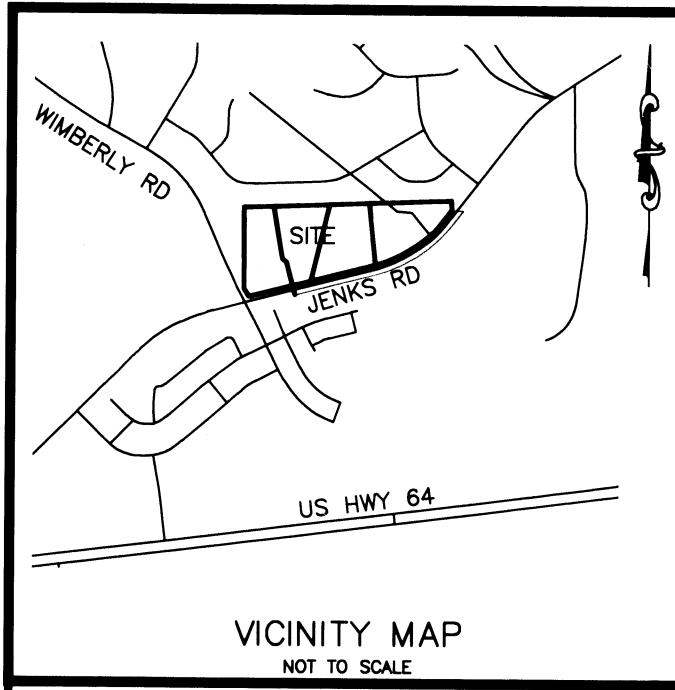
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I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN 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.

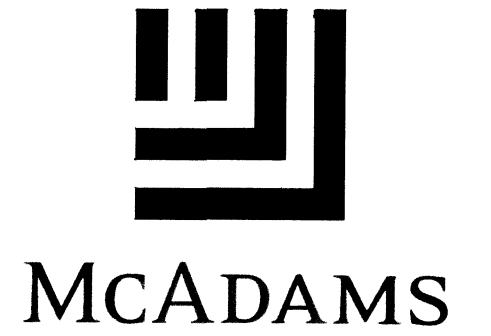
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS

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

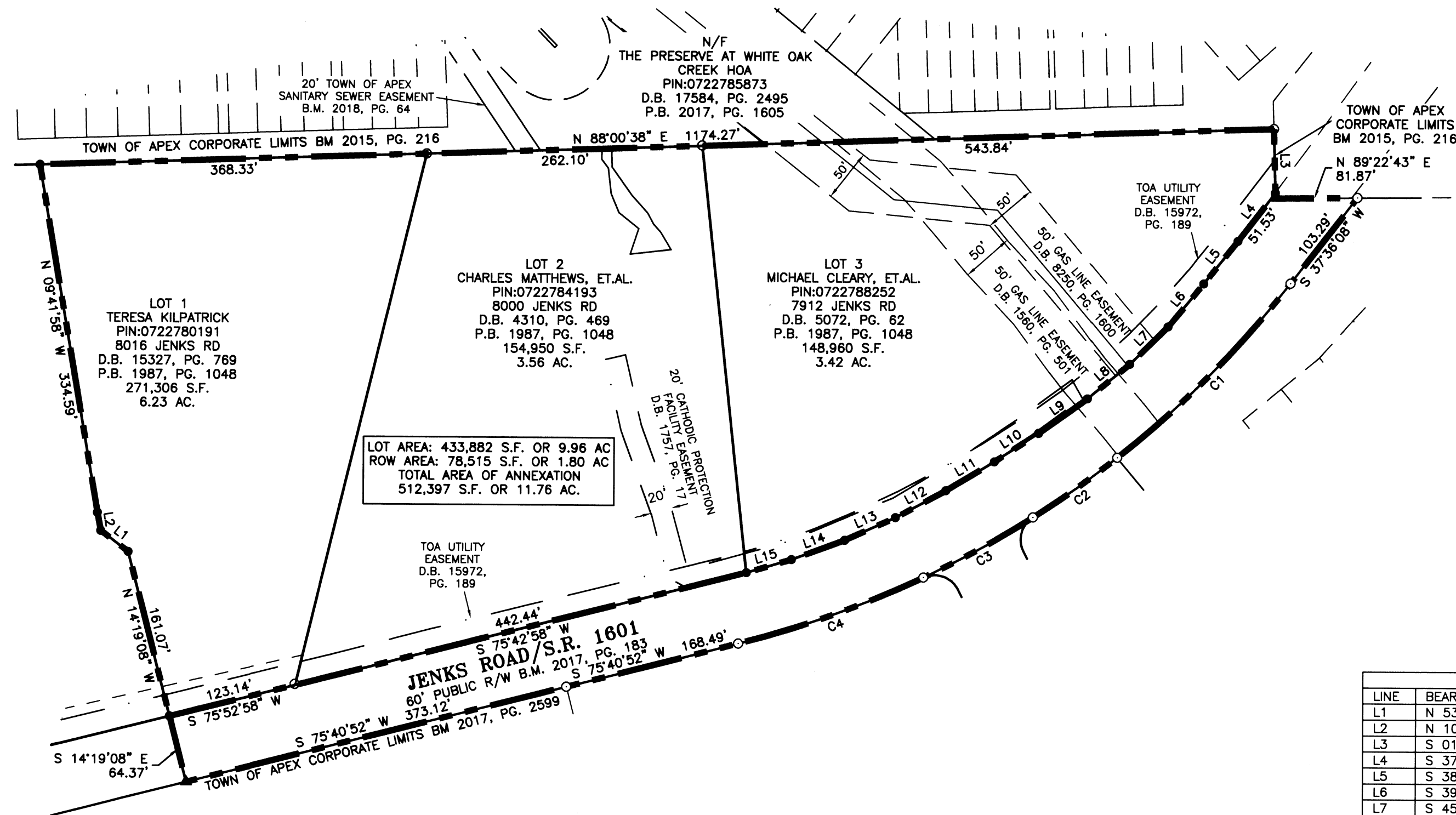
phone 919. 361. 5000
 fax 919. 361. 2269
 license number: C-0293, C-187

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 +/-



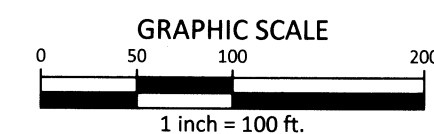
LOT AREA: 433,882 S.F. OR 9.96 AC
 ROW AREA: 78,515 S.F. OR 1.80 AC
 TOTAL AREA OF ANNEXATION
 512,397 S.F. OR 11.76 AC.

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

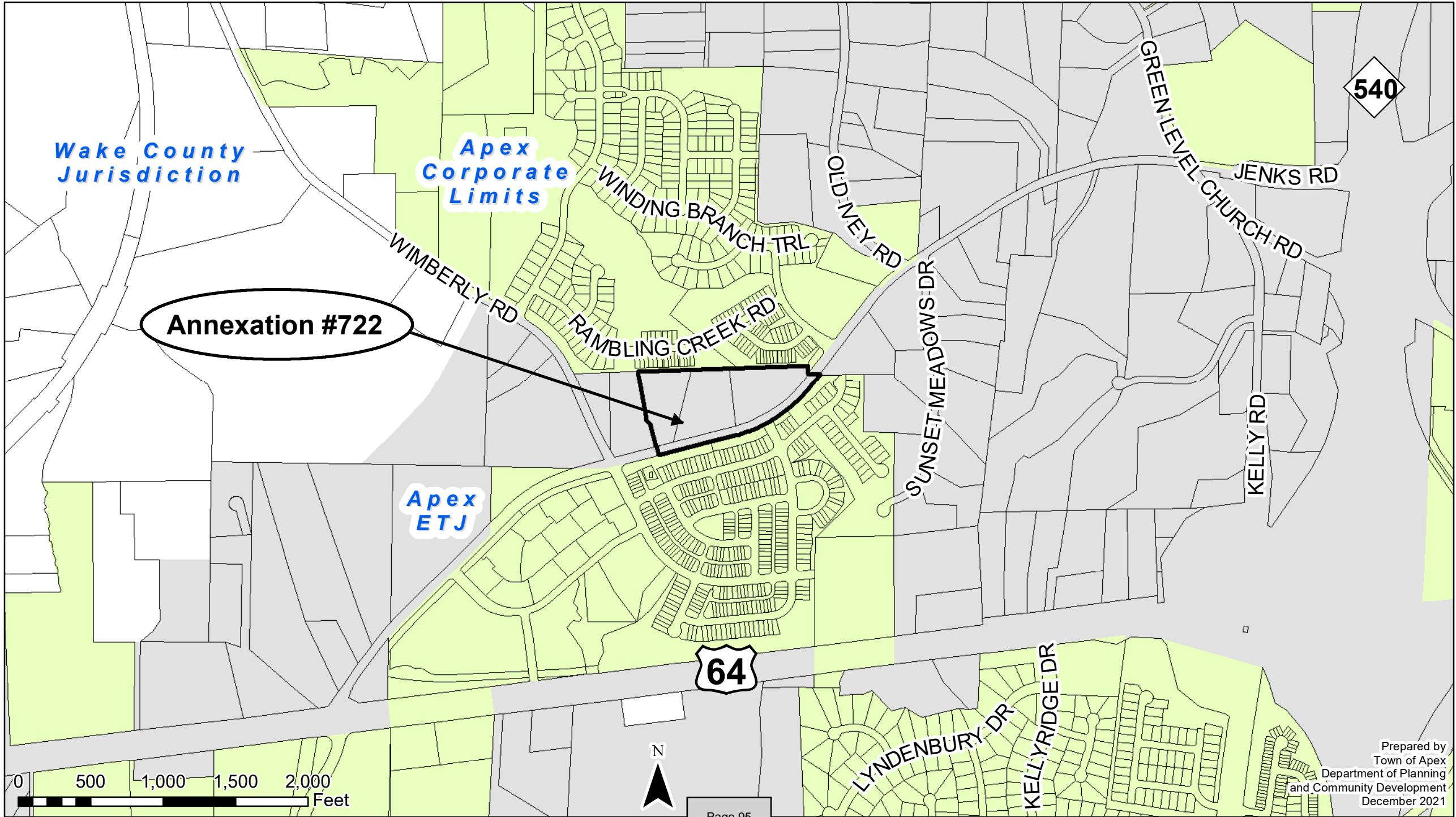
PROJECT NO. 2020110080
 FILENAME 2020110080-Z1
 SURVEYED BY RTF
 DRAWN BY KMM
 SCALE 1"=100'
 DATE 11.16.2021

SHEET

ANNEXATION

1-1





540

Wake County
Jurisdiction

Apex
Corporate
Limits

Annexation #722

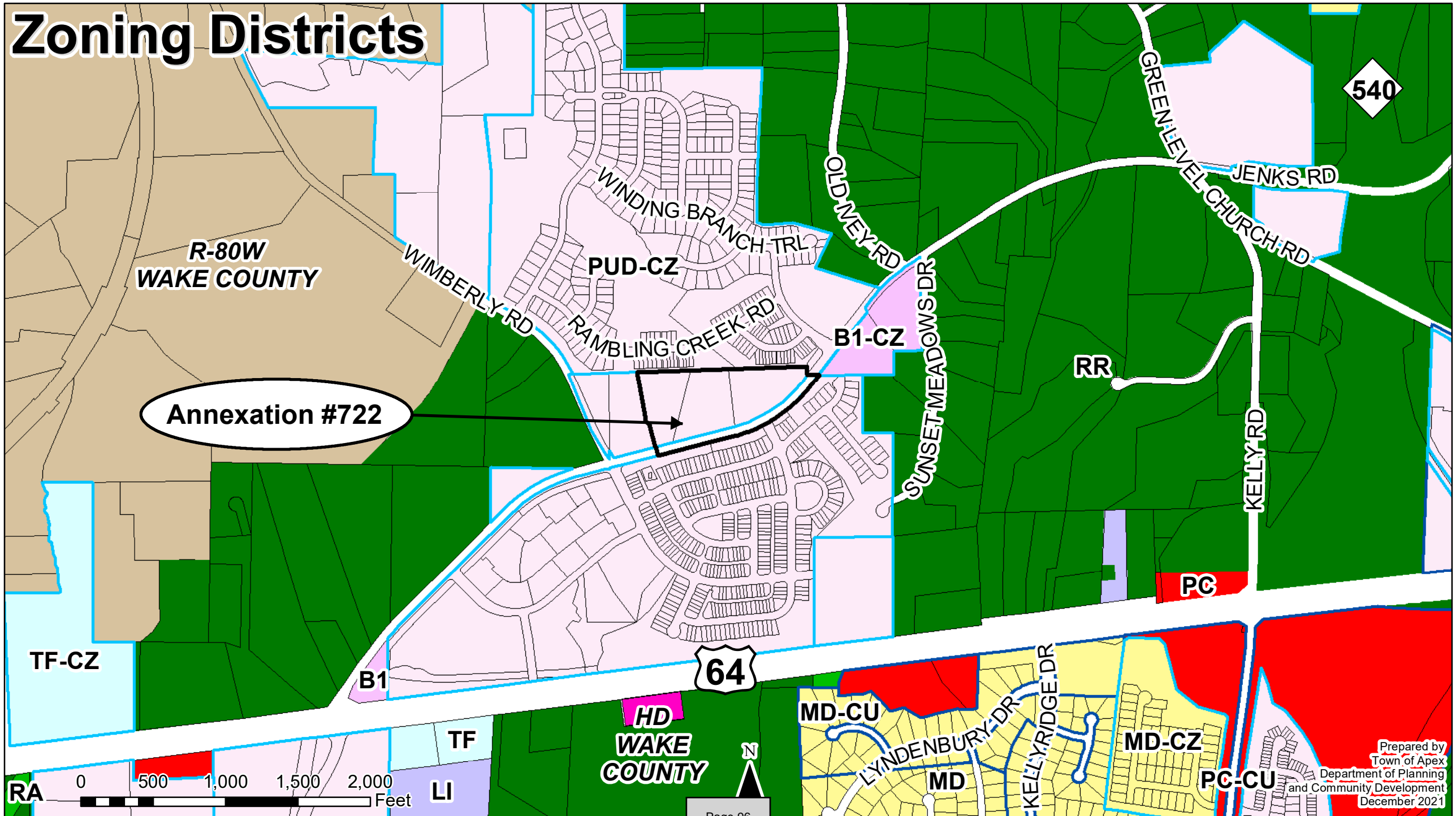
Apex
ETJ

64

0 500 1,000 1,500 2,000
Feet



Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 25, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Continued from the January 11, 2022 Town Council meeting. 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 25, 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 25, 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 25, 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 25, 2022 Town Council Meeting



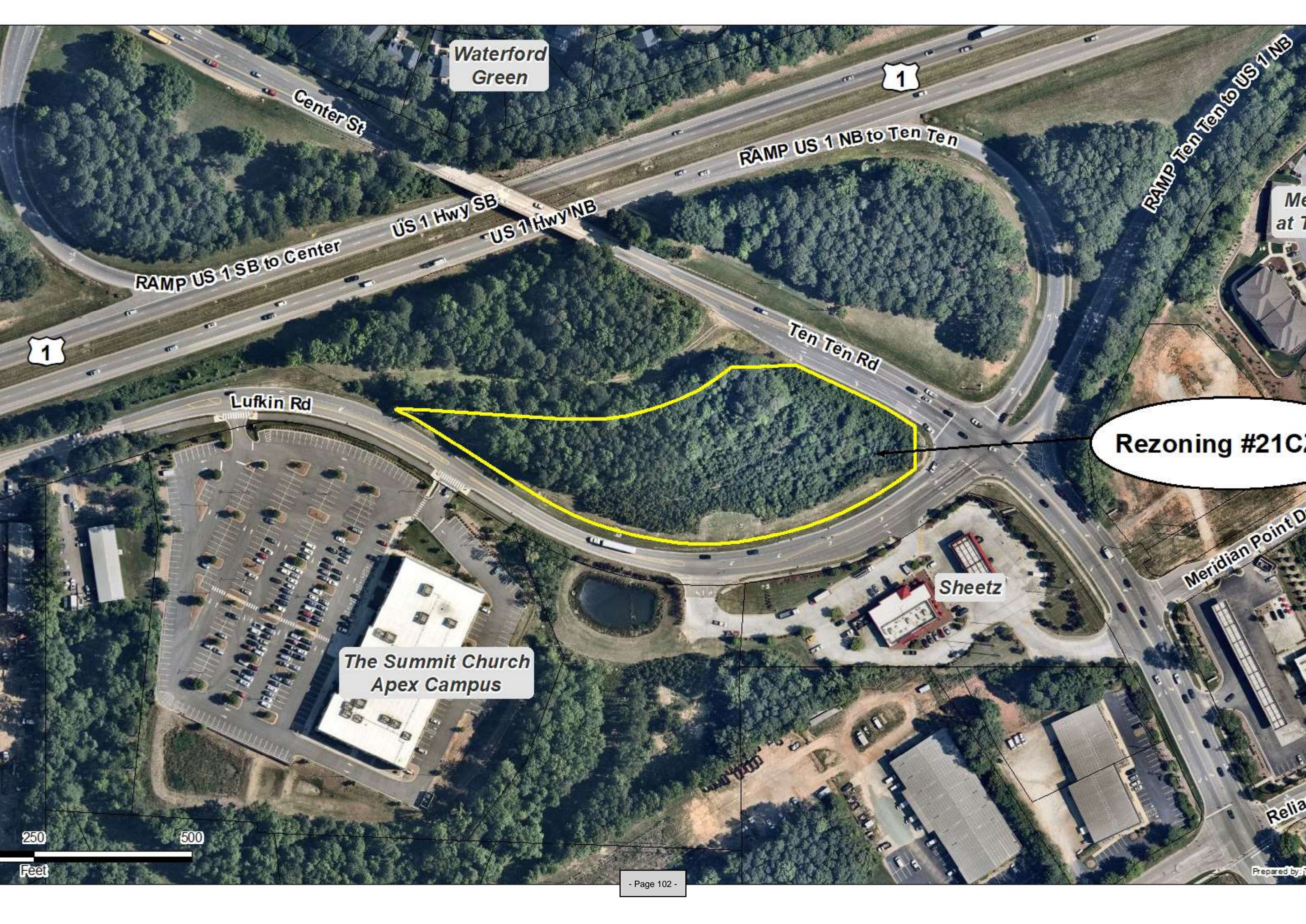
The proposed rezoning is reasonable and in the public interest, because it will permit development of this parcel with industrial uses that are most compatible with the nearby commercial uses and bring the entire property under one zoning district.

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

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

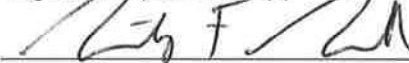
Agent Name: James Loyack PLA

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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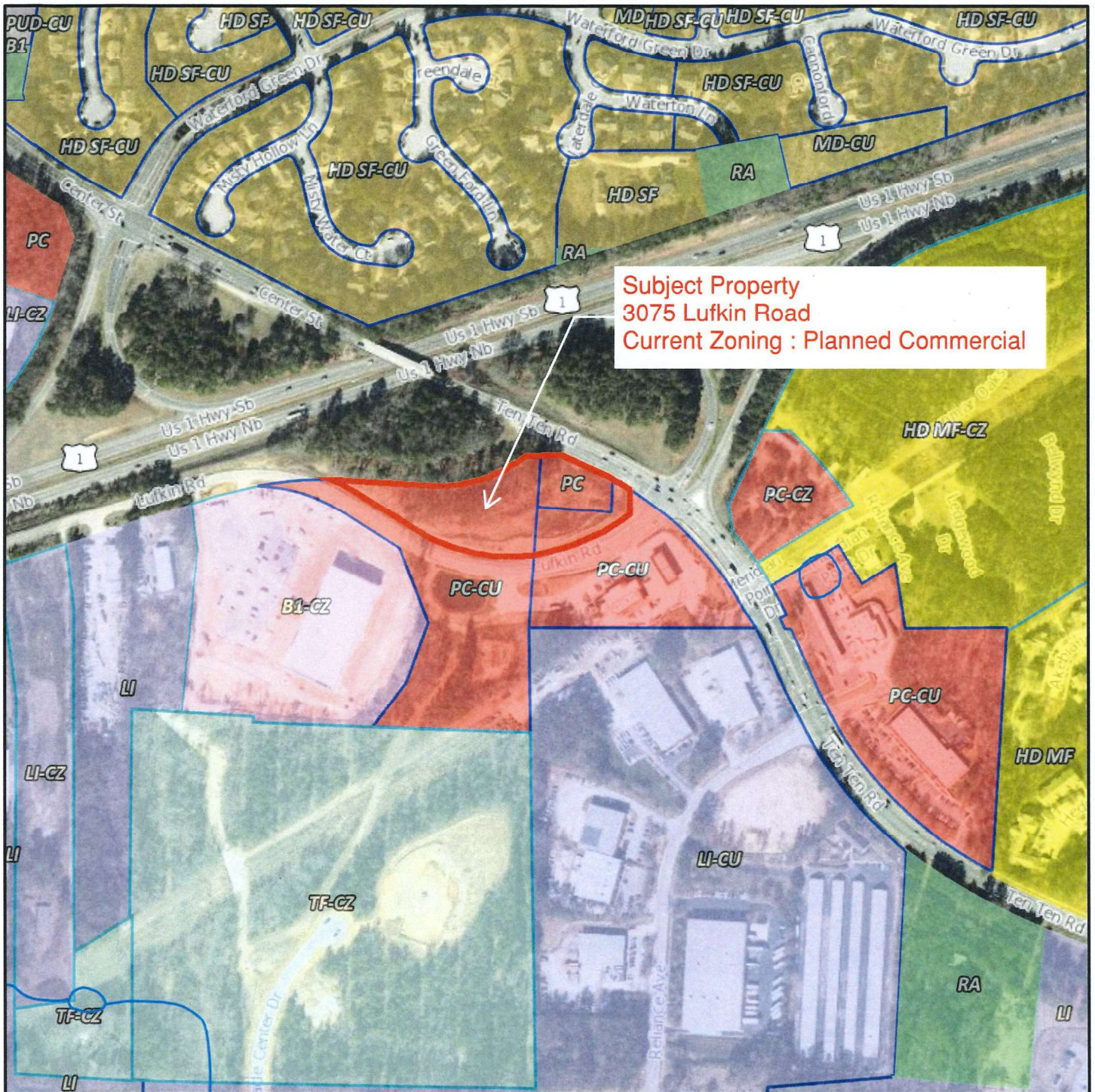
MeetingCreateSource: TeamsMiddleTier_OBO_desktop

Microsoft Teams meeting

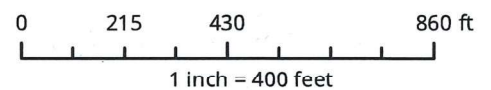
Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

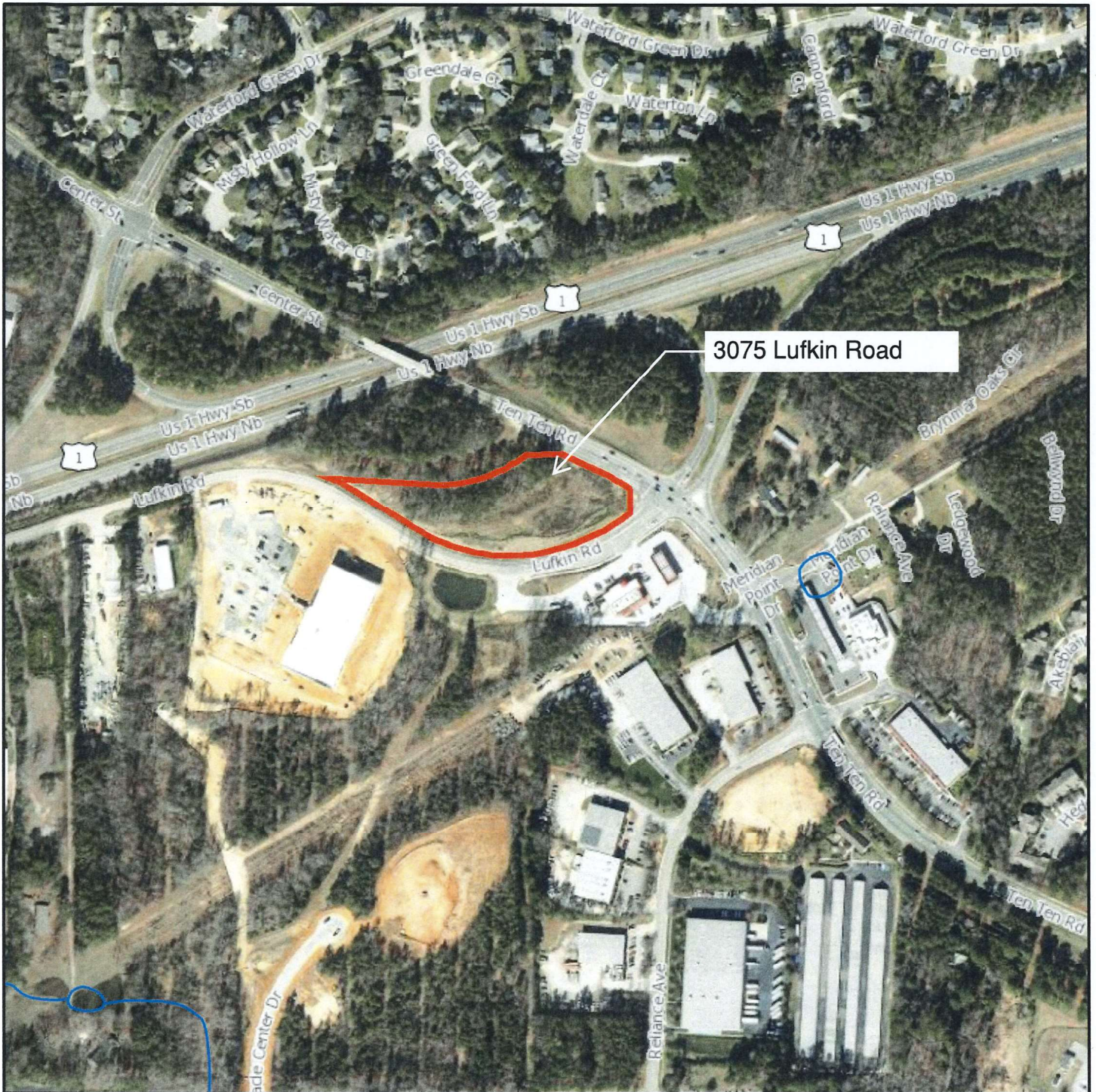


3075 Lufkin Rd Current Zoning

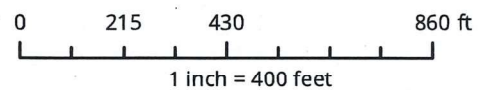


Disclaimer

*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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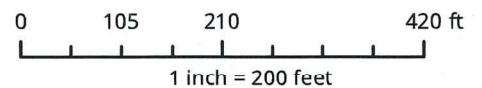


3075 Lufkin Rd

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 120 -



Disclaimer

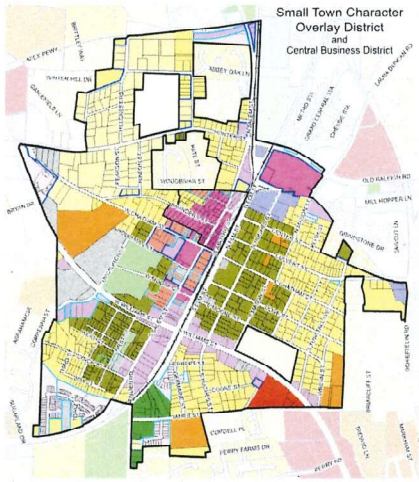
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Official Zoning District Map



Last Amendment:
July 27, 2021
Printed:
July 26, 2021

SUBJECT PROPERTY
3075 Lufkin Road
Current Zoning: PC
Proposed Zoning: LI



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.

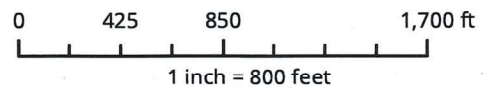
Zoning Districts

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



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	[REDACTED]	[REDACTED]	
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.

SEAL
Monica Zyph
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires May 5, 2026

[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

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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

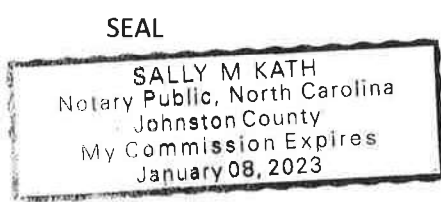
1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property 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

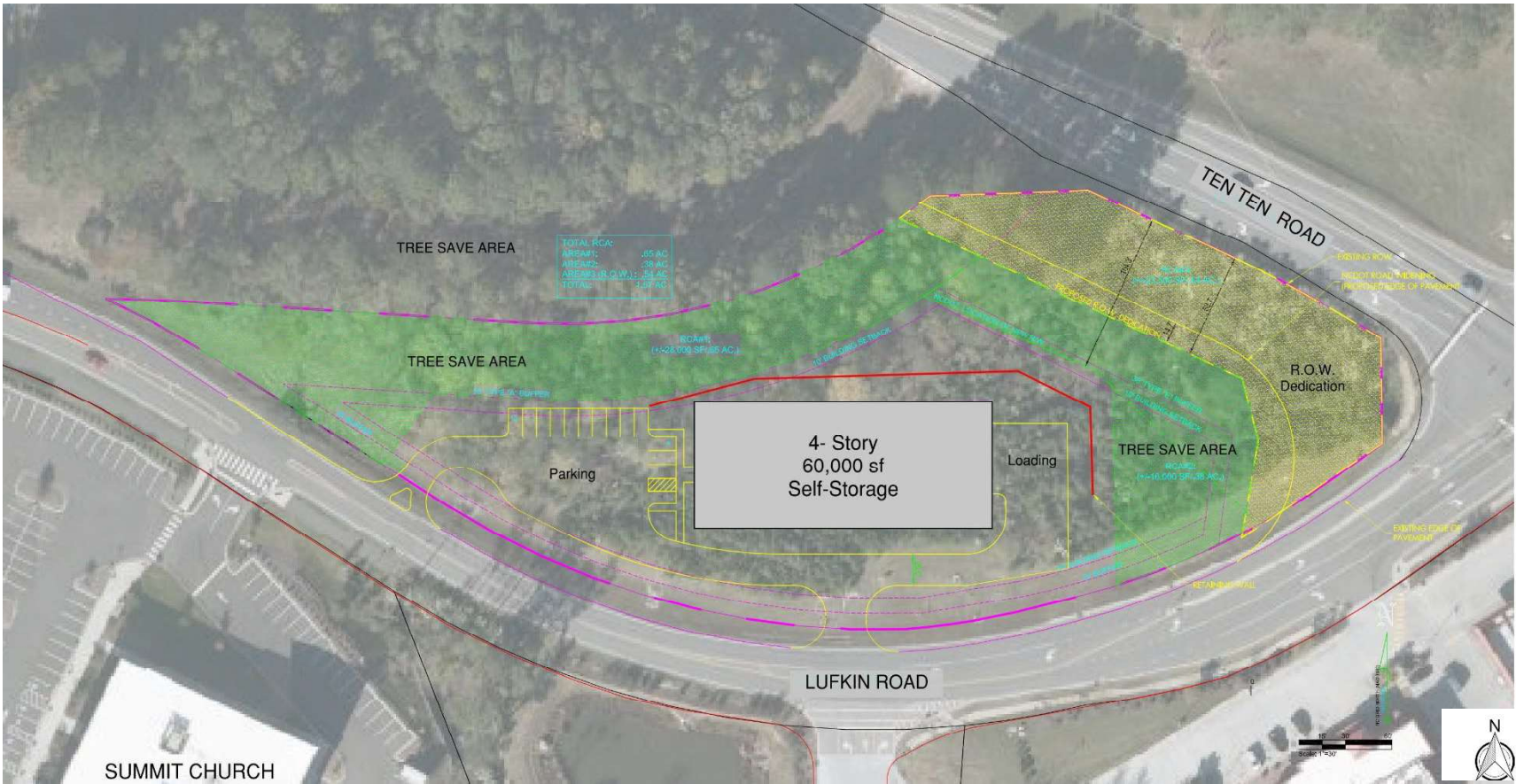
PROPOSED ZONING AND CONDITIONS

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

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 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

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

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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.

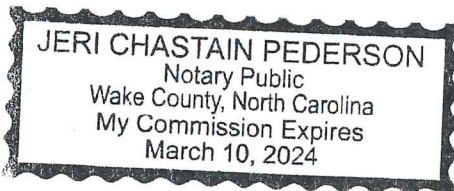
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 24, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information 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, Tessa 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

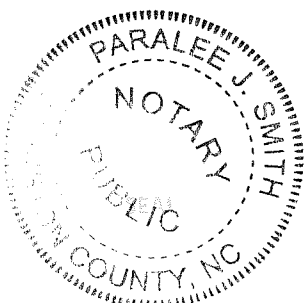
, a Notary Public for the above

State and County, this the

22 day of December, 2021.

Paralee J Smith

Notary Public



My Commission Expires: 12/12/2023



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
CONTINUED

Pursuant to the provisions of North Carolina General Statutes §16DD-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 Addresses: 3075 Lufkin Road
Acreage: ±3.08 acres
Property Identification Numbers (PINs): 0751277986
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 Properties: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)
Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)
Public Hearing Location: Apex Town Hall
 Council Chamber, 2nd Floor
 73 Hunter Street, Apex, North Carolina

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~~ **January 25, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at <https://www.youtube.com/c/townofapexgov>. 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/36738/21CZ20>.

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

Published Dates: December 22, 2021 - ~~January 14, 2022~~ **January 25, 2022**



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ20
3075 Lufkin Road Self-Storage
CONTINUACIÓN

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 (JUDO) 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 las propiedades: 3075 Lufkin Road
Superficie: ±3.08 acres
Números de identificación de las propiedades: 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 (PC)
Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

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: ~~13 de enero de 2022~~ **6:00 P.M. 25 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, Tessa 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.paleginc.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/36738/21CZ20>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 22 de diciembre de 2021 - ~~13 de enero de 2022~~ **25 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 **CONTINUED**

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 Addresses: 3075 Lufkin Road

Acreage: ±3.08 acres

Property Identification Numbers (PINs): 0751277986

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 Properties: Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC)

Proposed Zoning of Properties: Light Industrial-Conditional Zoning (LI-CZ)

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

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~~ **January 25, 2022 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. 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

CONTINUACIÓN

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 las propiedades: 3075 Lufkin Road

Superficie: ±3.08 acres

Números de identificación de las propiedades: 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 (PC)

Ordenamiento territorial propuesto para las propiedades: Light Industrial-Conditional Zoning (LI-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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. 25 de enero de 2022 6:00 P.M.**

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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.

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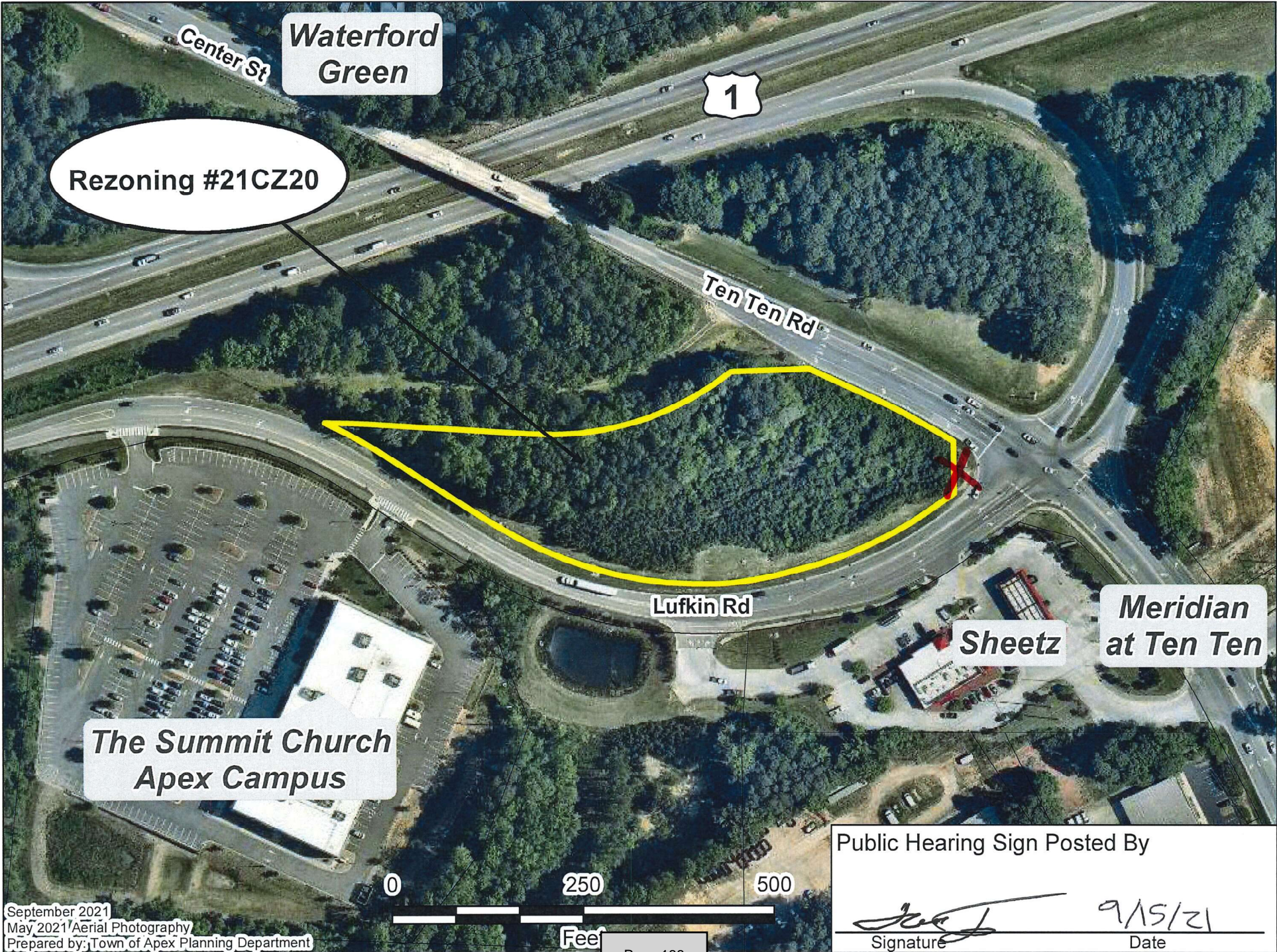
Mapa de las inmediaciones:



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



Waterford Green

Center St



Rezoning #21CZ20

Ten Ten Rd

Lufkin Rd

Meridian at Ten Ten

Sheetz

The Summit Church Apex Campus



September 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department

Public Hearing Sign Posted By

[Handwritten Signature]
Signature

9/15/21
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 25, 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 #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.

The Planning Board held a Public Hearing on January 10, 2022 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

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

- Staff Report
- Application



STAFF REPORT

Rezoning #21CZ28 Retreat at Cedar Crossing PUD Amendment

January 25, 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:	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
Applicant:	Toll Southeast LP Company, Inc.
Authorized Agent:	Peter Bellantoni
Owner:	Toll Southeast LP Company, Inc.

PROJECT DESCRIPTION:

Acreage:	+/- 36.54 acres
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
Current Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)
Proposed Zoning:	Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map:	Low Density Residential
Town Limits:	Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ14)	Single-family Residential (Deer Creek Subdivision)
South:	Rural Residential (RR) & Wake Co. R-80W	Single-family Residential or Vacant
East:	Rural Residential (RR) & Wake Co. R-80W	Single-family Residential or Vacant
West:	Rural Residential (RR)	New Hill Olive Chapel Rd; Single-family Residential or Vacant

EXISTING CONDITIONS:

The site consists of all of the parcels in the Retreat at Cedar Crossing subdivision and totals +/-36.54 acres. It is located east of New Hill Olive Chapel Road south of the intersection of New Hill Road and New Hill Olive Chapel

STAFF REPORT

Rezoning #21CZ28 Retreat at Cedar Crossing PUD Amendment

January 25, 2022 Town Council Meeting



Road. The Deer Creek Subdivision is located north of this project. The original zoning petition was approved on June 19, 2018. The age-restricted subdivision is under construction and was approved on April 25, 2019.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 30, 2021. In December it was discovered that the house plans for Lot 37 were approved in error and violated an architectural condition in the original zoning case. Staff advised the applicant to propose to correct the issue by adjusting the zoning condition for that single lot as part of the PUD amendment already in review. Since the architectural issue was not a part of the original neighborhood meeting, a second meeting was held on December 20, 2021. Both meeting reports are attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Low Density Residential. The proposed amendment is consistent with the 2045 Land Use Map designation.

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is not requesting increased density from the original approval. The intent of this PUD amendment is to amend Rezoning Case #18CZ12 Retreat at Cedar Crossing PUD (formerly Olive Glen PUD) in the following ways:

1. 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;
2. 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;
3. 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.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on September 16, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

STAFF REPORT

Rezoning #21CZ28 Retreat at Cedar Crossing PUD Amendment

January 25, 2022 Town Council Meeting



EAB Suggested Condition	Applicant's Response
1. Include mulched walking paths.	Included. Condition 1
2. Include a wildflower garden.	Included. Condition 1
3. Plant pollinator-friendly flora.	Included. Condition 1
4. Install at least 1 pet waste station in the amenity area.	Included. Condition 1
5. Install community gardens and native pollinator demonstration gardens.	Included. Condition 1
6. Include landscaping that requires less irrigation and chemical use.	Included. Condition 1
7. All homes shall be pre-wired for solar and that a minimum of 20 homes have solar PV systems installed that are a minimum of 4 kW.	Not Included
8. Recommendation that the average HERS index for all homes in the development be a maximum of 60.	Not Included
9. 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 1

Planning staff recommended against suggested conditions 7 & 8 because the proposed amendment did not include any changes to the residential areas at the time that the EAB meeting was held.

The amendment for Lot 37 is not required to return to the EAB, as it is exempt based on UDO Sec. 2.1.9.A.2 *Powers and Duties*, which reads, "Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses."

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ28 Retreat at Cedar Crossing PUD Amendment as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on January 10, 2022 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 site as Low Density Residential. The proposed rezoning is consistent with the 2045 Land Use Map designations because it doesn't change the density or residential characteristics of the subdivision. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will provide a recreation area more appropriate for an age-restricted community and resolve the issue with the architectural standard created by the building permit issued in error.



PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

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

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

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

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
- (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
- (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
- (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential



uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.

- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
 - (i) A non-residential component; (ii) An overall density of 7 residential units per acre or more; or (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;
 - b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently



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

Legislative Considerations

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-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.

Rezoning #21CZ28

CHATHAM COUNTY

NEW HILL OLIVE CHAPEL RD

BARN RD

LOVAGE DR

BUTTERFLY PL

Deer Creek

Retreat at Cedar Crossing



November 13, 2021 Aerial Photography



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

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
421 Fayetteville St | Ste 530
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, 2021.

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

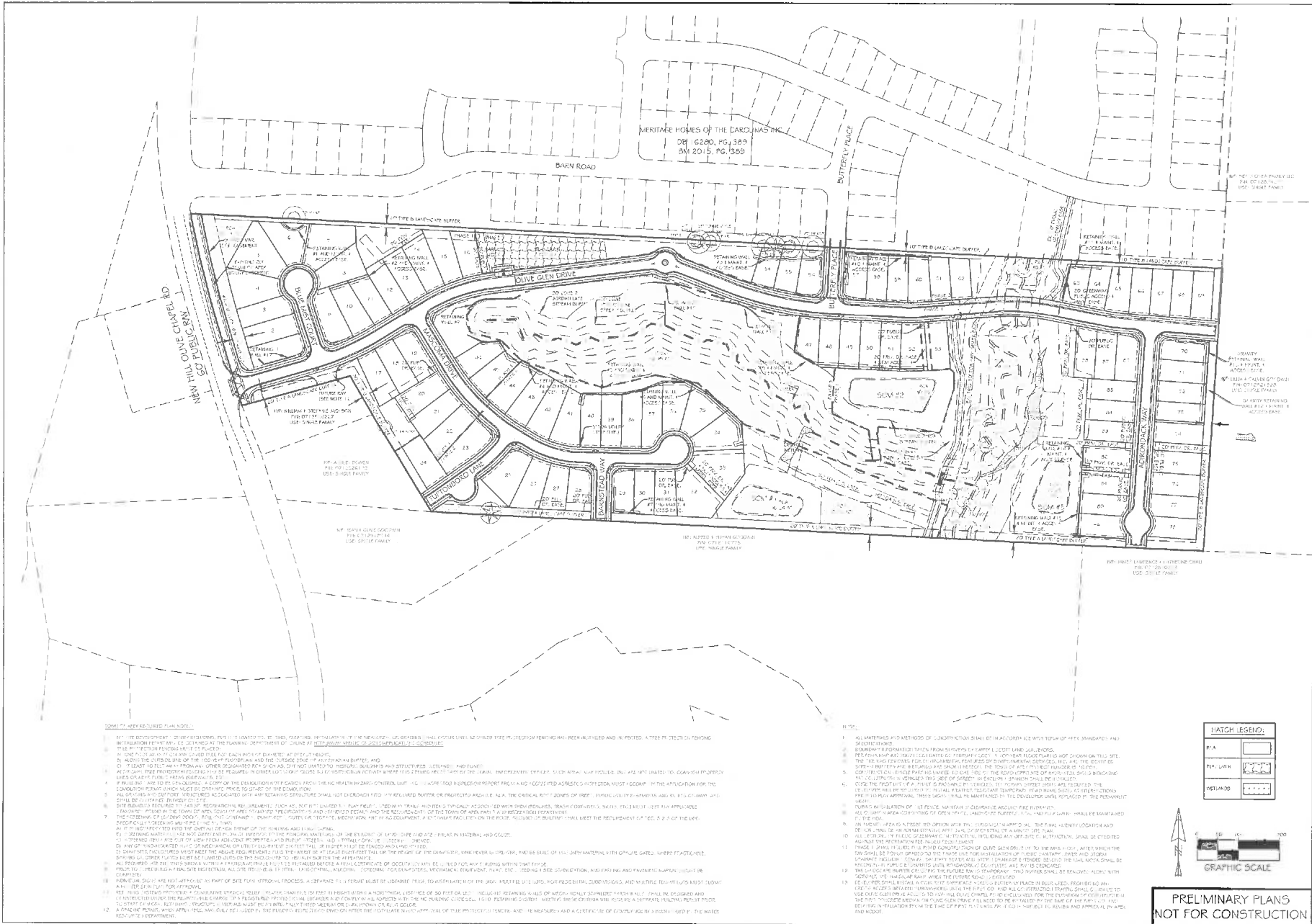
Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

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.



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

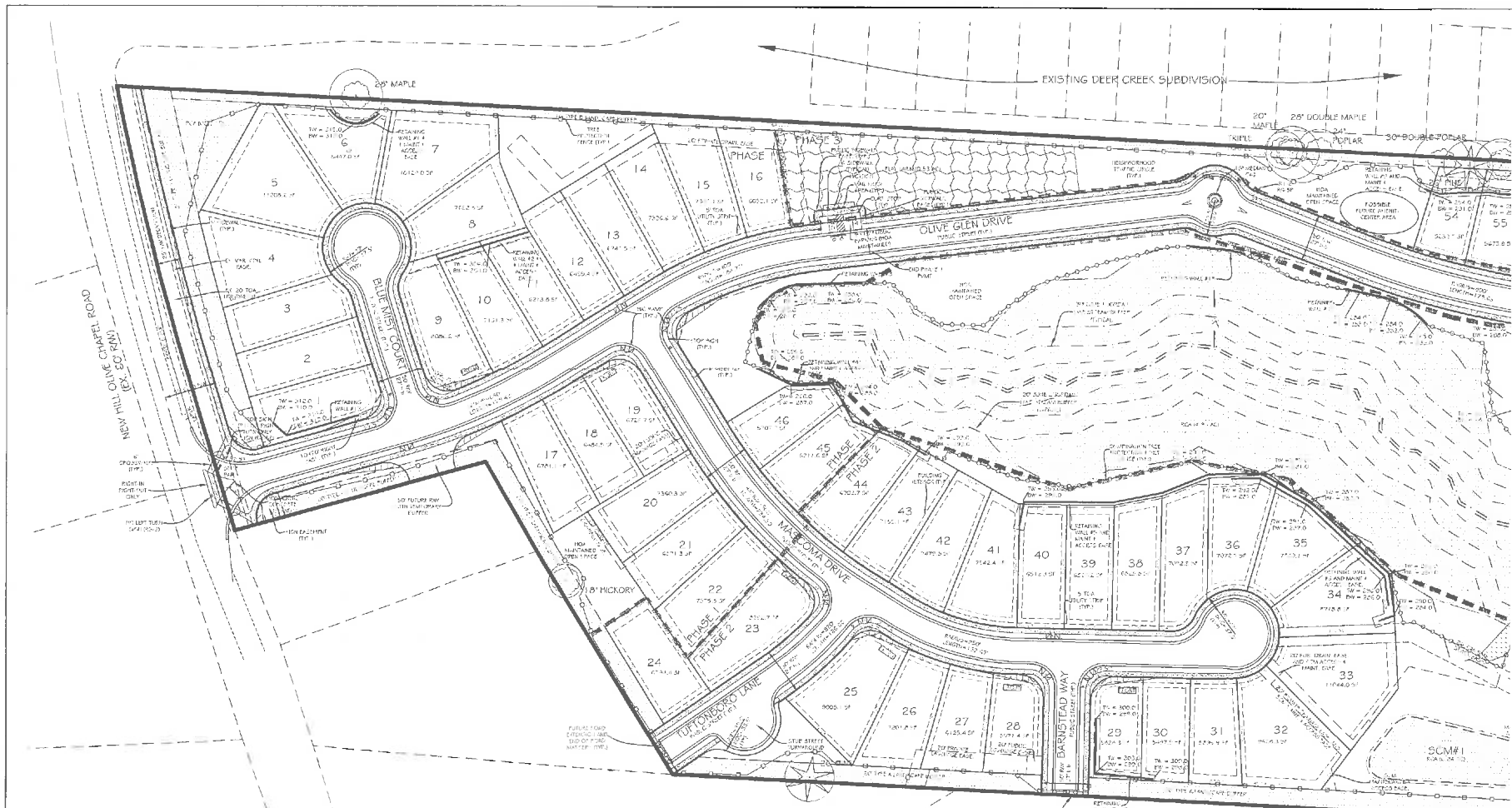
221 N. SALEM ST.
SUITE 201
PO BOX 1942
APO, NC 27506
Office: 919.887.1174
Registration: P-0151
www.jonescossen.com

FOR REVIEW ONLY

RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN
LINCOLN COUNTY, NORTH CAROLINA

PRELIMINARY LOT LAYOUT PLAN OVERALL

DATE	DESCRIPTION
FEBRUARY 1, 2019	
DATE	DESCRIPTION
MAY 15, 2019	2ND REV
JULY 1, 2019	3RD REV
FEB 20, 2020	4TH REV
APR 15, 2020	5TH REV
APR 15, 2020	6TH REV
APR 15, 2020	7TH REV
APR 15, 2020	8TH REV
APR 15, 2020	9TH REV
APR 15, 2020	10TH REV
APR 15, 2020	11TH REV
APR 15, 2020	12TH REV



TOWN OF MAPLE PROPOSED PLAN ETC.

1. THE TOWN OF MAPLE HAS REVIEWED THE PROPOSED PLAN AND HAS DETERMINED THAT THE PLAN IS IN SUBSTANTIAL COMPLIANCE WITH THE TOWN OF MAPLE ZONING BY-LAW AND THE TOWN OF MAPLE SUBDIVISION ACT.
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MATCH LEGEND:

- 1. LOT
- 2. ROAD
- 3. EASEMENT
- 4. UTILITY
- 5. FENCE
- 6. CURB
- 7. DRIVE
- 8. SIDEWALK
- 9. BIKEWAY
- 10. TRAIL
- 11. RAILROAD
- 12. CANAL
- 13. DRAINAGE
- 14. FLOODPLAIN
- 15. OTHER



**PRELIMINARY PLANS
NOT FOR CONSTRUCTION**

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

221 N. SALEM ST.
SUITE 300
PO BOX 168
APEX, NC 27502
OFFICE: 919.387.1174
Registration: P-015
www.jonescrossen.com

**FOR
REVIEW
ONLY**

**RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN**
TOWN OF MAPLE
PRELIMINARY LOT LAYOUT PLAN 1

1"=50'	FGC
FEBRUARY 1, 2019	
PROJECT	RETREAT AT CEDAR CROSSING
CLIENT	DEVELOPER
DATE	FEBRUARY 1, 2019
SCALE	1"=50'
DATE	FEBRUARY 1, 2019
PROJECT	RETREAT AT CEDAR CROSSING
CLIENT	DEVELOPER
DATE	FEBRUARY 1, 2019
SCALE	1"=50'
DATE	FEBRUARY 1, 2019
PROJECT	RETREAT AT CEDAR CROSSING
CLIENT	DEVELOPER
DATE	FEBRUARY 1, 2019
SCALE	1"=50'
DATE	FEBRUARY 1, 2019

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.

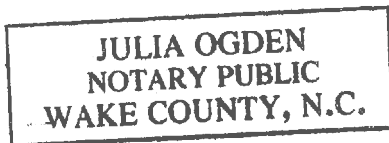
10/1/21
Date


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.		
9.		
10.		
11.		
12.		
13.		
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

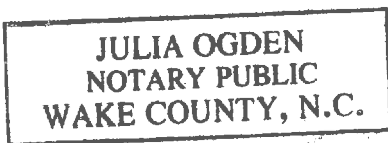
By: [Signature]

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.

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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.

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FOR REVIEW ONLY

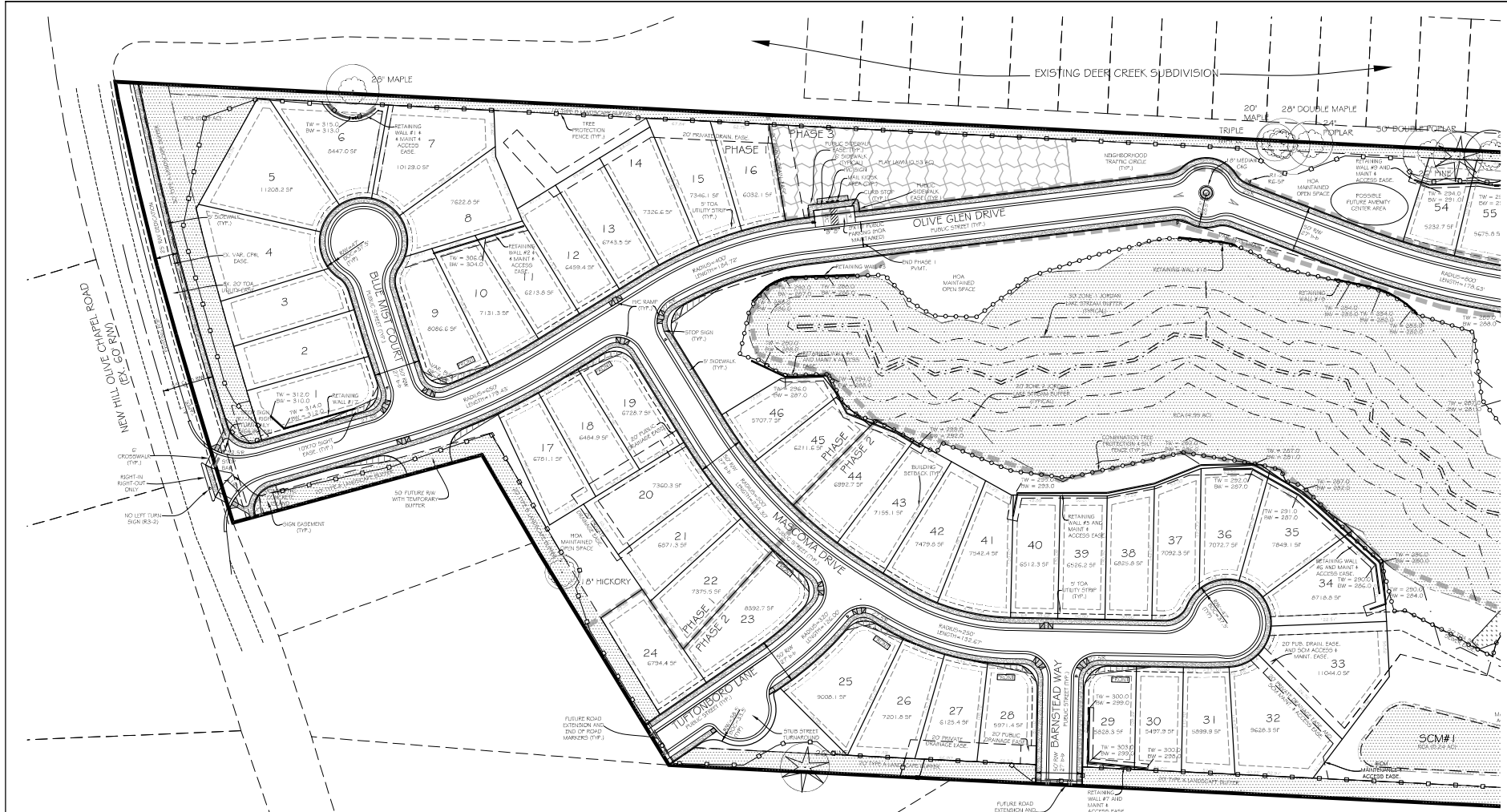
RETREAT AT CEDAR CROSSING
MASTER SUBDIVISION PLAN
PRELIMINARY LOT LAYOUT PLAN 1

TOWN OF APEX

FEBRUARY 1, 2019

2/25/19	1ST TRC
2/26/19	2ND TRC
3/26/19	3RD TRC
2/27/20	4TH TRC
2/28/20	5TH TRC

6
2022



TOWN OF APEX REQUIRED PLAN NOTES:

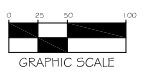
- NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&P MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PLAN MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT WWW.APEX.ORG/CONSTRUCTION/REGULATIONS/REGULATIONS.
- 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, METALS, 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 (COURTYARDS, 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 ENROACH INTO ANY REQUIRED BUFFER OR PROTECTED AREA (I.E. PCA, THE ORIGINAL CRITICAL ZONES OF TREES, PUBLIC UTILITY EASEMENTS 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 SLATE 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.
- PROTECTOR SCREENING IN A PHASE IS INSPECTION, ALL SITE ELEMEN... LIGHTING, LANDSCAPING, MAINTENANCE, SCHEDULING, SCHEDULING FOR DUMPSTERS, MECHANICAL EQUIPMENT, HVAC, ETC., SEEING A SITE STABILIZATION, AND PARKING AND PAINTMENT MARKINGS MUST BE COMPLETED.
- INDIVIDUAL SIGNAGE IS NOT APPROVED AS PART OF FINAL APPROVAL PROCESS. A SEPARATE SIGN PLAN 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 CAST CONCRETE OR DARK BROWN OR BURNT CLAY.
- 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 HAS BEEN 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 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 ENOUGH OF A SPANISH SHALL BE INSTALLED.
- ONCE THE FIRST LIFT OF ASPHALT IS PASSED BY VEHICLES, TEMPORARY STREET SIGNS MUST BE REPLACED BY THE PERMANENT SIGNS. 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 S&P FENCE, MAINTAIN 9' 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 AREA 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 REGRAD GRADDED 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 LAWN	
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

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ28 Retreat at Cedar Crossing PUD Amendment

Planning Board Meeting Date: January 10, 2022



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 36.54 acres

PIN(s): See attached

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

2045 Land Use Map: Low Density Residential

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: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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



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: _____



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: 21CZ28 Retreat at Cedar Crossing PUD Amendment

Planning Board Meeting Date: January 10, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Tina Sherman

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

Conditions as offered by applicant.

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

With 9 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 10th day of January 2021.

Attest:

Reggie Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.01.11 08:47:03
-05'00'

Dianne Khin, Director of Planning and
Community Development

21CZ28 Retreat at Cedar Crossing PUD Amendment
Affected 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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ28
Cedar Crossing PUD Amendment
CONTINUED

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

Applicant: Toll Southeast LP Company, Inc.
Authorized Agent: Peter Bellantoni
Property Addresses: 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, 3534, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane
Acres: +36.54 acres

Property Identification Numbers (PINs): 0712720377, 0712620118, 0712529114, 0712621121, 0712621088, 0712622037, 0712622097, 0712624007, 0712624057, 0712625006, 0712625076, 0712626132, 0712626341, 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

2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)
Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: ~~December 13, 2021 - 4:30 PM~~ Continued to January 10, 2022

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/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/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 500 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/emap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/476. 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/22117/21CZ28>

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

Published Dates: November 24, 2021 - ~~December 13, 2021~~ January 10, 2022



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TEL:919.469.3425 FAX:919.469.3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ28
Cedar Crossing PUD (Desarrollo de Unidad Planificada)
CONTINUACIÓN

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: Toll Southeast LP Company, Inc.
Agente autorizado: Peter Bellantoni
Dirección de las propiedades: 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
Superficie: ±36.54 acres
Números de identificación de las propiedades: 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, 0712525271, 0712620348, 0712528770, 0712525372, 0712528217, 0712620625, 0712621279

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)
Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
 Cámara del Consejo, 2º piso
 73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~23 de diciembre de 2021~~ **10 de enero de 2022 4:30 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/townofapex>. 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, Jerr 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/townofapex>.

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 en cuestión han recibido esta notificación por correo postal de primera clase. Todos los partes interesados pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.apexnc.gov/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 919-349-3425. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37117/21CZ28>.

Dianne F. Kline, AICP
 Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 24 de noviembre de 2021 - ~~23 de diciembre de 2021~~ **10 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 #21CZ28
Cedar Crossing PUD Amendment

CONTINUED

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:

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Authorized Agent: Peter Bellantoni

Property Addresses: 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

Acreage: ±36.54 acres

Property Identification Numbers (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

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: ~~December 13, 2021 - 4:30 PM~~ Continued to January 10, 2022

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/37117/21CZ28>.

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 #21CZ28
Cedar Crossing PUD (Desarrollo de Unidad Planificada)

CONTINUACIÓN

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: Toll Southeast LP Company, Inc.

Agente autorizado: Peter Bellantoni

Dirección de las propiedades: 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

Superficie: ±36.54 acres

Números de identificación de las propiedades: 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

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: ~~13 de diciembre de 2021 4:30 P.M.~~ **10 de enero de 2022 4:30 PM**

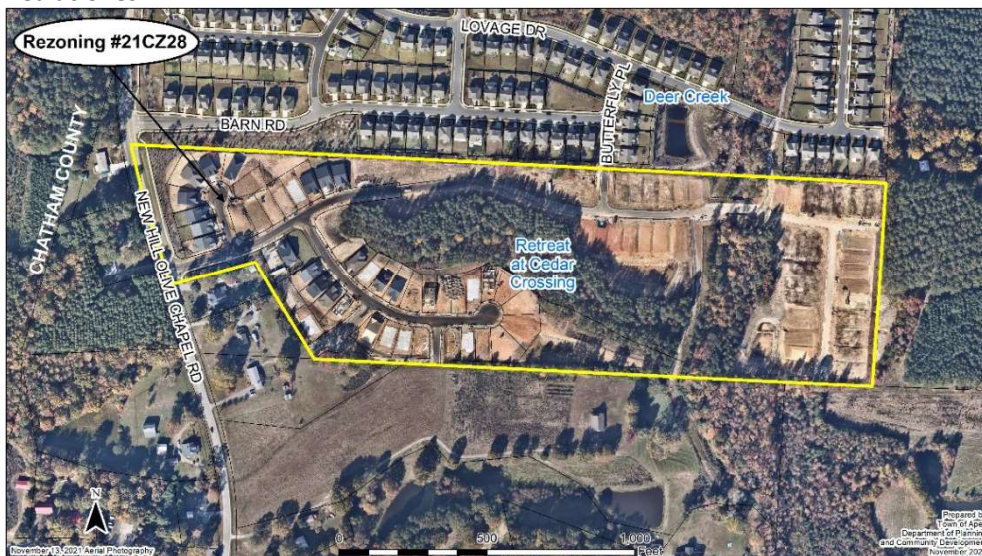
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria 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/37117/21CZ28>.

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 #21CZ28
Retreat at Cedar Crossing PUD Amendment

Project Location: 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

Applicant or Authorized Agent: Peter Bellantoni

Firm: Toll Southeast LP Company, Inc.

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.

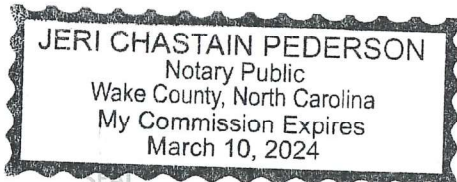
11/29/2021
Date

Jeanne Fkhun
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, 202 1.



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 #21CZ28
Cedar Crossing PUD Amendment**

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: Toll Southeast LP Company, Inc.
Authorized Agent: Peter Bellantoni

Property Addresses: 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

Acreage: 136.54 acres

Property Identification Numbers (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

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

Town Council Public Hearing Date and Time: January 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/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, Tessa 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/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/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/37117/21CZ28>.

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

Published Dates: January 4 – January 25, 2022



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ28
Cedar Crossing PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDD) 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: Toll Southeast LP Company, Inc.
Agente autorizado: Peter Bellantoni

Dirección de las propiedades: 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

Superficie: ±36.54 acres

Números de identificación de las propiedades: 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.

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de 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, Tessa 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/imagery>. 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/37117/21CZ28>.

Dianne F. Khin, AICP
Directora de Planificación y Desarrollo Comunitario

Fechas de publicación: 4 de enero - 25 de enero, 2022.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ28 Cedar Crossing PUD Amendment

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: Toll Southeast LP Company, Inc.

Authorized Agent: Peter Bellantoni

Property Addresses: 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

Acreage: ±36.54 acres

Property Identification Numbers (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

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Proposed Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Comments received prior to the Planning Board public hearing will not be provided to the Town Council. Separate comments for the Town Council public hearing must be provided by the deadline specified below.

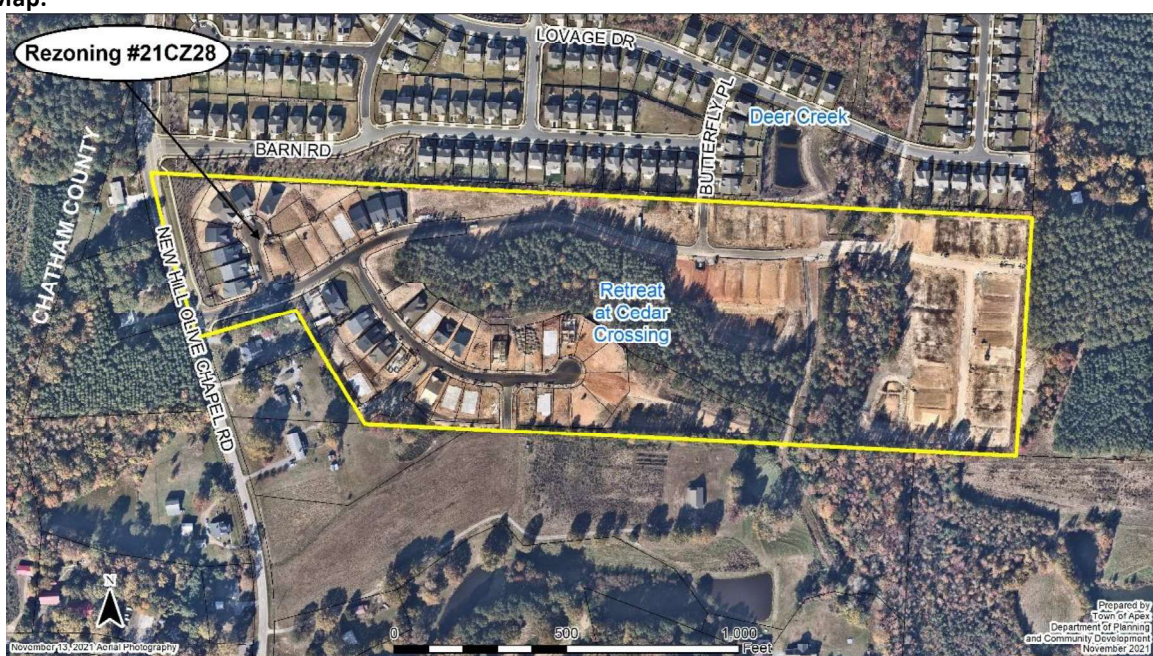
Town Council Public Hearing Date and Time: January 25, 2022 6:00 PM

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. 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/37117/21CZ28>.

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 #21CZ28
Cedar Crossing PUD (Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Toll Southeast LP Company, Inc.

Agente autorizado: Peter Bellantoni

Dirección de las propiedades: 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

Superficie: ±36.54 acres

Números de identificación de las propiedades: 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

Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12)

Ordenamiento territorial propuesto para las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 25 de 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/37117/21CZ28>.

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 #21CZ28
Retreat at Cedar Crossing PUD Amendment

Project Location: 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

Applicant or Authorized Agent: Peter Bellantoni

Firm: Toll Southeast LP Company, Inc.

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 January 4, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

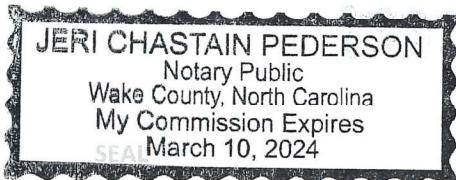
1-18-2022
Date

Amend Bunc for Diane Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

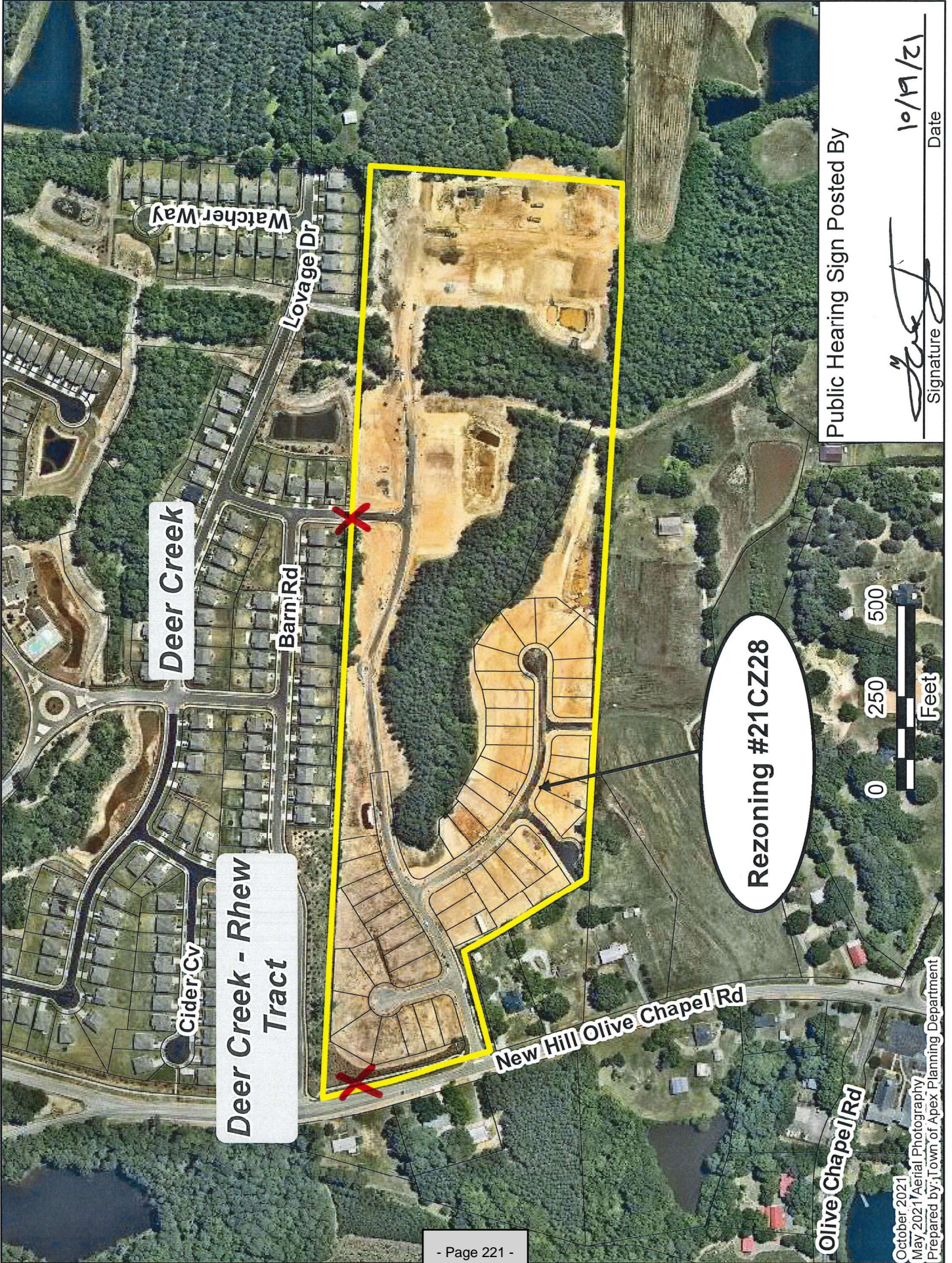
Sworn and subscribed before me, Jeri Chastain Pederson, a Notary Public for the above

State and County, this the 18 day of January, 202 2.



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3 / 10 / 2024



Deer Creek - Rhew Tract

Deer Creek

Rezoning #21CZ28

Public Hearing Sign Posted By

[Signature]
Signature

10/19/21
Date



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: January 25, 2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Public Hearing to receive input regarding the Town of Apex ADA Assessment and Transition Plan.

Approval Recommended?

Yes

Item Details

Since 2020, the Town has been working with Tindale Oliver on the evaluation of all Town-owned facilities, programs, activities, and services in an effort to identify any needed changes to comply with the current Americans with Disabilities Act (ADA) regulations and generate a Town ADA Transition Plan. The ADA ensures equal opportunity in the areas of employment, state and local government services, public accommodations, and telecommunications. Under ADA, state and local governments are obligated to conduct a self-assessment of their facilities, programs, activities, and services. The assessment and Transition Plan also represent the Town's commitment to being an inclusive and accessible community.

The purpose of the Transition Plan is to address any barriers identified in the self-assessment and provide suggested remedies, cost analyses, and a time line in which to eliminate these barriers. Although the ADA requires that a facility's services, activities, policies, and programs be accessible in the most integrated manner possible, it does not require agencies to make structural changes to existing facilities if compliance can be achieved by alternate means. This plan will set forth guideline standards for budgeting, implementing, and maintaining ADA compliance throughout Town properties, programs, services, and activities.

The full draft including Appendix A containing the full assessment reports can be found on our website at <http://www.apexnc.org/1637/ADA-Transition-Plan>.

Attachments

- Presentation
- Draft ADA Transition Plan with select Appendices





TOWN OF APEX ADA TRANSITION PLAN

January 25, 2022



OVERVIEW



- Introductions
- Study Purpose/Objectives
- Project Schedule and Status
- Assessment Summary
- Next Steps

INTRODUCTIONS



- **Bryan Weinstein, P.E., AI/PE**, Group Manager of ADA Compliance and Accessibility Services
- Certified ICC **Accessibility Inspector/Plans Examiner** (AI/PE)
- **Registered Professional Engineer** (P.E.)



- **Ines Nizeye, AICP, AI/PE**, Project Manager
- **American Institute of Certified Planners** (AICP)
- Certified ICC **Accessibility Inspector/Plans Examiner** (AI/PE)

BENESCH OVERVIEW



Value Focused.

Community Minded.

Quality Driven.



FIRMWIDE EXPERTISE

- | | | |
|----------------|----------------|-------------------|
| ADA Compliance | Landscape | Site Development |
| Aviation | Architecture | Transit |
| Bridges | Municipal | Value Methodology |
| Buildings | Public Finance | Water |
| Environmental | Railroad | |
| Geotechnical | Roadway | |

ENR
TOP 500 DESIGN FIRMS

#112

Founded

1946



44
Locations

20
States

1
Team

THE PURPOSE OF THE ADA



“No entity shall discriminate against an individual with a disability in connection with the provision of public services.”

-Section 37.5 of the Americans with Disabilities Act



PUBLIC AGENCY REQUIREMENTS



Public Agencies Must:

Make **reasonable modifications** to afford full and equal enjoyment – unless a fundamental alteration.

Provide **reasonable auxiliary aids** to assure full and equal enjoyment – unless an undue burden.

Remove structural and communication barriers – where readily achievable.

Design all **“new construction”** to be readily **accessible** and to protect the path of travel.

STUDY PURPOSE



To improve Access, Safety, & Security
at the Town's Buildings, Parks, and Right-of-Way by
developing an ADA Self-Assessment and Transition Plan



PROJECT OBJECTIVES



- **Inventory barriers to accessibility** at all facilities
- **Identify and prioritize improvements** to address accessibility
- **Produce cost estimates** for improvements
- **Develop phasing plan** to implement improvements
- **Train Town Staff**
- **Obtain input from the public** on next steps

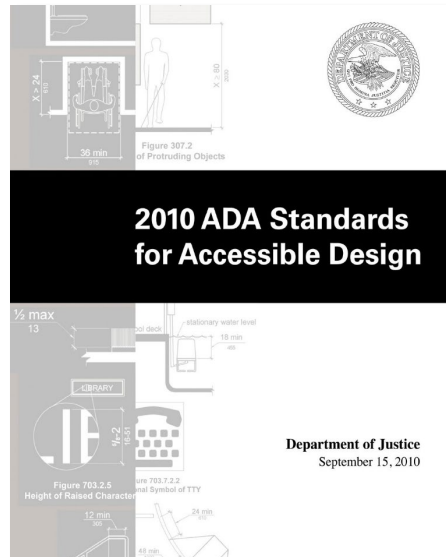
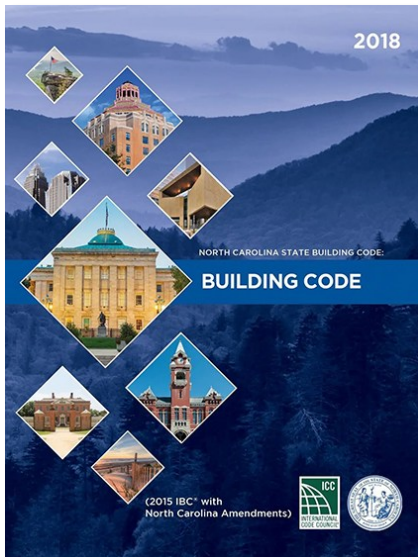
FACILITY ASSESSMENTS



- Applicable standards

- 2010 ADA Standards for Accessible Design
- Chapter 11 - 2018 North Carolina Building Code/International Building Code

- Accessibility Assessment Reports



ID: 986 **Facility:** Public Works Administration Building

Priority Score 5

Quick Fix: No
Built before ADA: Yes

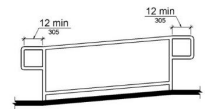
Location: Ramp
Schedule: 2022
Estimated Cost: \$2,000.00

VIOLATIONS

2010 ADA Standards for Accessible Design Codes: \$505.10
There are no handrail extensions for the ramp.

RECOMMENDATIONS

Extend the ramp handrails 12" horizontally beyond the top and bottom of ramp runs.



EXAMPLE OF ASSESSED ITEMS



- Entrances/Exits
- Accessible Routes
- Restrooms
- Drinking Fountains
- Signage
- Elevators
- Playgrounds
- Parking
- Sidewalks and trails
- Tripping hazards
- Protruding objects

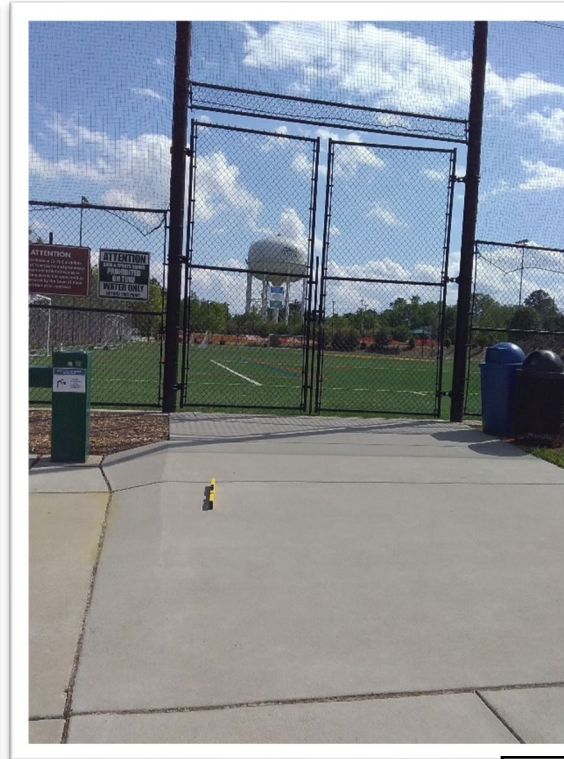
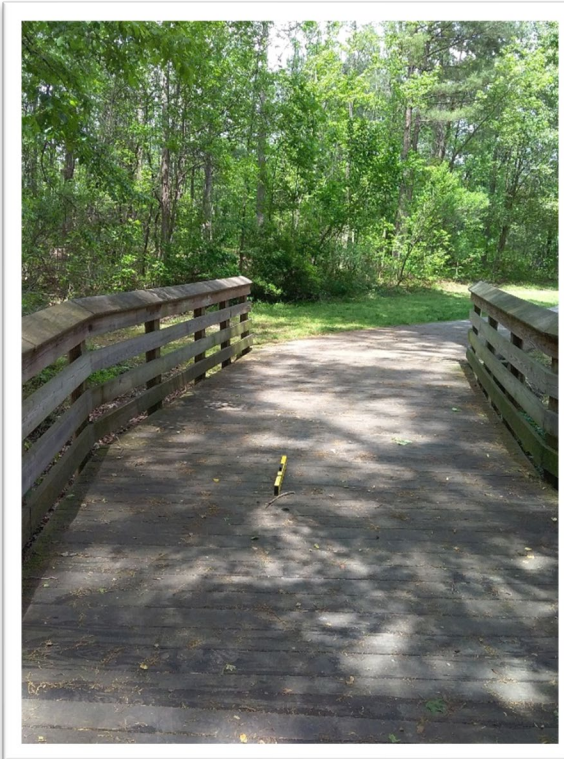


COMMON VIOLATIONS



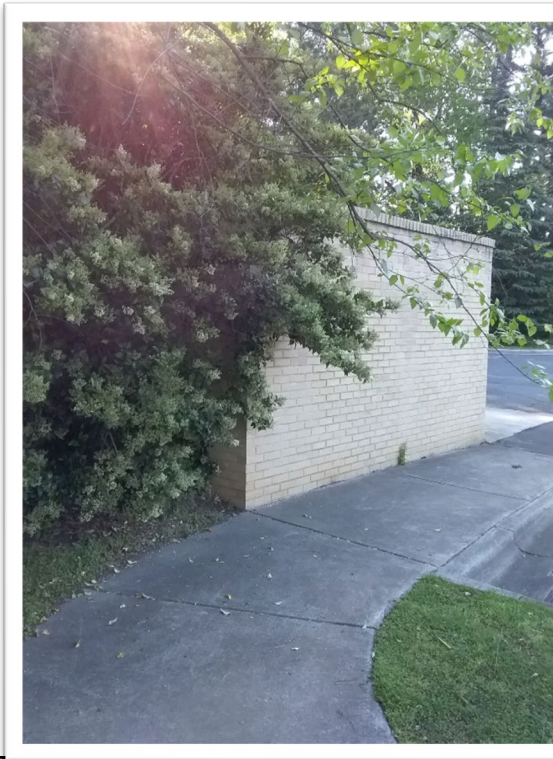
Accessible Routes

- Slope issues
- Changes in level



Protruding Objects

- Extends more than 4" into circulation path

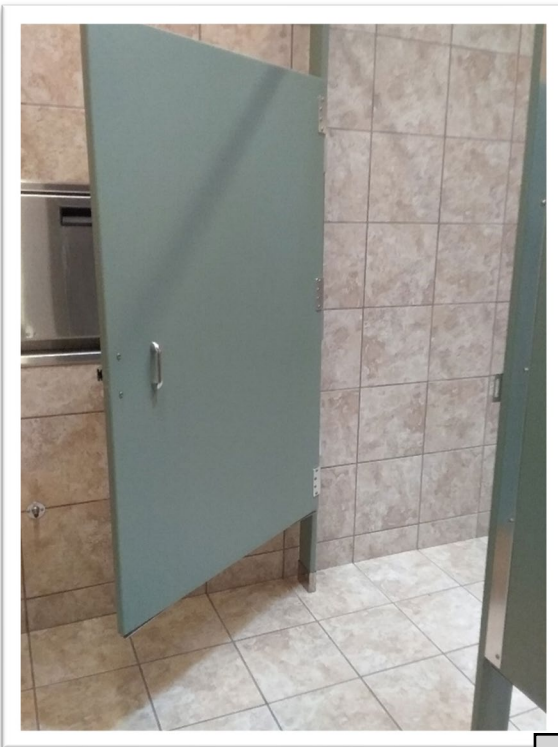
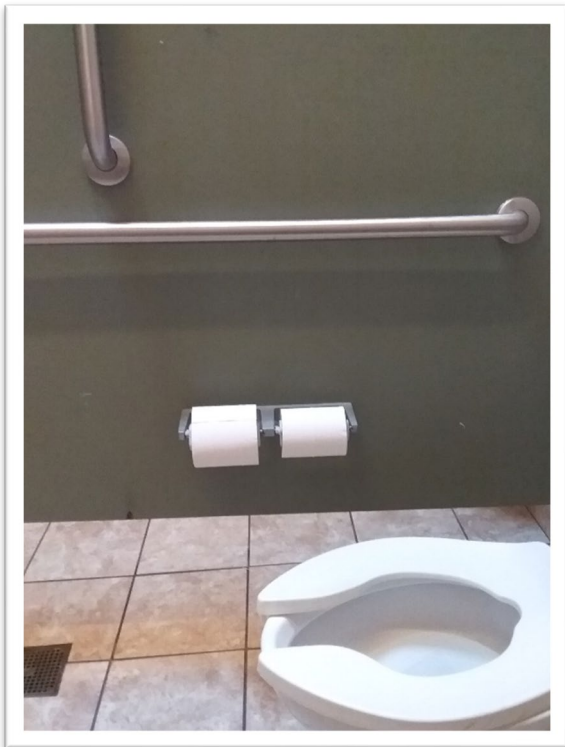


COMMON VIOLATIONS



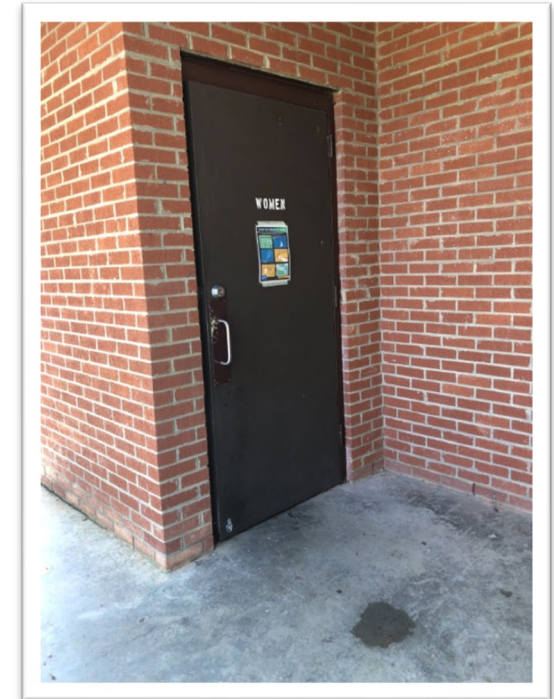
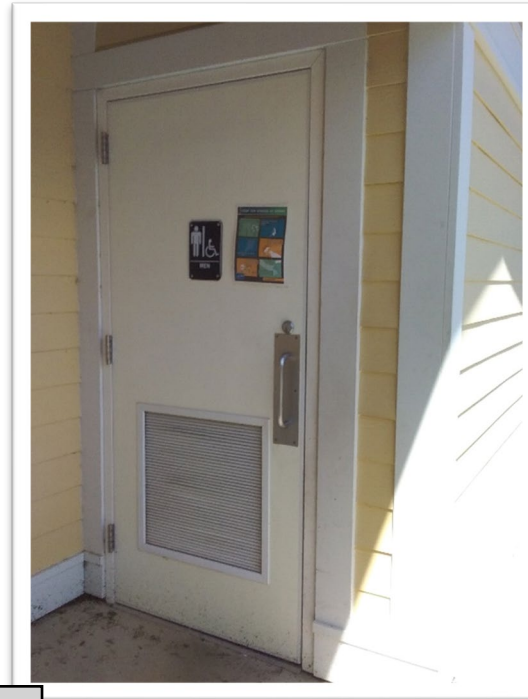
Restrooms

- Toilet paper dispenser placement
- Door not self closing



Signage

- No tactile signage present at exits and permanent spaces
- Incorrect placement



SCORING AND PRIORITIZATION



- **Existing conditions**

- Accessibility
- Safety/security

- **Prioritization**

- Severity
- Visitor Usage
- Cost Estimation of Improvements
- Location of Amenity
- Age of Facility

High

- Major safety Issue
- New Construction built out of compliance
- No accessible route

Medium

- Non-compliant amenities
- Accessible route with moderate slopes

Low

- Non-compliant signage
- Minor slopes

Quick-Fixes

- Signage
- Barrier removal
- Doorknobs

ORDER OF MAGNITUDE COST ESTIMATES



Total Order of Magnitude Cost Estimates	
Buildings & Public Parking	\$320,000
Parks & Playgrounds	\$872,000
Sidewalks & Greenways	\$5,992,000
Curb Ramps (partial)	\$2,186,000
Total	\$9,370,000

Priority	Cost Estimates
High	\$4,170,000
Medium	\$2,320,000
Low	\$2,880,000
Total	\$9,370,000
Quick Fix	\$66,000

POLICY AND PROCEDURE REVIEW



- ADA Title II Notice
- Grievance procedure
- Alternate formats
- Communication systems
- Emergency procedures
- Historic preservation programs
- Building codes



WEBSITE REVIEW



- Alternative text
- Video captioning
- Text color and size
- Screen reader software



COMMUNITY INVOLVEMENT



Online Survey:

October 1, 2021 to November 18, 2021

254

Participants

165

Comments

2

Presentations

523 Views

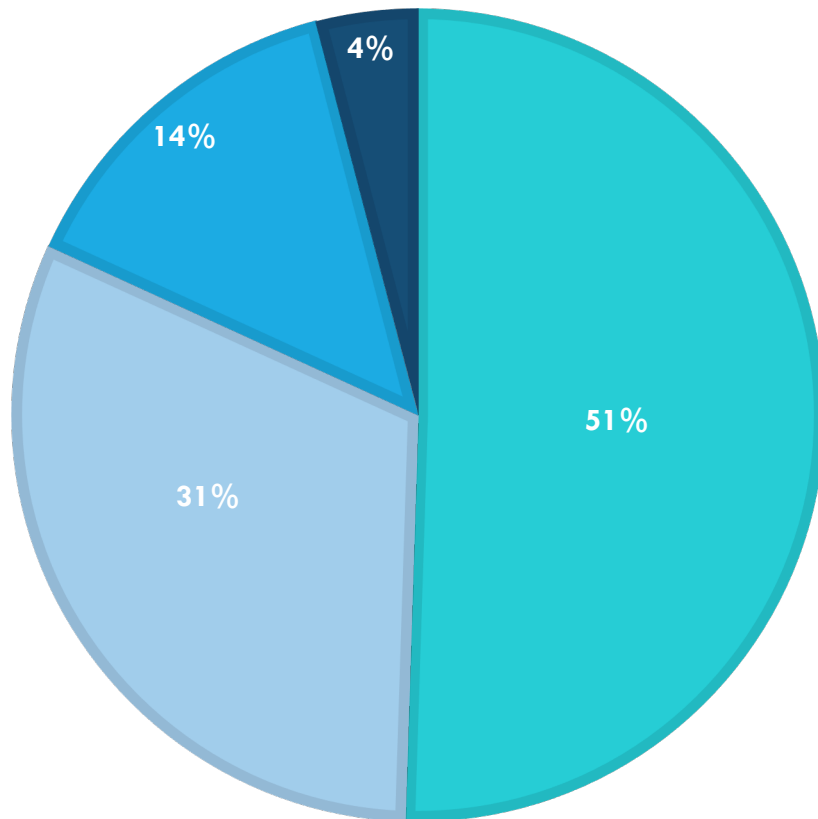
Virtual Open-House Meetings:
January 12 -13, 2022

COMMUNITY ACCESSIBILITY SURVEY



FEELING TOWARDS TOWN

■ Very Positive ■ Positive ■ Neutral ■ Negative ■ Very Negative



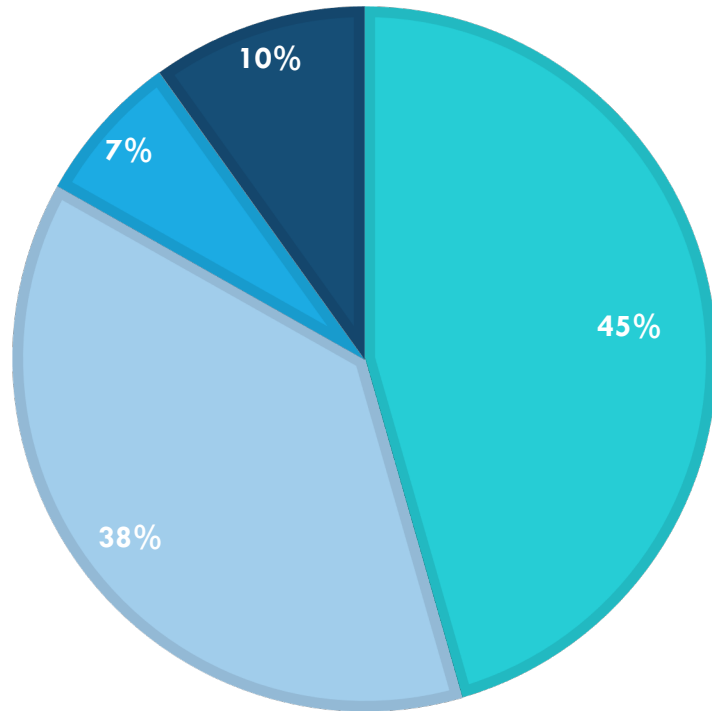
Regarding accessibility, how do you feel about living and/or working in Apex, NC?

COMMUNITY ACCESSIBILITY SURVEY



RIGHT-OF-WAY ACCESSIBILITY

■ Yes ■ Somewhat ■ No ■ Not Applicable



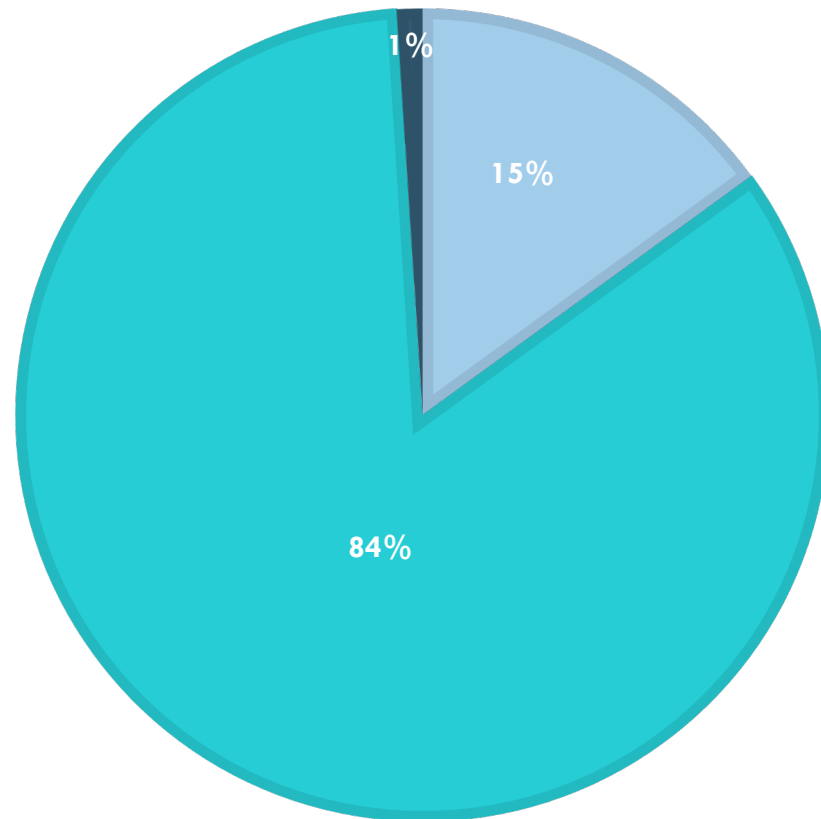
In general, do you feel that the Town's sidewalks and curb ramps are accessible?

COMMUNITY ACCESSIBILITY SURVEY



TOWN PROGRAMS

■ Yes ■ No ■ Other



Have you encountered any obstacles to participating in a Town program or activity?

IMPLEMENTATION PLAN

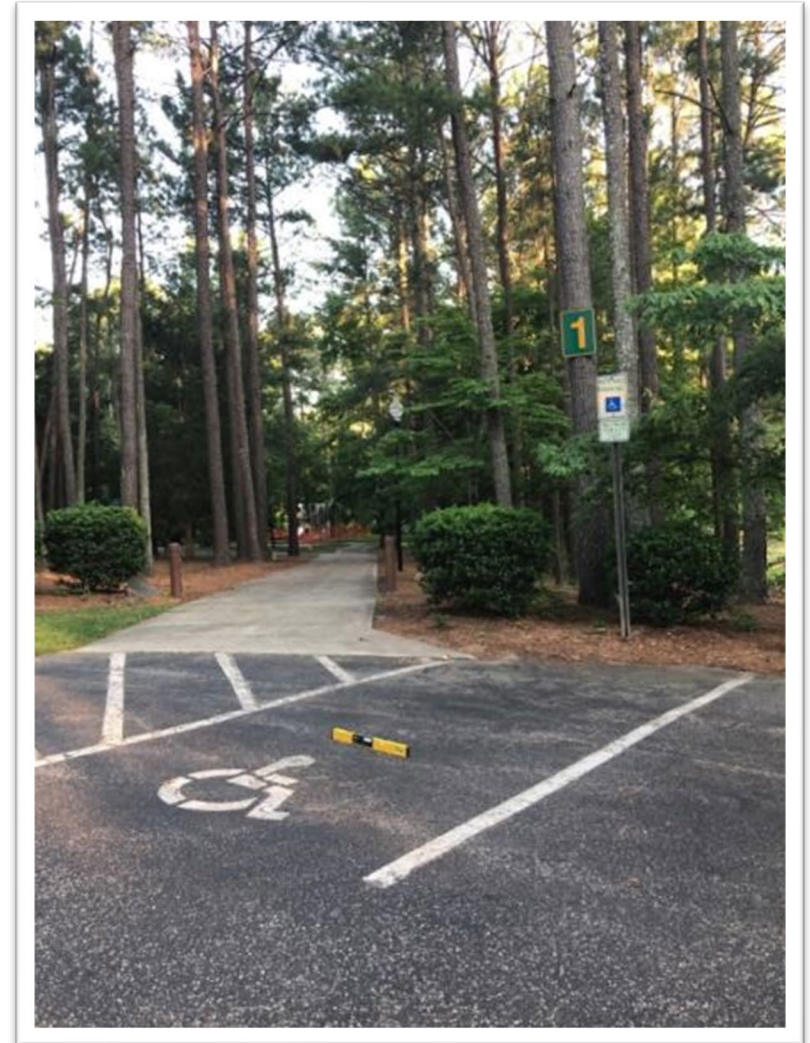


- ▶ Implementation plan is a **guide**.
- ▶ Improvements and locations chosen **may vary** depending on the severity of the violation and funding.
- ▶ Improvements will **need to be reviewed** and a work program developed.
- ▶ Completion of this study will ensure the **commitment of a future cost**.

NEXT STEPS



- Ongoing ADA training for City staff
 - Four already completed
- Ensure all future construction & renovations are ADA compliant
- Continue public engagement efforts



CURRENT MITIGATION EFFORTS



- Create a plan for the future
 - Short Term (0-5 years)
 - Long Term (5+ years)
- Mitigate barriers to accessibility
 - **Already in progress!**

Location	Violations Identified	Barriers Mitigated
Facilities	230	4
Parks	327	37
Streets	973	54
Total	1530	95

Questions?



Ines Nizeye, AICP, AI/PE
Project Manager
(813) 224-8862
inizeye@benesch.com



Shawn Purvis, ICMA-CM
Assistant Town Manager
(919) 249-3302
Shawn.Purvis@apexnc.org



Bryan Weinstein, P.E., AI/PE
*Group Manager of ADA Compliance
& Accessibility Services*
(813) 486-0061
bweinstein@benesch.com



ADA Transition Plan

01.18.2022 FINAL



Prepared by  benesch





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Appendix A – Accessibility Assessment Reports

Appendix B – Departmental Policy, Procedure, and Documentation Review



Appendix C – Website Review

Appendix D – Community Survey Accessibility Report



1.0 Executive Summary

Introduction

The Town of Apex is creating their first Americans with Disabilities Act (ADA) Transition Plan to ensure that town-owned facilities are compliant with the 2010 ADA Standards for Accessible Design and the International Building Code (IBC). The Transition Plan evaluates the existing conditions of each facility, and it identifies violations as well as improvements necessary to ensure accessibility and usability by persons with disabilities. The ADA of 1990 is a civil rights law that prohibits discrimination against people with disabilities. The ADA states that by designing and constructing facilities for public use that are not accessible to people with disabilities could constitute a discrimination. The ADA applies to all facilities, including those built before and after 1990, and local governments are required to perform a self-evaluation of their infrastructure and identify all barriers to accessibility. An ADA Transition Plan shall then be developed to address all accessibility related deficiencies. This Plan is a living document that will be utilized by the Town of Apex as a guide and can change, based on available resources and priorities.

The ADA Transition Plan is intended to achieve the following:

- Identify physical barriers that limit the accessibility of the facility or access to services for individuals with disabilities,
- Describe the methods to be used to make the facility accessible,
- Provide a schedule for removing the barriers to accessibility, and
- Identify the name of the official responsible for the plan's implementation.

To improve access, safety, and accessibility of all Apex citizens, the Town is conducting an ADA Assessment and developing an ADA Transition Plan for twenty-seven (27) Town-owned facilities. To ensure that the Town's facilities are accessible for persons with disabilities, Tindale Oliver's review covers facility entrances and exits, accessible routes, curb ramps, handrails, existing indoor and outdoor facilities, doors, restrooms, signage, as well as other building amenities as provided by the Town.

This assessment includes a comprehensive inventory of the conditions of the Town of Apex facilities and identifies and prioritizes improvements to address deficiencies. Information relating to the accessibility of each facility has been collected. The purpose of these data is to improve Apex staff understanding of accessibility issues pertaining to the ADA, North Carolina Building Code requirements, ANSI A117.1, and the International Building Code (IBC)—specifically, how the ADA and the North Carolina Building Code relate to individual facilities and how to identify elements and facilities that are in compliance with the ADA and those that are not. This document outlines the development of the facility inventory, database of the barriers to accessibility and the prioritization/phasing plan of the improvements. A separate appendix document has been prepared that includes a detailed summary of each building's violations and recommendations.

Development of the ADA Transition Plan

The ADA Transition Plan establishes a list of improvements necessary to achieve full compliance to and within the Town's buildings. The Plan is to be implemented over time based on available resources, as established by the Town of Apex. It is the responsibility of the Town to ensure the implementation of the ADA Transition Plan is carried out. Its adherence will protect the Town from future litigation pertaining to accessibility issues. Conversely, deviance or lack of progress from the plan without justification may leave the Town vulnerable. Therefore, it is important to update and maintain the ADA Transition Plan until it is either fully implemented or replaced with a newer plan.

The Code of Federal Regulations (CFR), 28 CFR 35.150(d) outlines the legal requirements for an ADA Transition Plan. At a minimum, the law requires four components of the plan:

1. **Physical Assessment:** obstacles that limit the public accessibility of programs or services must be identified.
2. **Recommendations:** methods that will make these items accessible must be described in detail.
3. **Remediation schedule:** the schedule required to implement the necessary steps to make these items compliant must be specified.
4. **ADA Coordinator:** The official responsible for implementation of the items must be indicated.

As described below, as well as in each of the building's individual ADA Transition Plans, assessments of the physical obstacles that present barriers to accessibility were identified, proposed steps for mitigation were recommended and prioritized, and a schedule for their implementation was prepared. Lastly, Shawn Purvis, the Town of Apex's Assistant Town Manager, will be responsible for the plan's overall implementation.

ADA Assessment

The data collection process for infrastructure assessments is the most involved portion of this project. Every facility, as shown in Tables 1 and 2, included in this report was inspected by assessors who are certified by the International Code Council (ICC) as Accessibility Inspector/Plans Examiner (AI/PE) and a Professional Engineer (P.E.). A walk-thru and assessment of building elements for compliance with applicable accessibility standards was conducted starting on September 16, 2020, through October 1, 2020. The assessments included a comprehensive inventory of the conditions of the Town-owned buildings and identified and prioritized improvements to address the barriers to accessibility. The facility survey addressed each accessible element and space within and external to the facilities and included applicable elements such as facility entrances/exits, parking, sidewalks, accessible routes, curb ramps, handrails, signage, existing indoor and outdoor facilities, doors, restrooms, and all other elements covered by the ADAAG and the IBC.

The survey included physical measurements and counts for components or systems. Survey findings were collected and recorded on Tindale Oliver's custom Android-based ADA compliance checklist application. This application populates and organizes the photos and information in a secure geo-

coded database that the Accessibility Inspectors then use to generate a report for each building. Photos were taken with the tablet of each area of the facility for familiarization and were later referenced to illustrate deficiency findings. Measurements were taken using a tape measure for clearances, distances, and heights; a smart level for slopes; and a door pressure gauge for opening resistance of doors.

The digital data and photos were then uploaded to a database on Tindale Oliver’s secure servers for backup. Where appropriate, photos are included in the Accessibility Assessment Report (AAR), as shown in Appendix A, to illustrate issues or deficiencies. The facility survey consisted of non-intrusive visual observations, which allowed for a readily accessible and easily visible components and systems assessment of the facility, which included measurements of space and clearance dimensions, slope, walkway widths, reach ranges, maneuverability measurements, etc. The purpose of this data is to improve Town staff’s understanding of accessibility issues pertaining to the ADA and the IBC requirements—specifically, how the ADA and IBC relate to buildings and how to identify elements and facilities that are compliant with the ADA and those that are not.

Facility	Address	Sq. Ft
Apex Fire Admin.	315 West Williams Street	6,450
Apex Community Center	53 Hunter Street	44,147
Apex Depot	220 North Salem Street	2,486
Apex Town Hall	73 Hunter Street	43,880
Fire Station # 1	210 North Salem Street	8,170
Fire Station # 2	3045 New Hill Holleman Road	4,114
Fire Station # 3	736 Hunter Street	9,243
Halle Cultural Arts Center	237 North Salem Street	10,354
Police Station	205 Saunders Street	34,645
Public Safety Station # 4	1615 East Williams Street	11,320
Public Safety Station # 5	2050 Kelly Road	16,500
Public Works Facility- Admin.	105-B Upchurch Street	10,529
Public Works Facility- Operations	105-A Upchurch Street	21,973
Public Works Facility- Purchasing & Inventory	105-C Upchurch Street	15,794
Public Works Storage Shed & Wash Bay	105-A Upchurch Street	3,977
Wastewater Treatment Plant	300 Pristine Waters Drive	3,511
Public Parking		

Table 1: List of Assessed Facilities

Parks	Address	Acreage
Apex Community Park – Lake Entrance	1808 Lake Pine Drive	160.00
Park Entrance	2200 Laura Duncan Road	
Jaycee Park	451 West Williams Street	23.00
Hunter Street Park	1250 Ambergate Station	12.00
Kelly Road Park	1609 Kelly Road	25.00
Nature Park & Seymour Athletic Fields	2500 Evans Road	160.00
Nature Park Entrance	2600 Evans Road	
Salem Pond Park	6112 Old Jenks Road	12.00
Clairmont Neighborhood Park	801 E. Chatham Street	1.50
Kelly Glen Neighborhood Park	1701 Kelly Glen Lane	2.00
Seagroves Farm Neighborhood Park	201 Parkfield Drive	11.00
Sue Helton Neighborhood Park	201 Matney Lane	0.25
West Street Neighborhood Park	108 West Street	1.30

Table 2: List of Assessed Parks

Public Rights-of-Way and Greenways	Surface Type	Distance (Miles)
North Beaver Creek (Sutton Place)	Asphalt	0.21
North Beaver Creek (Charleston Village)	Asphalt	0.37
North Beaver Creek (Beckett Crossing)	Asphalt, Concrete, Boardwalk	0.03
Beaver Creek	Asphalt, Concrete, Boardwalk	2.16
Community Park Lake Trail	Asphalt	2.17
Community Park Nature Trails	Natural	2.00
Town Sidewalks	Asphalt, Concrete	183+
Town Curb Ramps	Concrete	451 ¹

Table 3: List of Assessed Public Rights-of-Way and Greenways

Departmental Policy, Procedure, and Documentation Review

As required under Task II, the department policy, procedure, and documentation review was completed on April 16, 2020. Tindale Oliver has reviewed the requirements for programs and policies necessary for the Town to be compliant with the requirements of the ADA. The memo outlines the Town’s policies and procedures including policy and process suggestions for adoption and consideration. The report can be found in Appendix B. The departments assessed include:

- Administration/Communications
- Building Inspections and Permitting
- Finance
- Human Resources

¹ The total number of curb ramps is unknown at this time and will be assessed at a future date.

- Information Technology
- Parks, Recreation, and Cultural Resources
- Public Safety (Fire, Police, and 911 Communications)
- Public Works (Facilities, Streets, Transportation, and Engineering)
- Public Utilities (Electric and Water Sewer)
- Water Resources (Stormwater)

Additionally, a website review of the Town’s website and online information services including the Town’s GIS Viewer, Assessor’s information, and online permitting system was assessed for compliance. The standards used for this review include Section 508 of the Rehabilitation Act of 1973 and the Web Content Accessibility Guidelines 2.0 and 2.1. These standards should be followed at each destination provided on the Town of Apex website. To determine the overall accessibility of the website, a web accessibility evaluation tool called Wave was used to support our efforts. The report provides recommendations and determinations concerning all web pages, online documents, and web-based applications that are currently employed by the Town. The suggested actions have been determined to meet the minimum ADA requirements and to achieve full compliance with the law. The review was completed on April 20, 2020, and can be found in Appendix C.

Sidewalks and Greenways Assessment

A field survey of more than 183 miles of sidewalks and over 8 miles of greenways were conducted via electric bike the week of June 6, 2021. A list of the assessed greenways can be found in Table 3. This survey included GPS locations, slopes, general conditions and hazards, and gaps in sidewalk inventory throughout the Town. Photos were taken at regular intervals along the sidewalks to document the condition that warrants incompliance. The date that the various sidewalks and curb ramps were constructed will dictate which, if any standard, they should have been built to. However, since these dates are generally unknown, and to provide the greatest level of accessibility, all assessed sidewalks and curb ramps were assessed against the most stringent and most recent accessibility codes, including ADAAG, NCDOT, and PROWAG.

During the same period, a field survey of Town crosswalks and curb ramps was conducted. A total of 451 curb ramps were assessed, and recommendations were developed. This survey included GPS location, dimensions, slopes, and the presence of landings and detectable warnings. Curb ramps are a vital part of the Town’s pedestrian infrastructure and were evaluated against the Accessibility Guidelines of NCDOT and recommendations will be provided with adherence to PROWAG.

The sidewalks, greenways, curb ramps, and crosswalks data will be included in a supplemental document.

Implementation and Financial Plan

The final step in the Transition Plan process is the development of an Implementation and Financial Plan. This was accomplished through the following efforts:

- Preparing cost estimates for the required improvements.

- Identifying the funding that is estimated to be available in the coming years; and
- Reviewing the specific improvements in more detail and categorizing them into two separate groups:
 - Short-term (quick fix) improvements
 - Long-term improvements that require more time, effort, and/or funding

The individual facility reports outline specific improvements that are required to make each facility fully accessible. Each recommendation is categorized by the perceived severity of the associated barrier to accessibility, which was then used to develop a draft timeline of improvements along with a schedule of associated costs.

Development of Cost Estimates for Improvements

To develop the Implementation and Financial Plan, unit costs for each type of improvement were developed. These unit costs were based on local and state data, recent experiences with other agencies and, when available, standard industry costs when local data were not available. **It is important to note that the unit costs include across-the-board assumptions that will need to be reviewed prior to the actual improvement being completed.** A planning-level approach was taken on how to correct the situation. Since no engineering was performed on the proposed solution, the quantities and unit costs may be derived from broad assumptions. These larger items will need to be reviewed by an architect, engineer, or facility manager prior to the actual implementation, to ensure the assumptions are accurate and appropriate and to potentially make changes to cost or products used as these items move through the project development process.

FACILITY NAME	ESTIMATED COST				
	HIGH (1-4)	MEDIUM (5-7)	LOW (8-10)	TOTAL	QUICK FIX
Apex Fire Admin.	\$3,300	\$8,000	\$0	\$11,300	\$300
Apex Community Center	\$8,100	\$13,700	\$3,500	\$25,300	\$2,300
Apex Depot	\$23,600	\$2,200	\$0	\$25,800	\$800
Apex Town Hall	\$46,000	\$19,000	\$2,000	\$67,000	\$7,500
Fire Station # 1	\$2,000	\$2,000	\$0	\$4,000	\$0
Fire Station # 2	\$2,100	\$6,700	\$1,000	\$9,800	\$800
Fire Station # 3	\$13,400	\$3,700	\$0	\$17,100	\$3,100
Halle Cultural Arts Center	\$12,600	\$17,900	\$2,100	\$32,600	\$2,600
Police Station	\$3,000	\$3,500	\$6,000	\$12,500	\$3,500
Public Safety Station # 4	\$1,200	\$500	\$0	\$1,700	\$700
Public Safety Station # 5	\$2,200	\$4,600	\$3,500	\$10,300	\$1,300
Public Works Facility- Admin.	\$4,000	\$11,000	\$6,000	\$21,000	\$1,000
Public Works Facility- Operations	\$3,700	\$9,700	\$5,100	\$18,500	\$4,500



Public Works Facility- Purchasing & Inventory	\$6,200	\$0	\$1,000	\$7,200	\$100
Public Works Storage Shed & Wash Bay	\$0	\$0	\$0	\$0	\$0
Wastewater Treatment Plant	\$11,500	\$26,000	\$0	\$37,500	\$500
Apex Community Park	\$201,800	\$19,700	\$27,300	\$248,800	\$6,300
Jaycee Park	\$42,000	\$7,600	\$2,600	\$52,200	\$2,200
Hunter Street Park	\$48,500	\$24,500	\$5,700	\$78,700	\$2,700
Kelly Road Park	\$56,700	\$18,900	\$3,200	\$78,800	\$3,300
Nature Park & Seymour Athletic Fields	\$136,200	\$48,000	\$11,200	\$195,400	\$6,900
Salem Pond Park	\$37,000	\$19,000	\$2,700	\$58,700	\$1,200
Clairmont Neighborhood Park	\$35,000	\$11,300	\$0	\$46,300	\$300
Kelly Glen Neighborhood Park	\$26,000	\$0	\$0	\$26,000	\$0
Seagroves Farm Neighborhood Park	\$23,500	\$13,700	\$0	\$37,200	\$2,200
Sue Helton Neighborhood Park	\$0	\$10,000	\$500	\$10,500	\$500
West Street Neighborhood Park	\$35,000	\$4,000	\$0	\$39,000	\$0
Public Parking	\$11,000	\$7,500	\$0	\$18,500	\$0
Town Curb Ramps	\$790,500	\$908,500	\$486,500	\$2,185,500	\$6,000
Town Sidewalks and Greenways	\$2,559,192	\$1,091,853	\$2,300,929	\$5,991,974	\$4,900
TOTAL	\$4,145,292	\$2,313,053	\$2,870,829	\$9,369,174	\$65,500

Table 4: Cost Summary

4 provides a summary of the total improvement costs, based on their associated priority, as well as the total estimate of probable cost by improvement type. Also, as the Town may not have the funding available to make all these improvements at once, which would offer the most economies of scale, cost estimates are reflective of multiple smaller phases that will be more conducive to the funding available.

It should be noted that the estimates are intended to reflect the order-of-magnitude costs for the Town of Apex's overall facility improvement needs over the timeframe of the plan; for specific projects nearing implementation, it may be necessary for the Town to conduct a more detailed cost assessment.



FACILITY NAME	ESTIMATED COST				
	HIGH (1-4)	MEDIUM (5-7)	LOW (8-10)	TOTAL	QUICK FIX
Apex Fire Admin.	\$3,300	\$8,000	\$0	\$11,300	\$300
Apex Community Center	\$8,100	\$13,700	\$3,500	\$25,300	\$2,300
Apex Depot	\$23,600	\$2,200	\$0	\$25,800	\$800
Apex Town Hall	\$46,000	\$19,000	\$2,000	\$67,000	\$7,500
Fire Station # 1	\$2,000	\$2,000	\$0	\$4,000	\$0
Fire Station # 2	\$2,100	\$6,700	\$1,000	\$9,800	\$800
Fire Station # 3	\$13,400	\$3,700	\$0	\$17,100	\$3,100
Halle Cultural Arts Center	\$12,600	\$17,900	\$2,100	\$32,600	\$2,600
Police Station	\$3,000	\$3,500	\$6,000	\$12,500	\$3,500
Public Safety Station # 4	\$1,200	\$500	\$0	\$1,700	\$700
Public Safety Station # 5	\$2,200	\$4,600	\$3,500	\$10,300	\$1,300
Public Works Facility- Admin.	\$4,000	\$11,000	\$6,000	\$21,000	\$1,000
Public Works Facility- Operations	\$3,700	\$9,700	\$5,100	\$18,500	\$4,500
Public Works Facility- Purchasing & Inventory	\$6,200	\$0	\$1,000	\$7,200	\$100
Public Works Storage Shed & Wash Bay	\$0	\$0	\$0	\$0	\$0
Wastewater Treatment Plant	\$11,500	\$26,000	\$0	\$37,500	\$500
Apex Community Park	\$201,800	\$19,700	\$27,300	\$248,800	\$6,300
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Town Sidewalks and Greenways	\$2,559,192	\$1,091,853	\$2,300,929	\$5,991,974	\$4,900
TOTAL	\$4,145,292	\$2,313,053	\$2,870,829	\$9,369,174	\$65,500

Table 4: Cost Summary



Implementation Plan

The Implementation and Financial Plan was developed to identify when the improvements should occur based on the relative priority of the improvements and anticipated level of funding that will be available to address them.

It would be ideal if the Town of Apex could take advantage of “piggybacking” needed improvements with other planned facility improvement and renovation projects. This would permit the Town to benefit either because the project directly addresses some or all the needed improvements or the project allows the Town to reduce its improvement costs due to concurrent construction activities. The amount of implementation costs that could potentially be saved by completing the improvements concurrent with planned projects is not known at this time. Therefore, potential cost savings through fund leveraging are not included in the Implementation and Financial Plan at this time. In the future, should the Town desire to estimate the amount of costs that could be reduced through fund leveraging, the cost of the improvements for those impacted improvements may be adjusted.

To develop the initial plan, as listed in Appendix A, each building’s list of improvements was sorted by priority. Quick-fix items were assumed to be completed within a year. High priority items were generally planned to be completed the following year, followed by Medium and Low priority items.

It should be stressed that the Implementation and Financial Plan serves as a general guide for the planning of improvements and that several factors will influence the timing for implementation of specific improvements and the overall cost of the program, including:

- Opportunities for partnering with other agencies or organizations on implementing improvements.
- Specific site conditions at individual locations, including landscaping, utilities, drainage, which can have a significant impact on the type of improvements required and the associated cost.
- Contracting opportunities, including awarding a unit price contract for the implementation of improvements at multiple locations.
- Additional opportunities to relocate or consolidate individual amenities.

On an annual basis, the Town’s ADA Coordinator will supervise the revisions to, and the updating of the ADA Transition Plan and the list of needed improvements will be reviewed against the funding that is available that year to develop a specific work program. As previously mentioned, this will involve development of more detailed cost estimates based on a review of site conditions at individual locations.

Appendix A presents an example of the phased implementation plan by listing the improvements and their proposed priority and associated probable costs. It should be stressed that the costs are good faith estimates of probable cost, with the ultimate costs dependent upon how the work is undertaken, site conditions at individual locations, and material and labor prices in future years. The number of



items that are consolidated, modified, relocated, or removed will also be an important variable, as will be the amount of work that will be the responsibility of other entities.

Due to the unknown level of funding currently available for accessibility improvements, current renovation schedule, and the completion of the quick-fix improvement list, the items recommended for improvement for each year of the program are not necessarily the highest-ranking items on the priority list. However, as the improvement program progresses, high-ranking items that were not initially improved should be included in future years.

It should be noted that the prioritization rankings/implementation plan is just a guide. The number of items improved each year and the specific locations chosen for improvement may vary due to factors such as actual costs of the improvement. As such, the improvements will need to be reviewed and a work program developed specifying the improvements that will be undertaken on an annual basis. The improvements would be undertaken through task orders. It is envisioned that the effort could focus on implementation of improvements within specific sections of the building or would occur with groups of similar improvements throughout the Town, both of which could enable improvements to be implemented more quickly.

It should be stressed that this plan is presented as an overall guide to the implementation of improvements. Town staff will need to review the needed improvements and the available funding on an annual basis to develop the annual improvement program.

Prioritization

The barriers to accessibility were prioritized on a 10-point scale, as defined in Table 5. This prioritization methodology has been developed by Tindale Oliver to assist the Town of Apex in determining how the barriers to accessibility can be prioritized based on the severity of the non-compliant item, the existing level of accessibility, and the basic level of accessibility each remediated item will provide.

Priority	Criteria
High	1 <ul style="list-style-type: none"> Major safety issues (dangerously steep slopes, large protruding objects, etc.)
	2 <ul style="list-style-type: none"> New construction built out of compliance Older construction severely out of compliance (accessible routes, ramps, etc.) Alterations that did not bring required elements into compliance
	3 <ul style="list-style-type: none"> Non-compliant accessible route from parking to building entrances (bad slopes, gravel surface, etc.) No accessible route to adjacent sidewalk system, when provided No accessible restroom stalls No accessible parking, insufficient number of spaces, or severely non-compliant parking (bad slopes, gravel surface, extremely narrow, etc.) Severely non-compliant accessible route (structural solution) No tactile signage identifying exits and permanent rooms
	4 <ul style="list-style-type: none"> Non-compliant parking (structural solution) Non-compliant counter heights (break room, multipurpose rooms) No directional signage provided to accessible amenity (interior and exterior) No detectable warnings present at curb ramps
Medium	5 <ul style="list-style-type: none"> Non-compliant exterior or interior door clearances (width issues, protruding objects) Protruding objects obstructing clear pathway (fire extinguishers, AED units) Non-compliant restroom amenities (sink, water closet, urinal, mirror) Non-compliant public access spaces (conference rooms, classrooms)
	6 <ul style="list-style-type: none"> No accessible drinking fountains (missing a high or low fountain) Non-compliant door hardware (doorknob that requires twisting or pinching) Non-compliant showers/changing areas (locker rooms)
	7 <ul style="list-style-type: none"> Non-compliant amenities (picnic tables, benches, vending machines, etc.)
Low	8 <ul style="list-style-type: none"> Accessible route with moderate access issues (level changes that can be ground down) Non-compliant detectable warnings at curb ramps (high contrast, inadequate length)
	9 <ul style="list-style-type: none"> Non-compliant reach ranges (vending machines, garbage cans, AED units) Non-compliant tactile signage at doorways or elevators (height, placement) Accessible seating is not integrated, on a minor sloped area, or inaccessible
	10 <ul style="list-style-type: none"> Non-compliant parking (faded striping, signage) Minor level changes, gaps, or cracks in accessible route Non-compliant drinking fountains

Table 5: Prioritization Designations

2.0 Deficiencies and Solutions

General

The use and occupancy of the Wastewater Treatment Plant dictates egress and accessible route requirements consistent with ADAAG regulations. Because the general public regularly accesses the facility, and in the interest of establishing an accessibility compliance baseline condition report of the facility, a full accessibility assessment was conducted. Where deficiencies in compliance with ADAAG, descriptions of the deficiency, regulatory requirement(s) pertinent to the deficiency, a photo showing the deficient element, and recommendations for remediation of the deficiency are shown in Appendix A.

The following sections generally describe and illustrate common barriers to accessibility found throughout the building.

ACCESSIBILITY VIOLATION	2010 ADA Standards for Accessible Design
Category	
Signage	§216.2 and §703
Restrooms	§307, §308, §604, §605, and §609
Protruding Objects	§211.2, §307, and §602.7
Amenities (vending machines, shelves, hooks, benches, pedestrian push button, etc.)	§307, §308, §405, §707, and §903
Parking (slopes, access aisle, parking signs)	§206.2, §208.2, and §502
Accessible Path	§303, §305, §307, §403, and §404
Counters	§306, §902, and §904
Showers	§213.3.6, §404, §607, §609, and §610
Drinking Fountains	§211.2 and §602.7
Doorways	§309.4 and §404.2.4
Handrails	§505.2 and §505.10
Ramps/curb ramps	§405

Table 6: Accessibility Violation Summary

Parking

Accessible parking is vital in allowing visitors access to the facility. Parking spaces are not required by the ADA. Nonetheless, if parking is provided, accessible parking also must be provided and must meet the following requirements and guidelines as outlined in the ADA.

Standards:

- Accessible car parking spaces shall be at least 96” wide.
- Accessible van parking spaces shall be at least 132” wide.
 - Van parking spaces can be 96” wide where the access aisle 96” wide.
- Accessible parking spaces shall have an adjacent access aisle that is 60” wide minimum.
- The access aisle shall connect to an accessible route.
- Accessible parking spaces and access aisles shall have a running slope and a cross slope no greater than 2%.
- The accessible parking and access aisle shall be made from a surface that is firm, stable, and slip resistant (wet or dry).
- Accessible parking spaces shall have signs identifying them.
 - Signs identifying van parking spaces must include the phrase “van-accessible.”
 - Signs must be at least 60” above the ground.
 - To be enforceable under state law, the sign must state “Maximum Penalty \$250”.
 - The signage shall include the International Symbol of Accessibility.
- At least one space for every 6 or fraction of 6 accessible spaces must be van accessible.

- Accessible parking spaces, aisles, and routes should be maintained in good repair and marked clearly. Spaces must not be used for snow, ice, or fallen leaf removal.
- Vertical clearance of 98” must be provided to parking spaces.
- The minimum number of accessible parking spaces are based upon the total number of parking spaces, as summarized in Table 8.

Total Parking Spaces	Minimum Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4

Table 7: Minimum Accessible Parking Requirements

Figure 2.1 illustrates the standards mentioned above.

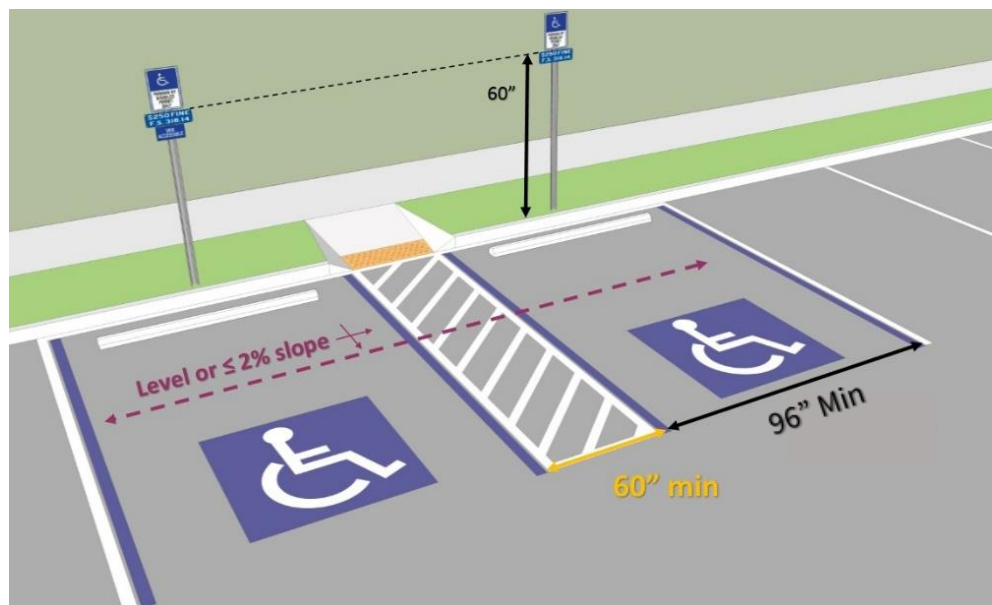


Figure 2.1 Accessible Parking Spaces

Accessible Routes

1.1.1 Interior and Exterior Accessible Routes

Sidewalks and routes that connect to the pedestrian arrival points must be accessible. In addition, the requirements listed below also apply to all internal accessible routes used by the public as they navigate the internal corridors of the building, as described in §301 and §401 of the 2010 ADA Standards for Accessible Design.

Standards:

- The surface must be firm, stable, and slip resistant (wet or dry).
- Shall be a 36” minimum wide continuous unobstructed path.
 - The accessible route is allowed to decrease to a width of 32” for a maximum distance of 24”, as shown in Figure 2.2.
- Shall have 60”x60” passing spaces at 200’ intervals minimum.
- The running slope (parallel to direction of travel) must be equal to or less than 5% (>5% = ramp) for an accessible route. However, a sidewalk is permitted to have a running slope greater than 5% if it follows the slope of the adjacent roadway.
- The cross slope (perpendicular to direction of travel) must be less than or equal to 2%.
- Changes in level between 1/4” and 1/2” must be beveled at 1:2 slope.
- Changes in level greater than 1/2” are not allowed or must be ramped (beveled at a 45-degree slope).
- Gaps in gratings must be no greater than 1/2” wide and openings must be aligned perpendicular to travel.
- Objects with edges between 27” and 80” above the floor are considered protruding objects, as shown in Figure 2.3, if their edges protrude more than 4” horizontally into the circulation path.

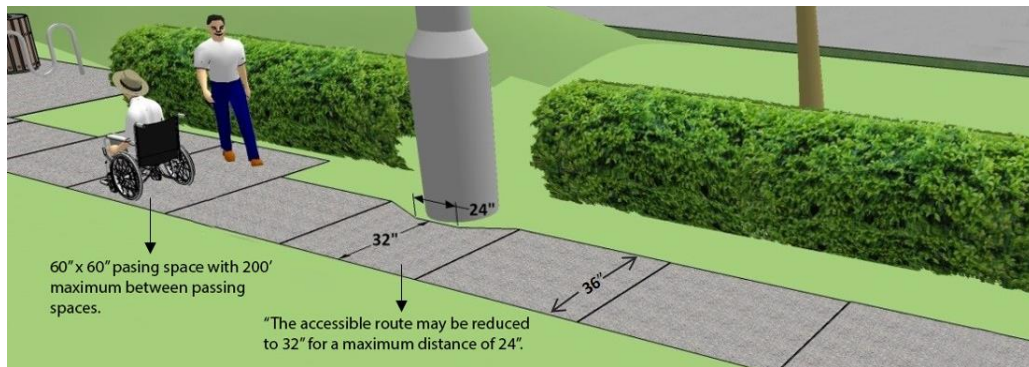


Figure 2.2 Accessible Route Standards Diagram

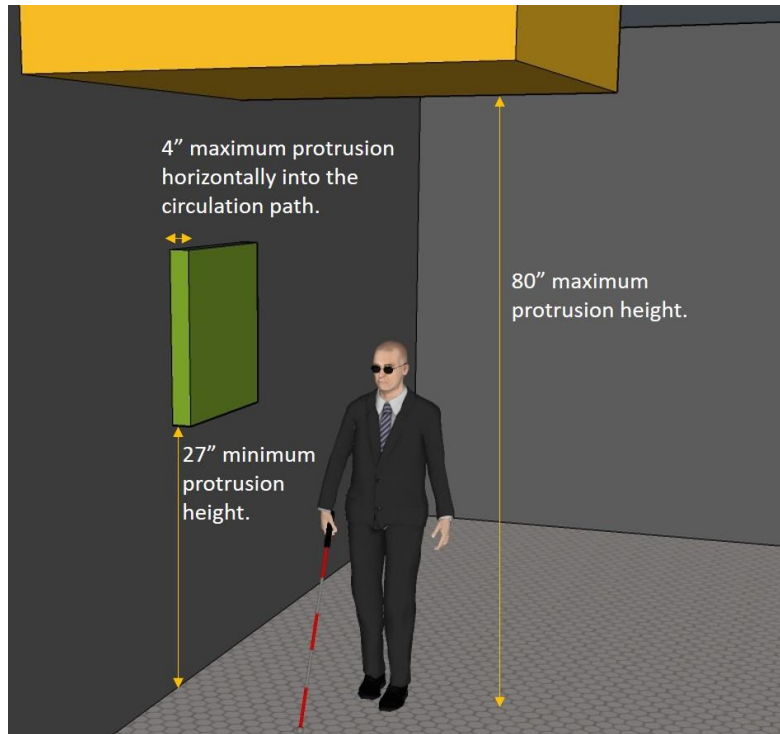


Figure 2.3 Protruding Objects

Care should always be taken when designing or improving an accessible route to keep the path free of obstructions. Elements such as benches, garbage cans, pedestrian push button, and drinking fountains must be placed to not interfere with the accessible path but, at the same time, must be located on an accessible route, within reach range, and not act as a protruding object. Not only can these obstructions prevent visitors from accessing and using the amenities, but they can also present a potential safety concern.

It should be stressed that elements that are located off the accessible path are considered inaccessible. For items to be accessible, they must be located on, adjacent to, or within reach of a level, firm, stable, and slip-resistant surface, as shown in **Error! Reference source not found.**

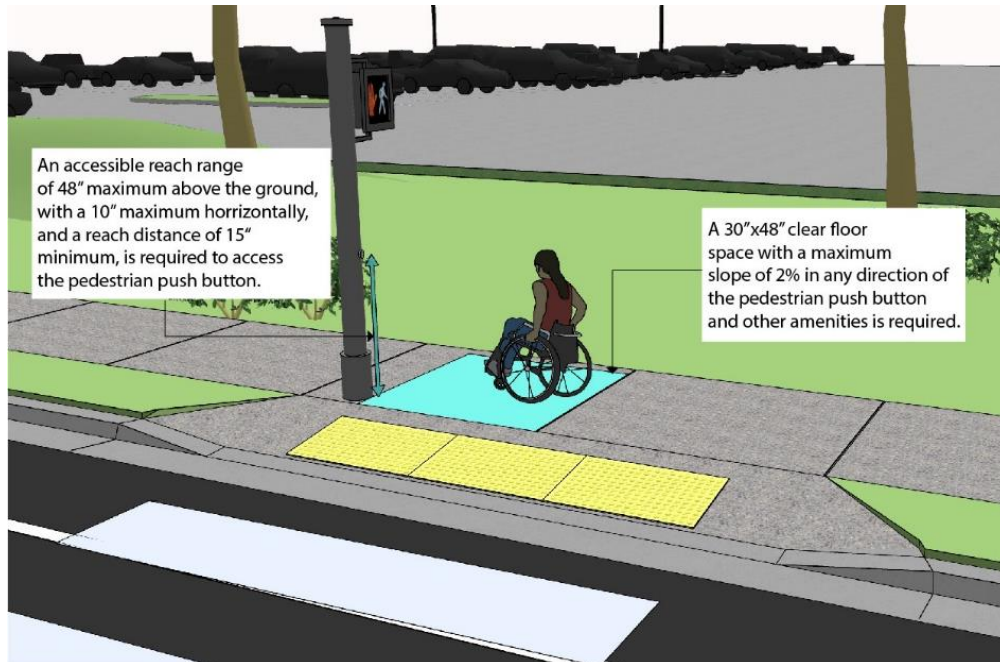


Figure 2.4 Clear Floor Space at Pedestrian Push Button

To help clear existing accessible paths from obstructions and to identify those features that are currently inaccessible, data on infrastructure were also collected in the field to determine if they present an obstruction or are inaccessible. Based on the data collected, the difficulty level of remediating a barrier to accessibility could range from moving a bench to an accessible location to designing and installing a new accessible route to an element.

1.1.2 Curb Ramps

According to sections §405 and §705 of the 2010 ADA Standards for Accessible Design, curb ramps are required to meet the criteria listed below and shown in Figure 2-1.

Standards:

- Shall have a minimum of a 36” wide continuous unobstructed path.
- The running slope (parallel to direction of travel) must not be steeper than 8.3%.
- Curb ramp flares shall have a running slope not steeper than 10%.
- The cross slope (perpendicular to direction of travel) must be 2% or less.
- The rise shall be 30” maximum.
- Curb ramps must have detectable warnings 24” wide and shall extend the full length of the curb ramp.
- Detectable warning surfaces shall contrast visually with adjacent walking surfaces either light-on-dark, or dark-on-light.
- Detectable warnings shall consist of raised truncated domes with a height of 0.2”.

- A base diameter of 0.9” minimum and 1.4” maximum, and a top diameter of 50% minimum to 65% maximum of the base diameter.
- Landings must be located at the top of all curb ramps and must be a minimum of 36” long and at least the width of the ramp.
 - Curb ramps that do not have level landings at changes in direction can create a compound slope. Curvilinear ramps continually change direction and cannot, by their nature, meet the requirements for accessible routes.

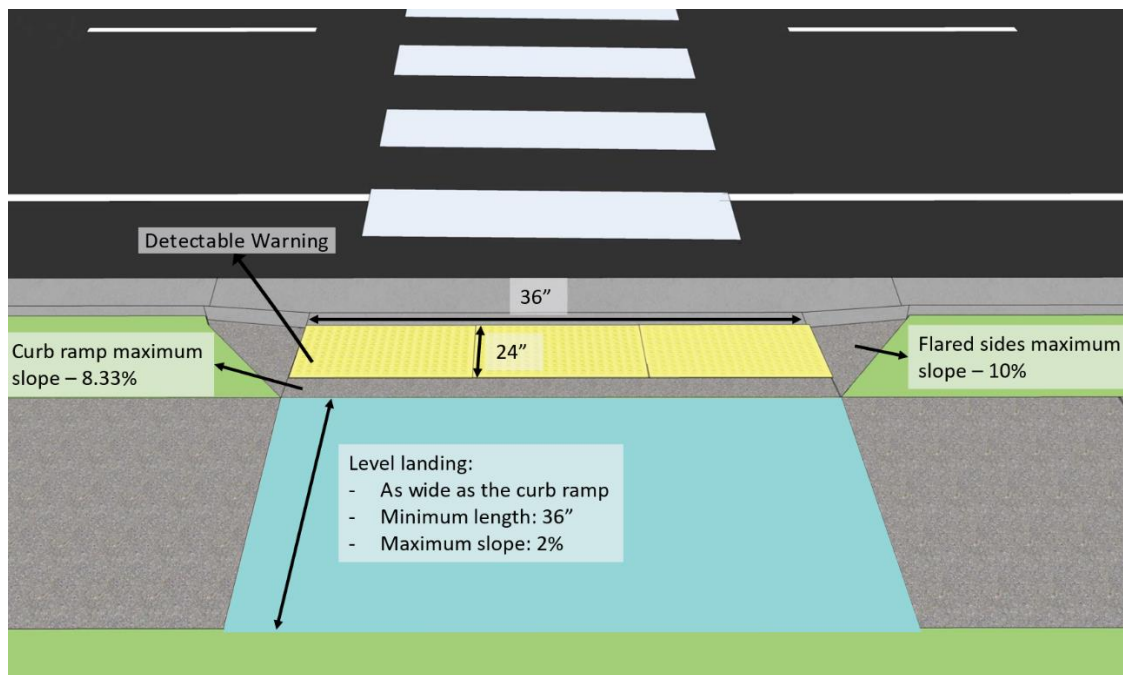


Figure 2.5 Curb Ramp Landing

1.1.3 Crosswalks

A crosswalk extends the sidewalk network across a street at an intersection or midblock location. Crosswalk markings are important because they provide guidance for pedestrians who are crossing roadways by defining paths on approaches to and within signalized and unsignalized intersections. At non-intersection locations, crosswalk markings legally establish the crosswalk (MUTCD Section 3B.18).

Standards:

- Be clearly marked through appropriate pavement markings to inform the pedestrian where to cross and to alert motorists of where crossing pedestrians should be expected.

- Crosswalk pavement markings should be smooth and slip-resistant and are detailed in the MUTCD (Section 3B.18).
 - Crosswalk lines shall consist of solid white lines and shall not be less than 6” or greater than 24” in width.
 - Crosswalk lines shall extend across the full width of pavement or to the edge of the intersecting crosswalk to discourage diagonal parking between crosswalks.
 - The curb ramp shall be within the extension of the crosswalk markings.
- Perpendicular to the roadway to create the shortest exposure time and distance for the crossing pedestrian.

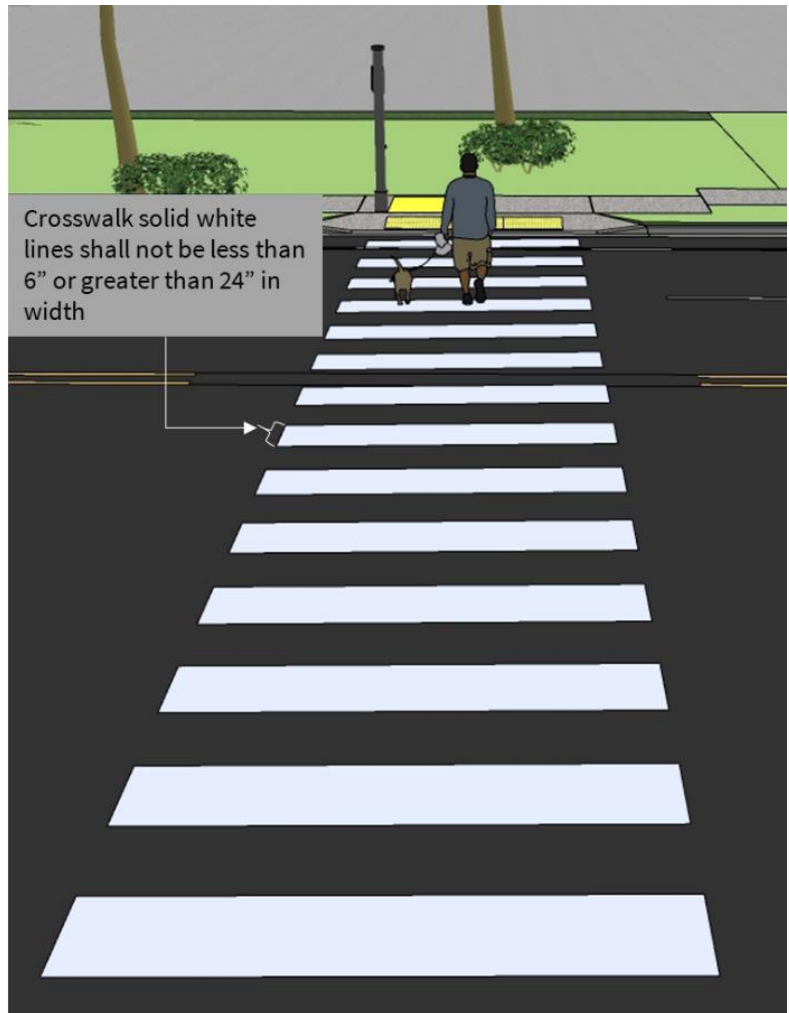


Figure 2.6 Accessible Crosswalk

1.1.4 Ramps

The requirements for a ramp are more stringent than those of an accessible route, as listed in §405 of the 2010 ADA Standards for Accessible Design and described below.

Standards:

- Shall have a minimum of a 36” wide continuous unobstructed path.
- The running slope (parallel to direction of travel) must not be steeper than 8.3%.
- The cross slope (perpendicular to direction of travel) must be 2% or less.
- The rise shall be 30” maximum per ramp run.
- Landings must be located at the top and bottom of all ramp runs and must be a minimum of 60” long and at least the width of the ramp.

- Ramps that do not have level landings at changes in direction can create a compound slope. Curvilinear ramps continually change direction and cannot, by their nature, meet the requirements for accessible routes.
- Ramp runs with a rise greater than 6” shall have handrails and edge protection.

1.1.5 Handrails

Handrails along ramps and stairs shall comply with §405.8 and §505 of the 2010 ADA Standards for Accessible Design.

Standards:

- Handrails must be provided along ramps and stairs. Where handrails are required, they must be installed on both sides of the ramp or stairs.
- Handrail gripping surfaces shall be installed at a height of 34” minimum and 38” maximum above the walking surface, stair nosing, and ramp surface.
- The clearance between handrail and adjacent surface shall be 1 ½” minimum.
- Ramp handrails shall extend 12” minimum beyond the top and bottom of ramp runs. Extensions shall be continuous and return to a wall or be continuous to the handrail of an adjacent ramp run.
- At the top of the stairs, handrails shall extend horizontally 12” minimum directly above the stair riser and shall return to the wall or guard, as shown in Figure 2.7.
- At the bottom of the stairs, handrails shall extend a distance at least equal to one tread depth beyond the last riser and return to the wall or guard, as shown in Figure 2.7.

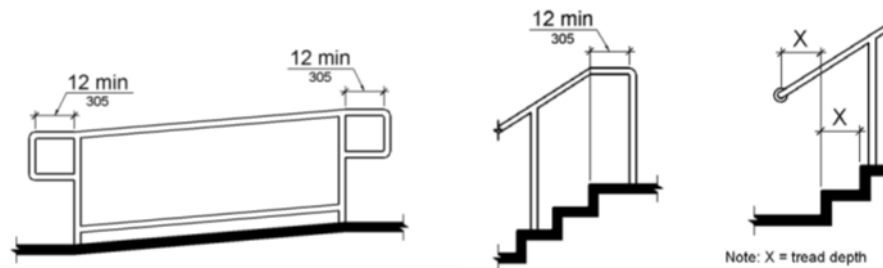


Figure 2.7 Handrails

1.1.6 Doors and Doorways

Doors and doorways that are part of accessible routes and shall comply with §404 of the 2010 ADA Standards for Accessible Design.

Standards:

- Sixty percent (60%) of all public entrances shall be accessible. At non-accessible entrances, directional signs shall be provided to guide users to the nearest accessible entrance.
- Accessible doors shall have a clear width of 32” minimum measured between the face of the door and the stop.
- If thresholds are provided, they shall be ½” high maximum.
- The distance between two doors in series shall be 48” minimum plus the width of the door swinging into the space.
- The maneuvering clearance requirements vary depending on the type of door and direction of approach. The most used door with a front approach, requiring the user to pull to it to open, shall have a 60” maneuvering clearance perpendicular to doorway and 18” parallel to doorway, as shown in Figure 2.8.
- Operable parts such as door handles, pulls, latches and locks shall be located 34” minimum and 48” maximum above the floor.
- The door closing speed from a 90-degree open position to 12 degrees shall be 5 seconds minimum.

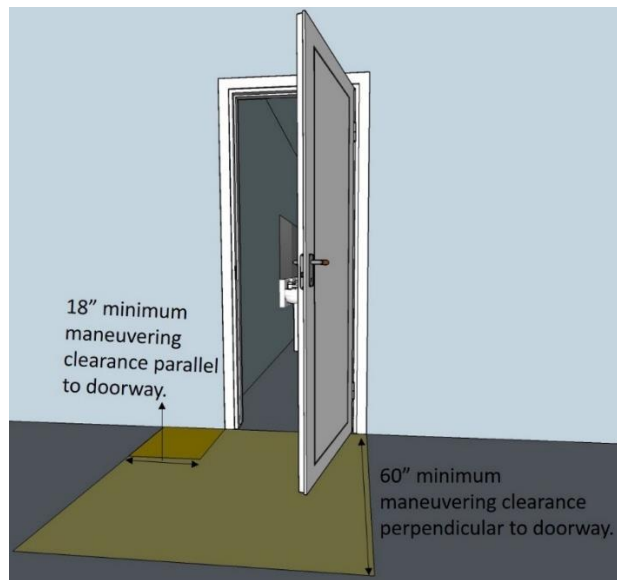


Figure 2.8 Accessible Maneuvering Clearance at Doorway

Amenities

1.1.7 Reach Range

Care should always be taken when designing or improving an accessible route within a building to keep the path free of obstructions. Amenities such as benches, garbage cans, and drinking fountains must be placed to not interfere with the accessible path but, at the same time, must be located on an accessible route, within reach range, and not act as a protruding object. Not only can these

obstructions prevent visitors from accessing and using the amenities, but they can also present a potential safety concern.

It should be stressed that amenities that are located off the accessible path are considered inaccessible. For items to be accessible, they must be located on, adjacent to, or within reach of a firm, stable, and slip-resistant surface, as shown in Figure 2.9.



Figure 2.9 Accessible Garbage Can Located Adjacent to Paved Trail

To help clear existing accessible paths from obstructions and to identify those features that are currently inaccessible, data on infrastructure were collected in the field to determine if they present an obstruction or are inaccessible. Based on the data collected, the difficulty level of remediating a barrier to accessibility could range from moving a bench to an accessible location to designing and installing a new accessible route to an amenity.

Reach range standards, as described below and shown in §308 of the 2010 ADA Standards for Accessible Design, were used to determine if an amenity can be accessed by a person in a wheelchair.

Standards:

- A level, 30"x48", firm, stable, and slip-resistant clear floor space must be present adjacent to the amenity.
- Forward Approach:
 - The unobstructed minimum vertical reach range is 15" and maximum is 48" above the floor, as shown in **Error! Reference source not found.7**.

- The obstructed reach range is 48” maximum above the floor if the horizontal obstruction depth is 20” maximum, and 44” maximum if the horizontal depth is between 20”–25”, as shown in Figure 2.8.
- Side Approach:
 - The unobstructed side reach range is 15” minimum and 48” maximum above the floor. These same dimensions are permitted where an obstruction depth is 10” maximum, as shown in Figure 2.9.
 - Where the side reach is over an obstruction, the height of the obstruction is 34” maximum and the depth of the obstruction shall be 24” maximum. The high side reach shall be 48” maximum for a reach depth of 10” maximum. Where the reach depth exceeds 10”, the high side reach shall be 46” maximum for a reach depth of 24” maximum.

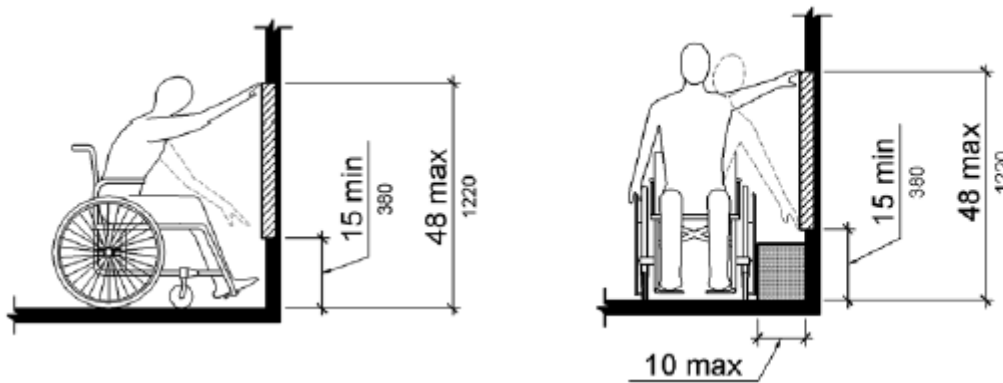


Figure 2.10 Unobstructed Reach Range

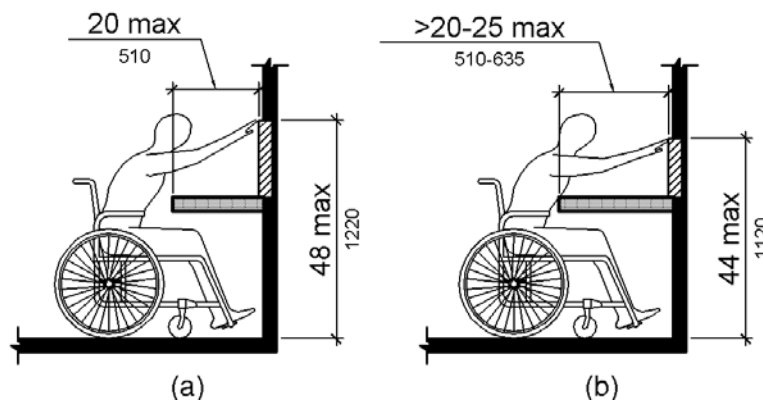


Figure 2.11 Obstructed Reach Range

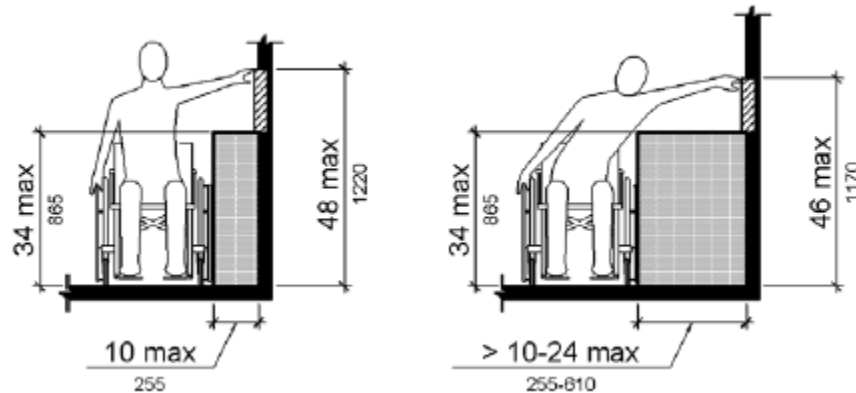


Figure 2.12 Side Obstructed Reach Range

1.1.8 Drinking Fountains

Drinking fountains, like all amenities, must be accessible, as described in §602 of the 2010 ADA Standards for Accessible Design.

Standards:

- Drinking fountains shall be connected to an accessible route.
- The clear floor space, positioned for a forward approach, adjacent to the drinking fountain shall:
 - Be a minimum of 30”x48” in size.
 - Not have any slope greater than 2%.
 - Have a firm, stable, and slip resistant surface.
- Where drinking fountains are provided, there shall be at least two.
 - For a low fountain, the water spout height shall be 36” maximum above the floor.
 - For standing persons, the water spout height shall be 38” minimum and 43” maximum above the floor.
- The spout shall provide a flow of water 4” high minimum and shall be located 5” maximum from the front of the unit.

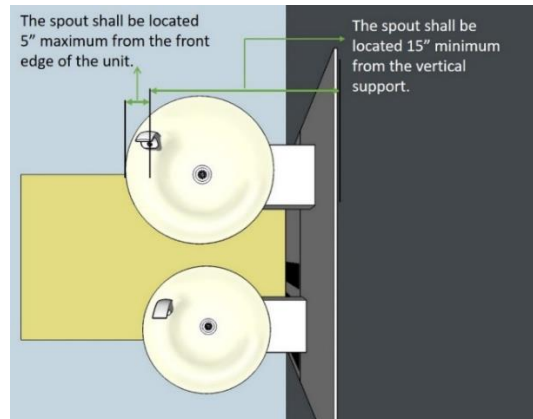


Figure 2.13 Drinking Fountain Location

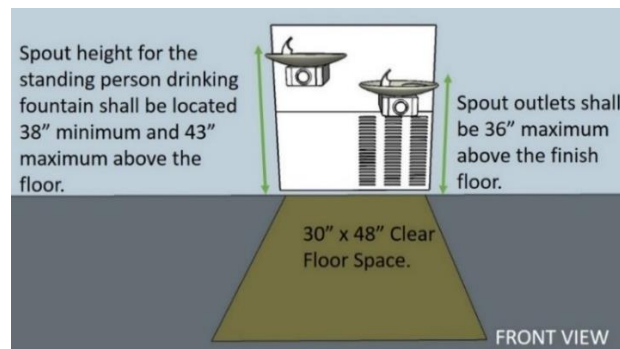


Figure 2.14 Drinking Fountain Height

Service Counters

Service and sales counters, like all amenities, must be accessible, as described in §904.4 of the 2010 ADA Standards for Accessible Design.

Standards:

- The accessible portion of the countertop shall extend the same depth as the sales or service countertop.
- For a parallel approach, a portion of the counter surface that is 36" long minimum and 36" high maximum above the finish floor shall be provided.
 - A clear floor or ground space complying with §305 shall be positioned for a parallel approach adjacent to the 36" minimum length of counter.
- For a forward approach, a portion of the counter surface that is 30" long minimum and 36" high maximum shall be provided.
 - Knee and toe clearance shall be provided under the counter.
 - Toe clearance shall extend a minimum of 17" to a maximum of 25" under the counter.
 - The clearance under the element shall be 9".

- Knee clearance shall extend a minimum of 11” to a maximum of 25” under an element at 9” above the floor.
- A clear floor or ground space complying with §305 shall be positioned for a forward approach to the counter.

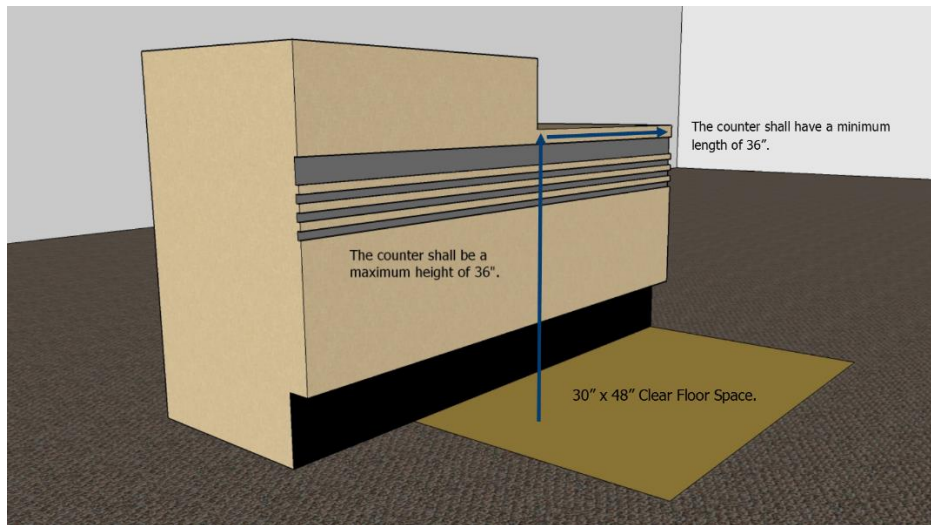


Figure 2.15 Parallel Approach Service Counter

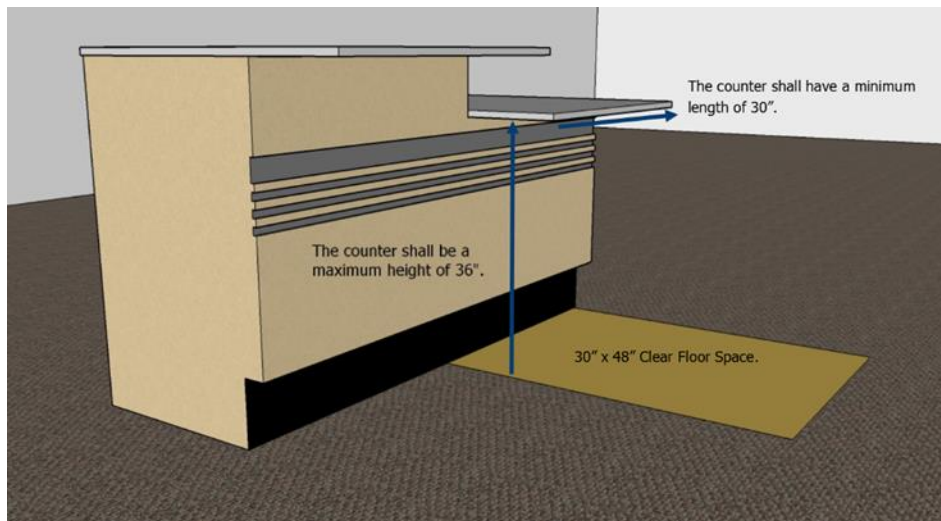


Figure 2.16 Forward Approach Service Counter

Dining and Work Surfaces

Dining and work surfaces must be accessible as described in §902 of the 2010 ADA Standards for Accessible Design.

Standards:

- Clear floor space complying with §305 positioned for a forward approach shall be provided.

- The tops of dining surfaces and work surfaces shall be 28” minimum and 34” maximum above the finish floor or ground.
- Accessible dining surfaces and work surfaces for children’s use shall comply with §902.4.



Figure 2.17 Accessible Dining and Work Surface

Restrooms

1.1.9 Toilet Compartments

Restrooms are not required by the ADA. However, if provided, then accessible restrooms must also be available per §604 of the 2010 ADA Standards for Accessible Design.

Standards:

- Toilet compartment:
 - The toilet compartment shall be 56” minimum measured from the back wall and 60” minimum measured from the side wall for wall hung water closets.
 - The toilet shall be located 16” minimum to 18” maximum from the sidewall for wheelchair accessible stalls, as shown in Figure 2.18.
 - Seat heights shall be 17” minimum to 19” maximum above the floor.
 - A 60” wide turning space shall be provided within the room. Turning space, clear floor space, and clearance at fixtures shall be permitted to overlap. Doors shall be permitted to swing into the turning space but shall not swing into the clear floor space or clearance at fixtures.
 - Flush controls shall be hand-operated or automatic. Flush controls shall be located on the open side of the toilet.

- Urinals shall be installed at a maximum height of 17” above the floor and a minimum depth of 13 ½” measured from the outer surface of the urinal to the back wall.

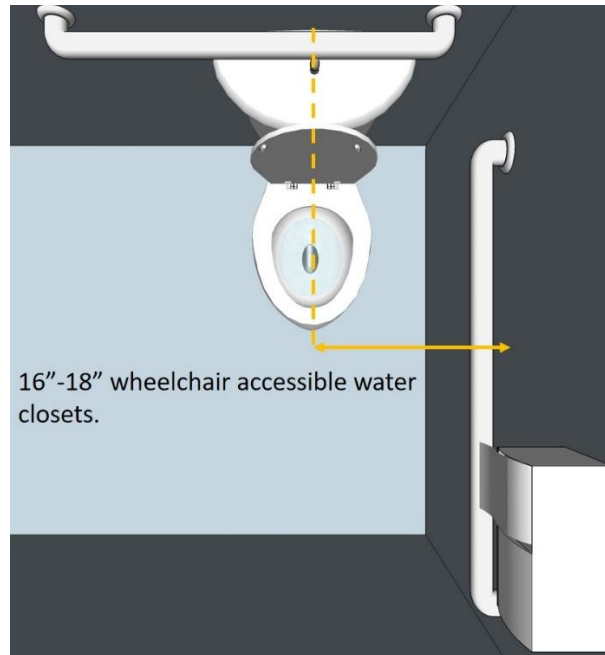


Figure 2.18 Toilet Location

1.1.10 Toilet Paper Dispenser

Issues with the placement of the toilet paper dispensers, not in compliance with §604.7 of the 2010 ADA Standards for Accessible Design.

Standards:

- Dispensers shall be installed at a height of 7” minimum to 9” maximum in front of the toilet measured to the centerline of the dispenser.
- The outlet shall be within the reach range of 15” minimum and 48” maximum above the floor.
- The toilet paper dispenser shall not be located behind grab bars.
- There shall be a 1 ½” minimum clearance below the grab bar. Dispensers shall not be the type that controls delivery or that does not allow continuous paper flow.

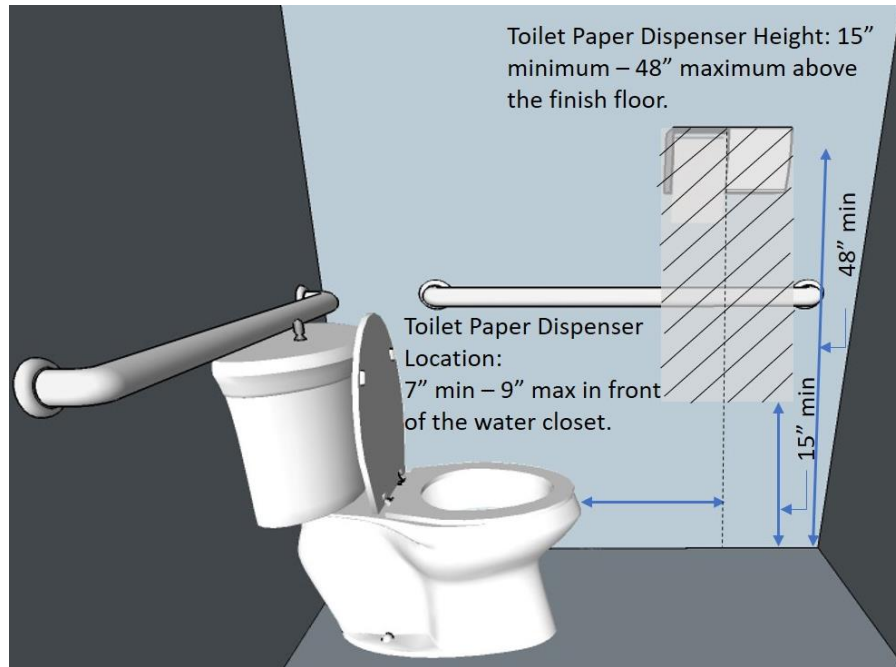


Figure 2.19 Toilet Paper Dispenser

1.1.11 Grab Bars

Grab bars in restrooms must comply with §604.5 of the 2010 ADA Standards for Accessible Design.

Standards:

- Toilet compartment:
 - The sidewall grab bar shall be 42" long minimum, installed at 12" maximum from the back wall.
 - The back-wall grab bar shall be 36" long minimum and extend 12" minimum from the centerline of the toilet on one side and 24" minimum on the other side.
 - The top gripping surface of the grab bars must be 33" minimum and 36" maximum above the floor.

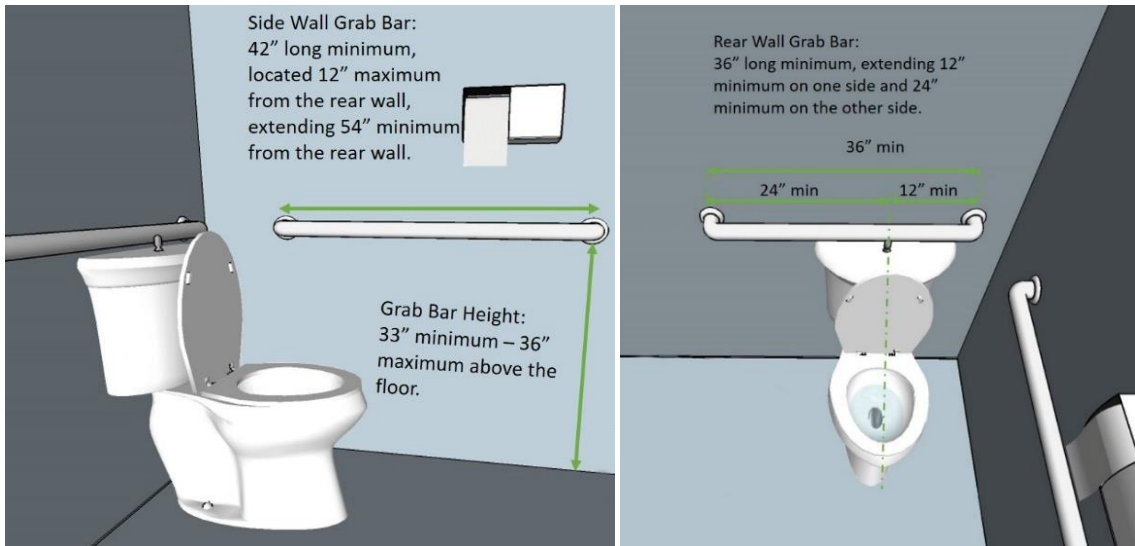


Figure 2.20 Grab Bars

1.1.12 Sink, Mirror, and Shelf

Standards:

- Sinks shall be installed at a maximum height of 34" above the floor.
 - Pipes shall be insulated and configured to prevent contact.
- Mirrors located above sinks shall be installed at a maximum height of 40" above the floor, measured at the bottom of the reflecting surface.
- Coat hooks and shelves shall be located at a minimum reach range of 15" and maximum 48" above the floor.
 - Shelves shall be located 40" minimum and 48" maximum above the floor.

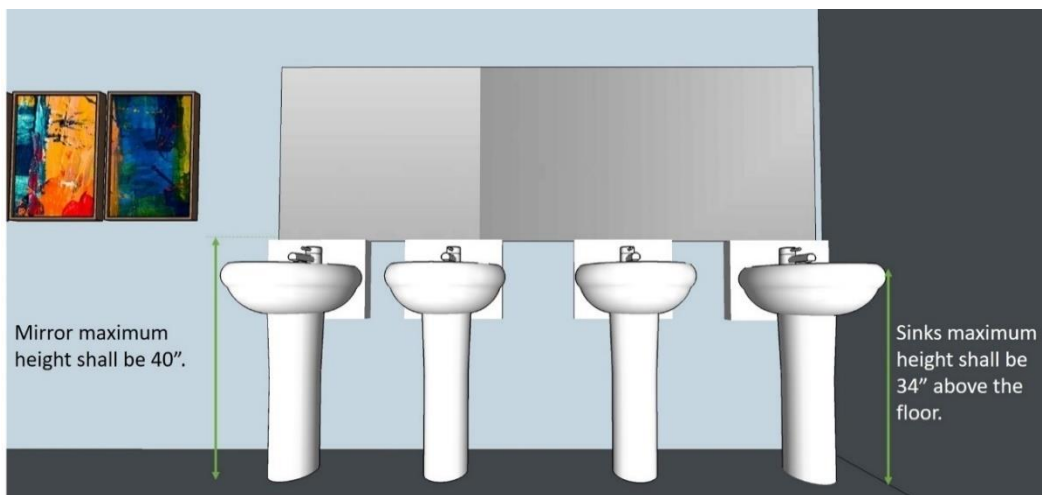


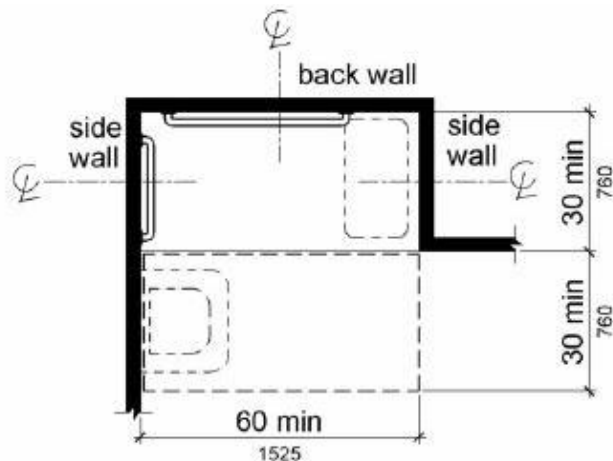
Figure 2.21 Bathroom Sinks and Mirror

1.1.13 Locker Room Showers

Showers in locker room must comply with §608 of the 2010 ADA Standards for Accessible Design.

Standards:

- Shower compartments shall have sizes and clearances complying with §608.2.
 - Transfer type shower compartments shall be 36” by 36” clear inside dimensions measured at the center points of opposing sides and shall have a 36” wide minimum entry on the face of the shower compartment.
 - Standard roll-in type shower compartments shall be 30” wide minimum by 60” deep minimum clear inside dimensions measured at center points of opposing sides and shall have a 60” wide minimum entry.
 - Alternate roll-in type shower compartments shall be 36” wide and 60” deep minimum clear inside dimensions measured at center points of opposing sides.
- Shower seats shall be provided in transfer type shower compartments and shall comply with §610.
- Controls, faucets, and shower spray units shall comply with §608.5 and §309.4.



Note: inside finished dimensions measured at the center points of opposing sides

Figure 2.22 Locker Room Showers

Room Signage

Signs are required to designate permanent rooms and places, per §701 of the 2010 ADA Standards for Accessible Design. In addition, exit doors must be identified by tactile (raised characters and Braille) signs.

Standards:

- Where a tactile sign is provided at a door, the sign shall be located alongside the door at the latch side.

- Signs containing tactile characters shall be located so that a clear floor space of 18” by 18” minimum, centered on the tactile characters, is provided beyond the arc of any door swing.
- Signs shall be installed 48” minimum above the floor, measured from the lowest character, and 60” maximum above the floor measured from the highest character.
- Signage characters and their background shall have a non-glare finish. The characters shall be high contrast compared to their background.

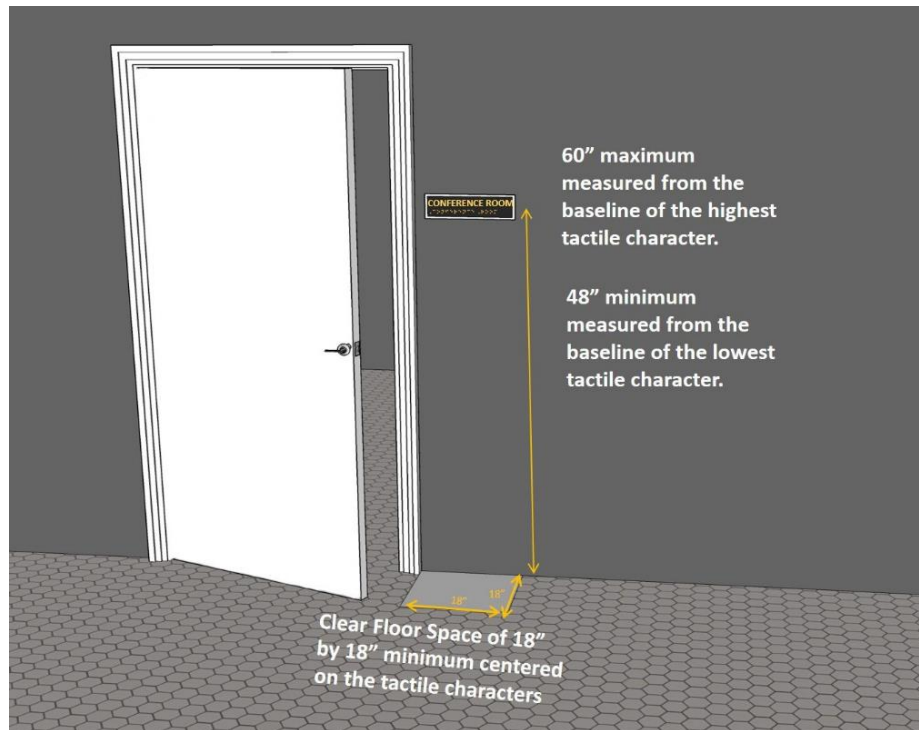


Figure 2.23 Room Signage

2.0 Next Steps

As previously discussed, the Town of Apex must take action to remediate all the barriers to accessibility at each of its 27 buildings. Although a schedule has been developed, it must be stressed that it should only be used as a guide. As projects near construction, costs for the recommended mitigation can be further refined by the Town. As the Town’s accessibility mitigation budget and its mitigation priorities change over time, the items chosen for mitigation may also change – so long as improvements are made each year until which time when all the town-owned buildings are fully ADA compliant.

Lastly, it is important that the ADA Transition Plan be kept up to date. As barriers to accessibility are removed, they must be kept track of. This will ensure that the Town is always aware of the amenities within each facility that are currently not accessible and has a plan as to when they will be mitigated and can be utilized safely and accessibly by all of Apex’s citizens and visitors.



Appendix B – Departmental Policy, Procedure, and Documentation Review

01.18.2022



Prepared by

April 9, 2020

Shawn Purvis, ICMA-CM
Assistant Town Manager
43 Hunter St.
Apex, NC 27502

Subject: Town of Apex – Draft Report on ADA Policies and Procedures Including Policy and Process Suggestions for Adoption or Consideration

Dear Mr. Purvis:

As required by Task II under the ADA Self-Evaluation and Transition Plan project for the Town of Apex, Tindale Oliver has reviewed the requirements for programs and policies necessary for the Town to be compliant with the requirements of the Americans with Disabilities Act (ADA). The following information provides suggestions and determinations concerning the policies, procedures, and practices either currently employed by the Town or our suggested actions to meet minimum ADA requirements and to achieve full compliance with the law.

Normally, the Town's policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices, however, may not be recorded and may be based on local custom. In partnership with the Town, a document survey was prepared and distributed to all applicable Town departments outlining the documentation required of an ADA policy and procedures review. Our review of the existing Town policies and procedures as published or posted for public review included a discussion with Mr. Shawn Purvis, Assistant Town Manager, to discuss the review of policies and procedures.

Title II Requirements and Findings

The Town has identified its policies and practices and their ADA Consultant has determined whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services. In this regard, the Town should be mindful, that although its policies and practices may appear harmless, they may result in denying individuals with disabilities the full participation of its programs, activities, or services and should be systematically reviewed over time to ensure changed environments or processes have not affected policies or procedures. Areas that need careful examination include the following:

Requirement 1: The Town must provide an ADA Title II Notice that offers information on Title II requirements. Methods used to provide this information includes handbooks, manuals, and pamphlets that are distributed to the public to describe the Town's programs. In providing the notice, the Town must comply with Title II requirements for effective communications, including alternate formats, as deemed appropriate by the Town (see II-8.4000).

Finding: This requirement has not been met. This document can be provided on the Town's website.

Requirement 2: The Town must designate a responsible employee and develop a grievance procedure to coordinate efforts and fulfill the Town's responsibilities under Title II. This includes the investigation of complaints made against the Town. The grievance procedure shall be adopted and published allowing for prompt and equitable resolution of complaints. The name, office address, and telephone number of the designated employee shall be made available (see II-8.5000).

Finding: This requirement has not been met. The Town shall designate either a current employee or hire a new employee to fill the role of the ADA Coordinator. This position will be charged with maintaining the ADA Transition Plan once complete, ensure that the Town's programs and services are accessible, and reviewing the complaints received through the grievance procedure. The grievance procedure set forth by the Town is in the Personnel Manual, Article X, and only allows for employees to file complaints. A grievance procedure shall be developed that is adopted by the Town Council, disseminated publicly (on the Town website and through other means), and denotes the ADA Coordinator's contact information.

Requirement 3: The Town must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the transition plan (see II-8.3000).

Finding: At the conclusion of the Town's ADA Self-Evaluation project, this requirement will have been met. However, it should be noted that the Town must carefully and methodically document all modifications it makes to each program and facility and ensure that all future changes are compliant with the ADA.

Requirement 4: The Town must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self-evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.

Finding: This memo documents the review of the Town's policies and practices and makes recommendations to bring them all into compliance with the ADA.

Requirement 5: The Town should review its policies to ensure that it communicates with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others. If the Town communicates with applicants and beneficiaries by telephone, it should ensure that TTY's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech. Finally, if the Town provides

telephone emergency services, it should review its policies to ensure direct access to individuals who use TDD's and computer modems.

Finding: There are currently no policies describing the Town's language access policy, availability of TTY, or alternate formats. There is a Telecommunications Device for the Deaf (TDD) policy in place for the Apex Police Department that can be used for both emergency and non-emergency calls. The policy outlines how to use the TDD, appropriate abbreviations, and how to communicate with someone who is deaf, hard of hearing or mute. The TDD policy can serve as a starting point for a town-wide TTY/language access policy. While the Equal Employment Opportunity (EEO) policy is explicit on the Human Resources webpage, there is no mention of offering employment applications in an alternate format by the Human Resources department or Government Jobs, which is the administrator of the employment applications website.

Requirement 6: The Town should review its policies to ensure that they include provisions for screen readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of the Town's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, the Town should have policies that ensure that its equipment is maintained in operable working order.

Finding: The Town of Apex does not have a policy that includes provisions for readers, interpreters, other alternative communication measures or assistive listening equipment. These include interpreters, alternate formats for documents, and listening devices. This type of information can be outlined in the ADA Title II Notice and in a communication policy which some municipalities have deemed a "Language Access Policy". This policy shall contain how a citizen can request accommodations, a maintenance program for the equipment, and who is charged with disseminating the equipment. A method to secure alternative communication measures should be outlined in the policy as well as the ADA Coordinator's contact information, when appointed. Notable inclusions of these requirements can be found in the Apex Parks, Recreation, and Cultural Resources department which offers specialized recreation and reasonable modifications through inclusion services. For example, the Halle Cultural Arts Center should have a policy in place for assistive listening equipment to be provided for its productions.

Requirement 7: A review should be made of the procedures to evacuate individuals with disabilities during an emergency. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from a facility during an emergency.

Finding: It is recommended that individuals who need special assistance based on disability shall be provided an emergency action plan in addition to the already published Inclement Weather and Emergency Closings Policy. In accordance with Title II, ensure that visual and audible warning signals are in working condition in all Town facilities. Article V, Section 11 of the Personnel Manual describes workplace safety but fails to mention the evacuation procedures for individuals with disabilities. Should the Town “establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods”, individuals with disabilities shall be considered in the planning process.

Requirement 8: A review should be conducted of the Town's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

Finding: There were no instances where individuals with disabilities were portrayed in an offensive or demeaning manner.

Requirement 9: If the Town operates historic preservation programs, it should review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities.

Finding: The Town has a historical society that provides tours of the Maynard-Pearson House, facilitates membership by holding meetings and hosting volunteer events, and supports other events throughout the year across the Town. Ensure that the events sponsored by the historical society are accessible in addition to where the meetings and events are held. Since the public is invited to participate in the society’s events and tours, the historical buildings shall also be made accessible. A policy regarding physical access to individuals with disabilities to historic structures may be included in the Code of Ordinances. For example, if the Maynard-Pearson House is not accessible, it is recommended that the meetings be moved to a nearby accessible facility such as a library or the Town Hall.

Requirement 10: The Town should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, or service, or a decision that an undue financial and administrative burden will be imposed by Title II, are made properly and expeditiously.

Finding: Any alteration in a policy concerning a fundamental alteration in the nature of a program, activity, or service that may affect people with disabilities will be reviewed by the Town’s ADA Coordinator, when one is appointed. It was found that only the Parks, Recreation, and Cultural Resources department has an explicit reasonable accommodations policy in place.

Requirement 11: The Town should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.

Finding: There are no explicit policies in place describing access to public meetings for individuals with mobility impairments. This can be included in the ADA Title II Notice to notify the community that reasonable accommodations can be provided for all public meetings. It

would be ideal for all public meetings to take place in a readily accessible location. The Parks, Recreation, and Cultural Resources department has an explicit policy in place to provide reasonable accommodations and a point of contact.

Requirement 12: The Town should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission.

Finding: Upon review of the Town of Apex Personnel Manual, it was found that all available employment policies are in compliance with Title II. The Personnel Manual contains an Equal Employment Opportunity and Nondiscrimination Policy, the Harassment Policy, Workplace Conduct Policy, Disability Non-Discrimination policy, discrimination procedures, and miscellaneous personnel policies. Article VI, Sections 1 and 2 briefly describes the Town's EEO policy and how it is implemented as to not discriminate in its hiring processes and wherever applicable. Article V, Section 8 prohibits workplace harassment based upon a "person's or persons' race, color, religion, creed, sex, national origin, age or disability". The Personnel Manual is not provided on the Town's website but is fully accessible. Additionally, the Human Resources department webpage states that "Employment applications are only accepted online. Application assistance and online access is available at the Human Resources Office". To ensure individuals with disabilities have full access to employment, it is recommended that the Town add an option for applicants to request any specific alternative they may need to apply to a position.

The following sections of the Personnel Manual were reviewed for ADA compliance:

- Equal Employment Opportunity and Nondiscrimination Policy
 - Article IV, Personnel Manual
- Harassment Policy
 - Article V, Section 11, Personnel Manual
- Personnel Policies and Procedures
 - Personnel Manual
- Workplace Conduct Policy
 - Article IX, Personnel Manual
- Disability Non-Discrimination
 - Article IV, Personnel Manual
- Disciplinary Procedures
 - Article V, Section 11

Requirement 13: The Town should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulation.

Finding: The Town does not provide information in its Town code regarding building and construction policies that consider the standards designated under the Title II regulations. It is suggested that this requirement be met in Chapter 5, Article II of the Code of Ordinances.

Requirement 14: A review should be made to ascertain whether measures have been taken to ensure that employees of the Town are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.

Finding: Article VI, Sections 1 and 2 briefly describes that no employee shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Additionally, Article VI states that “Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation”. This section does not describe how or if employees are trained on ADA and EEO/AA issues. Once the ADA Coordinator is appointed, training shall be provided to all employees to ensure their compliance with ADA and EEO.

Requirement 15: If the Town limits or denies participation in its programs, activities, or services based on drug usage, it should make sure that such policies do not discriminate against former drug users, as opposed to individuals who are currently engaged in illegal use of drugs. Should the Town identify policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full and equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible and in concert with the final ADA Transition Plan.

Finding: There is no published policy that limits or denies programs, activities, and services to any individual.

Additional Recommendations

1. Ensure that the policies and procedures posted on the Town website can be retrieved in an alternate format. To ensure accessibility of policies and procedures for persons with disabilities, it is suggested that a note be provided on the Town’s Website Accessibility web page or another accessible web page referencing the ADA Coordinator, when appointed, for needed assistance or additional information.
2. Reasonable accommodations must be provided in Town programs, activities, and services per Title II. There shall also be provisions to offer programs and activities in accessible locations. In the case of Town Council Meetings, published policies do not provide information as to how to request accommodations or who to contact. It is suggested that the Town provide a web page offering information regarding reasonable accommodations, which includes the ADA Coordinator’s contact information, when one is appointed.

3. Programs shall provide equal opportunity for participation of persons with varying disabilities. Ensure that programs including but not limited to; Town-wide events such as PeakFest, Apex Night Out, Think Apex Day, and senior activities and summer camps are accessible to the highest extent possible under the ADA.
4. Policies, programs, and procedures that are provided for public consumption on the Town website shall be accessible. These documents shall include any information that is pertinent to the public. All scanned documents shall be reexamined and uploaded in a PDF format. The Town website offers a platform for disseminating a large amount of information and shall be used as a vehicle to provide the public with pertinent information regarding the grievance procedure and reasonable accommodations.
5. To assist in implementing new policies, the Town should consider implementing a Disability Advisory Board or Committee charged with reviewing of policies, procedures, and programs for ADA compliance. When appointed, the ADA Coordinator will have the ability to form this group to function in an adversarial role to the Town.

The Town of Apex must take action to remediate all the barriers to accessibility in each of its programs, policies, and procedures. The community should remain engaged and informed of this process to ensure that the needs of the community are met. To do so, the Town shall provide information on an ongoing basis and whenever necessary. The Town should take care to revise policies and procedures to reflect the ongoing needs of the community by providing a forum for citizens.

Example Title II Notice

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Apex will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of Apex does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Apex will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Apex's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Apex will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Town of Apex offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Apex should contact (Insert ADA Coordinator contact information) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Apex to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of the Town of Apex is not accessible to persons with disabilities should be directed to (Insert ADA Coordinator contact information).

The Town of Apex will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Example Grievance Procedure

Town of Apex

Grievance Procedure for

The Americans with Disabilities Act Relating to the Town's Programs,
Services, and Activities*

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Apex. The Town of Apex's Human Resources policies governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

(Insert ADA Coordinator contact information)

Within 15 calendar days after receipt of the complaint, (Insert ADA Coordinator) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, unless another date is agreed to in writing, (Insert ADA Coordinator) will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Apex and offer options for substantive resolution of the complaint.

If the response by (Insert ADA Coordinator) does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the (Insert Town Manager).

Within 30 calendar days after receipt of the appeal, the (Insert Town Manager) or will meet with the complainant to discuss the complaint and possible resolutions. Within 30 calendar days after the meeting, the (Insert Town Manager) will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by (Insert ADA Coordinator), appeals to the (Insert Town Manager), and responses from these two offices will be retained by the Town of Apex for at least three years.



Appendix C – Website Review

01.18.2022



April 20, 2020

Shawn Purvis, ICMA-CM
Assistant Town Manager
43 Hunter St.
Apex, NC 27502

Subject: Town of Apex – Draft Report on Evaluation of Town Website

Dear Mr. Purvis,

As proposed by Task III under the ADA Self-Evaluation and Transition Plan project for the Town of Apex, Tindale Oliver has reviewed the Town's website and online information services including the Geographic Information System (GIS) viewer, Assessors information, and online permitting for ADA compliance. The website has been developed to specifically comply with website accessibility standards of Section 508 of the Rehabilitation Act of 1973. The following information provides recommendations and determinations concerning all web pages, online documents, and web-based applications that are currently employed by the Town. The suggested actions have been determined to meet the minimum ADA requirements and to achieve full compliance with the law.

All information accessible by the public shall be maintained to a standard that allows persons with disabilities equal informational access. Web accessibility depends not only on the accessibility of the content but also on the accessibility features of Web browsers and other user agents. Authoring tools and content developers play the greatest role in Web accessibility. The Web Content Accessibility Guidelines (WCAG) 2.0 and 2.1 created by the World Wide Web Consortium (W3C) in addition to Section 508 of the Rehabilitation Act of 1973, are used as the standards to create an accessible webpage. These standards should be followed at each destination provided on the Town of Apex website. To determine the overall accessibility of the website, a web accessibility evaluation tool called Wave was used to support our efforts. Our review of the Town's website as published or posted for public review included a discussion with Mr. Shawn Purvis, Assistant Town Manager, to discuss the review of the website, associated webpages, and additional web applications.

Background

Chapter XI of Title 36 of the CFR, Part-1194 Electronic and Information Technology Accessibility Standards, Subpart B-Technical Standards final rule was issued under the authority of Section 508 of the Rehabilitation Act Amendments of 1998 which establishes civil rights protections for individuals with disabilities. Section 508 standards include technical specifications and performance-based requirements which focus on the functional capabilities covered by specific technologies. The standards in Part 1194.22-Web-based Intranet and Internet Information and Applications include regulations relevant to the accessibility of World Wide Web sites.

Under the authority of Section 508 of the Rehabilitation Act, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) enacted regulations setting forth accessibility standards for federal agencies' electronic and information technology, including web pages. Effective February 20, 2001, organizations that have funds provided by the U.S. Government must comply with Section 508 regulations.

The Section 508 standards provide technical requirements as well as functional performance criteria. Section 508 accessibility requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities must be provided access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, must be provided access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

The U.S. Department of Justice issued a civil rights policy ruling in 2000 regarding the Americans with Disabilities Act's (ADA) applicability to websites and other electronic communications. The Justice Department ruling stated that places of public accommodation and governments "that use the Internet for communications regarding their programs, goods, or services must be prepared to offer those communications through accessible means as well". Thus, organizations must offer access to its information through means other than merely its site content, if not accessible via screen access programs.

Evaluation Results and Recommendations

The Town of Apex tasked Tindale Oliver with the evaluation of its website and online information services. Each hyperlink coded into the site pages was followed and the resulting pages were evaluated and then the links on the resulting page were followed and evaluated. Full browsing of the sites included an evaluation of the functional elements and the source code available for each page. The Town should be mindful, that although its website may appear harmless, it may result in denying individuals with disabilities the full participation of its programs, activities, or services and should be systematically reviewed over time to ensure changed environments or processes have not affected policies or procedures.

WCAG organizes accessibility requirements under four principles: Perceivable, Operable, Understandable, and Robust.

- **Perceivable** - Information and user interface components must be presentable to users in ways they can perceive.
 - This means that users must be able to perceive the information being presented (it can't be invisible to all their senses).
- **Operable** - User interface components and navigation must be operable.

- This means that users must be able to operate the interface (the interface cannot require interaction that a user cannot perform).
- **Understandable** - Information and the operation of the user interface must be understandable.
 - This means that users must be able to understand the information as well as the operation of the user interface (the content or operation cannot be beyond their understanding).
- **Robust** - Content must be robust enough that it can be interpreted reliably by a wide variety of user agents, including assistive technologies.
 - This means that users must be able to access the content as technologies advance (as technologies and user agents evolve, the content should remain accessible).

Areas that need careful examination include the following:

Perceivable

Requirement 1 (WCAG 2.1 Guideline 1.1 Text Alternatives): Alternative text (tags) shall be present to the user for all non-text content including tables, graphs, and images. The purpose of the alternative text is to tell website viewers the contents of an image in a descriptive and understandable manner. The text must contain both the content and the function of the image being described to allow for a complete understanding for the user. Additionally, alternative text enables search engines to display images based on written descriptions and to display search results with the greatest accuracy. It is important that alternative text to be placed on every image within the webpage because computers and screen readers cannot analyze images to provide information to the user. When images are not pertinent to the user, they shall be artifacted so the screen reader does not recognize them as images that must be described to the user.

Finding: Overall, there are not many images on the Town's website that require alternative text because they are used as decorative images, not requiring a description. These images are not pertinent to the information being provided to the user. However, maps such as the Greenways Maps, Master Plan, and the printable Greenways Map within the Parks and Recreation Department webpage does require alternative text as it is portraying information to the audience. Alternative text can be added to these maps by using Adobe Acrobat applications. Images within PDF documents shall also have alternative text that can be read by a screen reader. All charts, graphs, and other visuals that are used to portray pertinent information such as those displayed in the FY19-20 Budget Snapshot shall have alternative text or be offered in an alternate format. It is advised that contact information can be provided on the webpages as a means of allowing a user to request an alternate format. More information on adding alternative text to PDF documents can be found [here](#).

Requirement 2 (WCAG 2.1 Guideline 1.2.2 and 1.2.4 Captions, 1.4.2 Audio Control): Captions shall be provided for all live audio content included on the webpage. If the audio is prerecorded, audio

descriptions must be provided. This is to ensure that persons with disabilities who are unable to read can partake in the media in the same capacity as those without disabilities. If any audio on a Web page plays automatically for more than 3 seconds, either a mechanism is available to pause or stop the audio, or a mechanism is available to control audio volume independently from the overall system volume level.

Finding: Videos provided on the website are linked or embedded from YouTube, which inherently provides closed captioning and audio controls. If the Town provides videos that are not uploaded to a streaming service such as YouTube or Vimeo, ensure that the videos offer captioning services. The audio clips on the website that have been uploaded for meetings from 2015 to early 2017 do not have captions or a transcript rendering them inaccessible. It is recommended that the audio clips be removed from the website or be offered with an accompanying transcript compatible with screen reading software. Additionally, when meetings or events are livestreamed, captioning must be made available or an interpreter must be provided and located within the frame for those with no or low hearing capabilities.

Requirement 3 (WCAG 2.1 Guideline 1.4.6 Contrast, 3.1.2 Language of Parts, 3.1.3 Unusual Words): Web pages that contain text shall use colors that are high contrast for users to effectively read and interpret. The visual presentation of text and images of text shall have a contrast ratio of at least 4.5:1. Enhanced contrast shall be permitted up to 7:1. All provided text on web pages shall be in a consistent language and programmatically determined. The language of each passage or phrase in the content may be programmatically determined except for proper names, technical terms, and words or phrases that have become part of the vernacular of the immediately surrounding text. Color should not be used as the only visual means of conveying information; other forms of perception are required.

Finding: Most of the website and associated web pages have text that is high contrast and easily understandable. Ensure that the text on the website and associated web pages is high contrast throughout with dark text on a light background and vice versa. Areas in which the text is not high contrast are all the links to PDF documents and other websites, the navigation pane provided above page content that allows users to go back to previous pages, the webpage introducing the [Town Council](#), and the [“Our Community”](#) webpage that displays links directing visitors to other various webpages. For text to be high contrast, the text should be dark on a light background or vice versa. The language used is consistent throughout and is without the use of technical jargon making it easy for a user to understand the content being presented. A good tool to check color contrast when developing webpages can be found [here](#).

Requirement 4 (WCAG 2.1 Guideline 1.2.1 Audio-only and Video-only (Prerecorded)): For pre-recorded audio-only and pre-recorded video-only, an alternative for time-based media must be provided that presents equivalent information. For pre-recorded video only, an audio track must be if presents equivalent information.

Finding: For the pre-recorded audio-only recordings of Town Council meetings, an alternative is not provided that presents equivalent information. The pre-recorded videos are placed on YouTube and can provide captioning along with an accompanying audio track. If an alternative or captioning cannot be provided on the audio clips, ensure that there is contact information listed on the webpage to obtain an alternative format, if needed.

Requirement 5 (WCAG 2.1 Guideline 1.4.6 Contrast, 1.1 Text Alternatives, 2.5.3 Label in Name):

Web pages that contain text shall use colors that are high contrast for users to effectively read and interpret. Form inputs shall have associated text labels. If a form control does not have a properly associated text label, the function or purpose of that form control may not be presented to screen reader users. Alternative text (tags) shall be present to the user for all non-text content including tables, graphs, and images. For user interface components with labels that include text or images of text, the name contains the text that is presented visually.

Finding: The [BusiNApex blog](#) is hosted by Word Press which presents a variety of inaccessible features. There are contrast, link, and form label errors throughout the blog. The navigation pane on the left-hand side of the home page and the gray text on the white background throughout the blog entries are the major contributing contrast errors. The “Launch Apex” graphic from April 2019 does not have alternative text. It is important for the Town to take care when posting on the [BusiNApex blog](#) and ensure that all the images have associated text descriptions. Due to the number of errors within the blog, contact information should be provided for web users wanting to request an alternate format.

Requirement 6 (WCAG 2.1 Guideline 1.4.4 Resize text): Text can be resized without assistive technology up to 200 percent without loss of content or functionality.

Finding: The text throughout the website can be resized up to 200 percent without losing content. When the [BusiNApex blog](#) text was resized to 200 percent, the website layout changed making the consistency of the keyboard interface different from the other webpages as the menu on the left-hand side relocated to the bottom of the page. When adding webpages, ensure that the developer is using relative font sizes to ensure the text can scale. Additional guidance can be found [here](#).

Operable

Requirement 7 (WCAG 2.1 Guideline 2.1.1 Keyboard, 2.1.2 No Keyboard Trap, 3.2.3 Consistent Navigation): All functionality of the content shall be available through a keyboard interface without requiring specific individual keystrokes permitting users with no or low vision to successfully navigate a webpage. This interface allows users to provide keystroke inputs. The keyboard shall be used to provide additional functionality, not forbid or discourage mouse input or other input methods. Navigational mechanisms that are repeated across multiple web pages within a website shall occur in the same relative order each time they are repeated. The layout of each web page should be

consistent containing elements that the user can rely upon for navigation throughout the website such as a footer, search box, and navigational menu). If keyboard focus can be moved to a component of the page using a keyboard interface, then focus can be moved away from that component using only a keyboard interface, and, if it requires more than unmodified arrow or tab keys or other standard exit methods, the user is advised of the method for moving focus away. This should not discourage providing mouse input or other input methods in addition to keyboard operation.

Finding: The website is fully navigable using the keyboard interface and is consistent throughout the website and associated webpage including the [economic development website](#), [LaunchApex](#), and [Peak Connect](#). The footer, search box, and left-hand side navigational menu is informative and consistent along all pages however, there is not a navigational footer on the [BusiNApex blog](#). The Town should continue to ensure that web content appears and operates in predictable ways as webpages are added or edited. This helps users to quickly learn the functionality and navigation provided within the web page allowing them to better navigate the website. At no point during this website review did using the keyboard interface result in a keyboard trap. The Town Organizational Chart is not navigable using the keyboard interface and should be modified in such a way that allows the user to either scroll through the chart with the up and down arrow keys or Tab through it.

Requirement 8 (WCAG 2.1 Guideline 2.4.10 Section Headings, 2.4.3 Focus Order): Section headings shall be used to organize the content in a way that makes sense for the user. The headings shall identify the information included in the section and be marked such that they can be programmatically identified. Utilizing appropriate headings allows assistive technologies such as screen readers to notify the user of what is included in that section. Screen reader users may depend on the section headings to determine what portion of the website is applicable to them.

Finding: The headings throughout the website and associated web pages are organized and clearly identify the information included in each section. The screen reading software employed in our review recognized the appropriate headings and read information in the proper sequence as an individual without disabilities would understand it. [Peak Connect](#) and the [economic development website](#) also contain sufficient headings and are well-organized. One portion of the website that does not contain headings is the [Town Organizational Chart](#) in which the graphics are not identified before the screen reader begins.

Requirement 9 (WCAG 2.1 Guideline 2.1.1 Keyboard): Where forms, flyers, surveys, and other interactive elements are provided, they shall be navigable via keyboard by using the tab key to move between questions and answers. Fillable forms shall be identified to the user. If a form is provided as a PDF, ensure it is an accessible fillable PDF complying with Section 508 and WCAG 2.1. Without properly labeled forms, it can become confusing and unclear to the user.

Finding: Forms located on the Town's webpages are navigable via keyboard and are appropriately labeled with alternative text for clear understanding. Fillable forms on the

Town's website include those contained under the [Report Concerns/Kudos](#) webpage and the [Bank Draft Authorization Form](#). The keyboard navigation is consistent and moves appropriately from one field to another within the forms. All of which are supported by Cognito Forms. Other interactive elements include the Town's [Lexis Nexis Community Crime Map](#), [Interactive Development Map](#), and "[Where is Apex?](#)" [Economic Development Map](#), which will be addressed later in this document.

Requirement 10 (WCAG 2.1 Guideline 2.1.1 Keyboard): All functionality of the content is operable through a keyboard interface without requiring specific timings for individual keystrokes, except where the underlying function requires input that depends on the path of the user's movement and not just the endpoints.

Finding: The Town of Apex [Utility Account Access](#) webpage is navigable via keyboard and has high contrast text. The headings are understandable and appropriately describe the information located within the drop-down menus. All the applications that a citizen would use to pay for their utilities or turn off/on their utilities require a username. Ensure that the applications are navigable via keyboard and other assistive technologies. Alternative text shall be provided for pertinent images. It is suggested that either the ADA Coordinator's or an IT department representative's contact information be provided on the Utility Account Access home page in case of accessibility issues before or during the payment process. Alternate formats of the applications shall be made available when requested.

Requirement 11 (WCAG 2.1 Guideline 2.4.2 Page Titled): Titles identify the current location without requiring users to read or interpret page content. When titles appear in site maps or lists of search results, users can more quickly identify the content they need. User agents make the title of the page easily available to the user for identifying the page. All webpages shall have a title that describes its topic or purpose.

Finding: Webpages throughout the various websites ([economic development](#), [Peak Connect](#), [LaunchApex](#), and [BusiNApex](#)) all have appropriate titles that identify the current location on the website. The titles and sub-headings are high contrast on all the websites except for the BusiNApex blog where contrast errors were found making the webpage noncompliant for this requirement.

Understandable

Requirement 12 (WCAG 2.1 Guideline 3.1.5 Reading Level): When text requires reading ability more advanced than the lower secondary education level after removal of proper names and titles, supplemental content, or a version that does not require reading ability more advanced than the lower secondary education level, is available. Content should be written as clearly and simply as possible. The intent of this guideline is to ensure that additional content is available to aid the

understanding of difficult or complex text and to establish a testable measure indicating when such additional content is required.

Finding: After review of the website and all associated web pages, it was found that the content was written clearly and as simply as possible. There is no complex text that would require additional modifications on the part of the Town.

Robust

Requirement 13 (WCAG 2.1 Guideline 4.1 Compatible): Webpages shall be compatible with screen reading software and other assistive technologies to provide access to the largest audience possible. Assistive technologies include but are not limited to special-purpose computers, mounting systems, curricular software, and positioning devices.

Finding: After review of the website using NVDA screen reading software, it was found that the website and associated web pages are compatible with screen reading software. The accessibility web page offers assistance for those who use assistive technology and offers the ADA Coordinator's contact information.

Requirement 14 (WCAG 2.1 Guideline 4.1 Compatible): The Town's [Lexis Nexis Community Crime Map](#) and [Interactive Development Map](#) contains a large amount of data and information. All the maps that are for public use must have the ability to be provided in an alternate format. It is crucial that this information be made accessible for individuals who are seeking it. As it stands, the Town's [Lexis Nexis Community Crime Map](#) and Interactive Development Map is inaccessible and would require a large amount of time to resolve.

Finding: Once appointed, ensure that the Town's ADA Coordinator or another responsible party is designated on the webpage for persons who would like to request a map in an alternate format. All the maps should have the option of being provided in an alternate format upon request. To assist with this effort, Esri publishes Voluntary Product Accessibility Templates (VPATs) that are designed to provide users with a breakdown of product compliance areas. VPATs are updated with each product release providing the most up-to-date and most compliant product possible to citizens. It is highly recommended that the tables used to create the maps be constructed in an accessible format as a way of communicating the data to the user. This could reduce the amount of time required to create accessible maps. For an overview of the options and tools for making maps accessible, visit <http://web-accessibility.carnegiemuseums.org/content/maps/>.

The Town of Apex must take action to remediate all the barriers to accessibility on its website and all associated webpages and documents. Moving forward, the Town shall consider the development of their website, authoring tools, evaluation tools, assistive technologies, and user agents to achieve the utmost accessibility possible. Continued consideration of developments related to the harmonization

of Section 508 with WCAG 2.0 and 2.1 is critical. The site developer utilizing commonly available software such as A-Prompt Project, The Wave, and Watchfire Bobby can obtain detailed information concerning these deficiencies and remedial suggestions. It is important that the website becomes accessible because it serves as the hub of information for community residents regarding the Town's programs, policies, services, and activities. The community should remain engaged and informed of this process to ensure that the needs of the community members are met. To do so, the Town shall provide information on a continuing basis and whenever necessary. The Town should take care to revise webpages to reflect the ongoing needs of the community by providing a forum for citizen participation.

Resources

Guidelines

Section 508 Standards <http://www.access-board.gov/sec508/standards.htm>

World Wide Web Consortium, Web Accessibility Initiative <http://www.w3.org/WAI/>

Groups

Web Accessibility in Mind (WebAIM) www.webaim.org

Assistive Technology Industry Association <http://www.atia.org>

Captioning and Transcripts and Video Remote Interpreting

Captions and Transcription Services http://www.uiaccess.com/transcripts/transcript_services.html

Open Source Subtitling Tool <http://www.universalsubtitles.org/en/>

Purple Video Remote Interpreting <http://www.purple.us/>

Audio Description of Visual Information

WebAIM <http://webaim.org/techniques/word/>

University of Wisconsin at Madison <http://www.doit.wisc.edu/accessibility/online-course/index.htm>

Multi-media Access Generator (MAGpie) http://ncam.wgbh.org/invent_build/web_multimedia/tools---guidelines/magpie

Audio Description <http://www.astc.org/resource/access/medad.htm>

Guidelines for Visual Descriptions <http://www.csun.edu/cod/conf/2001/proceedings/0031alonzo.htm>

Tools

WAVE Accessibility Evaluator <http://wave.webaim.org/>

Open Source Screen Reader <http://www.nvda-project.org/>

JAWS Screen Reader <http://www.freedomscientific.com/products/fs/jaws-product-page.asp>

Lynx Viewer (View Website in Text Only Format) <http://www.delorie.com/web/lynxview.html>

Applications

JW Media Player <http://www.washington.edu/accessit/articles?1251>

YouTube with an "Accessible Skin" <http://icant.co.uk/easy-youtube/docs/index.html>

Software and Service Providers

Net Centric Technologies (PDF Conversions) www.CommonLook.com



Appendix D – Community Survey Accessibility Report

01.18.2022



Prepared by



Town of Apex

COMMUNITY ACCESSIBILITY SURVEY REPORT

Final

01.18.2022

Prepared by





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1.0 Introduction

The Town of Apex is developing an ADA Transition Plan with the goal of prioritizing opportunities to improve the safety, security, and accessibility of Town facilities, programs, and right-of-way. The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people with disabilities. The ADA states that by designing and constructing facilities for public use that are not accessible to people with disabilities could constitute discrimination. The ADA applies to all facilities, including those built before and after 1990, and local governments are required to perform a self-evaluation of their infrastructure and identify all barriers to accessibility. The Town's accessibility consultants, Tindale Oliver, has assessed a total of sixteen Town-owned buildings, eleven parks, over 200 miles of sidewalk and greenways, as well as the Town's policies and programs to identify any issues with accessibility. ADA Transition reports have been developed for each facility to provide the Town with a roadmap to ADA accessibility.

The purpose of the ADA Transition Plan is to:

- Identify physical barriers that limit the accessibility of the facility to individuals with disabilities,
- Describe the methods to be used to make the facility accessible,
- Provide a schedule for removing the barriers to accessibility, and
- Identify the name of the official responsible for the plan's implementation.

The transition plan development process includes assessments, public outreach, data analysis, and plan drafting. On October 1, 2021, a Community Accessibility Survey was published to capture the public's input on how to create a more accessible Town for residents, visitors, and stakeholders. The survey was posted on the Town of Apex's website and social media pages until November 18th, 2021.

The Community Accessibility Survey received responses from 254 participants (a copy of the online survey is included in Appendix A and the responses are included throughout this report). Most of the participants are Apex residents followed by persons who have, or a member of their family has, a disability, as seen in Figure 1.1. In Figure 1.2, those who responded that they have/a family member has a disability, the top four forms of disabilities were orthopedic impairment, autism spectrum disorder (ASD), a hearing impairment, and intellectual disability.

As shown in Figure 1.3 a large majority of those who responded to the survey are retired individuals. The Town of Apex will be hosting public participation events and One-on-One sessions targeting those age groups to gain their feedback regarding the Transition Plan and other Town issues. In Figure 1.4, most respondents indicated that they feel positively about the Town's accessibility while a smaller percentage feels neutral or negative about the Town's accessibility. The Town of Apex should continue working with stakeholders, citizens, and local disability groups to address accessibility issues moving forward. This shall include maintaining the Town of Apex ADA Transition Plan as it serves as a living document outlining the Town's intentions to remain an accessible and inclusive municipality in the state of North Carolina.

Figure 1.1. Respondents' Description

[Please select all that apply to you (247 respondents)]

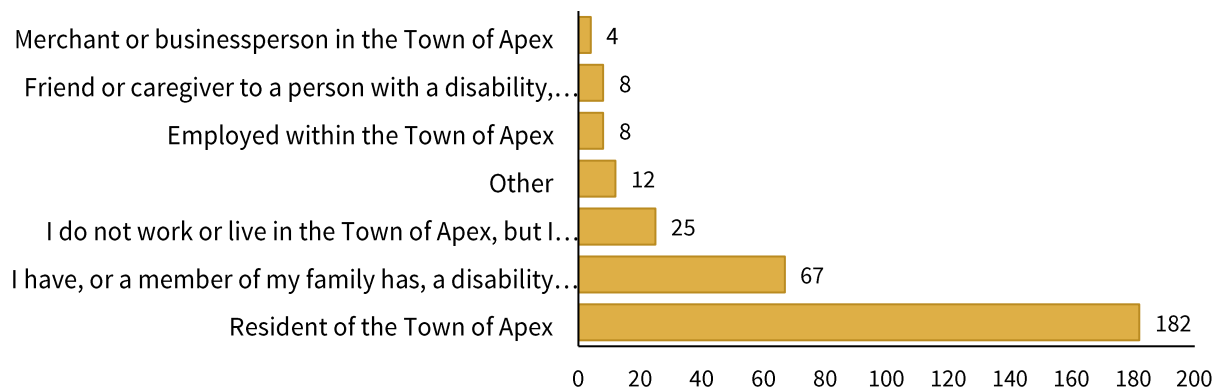


Figure 1.2 Type of Disability

[If applicable, please describe which type of disabilities you personally have, those of local family member, or person you help care of. (Please check all that apply) (193 respondents)]

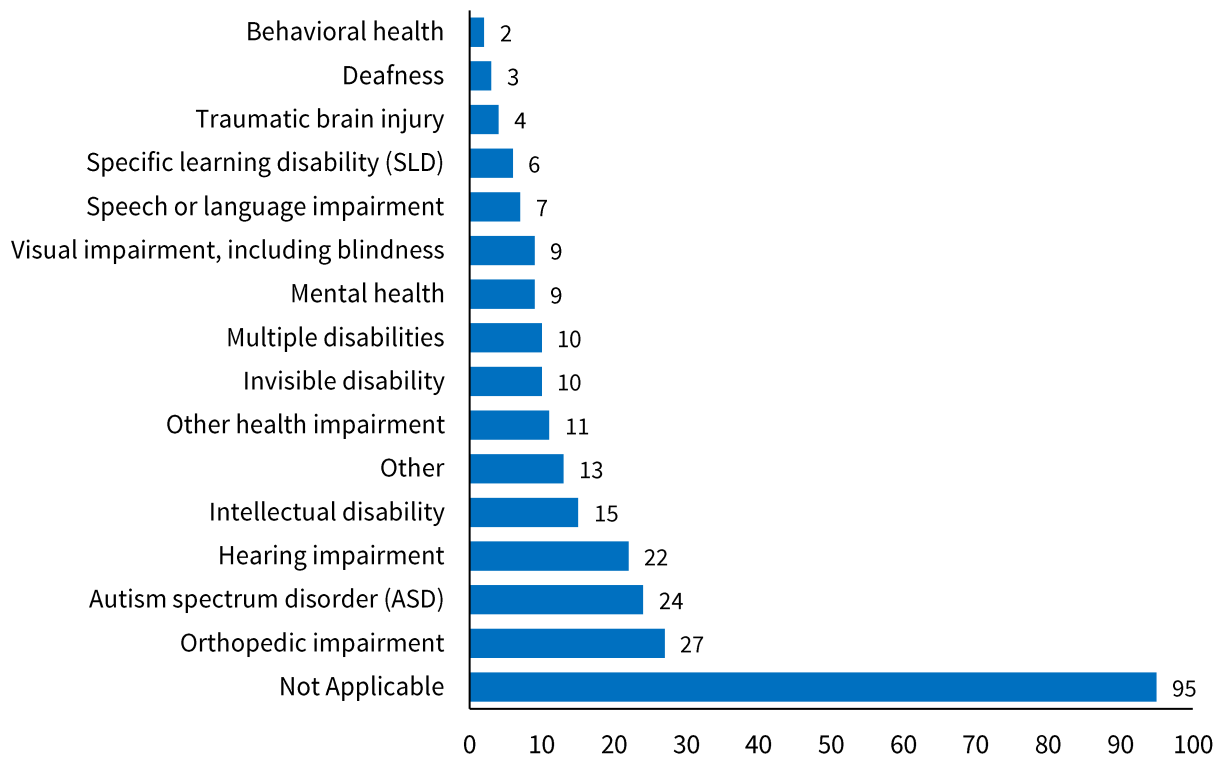


Figure 1.3 Employment Status

[The Town of Apex is dedicated to providing equal access to employment. Please provide your employment status. (228 respondents)]

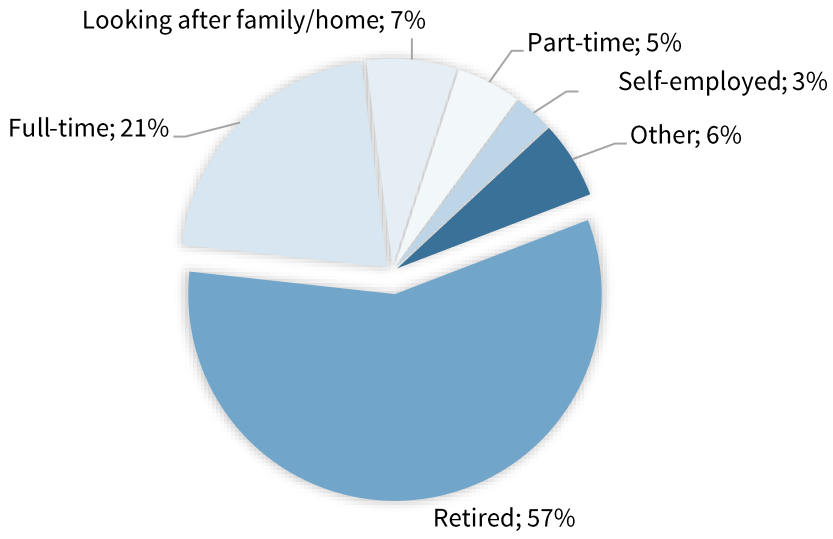
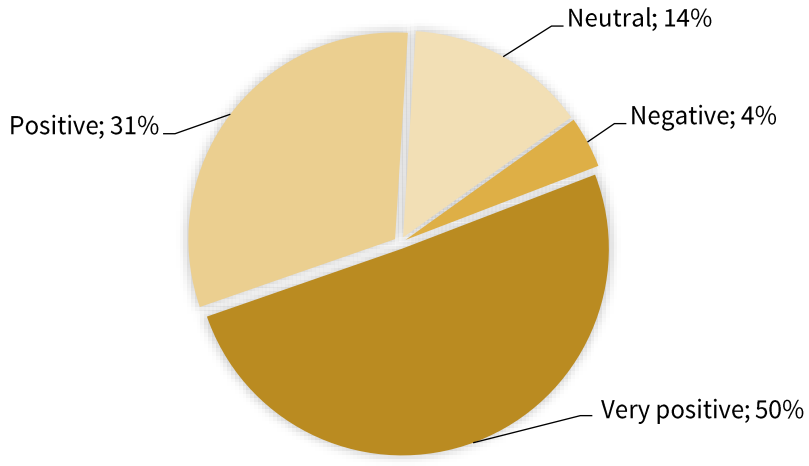


Figure 1.4 Overall Town Accessibility
 [Regarding accessibility, how do you feel about living and/or working in Apex, NC? (217 respondents)]



2.0 Facilities

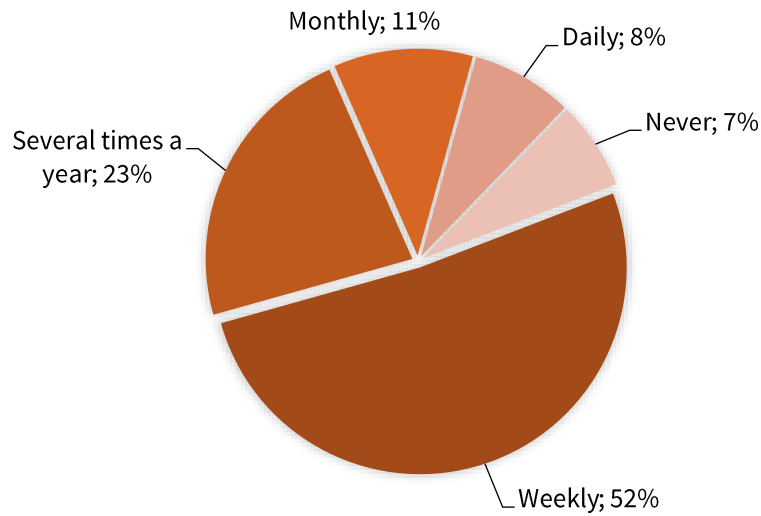
A large part of this project involved physically assessments of the Town’s infrastructure including facilities ranging from public safety stations to the Apex Community Center and Halle Cultural Arts Center. The assessment of building elements for compliance with applicable accessibility standards was conducted starting on April 21, 2020, through June 25, 2020. They included a comprehensive inventory of the conditions of Town buildings and identified and prioritized improvements to address the barriers to accessibility. The purpose of this community survey report is to complement the on-site assessment and Transition Plan report with the public’s voice. This report adds a user perspective which is critical to understanding the full accessibility picture and prioritizing implementation.

While the facility survey consisted of non-intrusive visual observations, which allowed for a readily accessible and easily visible components and systems assessment of the facility, the Community Accessibility Survey gathered more in-depth data regarding the citizens perceptions of accessibility in Town facilities and programs. In Figure 2.1, approximately 52%, of respondents indicated that they use Town facilities weekly, demonstrating that the accessibility of the facilities is very important in granting access to all Town services and programs. Further expanding upon the notion that facilities are heavily used, respondents were asked which facilities they believed to be the most important to improve for increased accessibility. The most common response was parks and community centers with 90 respondents indicating that those facilities are the most important as seen in Survey respondents *indicated that at the police station, accessible parking spaces are located too far from the building entrance. Residents indicated that the long walk is an impediment to their attendance of police events such as pancake breakfast. Another challenging facility that was mentioned in the comments is the Senior Center. Residents indicated locating the main entrance is a challenge and that it can be remedied through installation of signs. Lastly, a respondent who is hard of hearing mentioned that they had difficulty hearing at various events hosted by the Community Center and Halle Arts Cultural Center. The respondent suggested activating close captioning when applicable or providing wireless headphones or T-coil.*

Figure 2.2.

Figure 2.1 Town-Owned Facility Usage

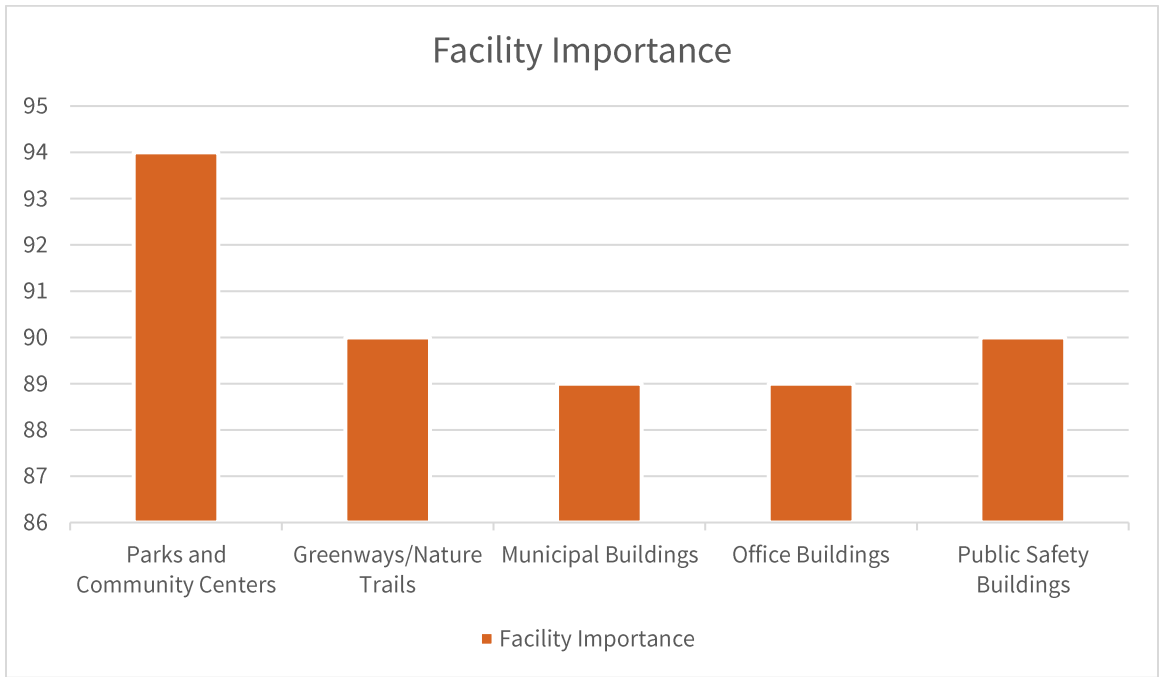
[How often do you visit or access any Town-Owned facility or building (Hunter Street Park, Apex Town Hall, etc.)? (220 respondents)]



Survey respondents indicated that at the police station, accessible parking spaces are located too far from the building entrance. Residents indicated that the long walk is an impediment to their attendance of police events such as pancake breakfast. Another challenging facility that was mentioned in the comments is the Senior Center. Residents indicated locating the main entrance is a challenge and that it can be remedied through installation of signs. Lastly, a respondent who is hard of hearing mentioned that they had difficulty hearing at various events hosted by the Community Center and Halle Arts Cultural Center. The respondent suggested activating close captioning when applicable or providing wireless headphones or T-coil.

Figure 2.2 Destination Accessibility

[Which of the destinations below are most important to improve for increased accessibility? Rank from highest to lowest. (96 respondents)]



3.0 Sidewalks and Curb Ramps

Following the conclusion of the facility assessments, a field survey of more than 183 miles of sidewalks and over 8 miles of greenways were conducted via electric bike the week of June 6, 2021. During the same period, a field survey of Town crosswalks and curb ramps was conducted. A total of 451 curb ramps were assessed, and recommendations were developed. The following questions asked respondents about the quality and accessibility of the right-of-way and how frequently they use it. Almost half of the respondents indicated that they use the Town of Apex sidewalks daily, while a quarter of respondents indicated using the sidewalks a couple of times a week, or a few times a month, at 24% each in Figure 3.1. Out of 175 respondents, 46% feel that the Town’s sidewalks and curb ramps are accessible as indicated in Figure 3.2. The situations that make it the most difficult for citizens to navigate the sidewalks and curb ramps include gaps in the sidewalk infrastructure, cracks in the pavement, and lack of a curb ramp where one is needed.

Figure 3.1 Sidewalk Utilization

[On average, how frequently do you utilize the sidewalks within Apex? (177 respondents)]

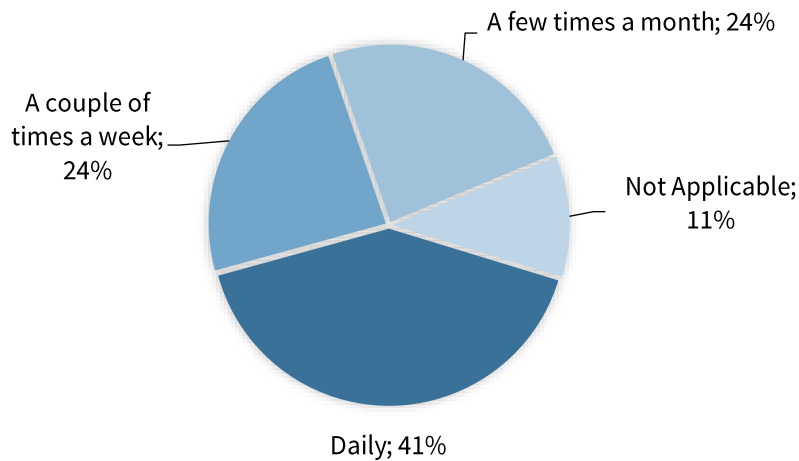
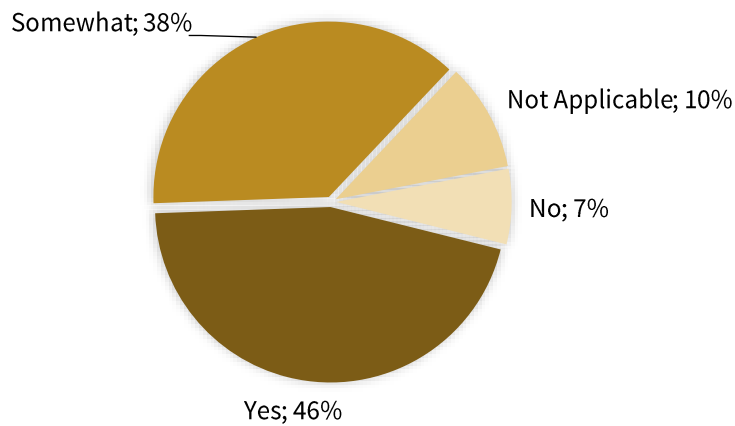


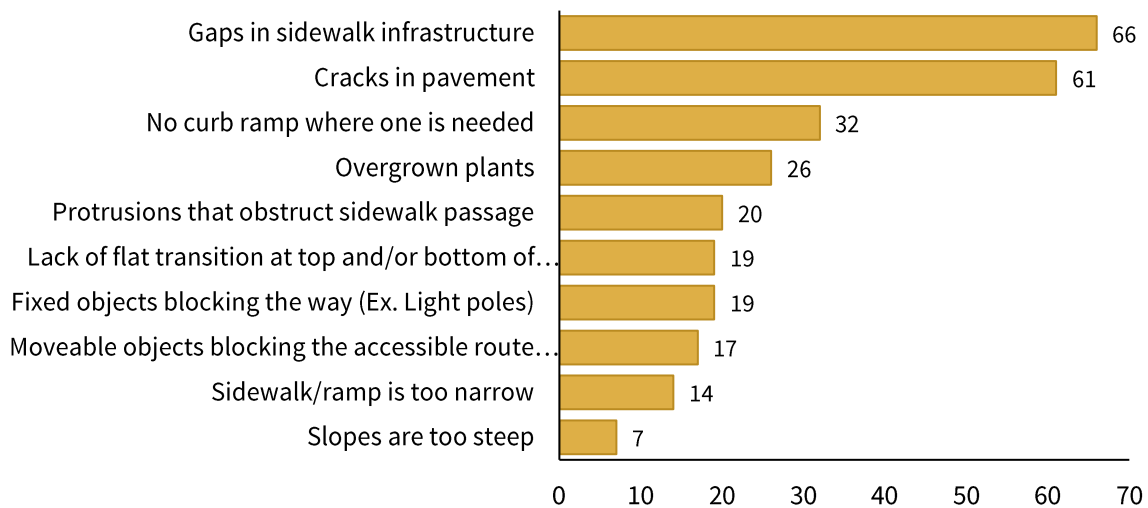
Figure 3.2 Sidewalk and Curb Ramp Accessibility

[In general, do you feel that the Town’s sidewalks and curb ramps are accessible? (175 respondents)]



Example locations that were mentioned in the comment section were the right-of-way on Ten Ten Road and near Target in Beaver Creek. Ten-Ten Road from Kiftgate Lane to Kildaire Farm Road was mentioned to having partially paved sidewalks. Ten-Ten Road and Center Street has overgrown foliage which can act tripping hazards. One respondent mentioned that the high traffic near Target in Beaver Creek make it impossible to safely cross. The side parking at the Target does not have a connecting sidewalk which would allow users to avoid traffic and safely get to the store.

Figure 3.3 Sidewalk and Curb Ramp Navigation
 [Which of the situations listed below make it most difficult for you to navigate a sidewalk or curb ramp? Select your top 3 choices. (123 respondents)]



4.0 Policies, Programs, and Activities

The department policy, procedure, and documentation review was completed on April 16, 2020. Tindale Oliver has reviewed the requirements for programs and policies necessary for the Town to be compliant with the requirements of the ADA. Town programs and activities are heavily participated in at a rate of 73% among 150 respondents as seen in Figure 4.1. This result demonstrates the importance of the accessibility review of policies, procedures, and documentation for the Town. The survey also asked what would prevent the respondent from participating in activities and programs in Town. Respondents largely indicated that they do not know when those activities and programs are taking place. Other respondents expressed that program fees are high for participants that are outside city limits. Other obstacles were parking and transportation. Many written comments expressed not having reliable transportation to the events, and those who could drive, their issue was availability of accessible parking.

During the same review period in April of 2020, Tindale Oliver reviewed the Town’s website and online information services including the Geographic Information System (GIS) viewer, Assessor’s information, and online permitting for ADA compliance. Of those who responded, 64% indicated that they use the website and online information services a few times a month in Figure 4.4. One respondent indicated that meeting and event information is usually hidden or published in a way that is not easily consumable.

Figure 4.1 Town Programs and Activities Participation
 [Do you participate in any Town programs or activities (Town Hall meetings, special events, etc.)? (150 respondents)]

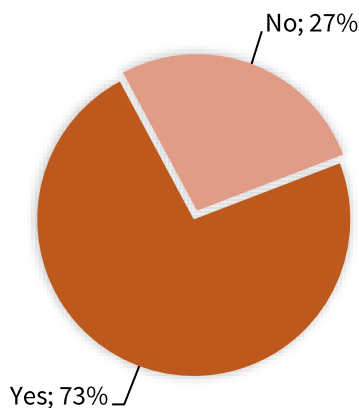


Figure 4.2 Town Program and Activities Obstacles
 [Have you encountered any obstacles to participating in a Town program or activity? (141 respondents)]

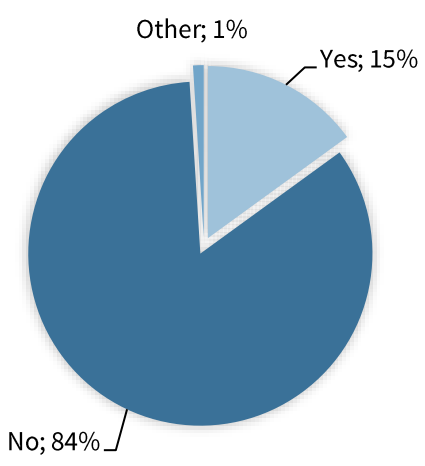


Figure 4.3 Town Program and Activities Follow-Up
 [What might prevent you from taking part in activities and events around the Town? (Select all that apply) (100 respondents)]

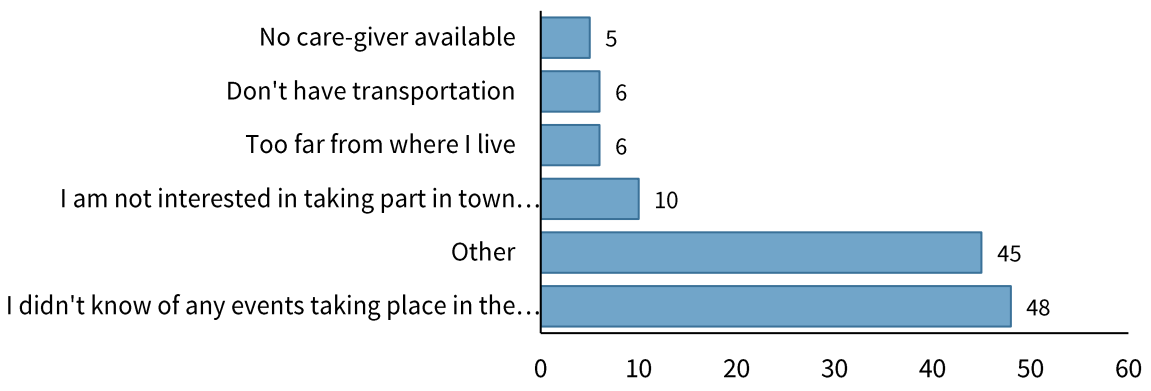
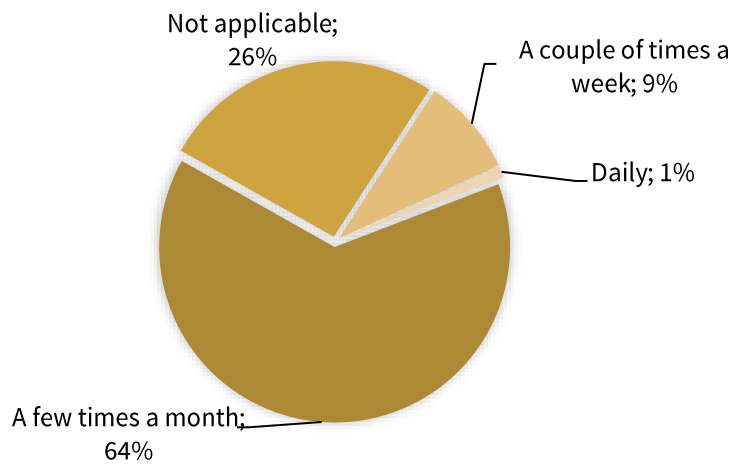


Figure 4.4 Town Website Use
 [On average, how frequently do you utilize the Town of Apex website and online information services including the Geographic Information System (GIS) viewer, Assessor's information, and online permitting?]

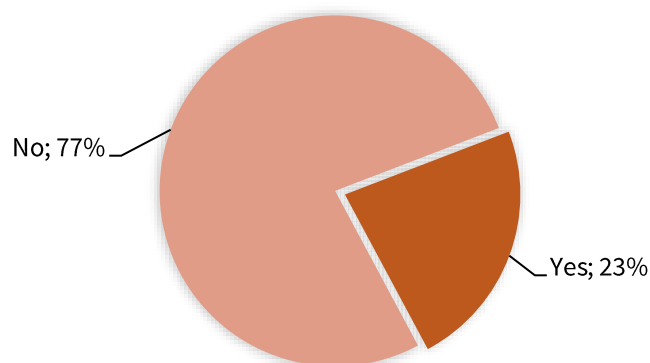


5.0 Conclusion

A large majority of those surveyed did not know how to get in touch with the Town’s ADA coordinator if an accessibility issue with a Town facility, sidewalk, or program was encountered. This finding indicates that contact information for the ADA Coordinator should be placed on the Town website in an accessible and intuitive manner. The Town should consider the ability of citizens to express their concerns through various channels such as website, mail, comment boxes in public facilities, email, and phone. This can be achieved by creating an ADA Grievance Procedure and posting it on the Town website. Furthermore, it is important for the ADA Coordinator to continue public involvement efforts surrounding accessibility to ensure that the Town addresses all concerns.

Figure 5.1 ADA Coordinator

[Prior to this survey, if you had an accessibility issue with a Town facility, sidewalk, or program, did you know who to contact to have this issue resolved (119 respondents)]





Appendix A. Survey Questionnaire

TOWN OF APEX, NC COMMUNITY SURVEY

We need your assistance to make your Town a more accessible place for everyone!

The purpose of this survey is to offer citizens the opportunity to record your experience using Town facilities. The Town of Apex (Town) is in the process of evaluating Town-Owned Facilities, Parks, Programs, and Services to ensure compliance with the Americans with Disabilities Act (ADA), build an ADA Transition Plan, and become barrier free. This survey seeks to gather input from the community on the level of accessibility of these facilities and will also assist in the prioritizing and implementation of the improvements.

This survey is voluntary and confidential, and it is intended solely to inform the Transition Plan. Responses will not be identified by individual, all responses will be compiled together and analyzed as a group.

Responses will be collected until 11/18/2021 to be analyzed as a means of providing information to assist the ADA Transition Plan Team. For questions, accommodations, or a paper version of this survey, please contact the interim-Town's ADA Coordinator, Shawn Purvis at 919-249-3302 or shawn.purvis@apexnc.org.

1. Please check all that applies to you.
 - Either I or a member of my family has a disability
 - Friend or caregiver to a person with a disability
 - Merchant or businessperson in the Town of Apex
 - Resident of the Town of Apex
 - Employed within the Town of Apex
 - I do not work or live in the Town of Apex, but I visit sometimes to see friends or family
 - Other (Please specify):

2. If applicable, please describe which types of disabilities you have personal experience with. Please check all that apply.
 - Specific learning disability (SLD)
 - Autism spectrum disorder (ASD)
 - Speech or language impairment
 - Visual impairment, including blindness
 - Deafness
 - Hearing impairment
 - Orthopedic impairment
 - Intellectual disability
 - Traumatic brain injury
 - Multiple disabilities
 - Invisible disability
 - Mental health



- Behavior health
 - Other health impairment
 - Not Applicable
 - If you use an alternative term, please describe:

3. The Town of Apex is dedicated to providing equal access to employment. Please provide your employment status.
- Full-time
 - Part-time
 - Volunteering/interning
 - Student
 - Looking after family/home
 - Not working because of illness/health/disability
 - Retired
 - Unemployed
 - Self-employed
 - Other (Please specify): _____
4. Regarding accessibility, how do you feel about living and/or working in Apex, NC?
- Very positive
 - Positive
 - Neutral
 - Negative
 - Very negative

Buildings

5. How often do you visit or access any Town-Owned facility or building (Hunter Street Park, Apex Town Hall, etc.)?
- Daily
 - Weekly
 - Monthly
 - Several times a year
 - Never
6. How accessible would you rate these Apex facilities?

FACILITY NAME	Very Accessible	Somewhat Accessible	Not Accessible	No Opinion
BUILDINGS				
Apex Town Hall				
Public Works Operations Building				
Purchasing and Inventory Building				
Public Works Administrative Building				
Halle Cultural Arts Center				



Apex Historic Depot Chamber of Commerce				
Apex Community Center				
Apex Police Station				
PARKS				
Apex Community Park				
Clairmont Park				
Kelly Road Park				
Kelly Glen Park				
Jaycee Park				
Nature Park				
Sue Helton Park				
West Street Park				
Salem Pond Park				
Hunter Street Park				
Seagroves Farm Park				
GREENWAYS				
Beaver Creek				
Community Park Lake Trail				
Haddon Hall				
Apex Nature Park Paved Trails				
White Oak				

7. Which of the destinations below are most important to improve for increased accessibility? Select your top 3 choices.

- Public Safety Buildings
- Office buildings and other places where people work
- Municipal buildings (Town Hall, Public Works)
- Parks and community centers
- Greenways/nature trails

8. Have you encountered any obstacles to accessing any Town-Owned facilities? If so, please describe the situation below.

Sidewalks

9. On average, how frequently do you utilize the sidewalks within Apex?

- Daily
- A couple of times a week
- A few times a month
- Not Applicable



10. In general, do you feel that the Town’s sidewalks and curb ramps are accessible?
- Yes
 - Somewhat
 - No
 - Not Applicable
11. Which of the situations listed below make it most difficult for you to navigate a sidewalk or curb ramp? Select your top 3 choices.
- Sidewalk/ramp is too narrow
 - No curb ramp where one is needed
 - Slopes are too steep
 - Cracks in pavement
 - Gaps in sidewalk infrastructure
 - Overgrown plants
 - Moveable objects blocking the accessible route (Ex. Trash can, car, bike rack)
 - Fixed objects blocking the way (Ex. Light poles)
 - Lack of flat transition at top and/or bottom of curb ramp
 - Protrusions that obstruct sidewalk passage
12. Have you encountered any obstacles on any Town sidewalk or curb ramps? If so, please describe the situation below.

Programs & Services

13. Do you participate in any Town programs or activities (Town Council meetings, special events, etc.)?
- Yes
 - No
14. Have you encountered any obstacles to participating in a Town program or activity? If so, please describe the situation in the box below.
- Yes
 - No
 - Other (Please specify):

15. How accessible to persons with disabilities are events and activities in the town, such as:

TOWN PROGRAMS AND EVENTS	Very Accessible	Somewhat Accessible	Not Accessible	No Opinion
Town Council Meetings				
Community Center events				
Park events				

Music/Festival events				
Easter Egg Hunt				
Egg-citing Easter Egg Hunt (for kids with disabilities)				
Think Apex Day				
Special Needs Fishing Derby				
Peak Fest				
Touch-a-Truck				
Apex Latino Arts Festival				
Peak City Pig Fest				
Olde Fashioned Fourth of July				
55+ Health and Wellness Fair				
Apex Night Out				
Trick or Treat on Salem				
Turkey Trot 5k				
Christmas on Salem				
Family Basketball Ham Toss				

16. What might prevent you from taking part in activities and events around the Town?

- I didn't know of any events taking place in the Town
- I am not interested in taking part in town activities
- No care-giver available
- Too far from where I live
- Don't have transportation
- Other (please specify): _____

17. Are you a member of any disability specific groups, networks, or services?

This could be a club, a reading group, a support group, an online discussion, or anything provided specifically for people with disabilities. The intent is to gather direct feedback from Town residents that are impacted by infrastructure that is not accessible and use this feedback to develop an improvement plan that is reflective of the Town's needs.

- Yes
- No
- To gather direct feedback on the Transition Plan, please let us know the name and contact information of the organization/group/network:

18. Prior to this survey, if you had an accessibility issue with a Town facility, sidewalk, or program, did you know who to contact to have this issue resolved?

- Yes
- No

Communications



19. On average, how frequently do you utilize the Town of Apex website and online information services including the Geographic Information System (GIS) viewer, Assessor's information, and online permitting?
- Daily
 - A couple of times a week
 - A few times a month
 - Not Applicable
20. In general, do you feel that the Town's website and online information services are accessible?
- Yes
 - Somewhat
 - No
 - Not Applicable
21. Which of the situations listed below make it most difficult for you to navigate the Town's website and online information services? Select your top 3 choices.
- Lack of alternative text on images and other graphics
 - Lack of closed captioning or ability to control the audio
 - Colors are not high contrast and hard to read
 - Unable to fill out forms due to lack of associated text labels
 - Unable to resize text
 - Keyboard does not have all functionality
 - Lack of section headings and titles
 - Content is unclear
 - Not compatible with screen reading software and other assistive technologies

20. Do you have other ADA accessibility concerns?

21. Please leave your contact information below if you would like to be kept updated on the progress of the Town's ADA Transition Plan.

Appendix B. Survey Comments

Table 1. Facilities Comments

<p><i>Have you encountered any obstacles to accessing any Town-Owned facilities? If so, please describe the situation below.</i></p>
<p>Some trails/greenways are definitely not wheelchair friendly. It would be great to have at least one fully accessible playground.</p>
<p>Transportation is the biggest issue. We need a free ride program or extensive shuttle service. There are no options for low-income people with vision problems, limitations due to age, or other disabilities that make driving risky or impossible.</p>
<p>Sidewalks and roads in the area are confusing and inadequate, they end abruptly, many are too close to roads to feel safe. accessibility is low for those without vehicles</p>
<p>Need more bike paths and parking close to greenways trails. More sidewalks preferred. Need more green ways and better approach to main trails. Better accessibility to convenient store and more options</p>
<p>It will be great to have sidewalk access to the tobacco trail entry points from the many communities around.</p>
<p>As part of the rehab for my brain injury, I was told to jog on trails rather than paved greenways. Being unable to find any, I made my own, and have been improving it to the point that it is bikeable and able to take a stroller. Now there is a proposal to cut down the trees and widen and pave my path. My neighbors and I are very upset about this faux accessibility for one type of disability (wheelchairs) and the ignoring of others (balance issues)</p>
<p>We need more crosswalks with stoplights near downtown. Good luck having a disability and getting across the Peakway near Villages of Apex or Lidl.</p>
<p>I would like there to be signage at each property and online about accessibility metrics for that given property. E.g.: X Greenway: Is it wheelchair- & stroller-friendly? Etc.</p>
<p>Bathrooms at some parks are completely inaccessible. Some are too small, have no automatic door opening, too-heavy doors, pathway is deteriorating/bumpy, sometimes all of the above.</p>
<p>Sometimes parking is a challenge, but I understand the limitations to improvement in that regard</p>
<p>Transportation from Cary</p>
<p>All of my above answers are based on the lack or location of handicap parking</p>
<p>Yes, not enough parking for people with disabilities.</p>
<p>Parks: walking distance from parking to recreation area. More handicap parking spaces. As senior population grows so does this need.</p>
<p>I have not encountered any obstacles, but I am surprised that the new senior enter has such an elaborate staircase which many seniors are unable to use. There are elevators, but still.</p>
<p>Particularly at Kelly Rd Park, the restrooms are a long walk from the tennis/pickleball courts</p>
<p>Walk to far to access the senior center</p>
<p>Rental fees for park pavilions/shelters are way too high. I cannot plan any events because the cost is prohibitive. If they were more reasonably priced, they would be rented out.</p>
<p>Cost of renting pavilion/shelters is too high</p>
<p>We need more tennis courts. The ones in place needs to be repaved and refurbished - courts are not flat, nets are deteriorating, no score boards.</p>
<p>The stationery picnic benches in the rentable shelters at the Apex parks are difficult for older/senior citizens to climb in and out. The shelters are accessible to walk to, but the immovable picnic benches make it</p>

difficult. Likewise, the Nature Park band/movie viewing area is not always accessible for older or disabled citizens.

Police station is hard for me to get to - **handicap parking** is across the street and it is a **long walk to the building**. Seems plug in cars are more important than handicap. I used to go to the Halle building but with the new building going up I won't be able to go there. I used to attend the pancake breakfasts at Station 1 but with all the town changes on Salem Street I won't be able to go there anymore. About all that is left is the community center and the senior center which are made for the handicap residents.

Senior Center Parking is the worst I have seen, and you were fully aware of it. Full so we all have to back up, and cars behind us. It is a mess. Who thought of this?

Being hard of hearing, I have had **difficulty hearing at various events in the Community Center and Halle**. Activating close captioning when applicable or providing wireless headphones or T-coil would be helpful.

Locating the main entrance at the new Senior Center is a challenge that could easily be remedied by a few well-placed signs.

Table 2. Curb Ramp Comments

Have you encountered any obstacles on any Town sidewalk or curb ramps? If so, please describe the situation below.

Cracks, bumps, and lack of **sidewalks** on both sides of the road.

Yes. Another problem is that it can be dangerous to move off **sidewalk** onto a side street that does not have **sidewalks**. Drivers in Apex do not watch for pedestrians and do not expect to see many pedestrians. Getting across major intersections or into a shopping area is dangerous for pedestrians, because of heavy traffic racing to turn right and left without watching for people on foot.

Apex is a healthy community with lots of walkers and lots of dogs. There are almost no safe cycling lanes for those who prefer to do so. **Sidewalks** are inadequate, confusing, changing, and end abruptly. Right hand traffic lanes, also.

No obstacles, but the Town needs more **sidewalks**.

Horrendous bollards indicating that fiber internet has been buried under North Salem Street impede bike access. It also is infuriating that there are advertisements for fiber every 100 feet passing my house, but I can't get fiber internet.

Weeds.

At the Target in **Beaver Creek**, you can theoretically walk from the greenway to the **sidewalk** to get to Target, but in reality, the traffic is too heavy to cross the street safely and you have to walk all the way to the middle to get a **sidewalk** up to the stores. There is no **sidewalk** up to Target on the right side of the parking lot, which would make it faster to walk to the store, and would help avoid the traffic affecting pedestrians.

Personally no, but I'm conveying some feelings from a resident who uses a motorized scooter in our neighborhood and ran into specific issues

Constantly seeing cars parked at the end of their **driveway** where one needs to reverse course, go back to a previous driveway, exit onto the road, then take the road around the obstructed driveway, and come back up onto the **sidewalk** at the next open driveway. This is a matter of educating private residents about the need to keep the **sidewalk** clear even though they 'own' the driveway. This is a major safety issue in our neighborhood.

Gaps where **sidewalk** ends for many feet along major roadways (Green Level Church R, Roberts Rd, Green Level West).

Overgrowth on sidewalk heading east from Walgreens at corner of Old Jenks and Hwy 55.

Trees and shrubs hang over the **sidewalk**, which requires stepping off the **sidewalk** to pass.

The sidewalk along Olive Chapel between Hwy 55 and Kelly Rd frequently has overgrown plants.
Marking curbs or lack of a curb with a different or contrasting color, especially in handicapped parking areas. This would help the visually impaired.
Overgrowth of foliage
I have fallen several times on different sidewalks due to uneven cracks.
I had a trip and fall on an uneven sidewalk with a minor injury last year. I was impressed with how quickly the sidewalk was leveled once it was reported. However, other sidewalk trip hazards exist in the neighborhood and there does not seem to be a proactive approach to catching these before someone trips. I would like to know if such a program exists.
I have trouble stepping on and off curbs. So many of them do not have a flat section, which makes it so easy to get up on a curb.
There are only partial sidewalks on Ten Ten Road from Kiftsgate Lane to Kildaire Farm Road.
Not in my area but I live in a new subdivision. I use downtown Apex sidewalks , which are fine. Can't speak for other neighborhoods.
All the tables, plants, and signs make things impossible so I have just stopped going downtown. The other parts of Town that I go are usually around Beaver Creek shopping area .
Some parts of the sidewalks are not flat and easy to trip over. Cement to add or what you use to prevent people from tripping.
Sidewalks are too narrow.
This may apply more to merchants than town, but sometimes curb ramps are distant from the handicap parking places or are blocked by vehicles. It's often hard to find a van-accessible space, requiring unloading from the traffic lane before parking the vehicle. Sidewalks on only one side of the street requires crossing traffic.
For elderly persons crossing on foot, walk lights sometimes did not allow time to cross the street, (e.g. W Williams at Hunter before the Eckerds/Rite Aid closed).
Sections on Ten Ten Rd/Center St that are not mowed and edged regularly such that grass grows into the sidewalk . Neighborhoods routinely have vehicles in driveways parked across the sidewalk blocking pedestrians.
Yes. Dangerous while walking with falling.

Table 3. Policies, Programs, and Activities Comments

<i>What might prevent you from taking part in activities and events around the Town? (Select all that apply)</i>
Access to Town of Apex sports seems to fill up very quickly so I was unable to register my child.
Cost.
Distance to walk to reach activity.
Don't feel like she fits in.
Encountering what could be a curb only to discover its flat or curved. Because of visual impairment, I am unable to identify the situation or identify the possibility because the entire area is the same color.
Had issue doing early voting in October. Blocked area for parking for handicapped and it was blocked off so I had to find another space to park. Apparently, folks don't understand voters wanting to be early for voting - some of us like to be first and done.
I cannot always hear everything.

I live in New Hill, roughly 7 miles from the community center. New Hill is an unincorporated area. I have to pay **higher fees** to participate in fee-based programs because I don't live within the city limits of Apex which I think is unfair. Also, there are some programs that have very limited openings for participation. Because Apex residents are given priority in registration, I miss out on these small classes every time.

Largely pandemic-related with having a family member at high risk unable to join in indoor activities without a mask mandate and other precautions

No **transportation** to event location. Especially at night when less safe for someone at my age and circumstances to be walking.

Not enough **information** out there and information isn't consistent.

Not enough **accessible parking** spaces.

Not enough **awareness** of all events occurring.

Not enough or timely **information**. It would be nice to have a publication sent to all residents with the Town events.

Not enough **parking** spaces for people with disabilities.

Parking.

Parking in or around downtown is a problem when any event is occurring.

Parking vs walking distance.

Poor **parking**.

Poor **parking** accessibility.

Program/classes closed due to COVID that have not reopened since end of 2019.

Ramps are too steep.

Senior classes; Nature walks, Tai Chi.

Senior **parking** in front poorly done for a one-way entrance.

Senior center. I saw a woman walk into one of the glass long windows, what looked like an entrance. So clean she thought it was an open door. Maybe a cute sticker on the side of the window. Remember Seniors some have vision problems.

Taking place during work hours.

The **information** for these meetings is hidden away and not published in an easily consumable way. Segmentation of classes also leads to cancellations. I was very excited for the improv class, and they had multiple sections based on age. Rather than combining these classes when there were not enough for 3 sections, all three were cancelled.

There are some young adults who fall between the cracks. They are not severely disabled to require services for autism, MS, etc. but they also do not fit in with typically developing young adults. This is a very lonely group that could use some activities.

They are limited to Apex city residents.

Too large of a crowd - stopped going years ago. Did not feel safe if there was an incident.

Too many people and too hard to navigate.

Town of Apex has a very limited choice of activities in their specialized recreation. Because of this, there is limited opportunity for my young adult daughter to participate fully in Town of Apex programs. As Apex grows in population, it would be great to see more activities, classes, clubs specifically for young adults via specialized recreation.

When Salem St is closed for special events, they often block the curb ramp with the barriers.

Table 4. Other ADA Accessibility Concerns

<p><i>Do you have other ADA accessibility concerns?</i></p> <p>I was hoping there would be some questions about transportation. We don't have issue with the inclusivity of Apex itself but my adult son who has IDD and does not drive needs transportation within Apex and between Apex and surrounding communities. Thanks</p> <p>Being ADA compliant is one thing-- going Above and Beyond ADA compliance is what I would like to see from the town of Apex. Let's focus on making sure sidewalks and other infrastructure is accessible and safe. Let's also focus on making the town website and other information accessible to those with intellectual disabilities. There are ways to make language accessible: plain language. I can't emphasize enough the importance of accessible documents, websites etc. for people with intellectual disability.</p> <p>Standards should be set for responsiveness. Very hard to get an answer from town employees via email. Social media comments and questions rarely get a response.</p> <p>There are limited accessible parking spaces and they're often taken by drivers without a placard or special license plate</p> <p>Parking near downtown</p> <p>Not at this time, very encouraged by the survey alone that others are listening to those of who can't always navigate in our community independently.</p> <p>I would encourage the Town to train anyone who presents communications to the public in accessibility. I realize when you have multiple people contributing content it is hard to make sure everyone is following best practices, but it's important and I would highly encourage you to spend some of your training budget on courses that provide ADA instruction. That actually applies to digital, print, video, audio, experiential and in-person communications as well. I've seen many posters and graphics that have multiple accessibility 'faux pas' that could be easily remedied with some education. It is really a case of not knowing what you don't know. Once you know, you think about it more and eventually it's just second nature.</p> <p>There are so many free tools available to help become more accessible communicators, as well. For example, checking Flesch-Kincaid reading scores. You can do this online in 10 seconds with a simple copy and paste. Checking a random page on the Town's site puts the language at a level of 16 which is considered college graduate level. Way too high. It should be over 50 (higher number indicates a lower reading level which is silly I agree). But when you are speaking to the masses you really need to make sure you are accounting for all levels of understanding. Content can always be too confusing, but I'd argue it can never be explained too simply.</p> <p>Things like this just needs to be made a part of the process. You could see huge improvements over time if you could get all of the town's communicators mindful of these things.</p> <p>There are a lot of opportunities county wide for young adults with severe disabilities or no disabilities. Hardly any for those who don't fit into either category. Young adults with educational and social challenges.</p> <p>I have little or no contact with town accessibility even though I live here.</p> <p>Re the survey: the least frequent option for some usage questions was "several times a month." For some services, my usage is less than that--a few times a year-- but not "never".</p>
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