



AGENDA | REGULAR TOWN COUNCIL MEETING

August 8, 2023 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-Tempore: Audra Killingsworth

Council Members: Brett D. Gantt; Terry Mahaffey; Edward Gray; Arno Zegerman

Interim Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

CONSENT AGENDA

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

CN1 Annexation No. 756 - Yellowbridge Capital - 52.375 acres

Allen Coleman, Town Clerk

CN2 Annexation No. 758 - Estates at White Oak - 9.186 acres

Allen Coleman, Town Clerk

CN3 Annexation No. 759 - 5925 Farmpond Road - 2.747 acres

Allen Coleman, Town Clerk

CN4 Annexation No. 760 - 2633 Whistling Quail Run - 3.806 acres

Allen Coleman, Town Clerk

CN5 Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Board- Chair/Vice-Chair

Allen Coleman, Town Clerk

CN6 Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Board

Allen Coleman, Town Clerk

CN7 Appointment(s) - Public Art Committee - Vice-Chair

Allen Coleman, Town Clerk

CN8 Appointment(s) - Public Art Committee

Allen Coleman, Town Clerk

CN9 Agreement - Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept.

CN10 Agreement - North Carolina Department of Transportation (NCDOT) - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept

CN11 Agreement - North Carolina Department of Transportation (NCDOT) - Saunders Street and Hinton Street Sidewalk Project - Capital Project Ordinance Amendment No. 2024-4

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept

CN12 Agreement - P&A Administrative Services Inc. - Peak Lifestyle Account Management

Mary Beth Manville, Director, Human Resources Department

CN13 Agreement - Town of Cary - Remix Transit Planning Software Cost Reimbursement

Katie Schwing, Senior Planner - Long Range Transit, Planning Department

CN14 Agreement Amendment - Wake County - Municipal Fire Protection

Tim Herman, Chief, Fire Department

CN15 Budget Ordinance Amendment No. 3 - Facilities Master Plan Study and Downtown Parking Lease Extension

Daniel Edwards, Senior Capital Projects Manager, Transportation & Infrastructure Dev. Dept.

CN16 Budget Ordinance Amendment No. 4 - Debt Service Funds Transfer

Amanda Grogan, Director, Budget and Performance Management Department

CN17 Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendment 2024-3 - ARPA Capital Project Fund

Amanda Grogan, Director, Budget and Performance Management Department

CN18 Construction Contract - North Carolina Department of Transportation (NCDOT) - Beaver Creek Greenway (Phase 1, Phase 1A, and Phase 2) - Budget Ordinance Amendment No. 2 and Capital Project Ordinance Amendment No. 2024-02

Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources Dept.

CN19 Contract Multi-Year - J & D Tree Pros, Inc. - Tree Trimming and Stump Grinding Services - August 1, 2023 through June 30, 2026

Michael Deaton, P.E., Director, Water Resources Department

CN20 Council Meeting Minutes - Various

Allen Coleman, Town Clerk

CN21 Encroachment Agreement - 3588 Lovage Drive, Lot 41

Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept

CN22 Encroachment Agreement - 3592 Lovage Drive, Lot 40

Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept

CN23 Encroachment Agreement - Regency at White Oak Creek

Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept

CN24 Encroachment Agreement - 2941 Rise and Shine Road

Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept

CN25 Hatcher Property - Fee-In-Lieu (FIL)

Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources Dept.

CN26 Ordinance Amendment - Chapter 14 - Section 14 - Alcohol Consumption

Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept.

CN27 Ordinance Amendment - Chapter 20 Traffic - Section 61(a) - Laura Duncan Road, No U-Turns

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept

CN28 Ordinance Amendment - Chapter 20 Traffic - Section 164 - Homestead Park Drive and Evening Star Drive; No Parking

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept

CN29 Ordinance Amendment - Chapter 20 Traffic - Article V. Traffic Control Devices - Traffic Schedules I & II, Stop & Yield Updates

Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept

CN30 Real Property Acquisition - 215 Templeton Street and Budget Ordinance Amendment No. 1

Steve Adams, Utilities Acquisition and Real Estate Specialist, Transportation & Infra. Dev. Dept.

CN31 Rezoning Case No. 23CZ07 - 940 Tingen Road - Statement and Ordinance

Liz Loftin, Senior Planner, Planning Department

CN32 Rezoning Case No. 23CZ09 - Hatcher Property Revision - Statement and Ordinance

Shelly Mayo, Planning II, Planning Department

CN33 Rezoning Case No. 23CZ11 - Smith Farm Ph 5 PUD Amendment - Statement and Ordinance

Shelly Mayo, Planning II, Planning Department

CN34 Tax Report - May 2023

Allen Coleman, Town Clerk

CN35 Town Council Meeting Calendar Amendment(s) - 2023

Allen Coleman, Town Clerk

PRESENTATIONS

PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards

Councilmember Mahaffey, Sponsor

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 Annexation No. 752 - Castleberry Assemblage - 90.24 acres

June Cowles, Senior Planner, Planning Department

AND

PH2 Rezoning Case No. 23CZ04 - Castleberry Reserve PUD

June Cowles, Senior Planner, Planning Department

PH3 Rezoning Case No. 23CZ10 - Salem Church Road Parcels

June Cowles, Senior Planner, Planning Department

PH4 Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment

Amanda Bunce, Planning Manager, Planning Department

PH5 Right-of-Way (ROW) Road Closure Request - Portion of Burma Drive

Allen Coleman, Town Clerk

PH6 Transportation Plan Amendments - Jenks Road and Goodwin Road, US 64

Shannon Cox, Long Range Planning Manager, Planning Department

PH7 Transportation Plan Amendments - East Williams Street, NC 55

Shannon Cox, Long Range Planning Manager, Planning Department

NEW BUSINESS

NB1 Resolution - Authorizing Public Improvement Bonds

Antwan Morrison, Finance Director, Finance Department

NB2 Special Events Policy - Addendum A: Fee Structure

Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept.

UPDATES BY INTERIM TOWN MANAGER

CLOSED SESSION

Council will enter into closed session pursuant to:

CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist

NCGS §143-318.11(a)(5):

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

CS2 Laurie Hohe, Town Attorney, Legal Department

NCGS §143-318.11(a)(3):

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

CS3 Jacques K. Gilbert, Mayor

NCGS §143-318.11(a)(6):

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

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 22, 2023, on the Question of Annexation - Apex Town Council's intent to annex 52.375 acres Yellowbridge Capital, Annexation No. 756 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- CN1-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN1-A2: Legal Description - Annexation No. 756
- CN1-A3: Aerial Map - Annexation No. 756
- CN1-A4: Plat Map - Annexation No. 756
- CN1-A5: Annexation Petition - Annexation No. 756





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

Annexation Petition #756
Yellowbridge Capital – 52.375 acres

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

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #756
Yellowbridge Capital – 52.375 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 8th day of August, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



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

Annexation Petition #756
Yellowbridge Capital – 52.375 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 22nd day of August, 2023.

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

Yellowbridge Capital Annexation Boundary

Annexation #756

Proposed Ennis Branch Subdivision

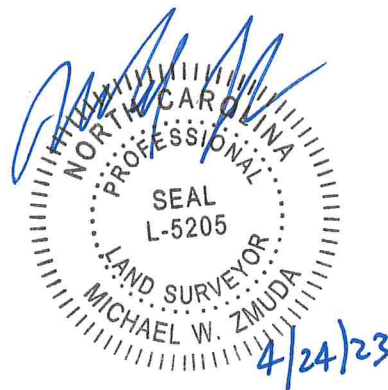
PIN# 0722752304 & 0722743789

All that certain real property situated in White Oak Township, Wake County, North Carolina, described as follows:

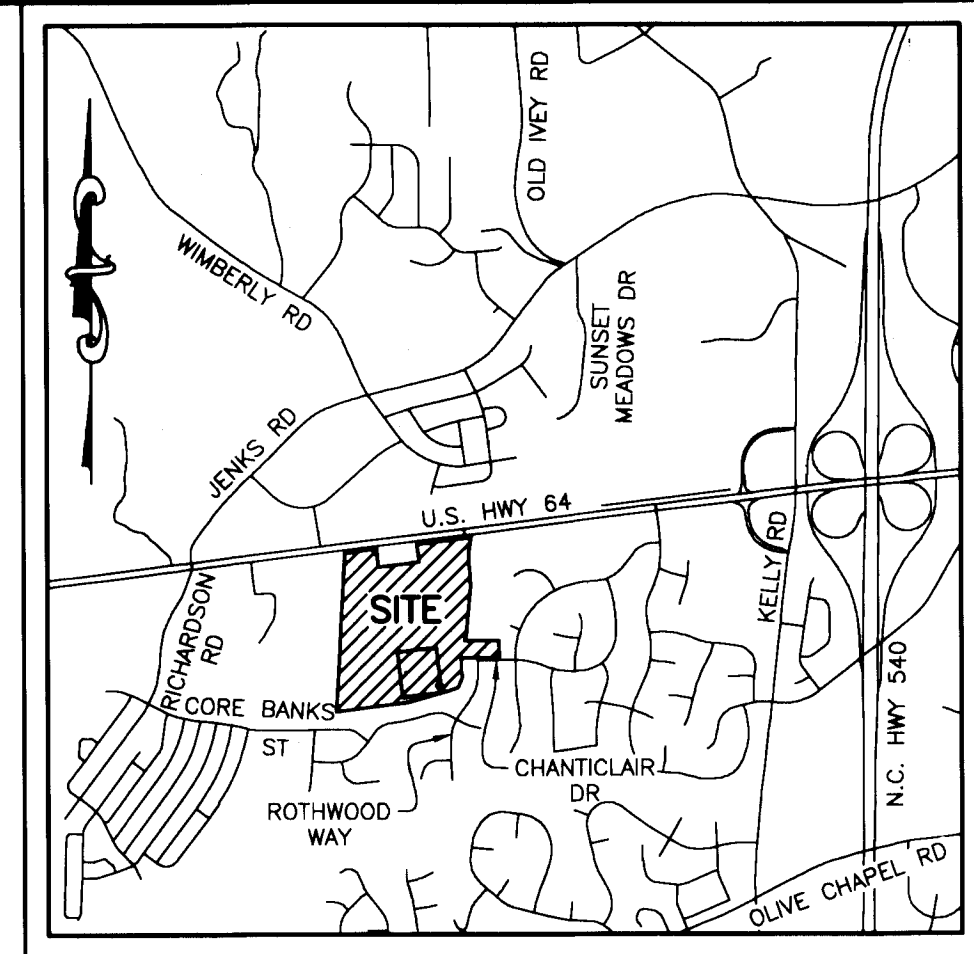
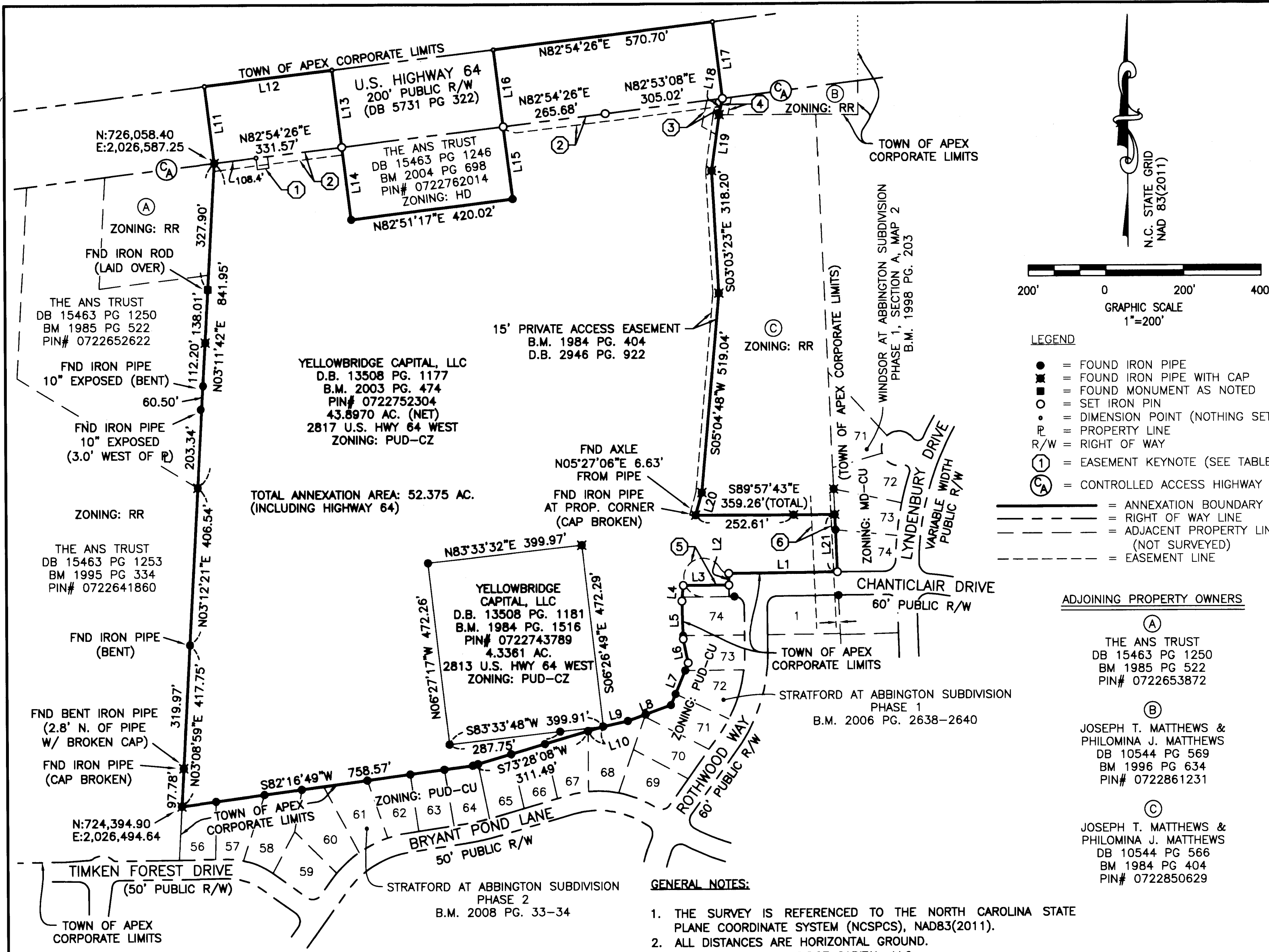
Beginning at a set iron rod on the northern right of way line of Chantclair Drive, said iron rod marking the southwestern corner of Lot 74 as said lot is shown and so designated on that certain subdivision plat entitled "Windsor at Abbingdon – Phase 1, Section A, Map 2, Lots 24-27 & 65-74" recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the northern right of way line of Chantclair Drive, South 89°37'45" West 280.73 feet to a set iron rod; thence South 00°22'15" East 30.04 feet to a set iron rod at the centerline of the western terminus of Chantclair Drive and the northeastern corner of the 0.08 acre Reserved Area depicted on that certain subdivision plat entitled "Stratford at Abbingdon, Phase 1: Lots 1-31, 65-75, Owner: Highway 64, LLC" recorded in Book of Maps 2006, Pages 2638 to 2640, Wake County Registry; thence along the northern and western boundary of said Reserved Area and continuing along the northwestern boundary of said Stratford at Abbingdon subdivision the following nine courses: (1) South 89°37'45" West 118.01 feet to a set iron rod; (2) South 05°29'21" West 40.93 feet to a set iron rod; (3) South 01°54'29" East 98.00 feet to a set iron rod; (4) South 11°29'28" East 62.80 feet to a set iron rod; (5) South 22°27'50" West 118.06 feet to a found iron pipe; (6) South 70°08'38" West 118.71 feet to a found iron pipe; (7) South 77°30'46" West 65.05 feet to a found iron pipe; (8) South 73°46'05" West 40.75 feet to a found iron pipe; and (9) South 73°28'08" West 311.49 feet to a found iron pipe at an angle point in the northern boundary of Lot 64 as said lot is shown and so designated on that certain subdivision plat entitled "Stratford at Abbingdon, Phase 2: Lots 32-64, Owner: Highway 64, LLC" recorded in Book of Maps 2008, Pages 33 and 34, Wake County Registry; thence along the northern boundary of said Stratford at Abbingdon Phase 2 subdivision South 82°16'49" West 758.57 feet to a found iron pipe with cap at the northwestern corner of Lot 56 of said Stratford at Abbingdon Phase 2 subdivision, said point also being on the eastern boundary of Lot 2 as said lot is shown and so designated on that certain plat entitled "Recombination Survey for Cecil V. Campfield and Wife Sharon K. Campfield" recorded in Book of Maps 1995, Page 334, Wake County Registry; thence along the eastern boundary of said Campfield plat the following two courses: (1) North 03°08'59" East 417.75 feet to a found bent iron pipe; and (2) North 03°12'21" East 406.54 feet to a found iron pipe with cap at the southeastern corner of Lot 'A' as said lot is shown and so designated on that certain plat entitled "Recombination for Joel V. Perry" recorded in Book of Maps 1985, Page 522, Wake County Registry; thence along the eastern boundary of said Perry plat North 03°11'42" East 841.95 feet to a found iron rod with cap on the southern right of way line of U.S. Highway 64; thence North 07°05'34" West 200.00 feet to the northern right of way line of U.S. Highway 64; thence along said northern right of way line North 82°54'26" East 331.57 feet; thence South 07°05'34" East 200.00 feet to the southern right of way line of U.S. Highway 64 and a set iron rod at the northwestern corner of the parcel depicted on that certain plat entitled "Boundary Survey, Property of Calvin Mills, Prepared for David and Sharon Raymer" recorded in Book of Maps 2004, Page 698, Wake County Registry; thence along the western, southern and eastern boundary of said Mills plat the following three courses: (1) South 07°08'43" East 189.52 feet to a found iron pipe; (2) North 82°51'17" East 420.02 feet to a found iron pipe; and (3) North 07°08'43"

West 189.14 feet to a set iron rod on the southern right of way line of U.S. Highway 64; thence North 07°05'34" West 200.00 feet to the northern right of way line of U.S. Highway 64; thence along said northern right of way line North 82°54'26" East 570.70 feet; thence South 07°05'34" East 199.88 feet to the southern right of way line of U.S. Highway 64 and a set iron rod at the northwestern corner of Area "B" as shown and so designated on that certain plat entitled "Property of Blakely-Braswell Land Company, LLC" recorded in Book of Maps 1996, Page 634, Wake County Registry; thence along the western boundary of said Area "B", South 11°47'52" West 42.58 feet to a found iron pipe with cap at the northwestern corner of Tract 'A' as said lot is shown and so designated on that certain plat entitled "Property of Calvin E. Mills, Alta Belle P. Mills, Ted Mills & Randy Mills By William R. Hoke & Paul Stam, Jr., Co-trustees" recorded in Book of Maps 1984, Page 404, Wake County Registry; thence along the western and southern boundaries of said Mills plat the following five courses: (1) South 07°43'26" West 146.44 feet to a found iron pipe with cap; (2) South 03°03'23" East 318.20 feet to a found iron pipe with cap; (3) South 05°04'48" West 519.04 feet to a found iron pipe with cap; (4) South 15°45'44" West 60.82 feet to a found iron pipe with broken cap; and (5) South 89°57'43" East 359.26 feet to a found iron pipe with cap on the western boundary of Lot 73 of the previously mentioned Windsor at Abbington subdivision plat recorded in Book of Maps 1998, Page 203, Wake County Registry; thence along the western boundary of said Windsor at Abbington subdivision South 02°25'07" East 148.61 feet to the point of beginning.

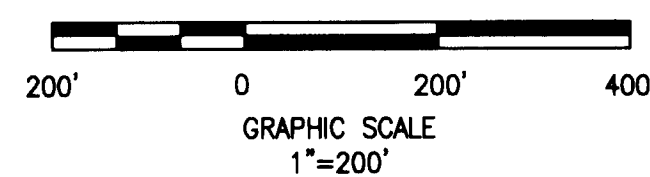
Containing 52.375 acres, more or less.







VICINITY MAP
SCALE: 1"=2000'



- LEGEND**
- = FOUND IRON PIPE
 - = FOUND IRON PIPE WITH CAP
 - = FOUND MONUMENT AS NOTED
 - = SET IRON PIN
 - = DIMENSION POINT (NOTHING SET)
 - = PROPERTY LINE
 - R/W = RIGHT OF WAY
 - ① = EASEMENT KEYNOTE (SEE TABLE)
 - Ⓐ = CONTROLLED ACCESS HIGHWAY
 - = ANNEXATION BOUNDARY
 - - - = RIGHT OF WAY LINE
 - - - = ADJACENT PROPERTY LINE (NOT SURVEYED)
 - - - = EASEMENT LINE

ADJOINING PROPERTY OWNERS

- (A) THE ANS TRUST
DB 15463 PG 1250
BM 1985 PG 522
PIN# 0722653872
- (B) JOSEPH T. MATTHEWS & PHILOMENA J. MATTHEWS
DB 10544 PG 569
BM 1996 PG 634
PIN# 0722861231
- (C) JOSEPH T. MATTHEWS & PHILOMENA J. MATTHEWS
DB 10544 PG 566
BM 1984 PG 404
PIN# 0722850629

EASEMENTS

- ① APPROX. LOCATION
30'x30' DRAINAGE EASEMENT
D.B. 5731 PG. 325
- ② 20' TOWN OF APEX
WATERLINE EASEMENT
D.B. 16524 PG. 1151
D.B. 16957 PG. 744
- ③ 60' ACCESS EASEMENT
BM 1984 PG 404
DB 2946 PG 922
- ④ 22.5' INGRESS/EGRESS EASEMENT
D.B. 3108 PG. 300
- ⑤ PRIVATE ACCESS EASEMENT
D.B. 10201 PG. 2461
B.M. 2003 PG. 474
- ⑥ 50' GAS PIPELINE EASEMENT
D.B. 8331 PG. 18

LINE	BEARING	DISTANCE
L1	S89°37'45"W	280.73'
L2	S00°22'15"E	30.04'
L3	S89°37'45"W	118.01'
L4	S05°29'21"W	40.93'
L5	S01°54'29"E	98.00'
L6	S11°29'28"E	62.80'
L7	S22°27'50"W	118.06'
L8	S70°08'38"W	118.71'
L9	S77°30'46"W	65.05'
L10	S73°46'05"W	40.75'
L11	N07°05'34"W	200.00'
L12	N82°54'26"E	331.57'
L13	S07°05'34"E	200.00'
L14	S07°08'43"E	189.52'
L15	N07°08'43"W	189.14'
L16	N07°05'34"W	200.00'
L17	S07°05'34"E	199.88'
L18	S11°47'52"W	42.58'
L19	S07°43'26"W	146.44'
L20	S15°45'44"W	60.82'
L21	S02°25'07"E	148.61'

GENERAL NOTES:

1. THE SURVEY IS REFERENCED TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NCSPCS), NAD83(2011).
2. ALL DISTANCES ARE HORIZONTAL GROUND.
3. OWNER: YELLOWBRIDGE CAPITAL, LLC
4. ADDRESS: 2813 U.S. HWY 64 WEST (PIN# 0722743789)
2817 U.S. HWY 64 WEST (PIN# 0722752304)
5. ZONING: PUD-CZ (BOTH PARCELS)
6. TOTAL ANNEXATION AREA (INCLUDING HWY 64): 52.375 ACRES
7. THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE 'X' (UNSHADED) AS SHOWN ON THE NATIONAL FLOOD INSURANCE RATE MAP (FIRM) FOR WAKE COUNTY, NORTH CAROLINA, PANEL 0722, MAP NO. 3720072200K, HAVING AN EFFECTIVE DATE OF JULY 19, 2022.

ANNEXATION #

I, ALLEN COLEMAN, CMC, NCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____, 2023, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, _____.

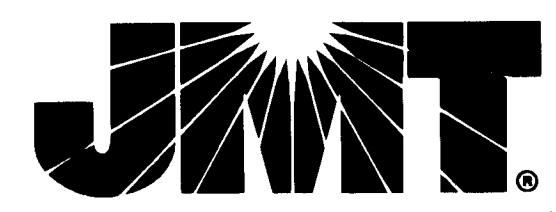
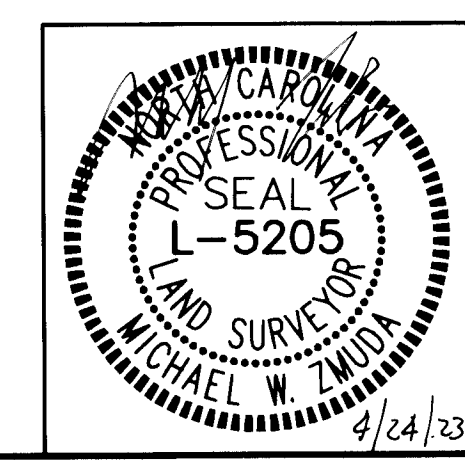
ALLEN COLEMAN, CMC, NCCC, TOWN CLERK

CERTIFICATE OF SURVEY

I, MICHAEL W. ZMUDA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION BASED ON THE REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS GREATER THAN 1:15,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 24th DAY OF April, A.D., 2023.

I, MICHAEL W. ZMUDA, FURTHER CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

MICHAEL W. ZMUDA
PLS# L-5205



9201 ARBORETUM PARKWAY, SUITE 310 | RICHMOND, VA 23236
P: (804) 323-9900 | F: (804) 323-0596 | www.jwmt.com

REVISION #	DATE	REASON FOR REVISION
1	4/11/2023	PER TOWN COMMENTS
2	4/24/2023	INCLUDED HWY 64 R/W PER TOWN COMMENTS

**ANNEXATION MAP
FOR THE
TOWN OF APEX**

ADDRESS: 2813 & 2817 U.S. HIGHWAY 64 WEST
WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

DRAWN BY: JSZ	PROJECT#:	JMT# 21-03775-001 SHEET 1 OF 1
CHECKED BY: MWZ	CONTRACT#:	
DATE: 03/27/2023	SCALE: 1"=200'	

PETITION FOR VOLUNTARY ANNEXATION Town of Apex, North Carolina



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

ANNEXATION FEE: \$200.00

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

HARD COPY SUBMITTAL REQUIREMENTS:

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

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

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

REVIEW AND APPROVAL PROCESS:

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

FOR WELL AND/OR SEPTIC FAILURES:

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Yellowbridge Capital, LLC (attn: Gerald Hornick)

0722-75-2304 & 0722-74-3789

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 267-6928 (attn: Tom Colhoun)

gerryhornick@yahoo.com & tom@colhounrealestate.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Johnson, Mirmiran & Thompson, Inc. [JMT] - Michael Zmuda, PLS

Phone: (804) 323-9900

Fax: (804) 323-0596

E-mail Address: mzmuda@jmt.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>52.375 ac</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>2</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>160</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

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 IN A LIMITED LIABILITY COMPANY

In witness whereof, Yellowbridge Capital, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 3 day of April, 2023

Name of Limited Liability Company YELLOWBRIDGE Capital, LLC

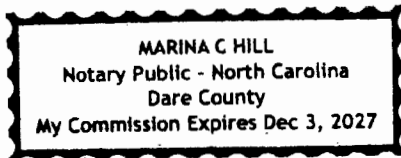
By: [Signature]
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ DARE

Sworn and subscribed before me, MARINA C Hill a Notary Public for the above State and County, this the 3RD day of APRIL, 2023

[Signature] [Signature]
Notary Public

SEAL



My Commission Expires: 12/03/2027

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the _____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PAYMENT DATE

04/03/2023

COLLECTION STATION

Tony Ibanez

RECEIVED FROM

Peak Engineering & Design,
PLLC

DESCRIPTION

Annexation #756-Yellowbridge Capital (proposed Ennis Branch Sub) - 2023-00000007 Online Payment

TOWN OF APEX

P O BOX 250

APEX, NC 27502

(919) 362-8676 - Utility Payments

(919) 249-3418 - Permits Only

(919) 249-3426 - Planning & Zoning Only

BATCH NO.

2023-00002803

RECEIPT NO.

2023-00182129

CASHIER

Tony Ibanez

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES Annexation #756-Yellowbridge Capital (proposed Ennis Branch Sub) - 2023-00000007 Online Payment	\$200.00						
Payments:	<table><tr><th>Type</th><th>Detail</th><th>Amount</th></tr><tr><td>Check</td><td>3502</td><td>\$200.00</td></tr></table>	Type	Detail	Amount	Check	3502	\$200.00	
Type	Detail	Amount						
Check	3502	\$200.00						
Total Amount:		\$200.00						

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 22, 2023, on the Question of Annexation - Apex Town Council's intent to annex 9.186 acres, Estates at White Oak, Annexation No. 758 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- CN2-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN2-A2: Legal Description - Annexation No. 758
- CN2-A3: Aerial Map - Annexation No. 758
- CN2-A4: Plat Map - Annexation No. 758
- CN2-A5: Annexation Petition - Annexation No. 758





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

Annexation Petition #758
Estates at White Oak – 9.186 acres

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

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #758
Estates at White Oak – 9.186 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 8th day of August, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



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

Annexation Petition #758
Estates at White Oak – 9.186 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 22nd day of August, 2023.

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

Annexation Legal Description for REID: 0046520 & 0046521

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID: 0046520 & 0046521, Wake County Records, and being more particularly described as follows:

Beginning at an Iron Pipe found at the Southwest property corner of Estates at Whiteoak, LLC (REID: 0046520, DB 18779, Pg 2351), Wake County Records and Eastern property line of The Preserve at White Oak Creek Homeowners Association (REID: 0443654, DB 17584, Pg 2495), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 4/06/2023 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID: 0046520 & 0046521", having State Plane Coordinates N:729397.42, E:2027854.86;

Thence N01°26'42"E, 600.47' to an Iron Pipe found at the Northwest Property Corner of REID:0046520; thence N89°03'09"E, 319.33' to an Iron Pipe found at the Northeast Property Corner of REID:0046520; thence S04°42'28"E, 59.90' to an Iron Pipe found at the Northwest Property Corner of REID:0046521; thence S79°00'06"E, 164.44' to a Point in the Western Right of Way of Old Ivey Road SR-1782; thence along the Western Right of Way of Old Ivey Road SR-1782 a Curve to the Left having a Radius of 1015.00', a Length of 339.28' and a Direction of S09°18'36"E, 337.70' to a Point; thence along the Western Right of Way of Old Ivey Road SR-1782 S18°53'06"E, 102.93' to a Point; thence along the Western Right of Way of Old Ivey Road SR-1782 a Curve to the Left having a Radius of 633.00', a Length of 573.65' and a Direction of S44°50'49"E, 554.22' to a Point being on the Northern Right of Way of Jenks Road SR-1601 and Western Right of Way of Old Ivey Road SR-1782; thence along the Northern Right of Way of Jenks Road SR-1601 S54°53'00"W, 0.49' to an Iron Pipe Found; thence N73°06'56"W, 262.85' to an Iron Pipe found; thence N59°58'16"W, 100.00' to an Iron Pipe found; thence N44°48'11"W, 141.48' to an Iron Pipe found; thence N74°51'17"W, 158.69' to an Iron Pipe found being the Southwest Property Corner of REID:0046521 & Southeast Property Corner of REID:0046520; thence N74°54'00"W, 141.20' to an Iron Pipe found; thence S85°37'00"W, 200.00' to an Iron Pipe found; thence N69°28'00"W, 56.00' to an Iron Pipe found. Said Iron Pipe being the Point of Beginning.

Said Annexation contains 352,894 square feet / 8.101 acres, more or less.

Annexation Legal Description for Old Ivey Road

All that certain parcels of land, situated in Apex, Wake County, North Carolina, being known as REID: 0046520 & 0046521, Wake County Records, and being more particularly described as follows:

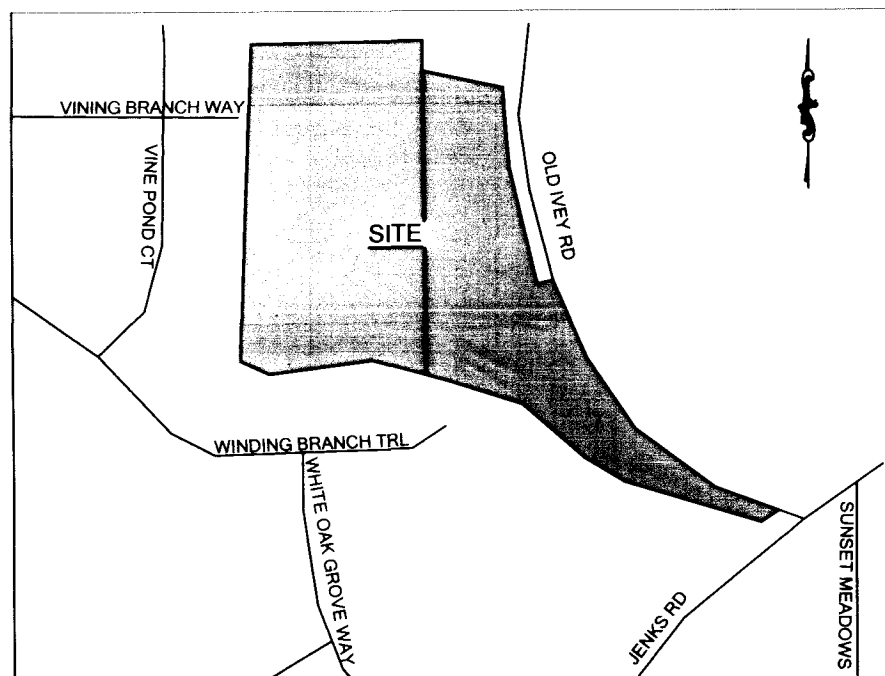
Commencing at an Iron Pipe found at the Southwest property corner of Estates at Whiteoak, LLC (REID: 0046520, DB 18779, Pg 2351), Wake County Records and Eastern property line of The Preserve at White Oak Creek Homeowners Association (REID: 0443654, DB 17584, Pg 2495), Wake County records and being designated as the Point of Beginning as shown on map made by Bateman Civil Survey Company, dated 4/06/2023 and entitled "Annexation Map for the Town of Apex" Apex, NC, Wake County, White Oak Township, REID: 0046520 & 0046521", having State Plane Coordinates N:729397.42, E:2027854.86;

Thence N01°26'42"E, 600.47' to an Iron Pipe found at the Northwest Property Corner of REID:0046520; thence N89°03'09"E, 319.33' to an Iron Pipe found at the Northeast Property Corner of REID:0046520; thence S04°42'28"E, 59.90' to an Iron Pipe found at the Northwest Property Corner of REID:0046521; thence S79°00'06"E, 164.44' to a Point in the Western Right of Way of Old Ivey Road SR-1782;

Said Point being the Point of Beginning; thence to the Centerline of Old Ivey Road SR-1782 S79°00'06"E, 30.55' to a Point; thence along the Centerline of Old Ivey Road SR-1782 a Curve to the Left having a Radius of 985.00', a Length of 323.56' and a Direction of S09°28'32"E, 322.11' to a Point; thence along the Centerline of Old Ivey Road SR-1782 S18°53'06"E, 95.51' to a Point; thence leaving the Centerline of Old Ivey Road SR-1782 N85°00'54"E, 30.91' to a Point in the Eastern Right of Way of Old Ivey Road SR-1782; thence along the Eastern Right of Way of Old Ivey Road SR-1782 a Curve to the Left having a Radius of 573.00', a Length of 557.66' and a Direction of S46°46'04"E, 535.91' to a Point; thence along the Eastern Right of Way of Old Ivey Road SR-1782 S74°11'06"E, 5.94' to a Point being on the Northern Right of Way of Jenks Road SR-1601 and Eastern Right of Way of Old Ivey Road SR-1782; thence across the Right of Way of Old Ivey Road SR-1782 S54°53'00"W, 75.91' to a Point in the Western Right of Way of Old Ivey Road SR-1782 and Northern Right of Way of Jenks Road SR-1601; thence along the Western Right of Way of Old Ivey Road SR-1782 a Curve to the Right having a Radius of 633.00', a Length of 573.65' and a Direction of N44°50'49"W, 554.22' to a Point; thence along the Western Right of Way of Old Ivey Road SR-1782 N18°53'06"W, 102.93' to a Point; thence along the Western Right of Way of Old Ivey Road SR-1782 a Curve to the Right having a Radius of 1015.00', a Length of 339.28' and a Direction of N09°18'36"W, 337.70' to a Point; Said Point being the Point of Beginning.

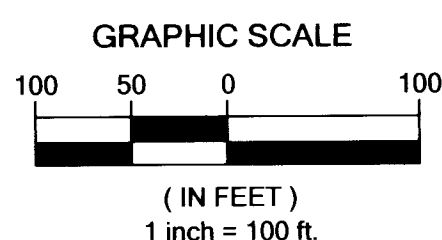
Said Annexation contains 47,252 square feet / 1.085 acres, more or less.





VICINITY MAP
NOT TO SCALE

Line Table		
Line #	Direction	Length
L1	N01°26'42"E	600.47
L2	N89°03'09"E	319.33
L3	S04°42'28"E	59.90
L4	S79°00'06"E	164.44
L5	S18°53'06"E	102.93
L6	S54°53'00"W	0.49
L7	N73°06'56"W	262.85
L8	N59°58'16"W	100.00
L9	N44°48'11"W	141.48
L10	N74°51'17"W	158.69
L11	N74°54'00"W	141.20
L12	S85°37'00"W	200.00
L13	N69°28'00"W	56.00
L14	S79°00'06"E	30.55
L15	S18°53'06"E	95.51
L16	N85°00'54"E	30.91
L17	S74°11'06"E	5.94
L18	S54°53'00"W	75.91



NAD 83/NSRS 2011/SPC

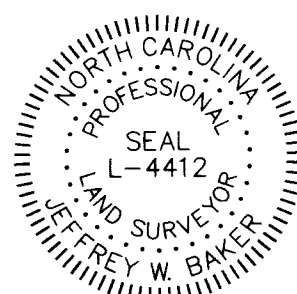
Curve Table						
Curve #	Radius	Length	Delta	Direction	Chord	Tangent
C1	1015.00	339.28	019°09'07"	S09°18'36"E	337.70	171.24
C2	633.00	573.65	051°55'25"	S44°50'49"E	554.22	308.21
C3	985.00	323.56	018°49'15"	S09°28'32"E	322.11	163.25
C4	573.00	557.66	055°45'43"	S46°46'04"E	535.91	303.15

"I, Jeffrey W. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 18779, page 2351); that the boundaries not surveyed are clearly indicated as drawn from information found in Book 1983, page 1293; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended, witness my original signature, license number and seal this 26th day of July, A.D. 2023."

Jeffrey W. Baker
Professional Land Surveyor
License Number-4412

I, Jeffrey W. Baker, Professional Land Surveyor No. L-4412 certify that the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exceptions to the definition of subdivision.

Jeffrey W. Baker 7/26/23
Jeffrey W. Baker, PLS L-4412 date



REFERENCES:
BM 1983, PG 1293
DB 18779, PG 2351

N/F
The Preserve At White Oak Creek
Homeowners Association
PIN: 0723705393
REID: 0465745
DB 17584, Pg 2495
BM 2018, Pg 2512
Zoning: PUD-CZ
Use: Vacant

Vining Branch Way
50' Public R/W
BM 2018, Pg 2512

N/F
The Preserve At White Oak Creek
Homeowners Association
PIN: 0722798754
REID: 0449158
DB 17584, Pg 2495
BM 2017, Pg 1625
Zoning: PUD-CZ
Use: Vacant

N/F
Estates At Whiteoak LLC
PIN: 0722890666
REID: 0046520
DB 18779, Pg 2351
Zoning: LD-CZ
Use: Vacant

Annexation Area
REID: 0046520
REID: 0046521
352,894 sf
8.101 ac

N/F
Justin Carroll
Jessica Carroll
PIN: 0723801216
REID: 0053388
DB 16824, Pg 2188
Zoning: RR
Use: Single Family

N/F
Sandra Peabody
PIN: 0722896756
REID: 0153854
DB 12298, Pg 1825
BM 1985 Pg 1577
Zoning: RR
Use: Single Family

N/F
Eura Elizabeth Tunstall
PIN: 0722897529
REID: 0084522
DB 18063, Pg 16
BM 1973 Pg 180
Zoning: RR
Use: Vacant

N/F
Eura Elizabeth Tunstall
PIN: 0722897396
REID: 0009119
DB 18063, Pg 16
BM 1973 Pg 180
Zoning: RR
Use: Single Family

N/F
The Preserve At White Oak Creek
Homeowners Association
PIN: 0722890389
REID: 0443654
DB 17584, Pg 2495
BM 2017, Pg 182
Zoning: PUD-CZ
Use: Vacant

Annexation Area
Old Ivey Road
Right of Way
47,252 sf
1.085 ac

N/F
Apex Properties & Rentals LLC
PIN: 0722895121
REID: 0135782
DB 8545, Pg 2069
BM 1984, Pg 1520
Zoning: RR
Use: Single Family

TOA Joint Water
& Utility Easement
DB 15977, Pg 1182

GENERAL NOTES

- This survey was prepared by Bateman Civil Survey Co., under the supervision of Jeffrey W. Baker, PLS.
- 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.
- 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.
- All distances are horizontal ground distances and all bearings are North Carolina State Plane Coordinate System unless otherwise shown.
- No Grid Monuments found within 2000'.
- Areas are by coordinate computation.
- Tied to the National CORS Network through NC VRS.
- This plat is considered preliminary unless signed & sealed by a Licensed Surveyor.

LEGEND

●	NAIL FOUND
○	IRON PIPE/REBAR FOUND
⊙	COMPUTED POINT
□	BOOK OF MAPS
DB	DEED BOOK
N/F	NOW OR FORMERLY
R/W	RIGHT OF WAY
POB	POINT OF BEGINNING
---	BOUNDARY LINE
---	EXISTING PROPERTY LINE
---	EASEMENT LINE
---	CENTERLINE RIGHT OF WAY
---	EXISTING CORPORATE LIMITS
---	NEW CORPORATE LIMITS
---	ANNEXATION AREA

Required Base Information:

Project Information: 7620 McQueens Dr, Apex, NC, 27523 (Reid 0046520)
1516 Old Ivey Rd, Apex, NC, 27523 (Reid 0046521)

Owner Information: Estates at Whiteoak, LLC

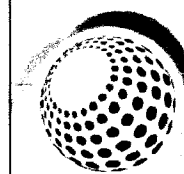
Surveyor Information: Jeffrey W. Baker
North Carolina
L-4412

Date of Survey & Plat Preparation: 4/06/2023

Township, County, State: White Oak, Wake, North Carolina

ANNEXATION # _____ I Allen Coleman, CMC,
NCCCC, Town Clerk, Apex, North Carolina certify this is a true and exact map
of annexation adopted the _____ day of _____, 20____, by the Town
Council. I set my hand and seal of the Town of Apex, _____
Day / Month / Year

Allen Coleman, CMC, NCCCC, Town Clerk



Bateman Civil Survey Company
Engineers • Surveyors • Planners
2524 Reliance Ave., Apex, NC 27539
Phone 919.577.1080 Fax 919.577.1081
NCBELS FIRM No. C-2378

Estates At Whiteoak LLC
2500 Stonington Dr
Apex NC 27523

ANNEXATION MAP
For The Town of Apex
Apex NC, White Oak Township, Wake County
REID: 0046520 & 0046521

Rev: 7/20/2023

Drawn By: ABB

Checked By: JCH

Scale: 1" = 100'

Date: 04/06/2023

Project #: 210512

SHEET
1 OF 1

PETITION FOR VOLUNTARY ANNEXATION Town of Apex, North Carolina



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

ANNEXATION FEE: \$200.00

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

HARD COPY SUBMITTAL REQUIREMENTS:

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

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

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

REVIEW AND APPROVAL PROCESS:

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

FOR WELL AND/OR SEPTIC FAILURES:

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: _____

Submittal Date: _____

Fee Paid \$ _____

Check # _____

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Estates at White Oak, LLC

0722-89-0666 & 0722-89-3526

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(361) 228-2071

ranjeetagarwala@hotmail.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: Bateman Civil Survey Company (attn: Josh Davidson)

Phone: (919) 577-1080

Fax: (919) 577-1081

E-mail Address: josh@batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>9.186 acres</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>2</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>20</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>LD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Please Print

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

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 IN A LIMITED LIABILITY COMPANY

In witness whereof, Estate at White Oak LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 4th day of April, 2023

Name of Limited Liability Company Estate at White Oak LLC

By:

Raymond Agnew
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Michael P McColgan, a Notary Public for the above State and County, this the 4 day of April, 2023.

Michael P McColgan
Notary Public

SEAL

MICHAEL P MCCOLGAN
Notary Public
Wake Co., North Carolina
My Commission Expires Nov. 9, 2026

My Commission Expires:

11/9/2026

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By:

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PAYMENT DATE

04/11/2023

COLLECTION STATION

eSuites

RECEIVED FROM

Ranjeet Agarwala

DESCRIPTION

Annexation #XXX-Estates at White Oak - 2023-00000009 online payment

TOWN OF APEX

P O BOX 250

APEX, NC 27502

(919) 362-8676 - Utility Payments

(919) 249-3418 - Permits Only

(919) 249-3426 - Planning & Zoning Only

BATCH NO.

2023-00002880

RECEIPT NO.

2023-00188942

CASHIER

Lauren Sisson

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	PROJECT PLANNING CENTER FEES Annexation #XXX-Estates at White Oak - 2023-00000009 online payment	\$200.00						
Payments:	<table><tr><th>Type</th><th>Detail</th><th>Amount</th></tr><tr><td>Other</td><td>CHG</td><td>\$200.00</td></tr></table>	Type	Detail	Amount	Other	CHG	\$200.00	
Type	Detail	Amount						
Other	CHG	\$200.00						
Total Amount:		\$200.00						

Customer Copy

- Page 35 -

Printed by: Lauren Sisson

Page 1 of 1

04/12/2023 08:18:04 AM

FOR APPLICANT USE ONLY
PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 22, 2023, on the Question of Annexation - Apex Town Council's intent to annex 2.747 acres, located at 5925 Farmpond Road, Satellite Annexation No. 759 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- CN3-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN3-A2: Legal Description - Satellite Annexation No. 759
- CN3-A3: Aerial Map - Satellite Annexation No. 759
- CN3-A4: Plat Map - Satellite Annexation No. 759
- CN3-A5: Annexation Petition - Satellite Annexation No. 759





RESOLUTION DIRECTING THE TOWN CLERK
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-58.1

Satellite Annexation Petition No. 759
5925 Farmpond Road – 2.747 acres

WHEREAS, G.S. § 160A- 58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Satellite Annexation Petition No. 759
5925 Farmpond Road – 2.747 acres

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

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the noncontiguous area described therein, in accordance with G.S. § 160A-58.1 (b), as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 8th day of August, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



RESOLUTION SETTING DATE OF PUBLIC HEARING
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. § 160A-58.2 AS AMENDED

Satellite Annexation Petition No. 759
5925 Farmpond Road – 2.747 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 22nd day of August, 2023.

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert, Mayor

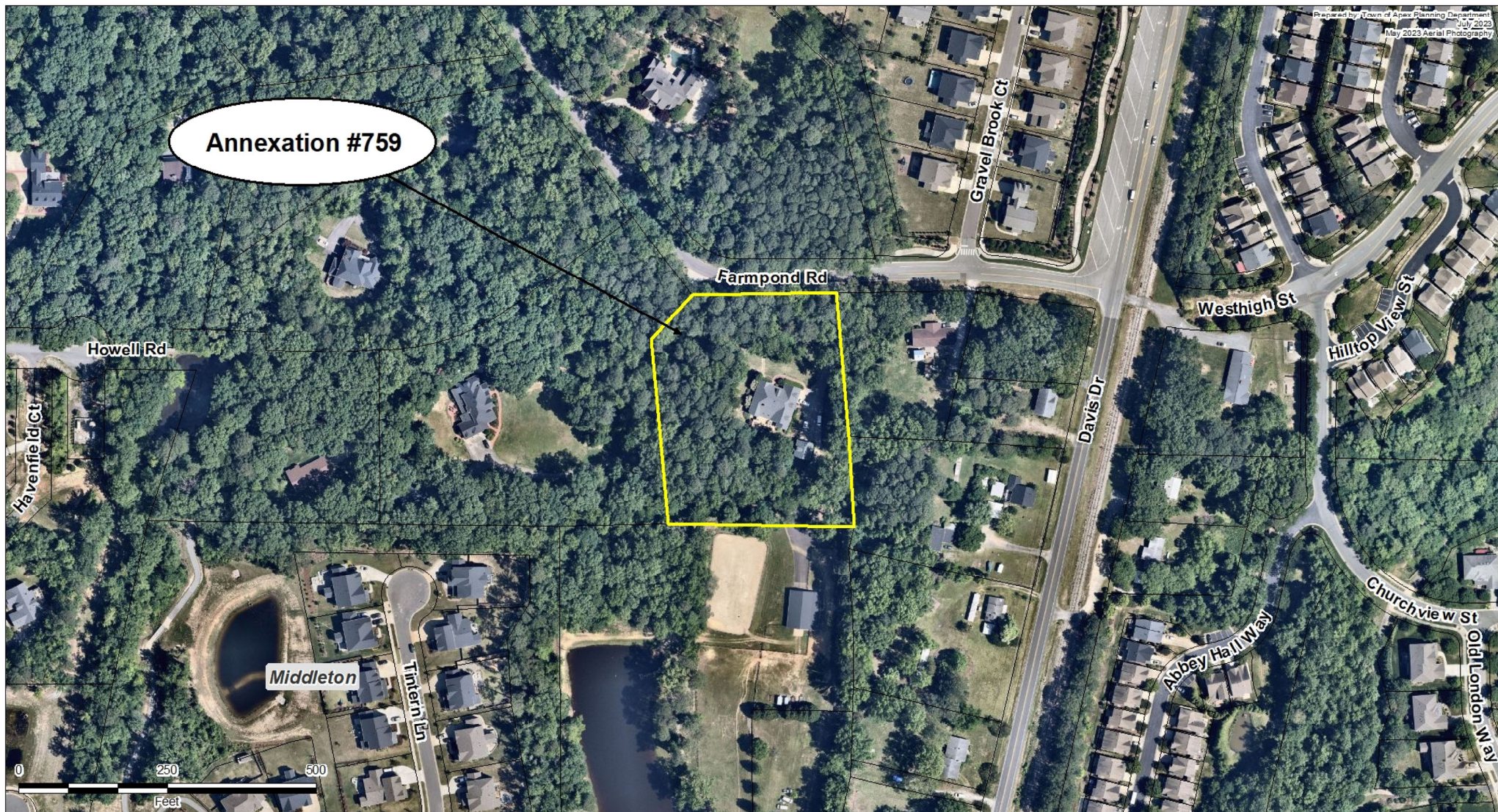
ATTEST:

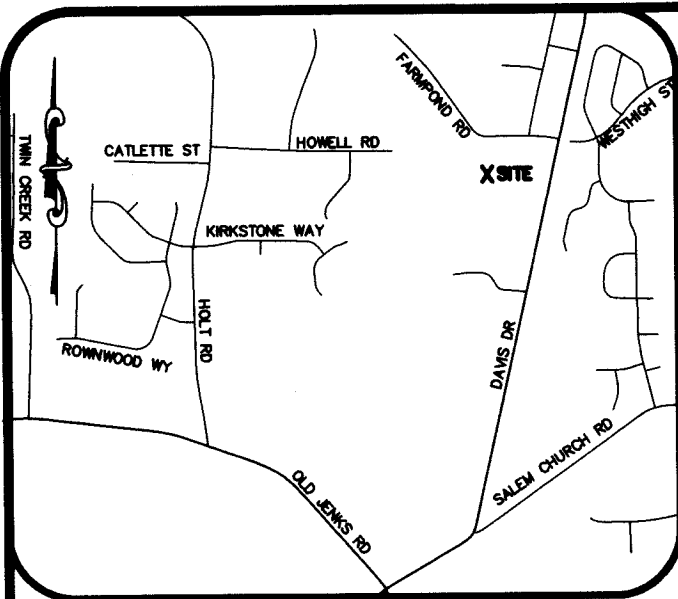
Allen L. Coleman, Town Clerk

Attachment: Legal Description

Legal Description

Beginning at an existing iron pipe in the southern right of way of Farmpond Road, said pipe being the northwestern corner of a tract now, or formally, owned by Mian Lin, thence leaving said right of way and running with the western line of the Lin tract South 04°54'04" East 241.47' to an existing iron pipe being the northwestern corner of a tract now, or formally, owned by Allen and Mary Kirk; thence running with the western line of the Kirk tract South 03°12'46" East 151.20' to an existing iron pipe; thence along a new line North 89°16'26" West 312.25' to an existing iron pipe being the southeastern corner of a tract now, or formally, owned by Gary and Kelly Lipscomb; thence running with the eastern lines of the Lipscomb tract the following two (2) calls, North 05°05'03" West 311.77' to an existing iron pipe; thence North 42°57'46" East 100.09' to an existing iron pipe in the southern right of way of Farmpond Road; thence with said right of way North 89°06'03" East 242.57' to the point of beginning, containing 2.747 acres.





VICINITY MAP

I, G. Darrell Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 12551, Page 927; Book of Maps 1999, page 659); that the ratio of precision as calculated is 1:20,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 23 day of March, A.D., 2023

Surveyor

G. Darrell Taylor

Reg. No. L-3729



Annexation # _____

I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the ____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____ Day/Month/Year

Allen Coleman, CMC, NCCCC, Town Clerk

LEGEND

EIP = EXISTING IRON PIPE
EIR = EXISTING IRON ROD
NIR = NEW IRON ROD
OT = OPEN TOP PIPE
CT = CRIMPED TOP PIPE
RB = RE-BAR
R/W = RIGHT OF WAY
E/P = EDGE OF PAVEMENT
B/C = BACK OF CURB
WM = WATER METER
P = POWER POLE
* = LIGHT POLE
● = CALCULATED POINT

NOTES:

BEING ALL OF LOT 1 OF THE WYLIE T. HAIR & ANN T. HAIR AND JARVIS CLIFTON FOWLER S/D AS RECORDED IN BOOK OF MAPS 1999 PG. 659 IN THE WAKE COUNTY REGISTRY.

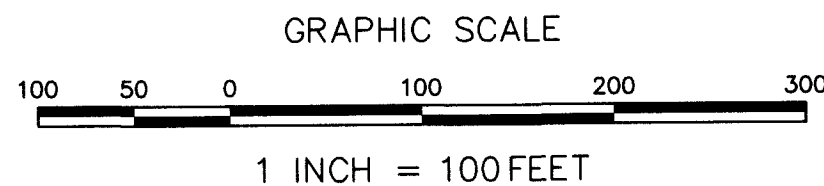
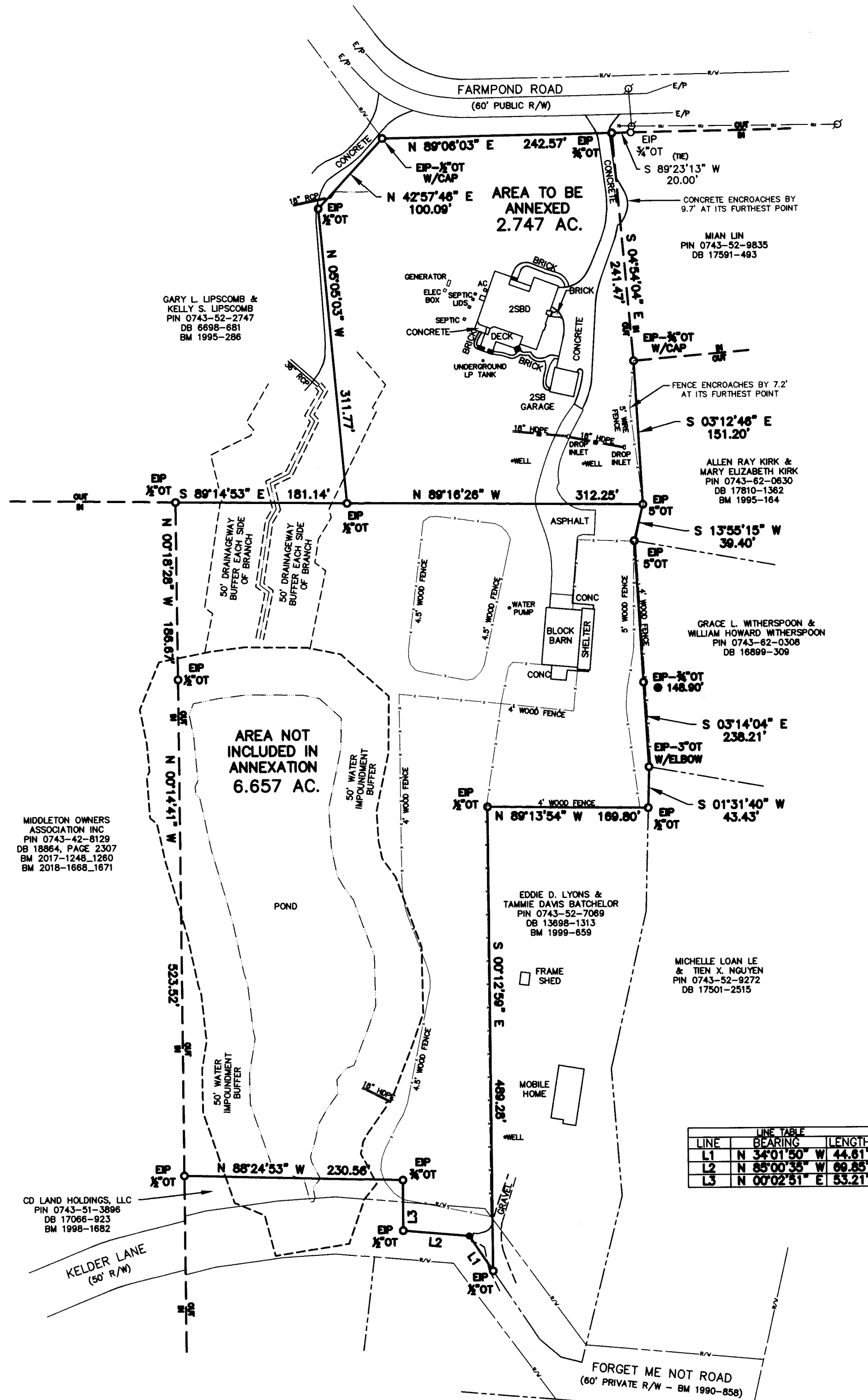
LOT IS SUBJECT TO ALL RESTRICTIONS AND EASEMENTS OF RECORD.

FLOOD NOTE:

NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720074300K, MAP REVISED JULY 19, 2022.

PRESENTED FOR REGISTRATION IN THE OFFICE OF THE REGISTER OF DEEDS FOR _____ COUNTY, NORTH CAROLINA ON THE ____ DAY OF _____, 20____, AT ____ O'CLOCK ____ M. AND RECORDED IN SAID OFFICE IN PLAT BOOK _____, PAGE _____.

REGISTER OF DEEDS

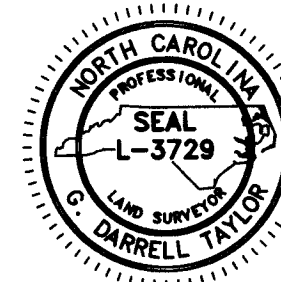


TOTAL ANNEXATION 2.747 AC.

--- EXISTING TOWN OF APEX CORPORATE LIMITS

G. DARRELL TAYLOR
Professional Land Surveyor
2220 Effingham Circle
Raleigh, NC 27615
919.906.8043

REVISIONS:



SURVEY BY:

SATELLITE ANNEXATION PLAT FOR THE TOWN OF APEX

SIDNEY S. & KIMBERLY A. SMITH
5925 FARMPOUND ROAD, APEX, NC 27523
WHITE OAK TWP., WAKE CO., N. C.
D.B. 12551, PG. 927 - TAX PIN 0743-52-6411

PROJ. NO.: 2023-181

FILENAME: SMITH

DRAWN BY: GDT

SCALE: 1" = 100'

DATE: 03/23/23

Annexation-

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2023-005
Fee Paid: \$ 200.00

Submittal Date: 3/15/23
Check #: CC online

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Kimberly A Smith
Owner Name (Please Print)

919-669-3835
Phone

Sidney S. Smith
Owner Name (Please Print)

919-669-8043
Phone

Owner Name (Please Print)

Phone

0743526411
Property PIN or Deed Book & Page #

Kim.smith3835@gmail.com
E-mail Address

0743526411
Property PIN or Deed Book & Page #

Sid.smith12@gmail.com
E-mail Address

Property PIN or Deed Book & Page #

E-mail Address

SURVEYOR INFORMATION

Surveyor: _____

Phone: _____ Fax: _____

E-mail Address: _____

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>2.747</u> <u>9.41</u>	Need water service due to well failure	<input checked="" type="checkbox"/>
Population of acreage to be annexed:	<u>4</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>1</u>	Water service (new construction)	<input type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	<u>RR</u>	Receive Town Services	<input type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Kimberly A. Smith
Please Print

Kimberly A. Smith
Signature

Sidney S. Smith
Please Print

[Signature]
Signature

Please Print

Signature

Please Print

Signature

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 15 day of March, 2023.

SEAL



Jeri Chastain Pederson
Notary Public

My Commission Expires: 3/10/2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, _____ a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Limited Liability Company _____

By: _____
Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

COMPLETE IF IN A PARTNERSHIP

In witness whereof, _____ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the ____ day of _____, 20____.

Name of Partnership _____

By: _____
Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

VOLUNTARY ANNEXATION-PLAT CHECKLIST

FOR APPLICANT USE ONLY

PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL

COMMON ACRONYMS/DEFINITIONS			
IDT Website	Contractor's Plan Room	UDO	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	DDM	Design & Development Manual
CONTACT INFORMATION			
Department of Planning and Community Development	(919) 249-3426	Soil & Erosion Control Officer	(919) 249-1166
Parks, Recreation, and Cultural Resources Department	(919) 372-7468	Electric Utilities Department	(919) 249-3342
Transportation Engineer	(919) 249-3358	Stormwater & Utility Engineering	(919) 249-3413

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 of NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	<p>The following certification must be placed on the map near a border to allow the map to be sealed:</p> <p>Annexation # _____</p> <p>I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____.</p> <p style="text-align: center;">Day/Month/Year</p> <p style="text-align: right;">_____ Allen Coleman, CMC, NCCCC, Town Clerk</p> <p style="text-align: center;">-Seal-</p>
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.

PAYMENT DATE

03/15/2023

COLLECTION STATION

eSuites

RECEIVED FROM

Kimberly Smith

DESCRIPTION

Annexation #XXX Smith 5925 Farmpond Rd - 2023-00000005 online payment

TOWN OF APEX

P O BOX 250

APEX, NC 27502

(919) 362-8676 - Utility Payments

(919) 249-3418 - Permits Only

(919) 249-3426 - Planning & Zoning Only

BATCH NO.

2023-00002612

RECEIPT NO.

2023-00171059

CASHIER

Lauren Sisson

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT						
PPC	<div>PROJECT PLANNING CENTER FEES</div> <div>Annexation #XXX Smith 5925 Farmpond Rd - 2023-00000005 online payment</div> <div>Payments:</div> <table><tr><th>Type</th><th>Detail</th><th>Amount</th></tr><tr><td>Other</td><td>CHG</td><td>\$200.00</td></tr></table>	Type	Detail	Amount	Other	CHG	\$200.00	\$200.00
Type	Detail	Amount						
Other	CHG	\$200.00						
	Total Amount:	\$200.00						

Custom

- Page 48 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 22, 2023, on the Question of Annexation - Apex Town Council's intent to annex 3.806 acres, located at 2633 Whistling Quail Run, Annexation No. 760 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- CN4-A1: Resolution Directing the Town Clerk to Investigate Petition
 - Certificate of Sufficiency by the Town Clerk
 - Resolution Setting Date of Public Hearing
- CN4-A2: Legal Description - Annexation No. 760
- CN4-A3: Aerial Map - Annexation No. 760
- CN4-A4: Plat Map - Annexation No. 760
- CN4-A5: Annexation Petition - Annexation No. 760





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

Annexation Petition #760
2633 Whistling Quail Run – 3.806 acres

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

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #760
2633 Whistling Quail Run – 3.806 acres

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 8th day of August, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(Seal)



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

Annexation Petition #760
2633 Whistling Quail Run – 3.806 acres

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 22nd day of August, 2023.

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

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

This the 8th day of August, 2023.

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk

Attachment: Legal Description

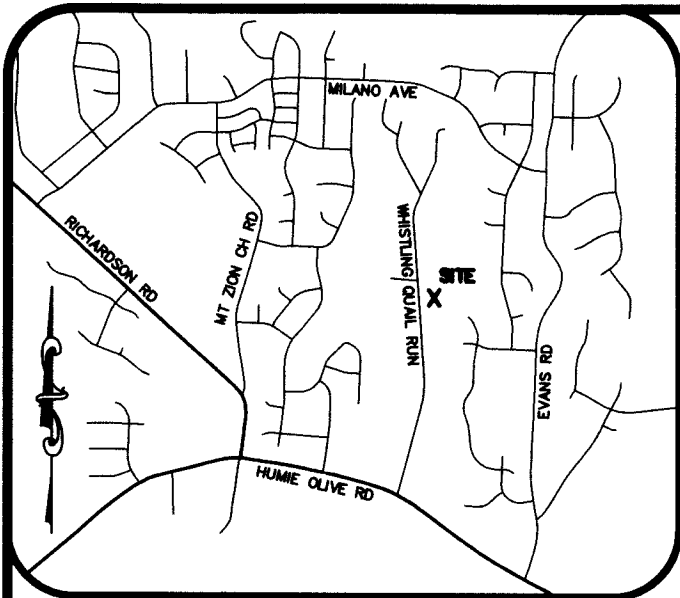
Legal Description

Beginning at an existing iron pipe in the northern right of way of Grouse Trail where it transitions from a 50' right of way to a 60' right of way; said iron pipe is standing North 03°16'54" East 5.00' from and existing iron pipe in the northern right of way of Grouse Trail and being the southwest corner of lot 201 in Phase 3E, Section 1 of The Traditions at Bella Casa Subdivision, as recorded in Book of Maps 2012 at Page 845 in the Wake County Registry, thence from said beginning point and running with the northern 60' right of way of Grouse Trail, which is unopened, South 89°58'50" West 392.31' to an existing iron pipe; thence with a curve to the right having a radius of 25.00', an arc length of 37.67' and a chord of North 46°59'59" West 34.21' to an existing iron pipe in the eastern right of way of Whistling Quail Run; thence with said right of way North 03°59'09" West 362.01' to an existing iron pipe being a common corner between lots 19 and 20 in Phase 2 of the Whistling Quail Subdivision, as recorded in Book of Maps 1987 at Page 572, for lot 19, and Book of Maps 1987 at Page 1615, for lot 20 in the Wake County Registry; thence leaving said right of way and running the common lines between lots 19 and 20 for the following two (2) calls, North 84°39'29" East 183.61' to an existing iron pipe; thence South 47°46'54" East 359.75' to an existing iron pipe in the western line of resource conservation area of The Traditions at Bella Casa Subdivision; thence with the western lines of the resource conservation area, lot 203, lot 202 and lot 201, South 02°25'16" West 159.83' to the point of beginning, being all of lot 19 in Phase 2 of the Whistling Quail Subdivision, containing 3.232 acres.

Legal Description

Beginning at an existing iron pipe in the northern right of way of Grouse Trail where it transitions from a 50' right of way to a 60' right of way; said iron pipe is standing North 03°16'54" East 5.00' from and existing iron pipe in the northern right of way of Grouse Trail and being the southwest corner of lot 201 in Phase 3E, Section 1 of The Traditions at Bella Casa Subdivision, as recorded in Book of Maps 2012 at Page 845 in the Wake County Registry, thence from said beginning point and crossing Grouse Trail South 02°25'16" West 60.05' to a point on the southern 60' right of way of Grouse Trail, which is unopened; thence with said right of way South 89°58'50" West 382.19' to a point; thence with a curve to the left having a radius of 25.00', an arc length of 41.00' and a chord of South 42°59'51" West 36.56' to a point in the eastern right of way of Whistling Quail Run; thence with said right of way North 03°59'09" West 110.33' to an existing iron pipe at a southwestern corner of lot 19 in the Whistling Quail Subdivision as recorded in Book of Maps 1987 at Page 1615, where the eastern right of way of Whistling Quail Run intersects the northern right of way of Grouse Trail; thence with said right of way following a curve to the left having a radius of 25.00', an arc length of 37.67' and a chord of South 46°59'59" East 34.21' to an existing iron pipe; thence continuing with the northern 60' right of way of Grouse Trail North 89°58'50" East 392.31' to the point of beginning, being the unimproved section of Grouse Trail having a 60' right of way and containing 0.574 acres.





VICINITY MAP

Annexation # _____
I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the ____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex,
Day/Month/Year _____

Allen Coleman, CMC, NCCCC, Town Clerk

I, G. Darrell Taylor, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 18693, page 29); that the boundaries not surveyed are clearly indicated as drawn from information found in Book of Maps 1987, page 572; that the ratio of precision as calculated is 1:20,000+; that this plat was prepared in accordance with G.S 47-30 as amended. Witness my original signature, registration number and seal this 23rd day of March, A.D., 2023.

Surveyor

Reg. No. L-3729



TOTAL ANNEXATION 3.806 AC.

----- EXISTING TOWN OF APEX CORPORATE LIMITS

NC GRID (NAD 83)

PRESENTED FOR REGISTRATION IN THE OFFICE OF THE REGISTER OF DEEDS FOR COUNTY, NORTH CAROLINA ON THE ____ DAY OF _____, 20____ AT ____ O'CLOCK ____ M. AND RECORDED IN SAID OFFICE IN PLAT BOOK ____ PAGE ____

REGISTER OF DEEDS

LEGEND

EIP = EXISTING IRON PIPE
EIR = EXISTING IRON ROD
NIR = NEW IRON ROD
OT = OPEN TOP PIPE
CT = CRIMPED TOP PIPE
RB = RE-BAR
R/W = RIGHT OF WAY
E/P = EDGE OF PAVEMENT
B/C = BACK OF CURB
WM = WATER METER
P = POWER POLE
L = LIGHT POLE
● = CALCULATED POINT

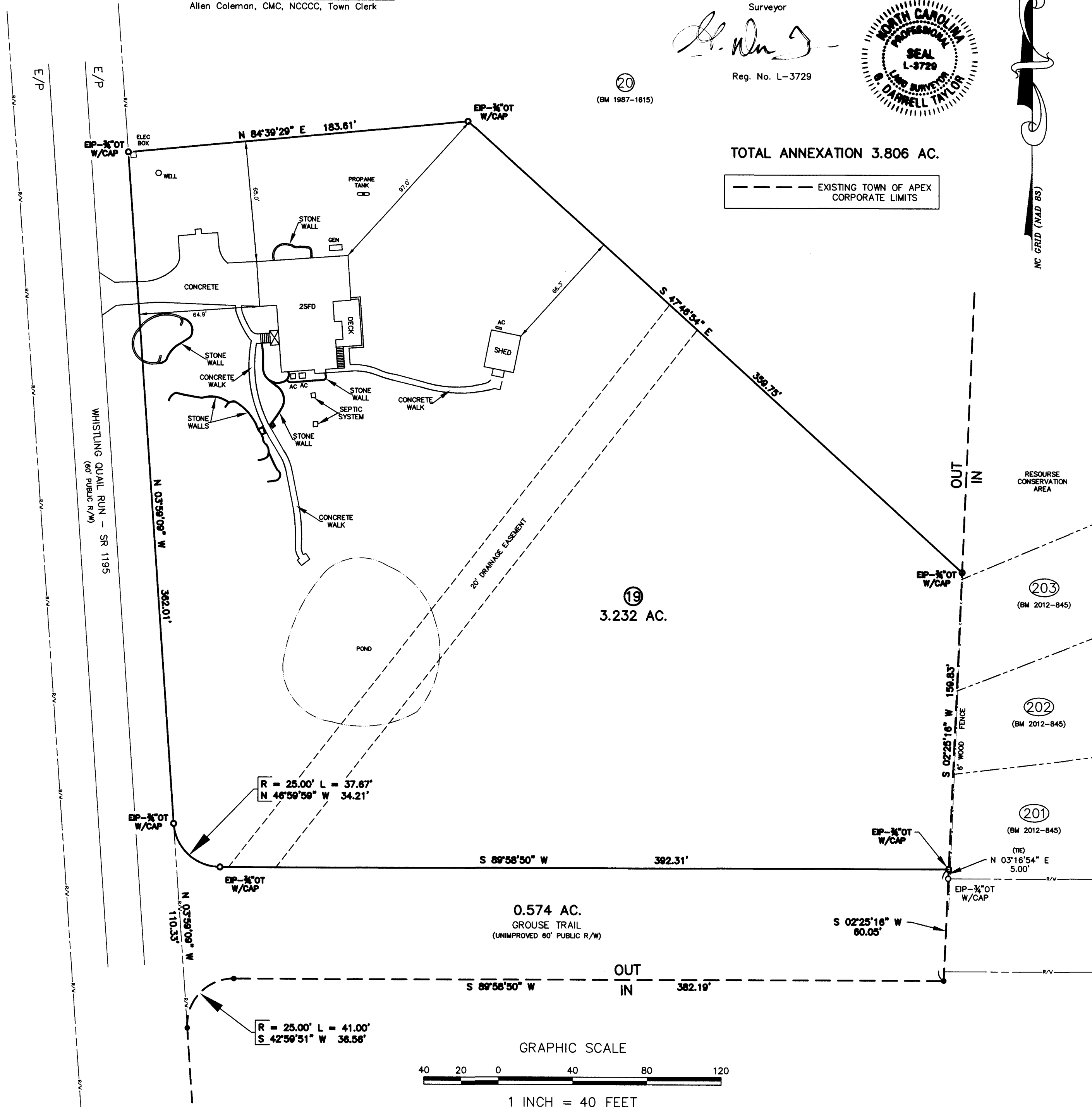
NOTES:

BEING ALL OF LOT 19, PHASE 2 IN THE WHISTLING QUAIL S/D AS RECORDED IN BOOK OF MAPS 1987, PG. 572 IN THE WAKE CO. REGISTRY.

LOT IS SUBJECT TO ALL RESTRICTIONS AND EASEMENTS OF RECORD.

FLOOD NOTE:

NO FEMA FLOOD HAZARD AREAS PER FIRM NUMBER 3720072100K, MAP REVISED JULY 19, 2022.



G. DARRELL TAYLOR
Professional Land Surveyor
2220 Effingham Circle
Raleigh, NC 27615
919.906.8043

REVISIONS:
03-22-2023
07-31-2023



SURVEY BY:

ANNEXATION MAP FOR THE TOWN OF APEX
DOMINIC J. MARQUIS & JENNIFER M. MARQUIS
2633 WHISTLING QUAIL RUN, APEX, NC 27502
BUCKHORN TWP., WAKE CO., N. C.
D.B. 18693, PG. 29 - TAX PIN 0721-62-8940

PROJ. NO.: 21-578 ANNEX
FILENAME: MARQUIS
DRAWN BY: GDT & JMT
SCALE: 1" = 40'
DATE: 03-23-2023

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2023-011 Submittal Date: 8/4/27/23
Fee Paid: \$ 200.00 Check #: 2059

TOWN OF APEX, NORTH CAROLINA

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

OWNER INFORMATION

Dominic Marquis	18693 0029
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(925)337-0949	dominicmarquis@comcast.net
Phone	E-mail Address
Jennifer Marquis	18693 0029
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(925)337-0576	jennmarquis@comcast.net
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: G. Darrell Taylor
Phone: 919.906.8043 Fax: _____
E-mail Address: ncsurveyorder@gmail.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>3.806</u> 3.232	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>5</u>	Need sewer service due to septic system failure <input checked="" type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>1</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>RR</u>	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Dominic J. Marquis
Please Print

[Signature]
Signature

Jennifer M. Marquis
Please Print

Jennifer M. Marquis
Signature

Please Print

Signature

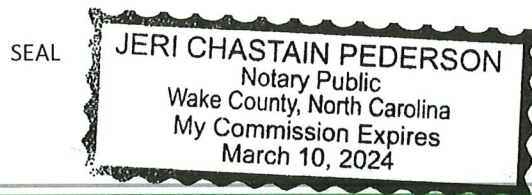
Please Print

Signature

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 31 day of July, 2023.

Jeri Chastain Pederson
Notary Public



My Commission Expires: 3/10/2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to confirm the following leadership positions on the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board for fiscal year 23-24.

- Darryl Lanier, Chair of the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board
- Matt Carusona, Vice-Chair of the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board

Approval Recommended?

Mayor Jacques K. Gilbert recommends both Darryl Lanier for Chair and Matt Carusona for Vice-Chair for appointment consideration to the Parks, Recreation and Cultural Resources (PRCR) Advisory Board.

Item Details

On Wednesday, June 28, 2023, the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board, by a majority vote, nominated Darryl Lanier to the Chair position and Jeff Roach to the Vice-Chair position for fiscal year 23-24.

Both, Jeff Roach and Matt Carusona were tied for nomination for Vice-Chair. In the second round of nominations, Jeff Roach received a majority vote (4-2). Jeff respectfully declined the Vice-Chair position and the boards alternate choice was Matt Carusona.

The current PRCR members were reminded that this vote was a recommendation to the Mayor and the Town Council continues to hold the final appointing authority.

The public is invited to re-watch the Parks, Recreation, and Cultural Resources Advisory Board meeting from June 28, 2023, on the Town's Youtube Channel via the following link:

<https://www.youtube.com/c/TownofApexGov>. The nomination process begins at 22 minutes and 6 seconds.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

- A. Motion to reappoint Ms. Mary Lee Blatchford to the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board for a three-year (3) term expiring June 28, 2026.
- B. Motion to reappoint Mr. Thomas Colwell to the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board for a three-year (3) term expiring June 28, 2026.
- C. Motion to appoint Jeremy Croom to the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board for a three-year (3) term expiring June 28, 2026.

Approval Recommended?

Mayor Jacques K. Gilbert recommends the above appointment considerations to the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board.

Item Details

The Town Clerk's Office received a total of seven (7) applications for appointment consideration to the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board. Of the seven (7) applications received, five (5) of them were from new applicants. Three (3) positions/terms on the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board were set to expire on June 30, 2023. Listed below, in alphabetical order, are the applicants and their respective applications are attached. and they are:

- Blatchford, Mary Lee (*seeking reappointment*)
- Colwell, Thomas (*seeking reappointment*)
- Croom, Jeremy
- DeLoatch, Bryan
- Ramsey, Natalie
- Shook, Jesica
- Williamson, Elizabeth

On Wednesday, June 28, 2023, the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board members discussed all applicants and unanimously (6-0) voted to recommend the reappointment of both Mary Lee Blatchford and Thomas Colwell. The Board unanimously (6-0) voted to recommend both Bryan DeLoatch and Jeremy Croom for the Mayor to consider.

The current PRCR Advisory Board members were reminded that this vote was a recommendation to the Mayor and the Town Council continues to hold the final appointing authority.

The public is invited to re-watch the Parks, Recreation, and Cultural Resources Advisory Board meeting from June 28, 2023, on the Town's Youtube Channel via the following link:

<https://www.youtube.com/c/TownofApexGov>. The nomination process begins at 22 minutes and 6 seconds.

Attachments

- CN6-A1: Applicants at a Glance - Appointment(s) - Parks, Recreation, and Cultural Resources (PRCR)
 - Applicants Eligible for Reappointment
 - Blatchford, Mary Lee
 - Colwell, Thomas
 - Applicants Eligible for Appointment
 - Croom, Jeremy
 - DeLoatch, Bryan
 - Ramsey, Natalie
 - Shook, Jessica
 - Williamson, Elizabeth





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION

APPLICANTS AT A GLANCE

Requested Action(s):

Recommendations needed on the Parks, Recreation, and Cultural Resources Committee for three (3) three-year terms expiring June 30, 2026.

Both Mary Blatchford and Thomas Colwell are eligible for reappointment.

Applicant(s)	Status	Resident Status	Notes
Blatchford, Mary	Active Current Member	Corporate Limits	Eligible for Reappointment
Colwell, Thomas	Active Current Member	Corporate Limits	Eligible for Reappointment

Applicant(s)	Status	Resident Status	Notes
Croom, Jeremy	NEW	Corporate Limits	Eligible for Appointment
DeLoatch, Bryan	NEW	Corporate Limits	Eligible for Appointment
Ramsey, Natalie	NEW	Corporate Limits	Eligible for Appointment
Shook, Jessica	NEW	Corporate Limits	Eligible for Appointment
Williamson, Elizabeth	NEW	Corporate Limits	Eligible for Appointment

APPLICATIONS

ELIGIBLE FOR REAPPOINTMENT

- Blatchford, Mary
- Colwell, Thomas

Entry #: 540 - Parks & Recreation Advisory Commission**Status:** Reviewed**Submitted:** 1/12/2023 9:12 AM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Current member

Candidate Contact Information

Legal Name

Mary Blatchford

Preferred First Name

Mary Lee

Address

433 Parkfield Dr, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

mblatchford@msn.com

Mobile Phone

(443) 286-2762

Alternate Phone (work/home)

(919) 363-2016

Background Information

Current Employer

Retired

Current Job Title

Tell us why you would like to serve?

I am completing my first term on the PARCR Advisory Commission and would like to continue that work to bring services to our diverse and growing population.

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

Extensive involvement in the programs at Apex Senior Center, prior professional experience in program development, delivery and assessment, career experience in serving needs of children, outdoor lover, user of Apex parks.

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

Current member Parks, Recreation and Cultural Resources Commission, April 2021- June 30, 2023

Entry #: 561 - Parks & Recreation Advisory Commission **Status:** Submitted **Submitted:** 5/8/2023 9:37 AM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Currently on APRCR commission

Candidate Contact Information

Legal Name

Thomas Colwell

Preferred First Name

Address

315 Pate Street, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

tcolwe@gmail.com

Mobile Phone

(919) 730-0865

Alternate Phone (work/home)

Background Information

Current Employer

Cisco

Current Job Title

Senior Director

Tell us why you would like to serve?

It has been an honor to serve on the APRCR commission for the last several years. I am passionate about Apex and want to continue to give back to the community through this program. Specifically, I would like to see us finalize the next Parks, Rec & Cultural Resources master plan, be available to the staff to support the opening of Pleasant Park and would like to continue to Chair the Public Art Committee.

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

I have 25+ years of experience creating strategies, developing designs, delivering construction projects and managing operations for the workplace in the technology industry. This experience translates well to understand the complexities of developing master plans, executing on projects and managing operations for a growing town like Apex.

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

Apex Parks, Recreation and Cultural Resources Commission - 12 years

Apex Public Art Committee - 5 years

APPLICATIONS

ELIGIBLE FOR APPOINTMENT:

- Croom, Jeremy
- DeLoatch, Bryan
- Ramsey, Natalie
- Shook, Jessica
- Williamson, Elizabeth

Entry #: 552 - Parks & Recreation Advisory Commission

Status: Reviewed

Submitted: 2/23/2023 12:41 PM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Jeremy Croom

Preferred First Name

Address

104 Tracey Creek Ct, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

Yes

Email

camden2131@hotmail.com

Mobile Phone

(910) 297-5437

Alternate Phone (work/home)

Background Information

Current Employer

The Governor's Institute

Current Job Title

Addiction Medicine Special Projects Coordinator

Tell us why you would like to serve?

I live in Apex with my wife, son, and baby on the way. We love our town! We spend considerable time enjoying our local parks and look forward to participating in recreation programs as our kids grow up in Apex. We walk from our home downtown to Hunter Street Park and downtown weekly and take the quick drive to Salem Pond Park several times a month. We love mixing in park time at other locations as well and explore all that our wonderful town has to offer. We are fairly new (two years) to the area and I believe my time living in other areas of our state, as well as time spent in outside of NC, could diversify town perspectives when it comes to considering parks and programs design. I personally have considerable experience interfacing with parks and recreation programs as a participant, coach, and volunteer and appreciate how important park and recreation resources are for families and overall health. I'd also love the opportunity to learn from others within the committee and town government as a whole and look for ways to use my education and experience to support town strategic goals -- short and long term. Additionally, in roughly 20 years of work with children and families who've experienced trauma (working with day treatment programs, group homes, churches, trauma-informed training for behavioral health providers, and now substance misuse prevention and Tx training), I bring a unique perspective on just how valuable parks and recreation programs can be in helping citizens develop a sense of belonging and overall health. I'm happy to meet and share more if needed.

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

I have an MPA (Master of Public Administration, with Public Management Concentration) and a BA in Therapeutic Recreation. I've coached, volunteered, participated in parks and recreation programs for youth and adults for most of my life and have the education to support those experiences, especially for families with special needs or historically marginalized populations. I'm an outdoor enthusiast - love to hike and exercise and have experience with baseball, softball, basketball, volleyball, soccer as a coach or participant. I've also directed or served in kids camps and adventure programs as part of church programs or in my role as a recreation manager for at-risk youth. Please see my LinkedIn profile for a summary of my experience: <https://www.linkedin.com/in/jeremy-croom-mpa-80233272/>

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

N/A

Entry #: 556 - Parks & Recreation Advisory Commission

Status: Submitted

Submitted: 3/4/2023 11:12 AM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Bryan S DeLoatch

Preferred First Name

Address

633 Metro Station, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

deloatch6@msn.com

Mobile Phone

(919) 271-1799

Alternate Phone (work/home)

Background Information

Current Employer

Retired

Current Job Title

Retired

Tell us why you would like to serve?

I would like to provide insight, counsel and perspective on the future growth of Parks and Recreation activities and services in the Town of Apex and surrounding areas.

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

30+ years of business experience as a finance and accounting professional. MBA from Duke University, B.S. in Accounting from Castleton University. Student-Athlete. Academic All-American in Basketball and Soccer. Currently actively involved in youth sports - Travel Fastpitch Softball coach, J.V. Assistant Softball coach at Apex H.S. Married, Father of 4.

Past Volunteer of the Year winner for the Town of Apex. Previously volunteered coaching various sports (soccer, basketball and softball) in the Town of Apex Parks and Recreation programs.

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

N/A

Entry #: 546 - Parks & Recreation Advisory Commission **Status:** Reviewed **Submitted:** 2/13/2023 7:39 PM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Natalie Ramsey

Preferred First Name

Natalie

Address

2250 Broadstone Way, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

natalieramseyhk@gmail.com

Mobile Phone

(919) 616-0223

Alternate Phone (work/home)

Background Information

Current Employer

Current Job Title

Tell us why you would like to serve?

I would like to get involved in the community.

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

I attended East Carolina University. I majored in professional theater and communications. I worked as an operations manager for a laser tag and sports facility for adults and kids 8 years old and up. My main focus was on design for 8,000+ square feet. I believe my experience could be very useful towards park and recreation.

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

Entry #: 538 - Parks & Recreation Advisory Commission**Status:** Reviewed**Submitted:** 1/10/2023 2:31 PM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Allen Coleman

Candidate Contact Information

Legal Name

Jessica H Shook

Preferred First Name

Address

3453 Jordan Shires Dr, New Hill, North Carolina 27562

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

Yes

Email

jessica.shook@townebank.net

Mobile Phone

(919) 618-0371

Alternate Phone (work/home)

Background Information

Current Employer

TowneBank

Current Job Title

Merchant Services Advisor

Tell us why you would like to serve?

I'm interested in being more involved with the town. I chose Parks and Rec. as a good starting advisory commission as I have twin 5 year old boys and the parks are very important to all of us.

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

My degree is in Interpersonal and Public Communication. I have been and continue to be active within the community that I work and live. I've had an interest in Town Council for sometime but did not have the capacity in my schedule till now. I'm happy to send my resume for a more in depth look at my community involvement.

If you now serve, or have previously served on any town boards, commissions or committees, please list the committees and dates served.
Cary Chamber Ambassador from 2015 to 2017

Entry #: 533 - Parks & Recreation Advisory Commission**Status:** Submitted**Submitted:** 10/26/2022 9:49 AM

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

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

Original Submittal

I'm interested in serving on...

Parks & Recreation Advisory Commission

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Elizabeth Williamson

Preferred First Name

Elizabeth Williamson

Address

101 Cypress View Way, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

Yes

Email

Elizabeth.Williamson018@gmail.com

Mobile Phone

(704) 771-0601

Alternate Phone (work/home)

Background Information

Current Employer

None

Current Job Title

Stay at home mom

Tell us why you would like to serve?

I would love the opportunity to serve as a voice for the opinions of our parents in Apex. My children and I use Apex Parks daily, if not two times a day. We are so thankful for the recreational events and hard work that goes into making Apex an optimal place for families to raise their children. We love looking at the parks noticing what we love and noticing what can maybe be different to make it more suitable for children of all needs/ages and easier for parents to safely supervise all of their children at the playground.

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

I previously worked in sales for a large healthcare company and beginning this year I started staying home to my two children who are both toddlers. I'm an active part of a large playgroup of moms across Wake county who have children of different ages, abilities and interest.

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

I have never served on any Town boards commissions or committees.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to confirm the following leadership position(s) on the Public Art Committee (PAC) for fiscal year 2023-2024:

- Bethany Bryant, Vice-Chair of the Public Art Committee (PAC)

Approval Recommended?

Mayor Jacques K. Gilbert recommends Bethany Bryant continue serving as Vice-Chair of the Public Art Committee (PAC) for fiscal year 2023-2024.

Item Details

On Monday, July 17, 2023, the Public Art Committee (PAC) members unanimously (4-0) voted to nominate Bethany Bryant to the Vice-Chair position for fiscal year 2023-2024.

Currently, the Public Art Committee (PAC) is an ad-hoc committee to the Parks, Recreation, and Cultural Resources Advisory Board. In accordance with the Town's "Art in Apex" policy adopted by Council on June 6, 2017 and most recently revised on June 4, 2019, one member of the Public Art Committee shall be from the Parks, Recreation, and Cultural Resources (PRCR) Advisory Board. The member of the Parks, Recreation, and Cultural Resources Advisory Board shall serve as the Chair of the Public Art Committee. As such, Tom Colwell continues to serve as the Chair of the Public Art Committee until a policy or structure change is adopted.

The current PAC members were reminded that this vote was a recommendation to the Mayor and the Town Council continues to hold the final appointing authority.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

- A. Motion to reappoint Mr. Sean Durham to the Public Art Committee (PAC) for a three-year (3) term expiring June 30, 2026.
- B. Motion to reappoint Mr. Lafayette Trawick to the Public Art Committee (PAC) for a three-year (3) term expiring June 30, 2026.
- C. Motion to appoint Kim Elliott as an alternate, non-voting, member to the Public Art Committee for a three-year (3) term expiring June 30, 2026 (see details).

Approval Recommended?

Mayor Jacques K. Gilbert recommends the above appointment considerations to the Public Art Committee (PAC).

Item Details

The Town Clerk's Office received a total of four (4) applications for appointment consideration to the Public Art Committee (PAC). Of the four (4) applications received, two (2) of them were new applicants. Two (2) positions/terms on the Public Art Committee (PAC) were set to expire on June 30, 2023. Listed below, in alphabetical order, are the applicants and their respective applications are attached:

- Deepak, Shilpa
- Durham, Sean (*seeking reappointment*)
- Elliott, Kim
- Trawick, Lafayette (*seeking reappointment*)

On Monday, July 17, 2023, the Public Art Committee (PAC) members discussed all applicants and unanimously (4-0) voted to recommend the reappointment of Sean Durham. The Committee noted that Lafayette Trawick had missed a significant number of meetings and were concerned with his level of contribution to the committee. For reference, Mr. Trawick has attended two (2) committee meetings in the

last twelve (12) month period, with five (5) of the twelve (12) meetings being cancelled due to the lack of a quorum. The Committee unanimously (4-0) voted to recommend Kim Elliott to serve on the Committee.

The Mayor informed Lafayette Trawick of his attendance record. Mr. Trawick committed to improving his attendance over his next term, should the Mayor choose to recommend him. The Mayor desires to reappoint Mr. Lafayette Trawick on a probationary period and appoint Kim Elliott, as an alternate (non-voting) member to the Public Art Committee (PAC). Should Lafayette's attendance not improve over the review period, Kim Elliott will be recommended for appointment to Mr. Trawick's seat. This change would require Council action per the "Art in Apex" policy adopted by Council on June 6, 2017 and most recently revised on June 4, 2019.

Currently, the Public Art Committee is an ad-hoc committee to the Parks, Recreation, and Cultural Resources Advisory Board.

The current PAC members were reminded that this vote was a recommendation to the Mayor and the Town Council continues to hold the final appointing authority.

Attachments

- CN8-A1: Applicants at a Glance - Appointment(s) - Public Art Committee
 - Applicants Eligible for Reappointment
 - Durham, Sean
 - Trawick, Lafayette
 - Applicants Eligible for Appointment
 - Deepak, Shilpa
 - Elliott, Kim





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

PUBLIC ART COMMITTEE

APPLICANTS AT A GLANCE

Requested Action(s):

Recommendations needed on the Public Art Committee for two (2) - three-year terms expiring June 30, 2026.

Sean Durham and Lafayette Trawick are eligible for reappointment.

Applicant(s)	Status	Resident Status	Notes
Durham, Sean	Active Current Member	Corporate Limits	Eligible for Reappointment
Trawick, Lafayette	Active Current Member	Corporate Limits	Eligible for Reappointment

Applicant(s)	Status	Resident Status	Notes
Deepak, Shilpa	NEW	Corporate Limits	Eligible for Appointment
Elliott, Kim	NEW	Corporate Limits	Eligible for Appointment

APPLICATIONS

ELIGIBLE FOR REAPPOINTMENT

- Durham, Sean
- Trawick, Lafayette

Entry #: 563 - Public Art Committee **Status:** Submitted **Submitted:** 5/12/2023 7:44 PM

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

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

Original Submittal

I'm interested in serving on...

Public Art Committee

How did you hear about this opportunity to serve?

Town Employee / Elected Official

Candidate Contact Information

Legal Name

Michael S Durham

Preferred First Name

Sean

Address

1010 Wellstone Circle, Apex, North Carolina 27502

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

sdurham27@gmail.com

Mobile Phone

(919) 961-0301

Alternate Phone (work/home)

Background Information

Current Employer

Pendo

Current Job Title

Tell us why you would like to serve?

I am highly interested in public art, and would love to bring more culture to Apex

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

I am an artist, and have been on the art committee since it's inception

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

Entry #: 562 - Public Art Committee **Status:** Submitted **Submitted:** 5/12/2023 4:22 PM

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

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

Original Submittal

I'm interested in serving on...

Public Art Committee

How did you hear about this opportunity to serve?

Friend / Neighbor

Candidate Contact Information

Legal Name

LAFAYETTE TRAWICK

Preferred First Name

Address

2809 Jordan Pointe Blvd, New Hill, North Carolina 27562

Do you live within the Apex town limits?

No

Do you live within the town's extra-territorial jurisdiction (ETJ)?

Yes

Email

LAFAYETTE.TRAWICK@gmail.com

Mobile Phone

(908) 244-8964

Alternate Phone (work/home)

Background Information

Current Employer

Biogen

Current Job Title

Scientist

Tell us why you would like to serve?

I have a love for Public Art as a vehicle for community engagement, unity and activism

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

Grant writing and Fundraising

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

APPLICATIONS

ELIGIBLE FOR APPOINTMENT

- Deepak, Shilpa
- Elliott, Kim

Entry #: 530 - Public Art Committee **Status:** Submitted **Submitted:** 9/14/2022 11:13 AM

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

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

Original Submittal

I'm interested in serving on...

Public Art Committee

How did you hear about this opportunity to serve?

Town Website

Candidate Contact Information

Legal Name

Shilpa Deepak

Preferred First Name

Address

1468 padstone dr, apex, North Carolina 27560

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

shil.deepaks@gmail.com

Mobile Phone

(224) 425-0683

Alternate Phone (work/home)

Background Information

Current Employer

Current Job Title

Tell us why you would like to serve?

I am interested in Arts. I also love to Volunteer. This seemed the best combination for me, It combines my interests and purpose.

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

Folk Art.

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

Entry #: 568 - Public Art Committee **Status:** Submitted **Submitted:** 6/15/2023 4:13 AM

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

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

Original Submittal

I'm interested in serving on...

Public Art Committee

How did you hear about this opportunity to serve?

Cary's Public Art Advisory Board's Ad

Candidate Contact Information

Legal Name

Kimberly Elliott

Preferred First Name

Kim

Address

1509 Salem church road, Apex, North Carolina 27523

Do you live within the Apex town limits?

Yes

Do you live within the town's extra-territorial jurisdiction (ETJ)?

No

Email

cloakedinlove@gmail.com

Mobile Phone

(919) 810-5351

Alternate Phone (work/home)

Background Information

Current Employer

Heritage Leadership Academy

Current Job Title

Art teacher

Tell us why you would like to serve?

I have loved being in the arts for many years. One of my greatest joys has been teaching fine arts to children and watching their creativity soar. If I can help continue to integrate art into our town (in various forms), I would relish the opportunity to serve.

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

1st - 12th grade Art teacher (California), 1st - 8th grade art teacher presently. I facilitate summer art camps for children and host adult art classes at my home.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve a Construction Agreement with CSX Transportation, Inc., requiring payment in the amount of \$763,056.00 for contracted and administrative engineering services and flagging services for construction of the Apex Peakway bridge over South Salem Street and closure of the Tingen Road grade crossing, and to authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Construction Agreement is required prior to construction of the Apex Peakway bridge over South Salem Street and closure of the Tingen Road grade crossing, compensating CSXT for contracted & administrative engineering services and flagging services. It is required prior to North Carolina Department of Transportation (NCDOT) approval of the construction contract for the Town's Apex Peakway project, which is federally-funded up to a maximum of \$12,500,000.00 for construction reimbursement in project U-5928 under separate agreement with NCDOT.

Advance Payment in Full (\$763,056.00) according to the terms of the Construction Agreement: Upon execution and delivery of notice to proceed with the Project, Agency will deposit with CSXT a sum equal to the Reimbursable Expenses, as shown by the Estimate. If CSXT anticipates that it may incur Reimbursable Expenses in excess of the deposited amount, CSXT will request an additional deposit equal to the then remaining Reimbursable Expenses which CSXT estimates that it will incur. CSXT shall request such additional deposit by delivery of invoices to Agency. Agency shall make such additional deposit within 30 days following delivery of such invoice to Agency.

Attachments

- CN9-A1: Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road

- CN9-A2: Certificate of Insurance - Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road



CONSTRUCTION AGREEMENT

This Construction Agreement (“**Agreement**”) is made as of _____, 2023, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”), and the **Town of Apex**, a body corporate and political subdivision of the State of North Carolina (“**Agency**”).

EXPLANATORY STATEMENT

1. Agency has proposed to construct, or to cause to be constructed, **the Apex Peakway bridge over CSXT at approximate MP S-172.4 proposed DOT# 973688N and the associated closure of Tingen Rd. at-grade crossing at MP S-171.84 DOT 630696H all in Town of Apex, Wake County, NC and the CSXT Carolinas Zone, Aberdeen Subdivision** (the “**Project**”).
2. Agency has obtained, or will obtain, all authorizations, permits and approvals from all local, state and federal agencies (including Agency), and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.
3. Agency acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations to promote public interest in this Project, without profit or other economic inducement typical of other Agency contractors; (ii) neither CSXT nor its affiliates (including their respective directors, officers, employees or agents) will incur any costs, expenses, losses or liabilities in excess of payments made to CSXT, by or on behalf of Agency or its contractors, pursuant to this Agreement; and (iii) CSXT retains the paramount right to regulate all activities affecting its property and operations.
4. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Project Plans and Specifications

- 1.1 Preparation and Approval. Pursuant to Exhibit A of this Agreement, all plans, specifications, drawings and other documents necessary or appropriate to the design and construction of the Project shall be prepared, at Agency’s sole cost and expense, by Agency or CSXT or their respective contractors. Project plans, specifications and drawings prepared by or on behalf of Agency shall be subject, at CSXT’s election, to

the review and approval of CSXT. Such plans, specifications and drawings, as prepared or approved by CSXT, are referred to as the “**Plans**”, and shall be incorporated and deemed a part of this Agreement. Plans prepared or submitted to and approved by CSXT as of the date of this Agreement are set forth in Exhibit B to this Agreement.

- 1.2 Effect of CSXT Approval or Preparation of Plans. By its review, approval or preparation of Plans pursuant to this Agreement, CSXT signifies only that such Plans and improvements constructed in accordance with such Plans satisfy CSXT’s requirements. CSXT expressly disclaims all other representations and warranties in connection with the Plans, including, but not limited to, the integrity, suitability or fitness for the purposes of Agency or any other persons of the Plans or improvements constructed in accordance with the Plans.

- 1.3 Compliance with Plans. The Project shall be constructed in accordance with the Plans.

2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

- 2.1 CSXT Work. Subject to timely payment of Reimbursable Expenses as provided by Section 4, CSXT shall provide, or cause to be provided, the services as set forth by Exhibit A to this Agreement. Agency agrees that CSXT shall provide all services that CSXT deems necessary or appropriate (whether or not specified by Exhibit A) to preserve and maintain its property and operations, without impairment or exposure to liability of any kind and in compliance with all applicable federal, state and local regulations and CSXT’s contractual obligations, including, but not limited to, CSXT’s existing or proposed third party agreements and collective bargaining agreements.
- 2.2 Agency Work. Agency shall perform, or cause to be performed, all work as set forth by Exhibit A, at Agency’s sole cost and expense.
- 2.3 Conduct of Work. CSXT shall commence its work under this Agreement following: (i) delivery to CSXT of a notice to proceed from Agency; (ii) payment of Reimbursable Expenses (as provided by Section 4.1) as required by CSXT prior to the commencement of work by CSXT; (iii) issuance of all permits, approvals and authorizations necessary or appropriate for such work; and (iv) delivery of proof of insurance acceptable to CSXT, as required by Section 9. The initiation of any services by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The parties intend that all work by CSXT on CSXT property shall conclude no later than **two years from the date of this agreement**, unless the parties mutually agree to extend such date.

3. Special Provisions. Agency shall observe and abide by, and shall require its contractors (“**Contractors**”) to observe and abide by the terms, conditions and provisions set forth in Exhibit C to this Agreement (the “Special Provisions”). To the extent that Agency performs Project work itself, Agency shall be deemed a Contractor for purposes of this Agreement. Agency further agrees that, prior to the commencement of Project work by any third party Contractor, such Contractor shall execute and deliver to CSXT Schedule I to this Agreement to acknowledge Contractor’s agreement to observe and abide by the terms and conditions of this Agreement.
4. Cost of Project and Reimbursement Procedures
 - 4.1 Reimbursable Expenses. Agency shall reimburse CSXT for all costs and expenses incurred by CSXT in connection with the Project, including, without limitation: (1) all out of pocket expenses, (2) travel and lodging expenses, (3) telephone, facsimile, and mailing expenses, (4) costs for equipment, tools, materials and supplies, (5) sums paid to CSXT’s consultants and subcontractors, and (6) CSXT labor in connection with the Project, together with CSXT labor overhead percentages established by CSXT pursuant to applicable law (collectively, “**Reimbursable Expenses**”). Reimbursable Expenses shall also include expenses incurred by CSXT prior to the date of this Agreement to the extent identified by the Estimate provided pursuant to Section 4.2.
 - 4.2 Estimate. CSXT has estimated the total Reimbursable Expenses for the Project as shown on Exhibit D (the “**Estimate**”, as amended or revised). In the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide Agency with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule (as defined by Section 4.3.1), for Agency’s approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of such revised Estimate. CSXT may elect, by delivery of notice to Agency, to immediately cease all further work on the Project, unless and until Agency provides such approval and confirmation. Furthermore, the Agency acknowledges and understands that any estimated cost to construct the project shall only be good for a limited period of time and that any delays to move to construction, if CSXT agrees to such construction, shall result in increased costs.
 - 4.3 Payment Terms.
 - 4.3.1 Agency shall pay CSXT for Reimbursable Expenses in the amounts and on the dates set forth in the Payment Schedule as shown on Exhibit E (the “Payment Schedule”, as revised pursuant to Section 4.2). CSXT agrees to submit invoices to Agency for such amounts and Agency shall remit payment to CSXT at the later of thirty (30) days following delivery of each such invoice to Agency or, the payment date (if any) set forth in the Payment Schedule.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

4.3.2 Following completion of the Project, CSXT shall submit to Agency a final invoice that reconciles the total Reimbursable Expenses incurred by CSXT against the total payments received from Agency. Agency shall pay to CSXT the amount by which Reimbursable Expenses exceed total payments as shown by the final invoice, within thirty (30) days following delivery of such invoice to Agency. In the event that the payments received by CSXT from Agency exceed the Reimbursable Expenses, CSXT shall remit such excess to Agency.

4.3.3 In the event that Agency fails to pay CSXT any sums due CSXT under this Agreement: (i) Agency shall pay CSXT interest at the lesser of 1.0% per month or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full; and (ii) CSXT may elect, by delivery of notice to Agency: (A) to immediately cease all further work on the Project, unless and until Agency pays the entire delinquent sum, together with accrued interest; and/or (B) to terminate this Agreement.

4.3.4 All invoices from CSXT shall be delivered to Agency in accordance with Section 16 of this Agreement. All payments by Agency to CSXT shall be made by certified check and mailed to the following address or such other address as designated by CSXT's notice to Agency:

CSX Transportation, Inc.
P.O. Box 530192
Atlanta, GA 30353-0192

4.4 Effect of Termination. Agency's obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement for any reason.

5. Appropriations Agency represents to CSXT that: (i) Agency has appropriated funds sufficient to reimburse CSXT for the Reimbursable Expenses encompassed by the Estimate attached as Exhibit D; (ii) Agency shall use its best efforts to obtain appropriations necessary to cover Reimbursable Expenses encompassed by subsequent Estimates approved by Agency; and (iii) Agency shall promptly notify CSXT in the event that Agency is unable to obtain such appropriations.

6. Easements and Licenses

6.1 Agency Obligation. Agency shall acquire all necessary licenses, permits and easements required for the Project.

6.2 Temporary Construction Licenses. Insofar as it has the right to do so, CSXT hereby grants Agency a nonexclusive license to access and cross CSXT's property, to the

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

extent necessary for the construction of the Project (excluding ingress or egress over public grade crossings), along such routes and upon such terms as may be defined and imposed by CSXT and such temporary construction easements as may be designated on the Plans approved by CSXT.

- 6.3 Temporary Construction Easements. CSXT may grant without warranty to Agency, if required, a temporary non-exclusive easement for access to the extent necessary for the project on terms and conditions and at a price acceptable to the parties.
- 6.4 Permanent Easements. Insofar as it has the right to do so, CSXT shall grant, without warranty to Agency, easements for the use and maintenance of the Project wholly or partly on CSXT property as shown on the Plans approved by CSXT, if any, on terms and conditions and at a price acceptable to both parties. Upon request by CSXT, Agency shall furnish to CSXT descriptions and plat plans for the easements.
7. Permits At its sole cost and expense, Agency shall procure all permits and approvals required by any federal, state, or local governments or governmental agencies for the construction, maintenance and use of the Project, copies of which shall be provided to CSXT.
8. Termination
- 8.1 By Agency. For any reason, Agency may, as its sole remedy, terminate this Agreement by delivery of notice to CSXT. Agency shall not be entitled to otherwise pursue claims for consequential, direct, indirect or incidental damages or lost profits as a consequence of CSXT's default or termination of this Agreement or Work on the Project by either party.
- 8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to Agency in the event Agency or its Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to Agency.
- 8.3 Consequences of Termination. If the Agreement is terminated by either party pursuant to this Section or any other provision of this Agreement, the parties understand that it may be impractical for them to immediately stop the Work. Accordingly, they agree that, in such instance a party may continue to perform Work until it has reached a point where it may reasonably and safely suspend the Work. Agency shall reimburse CSXT pursuant to this Agreement for the Work performed, plus all costs reasonably incurred by CSXT to discontinue the Work and protect the Work upon full suspension of the same, the cost of returning CSXT's property to its former condition, and all other costs of CSXT incurred as a result of the Project up to the time of full suspension of the

Work. Termination of this Agreement or Work on the Project, for any reason, shall not diminish or reduce Agency's obligation to pay CSXT for Reimbursable Expenses incurred in accordance with this Agreement. In the event of the termination of this Agreement or the Work for any reason, CSXT's only remaining obligation to Agency shall be to refund to Agency payments made to CSXT in excess of Reimbursable Expenses in accordance with Section 4.

9. Insurance In addition to the insurance that Agency requires of its Contractor, Agency shall acquire or require its Contractor to purchase and maintain insurance in compliance with CSXT's insurance requirements attached to this Agreement as Exhibit F. Neither Agency nor Contractor shall commence work on the Project until such policy or policies have been submitted to and approved by CSXT's Risk Management Department.

10. Ownership and Maintenance

10.1 By Agency. Agency shall own and, without cost to CSXT, maintain, repair, replace and renew, or cause same to be done, in good condition and repair to CSXT's satisfaction, the highway overpass structure, the roadway surfacing, the roadway slopes, the retaining walls, and the highway drainage facilities. In the event that Agency fails to properly maintain such structures and improvements and such failure, in the opinion of CSXT, jeopardizes the safe and efficient operation of its property, CSXT shall be entitled to remedy such failure and recover from Agency the costs incurred by CSXT in doing so. Upon the cessation of use of the Project by Agency, Agency shall remove the bridge structure and restore CSXT's property to its original condition, at Agency's sole cost and expense, to CSXT's satisfaction.

10.2 Alterations. Agency shall not undertake any alteration, modification or expansion of the Project, without the prior approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require.

11. Indemnification

11.1 Generally. To the maximum extent permitted by applicable law, Agency and its Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, its affiliates, Agency or its Contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, its affiliates, Agency or its Contractors, and environmental damages and any related remediation

brought or recovered against CSXT and its affiliates), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of the Contractors, Agency, and their respective agents, employees, invitees, contractors, or its contractors' agents, employees or invitees in the performance of work in connection with the Project or activities incidental thereto, or from their presence on or about CSXT's property. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement.

- 11.2 Compliance with Laws. Agency shall comply, and shall require its Contractors to comply, with any federal, state, or local laws, statutes, codes, ordinances, rules, and regulations applicable to its construction and maintenance of the Project. Agency's Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless with respect to any fines, penalties, liabilities, or other consequences arising from breaches of this Section.
- 11.3 "CSXT Affiliates". For the purpose of this Section 11, CSXT's affiliates include CSX Corporation and all entities, directly or indirectly, owned or controlled by or under common control of CSXT or CSX Corporation and their respective officers, directors, employees and agents.
- 11.4 Notice of Incidents. Agency and its Contractor shall notify CSXT promptly of any loss, damage, injury or death arising out of or in connection with the Project work.
- 11.5 Survival. The provisions of this Section 11 shall survive the termination or expiration of this Agreement.
12. Independent Contractor. The parties agree that neither Agency nor its Contractors shall be deemed either agents or independent contractors of CSXT. Except as otherwise provided by this Agreement, CSXT shall exercise no control whatsoever over the employment, discharge, compensation of, or services rendered by Agency or Agency's Contractors, or the construction practices, procedures, and professional judgment employed by Agency or its Contractor to complete the Project. Notwithstanding the foregoing, this Section 12 shall in no way affect the absolute authority of CSXT to prohibit Agency or its Contractors or anyone from entering CSXT's property, or to require the removal of any person from its property, if it determines, in its sole discretion, that such person is not acting in a safe manner or that actual or potential hazards in, on or about the Project exist.
13. "Entire Agreement" This Agreement embodies the entire understanding of the parties, may not be waived or modified except in a writing signed by authorized representatives of both parties, and supersedes all prior or contemporaneous written or oral understandings, agreements or negotiations regarding its subject matter. In the event of any inconsistency

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

between this Agreement and the Exhibits, the more specific terms of the Exhibits shall be deemed controlling.

14. Waiver If either party fails to enforce its respective rights under this Agreement, or fails to insist upon the performance of the other party's obligations hereunder, such failure shall not be construed as a permanent waiver of any rights or obligations in this Agreement.
15. Assignment CSXT may assign this Agreement and all rights and obligations herein to a successor in interest, parent company, affiliate, or future affiliate. Upon assignment of this Agreement by CSXT and the assumption of CSXT's assignee of CSXT's obligations under this Agreement, CSXT shall have no further obligation under this Agreement. Agency shall not assign its rights or obligations under this Agreement without CSXT's prior consent, which consent may be withheld for any reason.
16. Notices All notices, consents and approvals required or permitted by this Agreement shall be in writing and shall be deemed delivered upon personal delivery, upon the expiration of three (3) days following mailing by first class U.S. mail, or upon the next business day following mailing by a nationally recognized overnight carrier, to the parties at the addresses set forth below, or such other addresses as either party may designate by delivery of prior notice to the other party:

If to CSXT:	CSX Transportation, Inc. 500 Water Street, J-301 Jacksonville, Florida 32202 Attention: Director Project Management – Public Projects
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If to Agency:	The Town of Apex PO Box 250 Apex, NC 27502 Attention: Russell Dalton
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17. Severability The parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.
18. Applicable Law This Agreement shall be governed by the laws of the State of **North Carolina**, exclusive of its choice of law rules. The parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Wake County, North Carolina., and the parties agree to submit to the personal jurisdiction of any State or Federal court situated in Wake County, North Carolina.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

BY SIGNING THIS AGREEMENT, I certify that there have been no changes made to the content of this Agreement since its approval by the CSXT Legal Department on **July 20, 2023**.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

TOWN of APEX

By: _____

Name: _____

Title: _____

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

Antwan Morrison, Finance Director

CSX TRANSPORTATION, INC.

By: _____

Name: _____

Title: _____

EXHIBIT A
ALLOCATION OF WORK

Subject to Section 2.1, work to be performed in connection with the Project is allocated as follows:

- A. Agency shall let by contract to its Contractors:
1. Removal of roadway approaches up to the CSX tracks for the for the closure or Tingen Rd.
 2. Establishment of ditch lines for proper drainage away from the tracks at Tingen Rd.
 3. Installation of permanent barricades on both sides of the tracks for the Tingen Rd closure.
 4. All work for the construction of the Apex Peakway bridge over CSXT as described in the approved plans.
 5. Furnishing construction submittals for CSXT's approval.
 6. All traffic control, detours and police protection as may be required for the duration of the project.
 7. Disposal and removal of all materials, equipment, equipment from the project site regardless of nature generated. Note: Any soils excavated within CSXT's railroad right of way shall remain on CSXT's right of way. For any excavated soil that requires off-site disposal, the Agency, or its contractor, is required to use only CSX approved laboratories, transporters, and disposal facilities that are in compliance with all applicable environmental laws and CSXT's policies and procedures. Soil resulting from excavation outside of CSXT's railroad right-of-way or railroad owned property shall not be brought onto CSXT's property and therefore must be stored off CSX property.
- B. CSXT shall perform or cause to be performed:
1. Changes in communication and signal lines
 2. All work to remove and dispose of the Tingen Rd. crossing surface and associated signal appurtenances and restoration of any ditch lines
 3. Flagging services and other protective services and devices as may be necessary.
 4. Construction engineering and inspection to protect the interests of CSXT.
 5. Accounting and Administrative Services related to the foregoing.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

EXHIBIT B

PLANS AND SPECIFICATIONS

Plans, Specifications and Drawings:

As of the date of this Agreement, the following plans, specifications and drawings have been submitted by Agency to CSXT for its review and approval:

175 total sheets know as James Street to Towhee Drive Construct Grade Separated interchange for Apex Peakway at South Salem Street and CSX Railroad. Prepared by VHB Letting Date January 17, 2023

EXHIBIT C

CSXT SPECIAL PROVISIONS

DEFINITIONS:

As used in these Special Provisions, all capitalized terms shall have the meanings ascribed to them by the Agreement, and the following terms shall have the meanings ascribed to them below:

“CSXT” shall mean CSX Transportation, Inc., its successors and assigns.

“CSXT Representative” shall mean the authorized representative of CSX Transportation, Inc.

“Agreement” shall mean the Agreement between CSXT and Agency dated as of _____, as amended from time to time.

“Agency” shall mean the **Town of Apex**.

“Agency Representative” shall mean the authorized representative of the **Town of Apex**.

“Contractor” shall have the meaning ascribed to such term by the Agreement.

“Work” shall mean the Project as described in the Agreement.

I. AUTHORITY OF CSXT ENGINEER

The CSXT Representative shall have final authority in all matters affecting the safe maintenance of CSXT operations and CSXT property, and his or her approval shall be obtained by the Agency or its Contractor for methods of construction to avoid interference with CSXT operations and CSXT property and all other matters contemplated by the Agreement and these Special Provisions.

II. INTERFERENCE WITH CSXT OPERATIONS

- A. 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 damage to CSXT’s property, or to poles, wires, and other facilities of tenants on CSXT’s Property or right-of-way. Agency or its Contractor shall store materials so as to prevent trespassers from causing damage to trains, or CSXT Property. Whenever Work is likely to affect the operations or safety of trains, the method of doing such Work shall first be submitted to the CSXT Representative for approval, but such approval shall not relieve Agency or

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

its Contractor from liability in connection with such Work.

- B. If conditions arising from or in connection with the Project require that immediate and unusual provisions be made to protect train operation or CSXT's property, Agency or its Contractor shall make such provision. If the CSXT Representative determines that such provision is insufficient, CSXT may, at the expense of Agency or its Contractor, require or provide such provision as may be deemed necessary, or cause the Work to cease immediately.

III. NOTICE OF STARTING WORK. Agency or its Contractor shall not commence any work on CSXT Property or rights-of-way until it has complied with the following conditions:

- A. Notify CSXT in writing of the date that it intends to commence Work on the Project. Such notice must be received by CSXT at least ten business days in advance of the date Agency or its Contractor proposes to begin Work on CSXT property. The notice must refer to this Agreement by date. If flagging service is required, such notice shall be submitted at least thirty (30) business days in advance of the date scheduled to commence the Work.
- B. Obtain authorization from the CSXT Representative to begin Work on CSXT property, such authorization to include an outline of specific conditions with which it must comply.
- C. Obtain from CSXT the names, addresses and telephone numbers of CSXT's personnel who must receive notice under provisions in the Agreement. Where more than one individual is designated, the area of responsibility of each shall be specified.

IV. WORK FOR THE BENEFIT OF THE CONTRACTOR

- A. No temporary or permanent changes to wire lines or other facilities (other than third party fiber optic cable transmission systems) on CSXT property that are considered necessary to the Work are anticipated or shown on the Plans. If any such changes are, or become, necessary in the opinion of CSXT or Agency, such changes will be covered by appropriate revisions to the Plans and by preparation of a force account estimate. Such force account estimate may be initiated by either CSXT or Agency, but must be approved by both CSXT and Agency. Agency or Contractor shall be responsible for arranging for the relocation of the third party fiber optic cable transmission systems, at no cost or expense to CSXT.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

- B. Should Agency or Contractor desire any changes in addition to the above, then it shall make separate arrangements with CSXT for such changes to be accomplished at the Agency or Contractor's expense.

V. HAUL ACROSS RAILROAD

- A. If Agency or Contractor desires access across CSXT property or tracks at other than an existing and open public road crossing in or incident to construction of the Project, the Agency or Contractor must first obtain the permission of CSXT and shall execute a license agreement or right of entry satisfactory to CSXT, wherein Agency or Contractor agrees to bear all costs and liabilities related to such access.
- B. Agency and Contractor shall not cross CSXT's property and tracks with vehicles or equipment of any kind or character, except at such crossing or crossings as may be permitted pursuant to this section.

VI. COOPERATION AND DELAYS

- A. Agency or Contractor shall arrange a schedule with CSXT for accomplishing stage construction involving work by CSXT. In arranging its schedule, Agency or Contractor shall ascertain, from CSXT, the lead time required for assembling crews and materials and shall make due allowance therefore.
- B. Agency or Contractor may not charge any costs or submit any claims against CSXT for hindrance or delay caused by railroad traffic; work done by CSXT or other delay incident to or necessary for safe maintenance of railroad traffic; or for any delays due to compliance with these Special Provisions.
- C. Agency and Contractor shall cooperate with others participating in the construction of the Project to the end that all work may be carried on to the best advantage.
- D. Agency and Contractor understand and agree that CSXT does not assume any responsibility for work performed by others in connection the Project. Agency and Contractor further understand and agree that they shall have no claim whatsoever against CSXT for any inconvenience, delay or additional cost incurred by Agency or Contractor on account of operations by others.

VII. STORAGE OF MATERIALS AND EQUIPMENT

Agency and Contractor shall not store their materials or equipment on CSXT's property or where they may potentially interfere with CSXT's operations, unless Agency or Contractor has received CSXT Representative's prior written permission. Agency and

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

Contractor understand and agree that CSXT will not be liable for any damage to such materials and equipment from any cause and that CSXT may move, or require Agency or Contractor to move, such material and equipment at Agency's or Contractor's sole expense. To minimize the possibility of damage to the railroad tracks resulting from the unauthorized use of equipment, all grading or other construction equipment that is left parked near the tracks unattended by watchmen shall be immobilized to the extent feasible so that it cannot be moved by unauthorized persons.

VIII. CONSTRUCTION PROCEDURES

A. General

1. Construction work on CSXT property shall be subject to CSXT's inspection and approval.
2. Construction work on CSXT property shall be in accord with CSXT's written outline of specific conditions and with these Special Provisions.
3. Contractor shall observe the terms and rules of the CSXT Safe Way manual, which Agency and Contractor shall be required to obtain from CSXT, and in accord with any other instructions furnished by CSXT or CSXT's Representative.

B. Blasting

1. Agency or Contractor shall obtain CSXT Representative's and Agency Representative's prior written approval for use of explosives on or adjacent to CSXT property. If permission for use of explosives is granted, Agency or Contractor must comply with the following:
 - a. Blasting shall be done with light charges under the direct supervision of a responsible officer or employee of Agency or Contractor.
 - b. Electric detonating fuses shall not be used because of the possibility of premature explosions resulting from operation of two-way train radios.
 - c. No blasting shall be done without the presence of an authorized representative of CSXT. At least 10 days' advance notice to CSXT Representative is required to arrange for the presence of an authorized CSXT representative and any flagging that CSXT may require.
 - d. Agency or Contractor must have at the Project site adequate

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

equipment, labor and materials, and allow sufficient time, to (i) clean up (at Agency's expense) debris resulting from the blasting without any delay to trains; and (ii) correct (at Agency's expense) any track misalignment or other damage to CSXT's property resulting from the blasting, as directed by CSXT Representative, without delay to trains. If Agency's or Contractor's actions result in delay of any trains, including Amtrak passenger trains, Agency shall bear the entire cost thereof.

- e. Agency and Contractor shall not store explosives on CSXT property.

2. CSXT Representative will:

- a. Determine the approximate location of trains and advise Agency or Contractor of the approximate amount of time available for the blasting operation and clean-up.
- b. Have the authority to order discontinuance of blasting if, in his or her opinion, blasting is too hazardous or is not in accord with these Special Provisions.

IX. MAINTENANCE OF DITCHES ADJACENT TO CSXT TRACKS

Agency or Contractor shall maintain all ditches and drainage structures free of silt or other obstructions that may result from their operations. Agency or Contractor shall provide erosion control measures during construction and use methods that accord with applicable state standard specifications for road and bridge construction, including either (1) silt fence; (2) hay or straw barrier; (3) berm or temporary ditches; (4) sediment basin; (5) aggregate checks; and (6) channel lining. All such maintenance and repair of damages due to Agency's or Contractor's operations shall be performed at Agency's expense.

X. FLAGGING / INSPECTION SERVICE

- A. CSXT has sole authority to determine the need for flagging required to protect its operations and property. In general, flagging protection will be required whenever Agency or Contractor or their equipment are, or are likely to be, working within fifty (50) feet of live track or other track clearances specified by CSXT, or over tracks.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

- B. Agency shall reimburse CSXT directly for all costs of flagging that is required on account of construction within CSXT property shown in the Plans, or that is covered by an approved plan revision, supplemental agreement or change order.
- C. Agency or Contractor shall give a minimum of 10 days' advance notice to CSXT Representative for anticipated need for flagging service. No work shall be undertaken until the flag person(s) is/are at the job site. If it is necessary for CSXT to advertise a flagging job for bid, it may take up to 90-days to obtain this service, and CSXT shall not be liable for the cost of delays attributable to obtaining such service.
- D. CSXT shall have the right to assign an individual to the site of the Project to perform inspection service whenever, in the opinion of CSXT Representative, such inspection may be necessary. Agency shall reimburse CSXT for the costs incurred by CSXT for such inspection service. Inspection service shall not relieve Agency or Contractor from liability for its Work.
- E. CSXT shall render invoices for, and Agency shall pay for, the actual pay rate of the flagpersons and inspectors used, plus standard additives, whether that amount is above or below the rate provided in the Estimate. If the rate of pay that is to be used for inspector or flagging service is changed before the work is started or during the progress of the work, whether by law or agreement between CSXT and its employees, or if the tax rates on labor are changed, bills will be rendered by CSXT and paid by Agency using the new rates. Agency and Contractor shall perform their operations that require flagging protection or inspection service in such a manner and sequence that the cost of such will be as economical as possible.

XI. UTILITY FACILITIES ON CSXT PROPERTY

Agency shall arrange, upon approval from CSXT, to have any utility facilities on or over CSXT Property changed as may be necessary to provide clearances for the proposed trackage.

XII. CLEAN-UP

Agency or Contractor, upon completion of the Project, shall remove from CSXT's Property any temporary grade crossings, any temporary erosion control measures used to control drainage, all machinery, equipment, surplus materials, falsework, rubbish, or temporary buildings belonging to Agency or Contractor. Agency or Contractor, upon completion of the Project, shall leave CSXT Property in neat condition, satisfactory to CSXT Representative.

XIII. FAILURE TO COMPLY

If Agency or Contractor violate or fail to comply with any of the requirements of these Special Provisions, (a) CSXT may require Agency and/or Contractor to vacate CSXT Property; and (b) CSXT may withhold monies due Agency and/or Contractor; (c) CSXT may require Agency to withhold monies due Contractor; and (d) CSXT may cure such failure and the Agency shall reimburse CSXT for the cost of curing such failure.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

EXHIBIT D

ESTIMATE SUBJECT TO REVISION AFTER:	6/7/2024	973688N
CITY: Apex	COUNTY: Wake	DOT NO.: 630696H
		STATE: NC
DESCRIPTION: Apex Peak Parkway over CSXT - construction of new OHBR (DOT 973688N Proposed) and closure of SR 1153 / Tingen Rd. (DOT 630696H). Total construction time for the project 24-36 month. 250 flagging days requested for work within CSX Right of Way.		
ZONE: Carolinas	SUB-DIV: Aberdeen	S-172.4
AGENCY PROJECT NUMBER: CXP1877.PE00		MILE POST: S-171.84

PRELIMINARY ENGINEERING:

Contracted & Administrative Engineering Services	\$	-
Subtotal	\$	-

CONSTRUCTION ENGINEERING/INSPECTION:

Contracted & Administrative Engineering Services - CSXT Admin and Flagging Coordinator	\$	5,000
Contracted & Administrative Engineering Services - STV	\$	180,025
Subtotal	\$	185,025

FLAGGING SERVICE: (Contract Labor)

Labor (Conductor-Flagman)	0	Days @	\$ 350.00	\$	-
Labor (Foreman/Inspector)	250	Days @	\$ 547.00	\$	136,750
Additive 187.00% (Transportation Department)				\$	-
Additive 223.00% (Engineering Department)				\$	304,953
Subtotal				\$	441,703

<u>SIGNAL & COMMUNICATIONS WORK:</u>	\$	46,611
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<u>TRACK WORK:</u>	\$	20,349
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<u>PROJECT SUBTOTAL:</u>	\$	693,688
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<u>CONTINGENCIES:</u>	10.00%	\$	69,369
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<u>PROJECT TOTAL:</u>	*****	\$	763,056
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<u>CURRENT AUTHORIZED BUDGET:</u>	*****	\$	-
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<u>TOTAL SUPPLEMENT REQUESTED:</u>	*****	\$	763,056
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DIVISION OF COST:

Agency	100.00%	\$	763,056
Railroad	0.00%	\$	-

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: STV Incorporated

Approved by: **ML** CSXT Public Project Group

DATE: 06/08/23 REVISED: 01/00/00 DATE: 07/13/23

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

EXHIBIT E

PAYMENT SCHEDULE

Advance Payment in Full

Upon execution and delivery of notice to proceed with the Project, Agency will deposit with CSXT a sum equal to the Reimbursable Expenses, as shown by the Estimate. If CSXT anticipates that it may incur Reimbursable Expenses in excess of the deposited amount, CSXT will request an additional deposit equal to the then remaining Reimbursable Expenses which CSXT estimates that it will incur. CSXT shall request such additional deposit by delivery of invoices to Agency. Agency shall make such additional deposit within 30 days following delivery of such invoice to Agency.

EXHIBIT F

INSURANCE REQUIREMENTS

I. Insurance Policies:

Agency and Contractor, if and to the extent that either is performing work on or about CSXT's property, shall procure and maintain the following insurance policies:

1. Commercial General Liability coverage at their sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CG 24 17 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against CSXT and its affiliates (if permitted by state law).
3. Commercial automobile liability insurance with limits of not less than \$1,000,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CA 20 70 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
4. Railroad protective liability insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of \$10,000,000, which insurance shall satisfy the following additional requirements:
 - a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance - Insurance Services Office (ISO) Form CG 00 35.
 - b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.
 - c. Name and Address of Contractor and Agency must appear on the Declarations page.
 - d. Description of operations must appear on the Declarations page and must match the Project description.

2

e. Authorized endorsements must include the Pollution Exclusion Amendment - CG 28 31, unless using form CG 00 35 version 96 and later.

f. Authorized endorsements may include:

(i). Broad Form Nuclear Exclusion - IL 00 21

- (ii) 30-day Advance Notice of Non-renewal or cancellation
- (iii) Required State Cancellation Endorsement
- (iv) Quick Reference or Index - CL/IL 240

g. Authorized endorsements may not include:

- (i) A Pollution Exclusion Endorsement except CG 28 31
- (ii) A Punitive or Exemplary Damages Exclusion
- (iii) A "Common Policy Conditions" Endorsement
- (iv) Any endorsement that is not named in Section 4 (e) or (f) above.
- (v) Policies that contain any type of deductible

5. All insurance companies must be A. M. Best rated A- and Class VII or better.

6. The CSX OP number or CSX contract number, as applicable, must appear on each Declarations page and/or certificates of insurance.

7. Such additional or different insurance as CSXT may require.

II. Additional Terms

1. Contractor must submit the original Railroad Protective Liability policy, Certificates of Insurance and all notices and correspondence regarding the insurance policies to:

2.

Insurance Department
CSX Transportation, Inc.
500 Water Street, C-907
Jacksonville, FL 32202

OR

insurancedocuments@csx.com

2. Neither Agency nor Contractor may begin work on the Project until it has received CSXT's written approval of the required insurance.

Apex, Wake Co., NC
Apex Peakway over CSXT at 973688N / S-172.4
Closure of Tingen Rd. at 630696H / S-171.84
Carolinas Zone, Aberdeen Subdivision
CSXT OP# _____

SCHEDULE I

CONTRACTOR'S ACCEPTANCE

To and for the benefit of CSX Transportation, Inc. ("CSXT") and to induce CSXT to permit Contractor on or about CSXT's property for the purposes of performing work in accordance with the Agreement dated _____, 2023, between the **Town of Apex** and CSXT, Contractor hereby agrees to abide by and perform all applicable terms of the Agreement, including, but not limited to Exhibits C and F to the Agreement, and Sections 3, 9 and 11 of the Agreement.

Contractor: _____

By: _____

Name: _____

Title: _____

Date: _____

\\COR\130459.7

Certificate of Insurance					Issue Date (MM/DD/YYYY) 07/24/2023	
Named Participant Town of Apex PO Box 250 Apex, NC 27502			This Certificate is issued as a matter of information only and confers no rights upon the Certificate Holder. This Certificate does not amend, extend or alter the coverage afforded by the Policies below.			
			Companies affording Coverage			
			A = Interlocal Risk Financing Fund of North Carolina			
			B = North Carolina Interlocal Risk Management Agency			
COVERAGES						
THIS IS TO CERTIFY THAT THE COVERAGE LISTED BELOW IS AFFORDED TO THE PARTICIPANT NAMED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN THE COVERAGE DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH PROGRAM.						
Co Ltr	Type of Coverage	Policy Number	Effective Date	Expiration Date	Limits of Liability	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> Commercial General Liability <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occurrence	PL-P-62003-2023	07/01/2023	07/01/2024	Products-Comp/Operations Personal & Adv. Injury Each Occurrence Fire Damage (Any one fire) Med. Expense (Any one) Deductible	\$5,000,000 \$5,000,000 \$5,000,000 \$1,000,000 N/A \$5,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> Any Auto (Symbol 7,8,9) <input type="checkbox"/> Hired Autos (Symbol 8) <input type="checkbox"/> Non-Owned Autos (Symbol 9) <input type="checkbox"/> Uninsured/Underinsured Motorists	PL-P-62003-2023	07/01/2023	07/01/2024	Limit CSL \$5,000,000	Deductible \$1,000
	PROPERTY <input type="checkbox"/> Real & Personal Property <input type="checkbox"/> Builder's Risk <input type="checkbox"/> Auto Physical Damage (Symbol 7 & 8) <input type="checkbox"/> Municipal Equipment <input type="checkbox"/> Computer Equipment & Media <input type="checkbox"/> Portable Equipment <input type="checkbox"/> Fine Arts				Limit	Deductible
	Police Professional Liability <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence				Limit(per occurrence/aggregate)	Deductible
	Public Officials Liability <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence				Limit(each claim/aggregate)	Deductible
	Employment Practices Liability <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence				Limit(each claim/aggregate)	Deductible
B	Workers' Compensation <input checked="" type="checkbox"/> Workers' Compensation and Employer's Liability <input checked="" type="checkbox"/> WC Statutory Limit	WC-P-138-2023	07/01/2023	07/01/2024	Limit Each Accident Disease - Each Employee Disease - Policy Limit	\$1,000,000 \$1,000,000 \$1,000,000
	OTHER COVERAGE <input type="checkbox"/> <input type="checkbox"/>				Limit	Deductible
Description Certificate Holder is an Additional Insured Re: the Construction Agreement of the Apex Peakway Bridge. Waiver of subrogation applies to Workers Compensation.						
Certificate Holder					Cancellation	
CSX Transportation, Inc. 500 Water Street C- 907 Jacksonville, FL 32202					Should any of the above described coverages be cancelled before the expiration date thereof the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.	
					Authorized Representative <i>Michael Pittman</i>	

North Carolina Interlocal Risk Management Agency

NAMED INSURED: Town of Apex

POLICY NUMBER: WC-P-138-2023

EFFECTIVE DATE: 7-1-2023 at 12:01 AM Standard Time at your mailing address

Workers Compensation and Employers Liability Insurance Policy

This endorsement changes the policy to which it is attached and is effective on the date issued.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

CSX Transportation, Inc.
500 Water Street, C-907
Jacksonville, FL 32202

WCEND-200 (07/2013)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an Agreement between the North Carolina Department of Transportation (NCDOT) and the Town of Apex to be eligible for up to \$550,000 in federal funds reimbursement toward a total estimated cost of \$687,500 in design, environmental documentation and right-of-way (ROW) acquisition for project BO-2416, SR 1153 (Tingen Road) Bicycle and Pedestrian Bridge, requiring a minimum 20% local cost match of \$137,500, and to adopt Capital Project Ordinance Amendment 2024-1, and to authorize the Interim Town Manager , or their designee, to execute the Agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is required to receive federal funds reimbursement at an 80% federal/20% local cost match for up to \$687,500 in total expenses toward design, environmental documentation, and right of way acquisition for the future bridge, to plan a route for cyclists and pedestrians to cross the railroad at that location, given the existing Tingen Road crossing is required to close once the southwest Apex Peakway bridge is open to traffic. As typical for this type of agreement, if the total cost exceeds the estimated cost then additional local funds would be needed to cover that shortfall at 100%, unless supplemental federal funds can be allocated to the project subject to approval by the Executive Board of the Capital Area Metropolitan Planning Organization and NCDOT, in which case a minimum 50% local cost match would be required for supplemental funds.

Although an estimate of NCDOT staff review and inspections time has been factored into the overall cost estimate, and NCDOT will set aside \$68,750 (10% of estimated total budget) toward that expense, if NCDOT internal charges exceed available funds then Apex is responsible for reimbursement of 100% of those charges in excess of available funds. Additionally, per the Agreement: *The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed*

by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

Attachments

- CN10-A1: Agreement - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1
- CN10-A2: Map - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1
- CN10-A3: Capital Project Ordinance Amendment 2024-1 - NCDOT - Tingen Road Bicycle and Pedestrian Bridge Design



Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Apex

County: Wake

TIP: BO-2416

Project: SR 1153 (Tingen Road) Bicycle and Pedestrian Bridge

Scope: the construction of a pedestrian bridge over CSX railroad within the existing alignment of SR 1153 (Tingen Road) in Apex.

Eligible Activities:

PE	50846.1.1	Design
		Environmental
ROW	50846.2.1	ROW Acquisition
		Utility Relocation
CON	_____	Construction
OTHER	_____	
FEDERAL-AID	5084611	

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
High Priority Projects	\$550,000	80 %	\$137,500	20 %
Total Available Funding		\$687,500		

Responsibility: The Town of Apex shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

WAKE COUNTY

DATE: 6/29/2023

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: BO-2416

AND

WBS Elements: PE 50846.1.1

ROW 50846.2.1

TOWN OF APEX

CON

OTHER FUNDING:

FEDERAL-AID NUMBER: 5084611

CFDA #: 20.205

Total Funds [NCDOT Participation] \$550,000

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

WITNESSETH:

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) allows for the allocation of federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for SR 1153 (Tingen Road) Bicycle and Pedestrian Bridge, hereinafter referred to as the Project, in Wake County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$550,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

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

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;

- Maintain knowledge of day-to-day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

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

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of the construction of a pedestrian bridge over CSX railroad within the existing alignment of SR 1153 (Tingen Road) in Apex.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation
- ROW Acquisition

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is High Priority Projects. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on the project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse 80% of eligible expenses incurred by the Municipality up to a maximum amount of Five Hundred Fifty Thousand Dollars (\$550,000), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total available funding.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
High Priority Projects	\$550,000	80%	\$137,500	20%
Total Available Funding		\$687,500		

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside,

but is not limited to, ten percent (10%) of the total available funding, or \$68,750, to use towards the costs related to review and oversight of this Project. These costs may include but are not limited to: review and approval of plans, environmental documents, contract proposals, and engineering estimates; performance of any phase of work, for example, contract administration or construction engineering and inspection; oversight of any phases; or any other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the total available funding.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64.31; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legisregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to the Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along

with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities,

project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of the completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the SR 1153 (Tingen Road) Bicycle and Pedestrian Bridge, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Environmental Documentation
- ROW Acquisition

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

▪ WORK PERFORMED BEFORE NOTIFICATION

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

▪ NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

▪ UNSUBSTANTIATED COSTS

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

▪ **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$550,000 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the total available funding.

▪ **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

▪ **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

▪ **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

▪ **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the

Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

▪ PROCEDURE

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

▪ INTERNAL APPROVALS

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ TIMELY SUBMITTAL OF INVOICES

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ FINAL INVOICE

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

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

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

L.S. ATTEST:

TOWN OF APEX

BY: DO NOT SIGN - AWAIT DOCUSIGN EMAIL FOLLOWING
COUNCIL APPROVAL 8/8/23

TITLE: _____ TITLE: _____

DATE: _____

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

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

DO NOT SIGN - AWAIT DOCUSIGN EMAIL FOLLOWING
COUNCIL APPROVAL 8/8/23

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Town of Apex

Remittance Address:

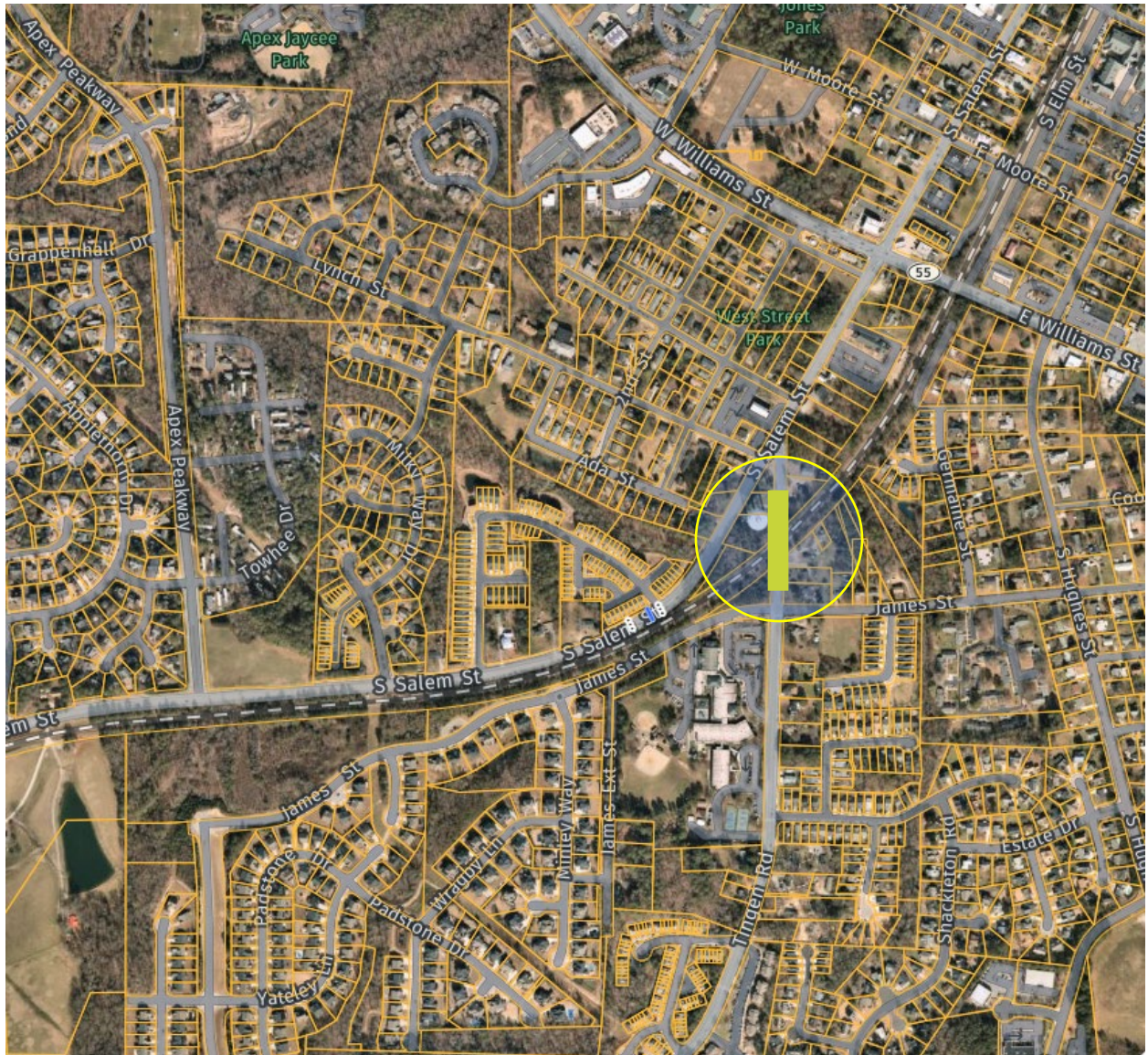
DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: August 3, 2023 (Date)

BO-2416, Tingen Road Bicycle & Pedestrian Bridge: Design, Environmental Documentation & Right of Way Acquisition





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2024-1

63 - Street Improvements Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

9250-1017-33250: Federal Grants	50,000
Total Revenues	\$50,000

Section 2. The expenditures anticipated are:

9250-1017-47300: Tingen Pedestrian Bridge	50,000
Total Expenditures	\$50,000

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 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell H. Dalton, PE, Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an Agreement between the North Carolina Department of Transportation (NCDOT) and the Town of Apex to be eligible for up to \$1,075,200 in federal funds reimbursement toward a total estimated cost of \$1,344,000 in utility relocation and construction of BL-0095, Saunders Street and Hinton Street Sidewalk project, requiring a minimum 20% local cost match of \$268,800, and to authorize the Interim Town Manager, or their designee, to execute the Agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is required to receive federal funds reimbursement at an 80% federal/20% local cost match for up to \$1,344,000 in total expenses toward utility relocation and construction of approximately 2,065 linear feet of 5-foot concrete sidewalk along Saunders Street and Hinton Street as well as a short segment of sidewalk along W Chatham Street. Construction of sidewalk will include installation of approximately 1,285 feet of curb and gutter along the sidewalk. As typical for this type of agreement, if the total cost exceeds the estimated cost then additional local funds would be needed to cover that shortfall at 100%, unless supplemental federal funds can be allocated to the project subject to approval by the Executive Board of the Capital Area Metropolitan Planning Organization and NCDOT, in which case a minimum 50% local cost match would be required for supplemental funds.

Although an estimate of NCDOT staff review and inspections time has been factored into the overall cost estimate, and NCDOT will set aside \$134,400 (10% of estimated total budget) toward that expense, if NCDOT internal charges exceed available funds then Apex is responsible for reimbursement of 100% of those charges in excess of available funds. Additionally, per the Agreement: *The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the*

Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

Attachments

- CN11-A1: Agreement - North Carolina Department of Transportation (NCDOT) - South Saunders Street and Hinton Street Sidewalk



Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: Town of Apex

County: Wake

TIP: BL-0095

Project: Saunders Street and Hinton Street Sidewalk

Scope: the construction of approximately 2,065 linear feet of 5-foot, concrete sidewalk along Saunders Street and Hinton Street as well as a short segment along W Chatham Street. Construction of sidewalk will include installation of approximately 1,285 feet of curb and gutter along the sidewalk.

Eligible Activities:

PE		Design
		Environmental
ROW/UTIL	50783.2.2	ROW Acquisition
		Utility Relocation
CON	50783.3.1	Construction
OTHER		
FEDERAL-AID	5078311	

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$1,075,200	80 %	\$268,800	20 %
Total Available Funding		\$1,344,000		

Responsibility: The Town of Apex shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

WAKE COUNTY

DATE: 7/27/2023

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

AND

TOWN OF APEX

TIP #: BL-0095

WBS Elements: PE _____

ROW _____

UTIL 50783.2.2

CON 50783.3.1

OTHER FUNDING: _____

FEDERAL-AID NUMBER: 5078311

CFDA #: 20.205

Total Funds [NCDOT Participation] \$1,075,200

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

WITNESSETH:

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA) allows for the allocation of federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Saunders Street and Hinton Street Sidewalk, hereinafter referred to as the Project, in Wake County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,075,200 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

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

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;

- Maintain knowledge of day-to-day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

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

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of the construction of approximately 2,065 linear feet of 5-foot, concrete sidewalk along Saunders Street and Hinton Street as well as a short segment along W Chatham Street. Construction of sidewalk will include installation of approximately 1,285 feet of curb and gutter along the sidewalk.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Utility Relocation
- Construction

as further set forth in this Agreement.

3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is STBG-DA. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse (80%) of eligible expenses incurred by the Municipality up to a maximum amount of One Million Seventy-Five Thousand Two Hundred Dollars (\$1,075,200), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total available funding.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STP-DA	\$1,075,200	80%	\$268,800	20%
Total Available Funding		\$1,344,000		

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside, but is not limited to, ten percent (10%) of the total available funding, or \$134,400, to use towards the costs related to review and oversight of this Project. These costs may include but are not limited to: review and approval of plans, environmental documents, contract proposals, and engineering estimates; performance of any phase of work, for example, contract administration or construction engineering and inspection; oversight of any phases; or any other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the total available funding.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64.31; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legisregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.
- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along

with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities,

project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Saunders Street and Hinton Street Sidewalk, or as required by an executed encroachment agreement.

19.REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Utility Relocation
- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$1,075,200 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the total available funding.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the

Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

▪ PROCEDURE

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

▪ INTERNAL APPROVALS

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

▪ TIMELY SUBMITTAL OF INVOICES

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

▪ FINAL INVOICE

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures, that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

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

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

L.S. ATTEST:

TOWN OF APEX

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

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

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Town of Apex

Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: August 3, 2023 (Date)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Mary Beth Manville, Director

Department(s): Human Resources

Requested Motion

Motion to approve an agreement between P&A Administrative Services, Inc, and the Town of Apex for administration of the Town's Lifestyle Reimbursement Account for Town employees, effective July 1, 2023, and to authorize the Interim Town Manager, or their designee, to execute the Agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Town's new Peak Lifestyle Account benefit for employees will be administered by P&A Administrative Services, Inc, the same vendor that administers the Town's Flexible Spending Accounts program. This new agreement will allow P&A Administrative Services, Inc to administer the benefit, providing debit card and claims reimbursement services.

Attachments

- CN12-A1: Agreement - P&A Administrative Services Inc. - Peak Lifestyle Account Management
- CN12-A2: Schedule A - Fees - Peak Lifestyle Account Management



LIFESTYLE SPENDING ACCOUNT PLAN SERVICES AGREEMENT

This Lifestyle Spending Account Plan Services Agreement (the "**Agreement**") made effective as of July 1, 2023 (the "**Effective Date**"), by and between **TOWN OF APEX**, 73 Hunter Street, Apex, NC 27502 (the "**Employer**"), and **P&A ADMINISTRATIVE SERVICES, INC.**, 17 Court Street, Suite 500, Buffalo, NY 14202-3294 ("**P&A**").

W I T N E S S E T H:

WHEREAS, the Employer maintains a "lifestyle spending account" for the benefit of its eligible employees that adopt the Plan (the "Plan"); and

WHEREAS, the Employer heretofore engaged P&A to provide technical and administrative services with respect to the Plan and desires P&A to continue to do so upon certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto, with the intention of being legally bound hereby, covenant and agree as follows:

1. Services. P&A shall provide the following services with respect to the Plan:

- a. provide Participants with a form to use in submitting benefit claims to P&A for processing;
- b. from time to time, notify the Employer of the aggregate amount of funds needed from the Employer to pay pending approved claims and receive said funds as transmitted by the Employer;
- c. pursuant with the plan rules and requirements furnished by the employer adjudicate pay approved benefit claims from funds made available by the Employer for that purpose. Claims shall be paid by check or, where authorized by a Participant, by direct electronic deposit to a bank account of the Participant;
- d. pursuant with the plan rules and requirements furnished by the employer provide such other services as shall be reasonably necessary to process claims under the Plan;

2. Compensation. As compensation for the services rendered hereunder, the Employer shall pay P&A such fees as are set forth in **Schedule A** attached hereto and made a part hereof. P&A may modify this fee schedule as of the beginning of any Plan Year commencing after the initial term of this Agreement, as described in Section 5. P&A shall notify the Employer in writing of any modification to the fee schedule not less than ninety (90) days before the beginning of the Plan Year in which the modification is to become effective. Should the Employer be unwilling to accept any such modification, it may exercise its right to terminate the Agreement in accordance with Section 5.

3. **Employer Responsibilities.**

- a. The Employer shall notify P&A in writing of any event or occurrence that affects the group of employees who are eligible to participate in the Plan.
- b. The employer shall provide P&A Group a comprehensive list of eligible expenses along with any other relevant plan rules necessary to administer the plan at least 30 days in advance of the plan year.
- c. The Employer shall provide P&A on a timely basis with such other information as P&A deems necessary or appropriate for the discharge of its responsibilities hereunder, including any information that must be obtained from the Employer to prepare annual reports for the plan.

4. Responsibilities of the Parties and Indemnification. The responsibilities and liabilities of P&A are only those set forth herein, and no others shall be implied. P&A shall have no duty or authority to make, or to compel the Employer to make payment of any benefit under the Plan. Except for its own misconduct or negligence, P&A shall not indemnify the Employer or any other provider of benefits under the Plan, with respect to its liability to pay benefits to Participants.

Except for its own misconduct or negligence, neither P&A nor any of its officers, directors, or employees, nor any agent or counsel for any of the foregoing, shall be liable to anyone at any time interested in the Plan, for any act or omission in providing services hereunder. P&A shall indemnify and hold harmless the Employer from any claim, liability, obligation or charge arising out of P&A's misconduct, negligence or other wrongdoing in connection with activities or responsibilities arising out of or relating to this Agreement. [sentence deleted].

By engaging P&A ADMINISTRATIVE SERVICES, INC. to provide Lifestyle Spending Account administration services the Employer represents and warrants that they have consulted with legal [clause deleted] counsel regarding the tax and other compliance requirements relating to the Lifestyle Spending Account, acknowledge and accept full responsibility for all legal and tax compliance obligations associated with the Lifestyle Account program design, and, to the extent permitted by North Carolina law, agree to hold P&A ADMINISTRATIVE SERVICES, INC. harmless for all liability and responsibility associated with any tax, legal, or other compliance requirements.

5. Termination. The initial term of this Agreement shall commence on the Effective Date and shall end on the last day of the first twelve-month Plan Year commencing on or after that date. Thereafter, this Agreement may be renewed for each additional Plan Year unless one of the parties hereto gives the other party notice in writing of its desire to terminate the Agreement as of the end of a specified Plan Year not less than sixty (60) days prior to the end of that Plan Year.

Notwithstanding the foregoing, this Agreement shall terminate (a) automatically if either party is adjudicated a bankrupt or suffers appointment of a temporary or permanent receiver, trustee or custodian for all or a substantial part of their assets, which shall not be discharged within thirty (30) days of appointment, or makes an assignment for the benefit of creditors, or (b) after written notice by one party of the other party's material breach of, or material failure to perform, its obligations hereunder unless such breach or failure is cured within ten (10) days of said notice. Any notice of breach must provide all such details as are known to the non-breaching party regarding the nature of the other party's alleged breach, the specific obligation hereunder to which the alleged material breach relates, the approximate date on which the alleged breach occurred and the identity of any personnel of the other party that were involved. Failure to provide such detail shall render said notice null and void for purposes of this Agreement.

Should the Employer cause this Agreement to be terminated other than in accordance with the preceding paragraph, the Employer immediately shall become obligated to pay P&A as liquidated damages an amount equal to seventy-five (75%) percent of the fees that would have been due had the Agreement remained in effect for the period (i) commencing on the date next following the date on which the Agreement prematurely was or will become terminated, and (ii) ending on the earliest date as of which the Employer properly could have terminated the Agreement by giving the advance notice prescribed hereunder on the date the Employer first notified P&A in writing of the Employer's intention to terminate the Agreement. For purposes of calculating this liquidated damages amount, the fees due to P&A hereunder for services it provided in the month preceding the month within which P&A first was notified of the premature termination of the Agreement shall be the fees due for each month during the period described in the preceding sentence.

6. Confidentiality. All books and records, including the data therein, pertaining to each party which may come into the hands of the other are to be treated as confidential and private records, and the other party shall not disclose information from such records unless it is required by law or authorized by the initial party in writing prior to such disclosure. Both parties reserve the right to control the use of any of their symbols, trademarks, computer programs and service marks currently existing or hereafter established. Both parties agree that they will not use the computer programs work, symbols, trademarks, service marks, or other devices of the other in advertising, promotional material, or otherwise and will not advertise or display such devices without the prior written consent of the other party. In addition, both parties further agree that any such work, symbols, trademarks, service marks, or other devices furnished by one party to the other shall remain the property of the initial party and shall be returned by the other party upon demand of the initial party upon termination of this Agreement.

7. HIPAA Compliance. The parties hereto acknowledge that they have entered into a separate Business Associate Agreement of even date herewith (the Employer on behalf of the Plan) , and agree that said Business Associate Agreement and all of the obligations and rights of the parties thereunder shall be incorporated herein by reference.

8. Binding Effect. This Agreement shall inure to the benefit of and be binding upon the parties, their legal representatives, contractors, agents, successors and assigns.

9. Integration. By their making of this Agreement, the parties hereto hereby acknowledge that this Agreement supersedes any previous understandings between them with respect to all matters contained herein and contains the entire understanding and agreement between them with respect to all matters contained herein and cannot be amended, modified or supplemented except by a subsequent written agreement entered into by both parties.

10. Subcontracting. P&A shall not subcontract any portion of this Agreement without the prior written approval of the Employer.

11. Non-Exclusive Arrangement. Nothing contained herein shall be construed to prevent either party from independently operating or participating in any other agreement concerning plan administration services independent and unrelated to the services and obligations of the parties pursuant to this Agreement.

12. Waiver of Breach. The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as or be construed as a waiver of a breach or violation of any other provision of this Agreement or of any subsequent breach or violation thereof.

13. Severability. In the event any provision of this Agreement is rendered invalid or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect.

14. Governing Law. This Agreement is made in and shall be construed pursuant to the laws of the State of **North Carolina**, to the extent that the law of the State of **North Carolina** is not superseded by federal law.

15. Enforcement. If any action at law or in equity (including arbitration) is necessary to enforce or interpret any one or more of the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and necessary disbursements in addition to any other relief to which such party may be entitled.

16. Notice. Any notice hereunder by either party shall be deemed to have been duly given three (3) business days after mailing, and shall be given by fax and by being mailed in any post office or post office box maintained by the United States Postal Service, enclosed in a postage paid envelope, registered or certified mail, return receipt requested, addressed to the party to whom or which notice is intended to

be given at such party's address as stated above or to such other address as each party shall specify in writing to the other.

17. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and together shall constitute one and the same instrument.

(Remainder of page left intentionally blank)

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the Effective Date.

TOWN OF APEX

P&A ADMINISTRATIVE SERVICES, INC.

By: _____

By: _____

Title: _____

Title: _____

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

Antwan Morrison, Finance Director

SCHEDULE A - FEES

The Employer shall pay to P&A:

1. **INSTALLATION FEE.** \$0.00
2. **ADMINISTRATION FEES.** Administration fees for each calendar month commencing while this Agreement remains in effect.

As of the first day of each Plan Year, P&A shall determine if an Annual Minimum Fee in the amount of \$1,000.00 is due with respect to that Plan Year. This Annual Minimum Fee shall be due only if the following total is less than \$1,000.00. The number of individuals who are enrolled to receive benefits under the Plan as of the first day of the Plan Year multiplied by \$3.50 (the per Participant monthly fees described below) then multiplied again by 12 months.

If it is determined that, with respect to a particular Plan Year, the Annual Minimum Fee provision above does not apply, P&A shall provide the Employer with invoices for administrative fees on a monthly basis. The fees for a given month shall equal the sum of \$3.50 for each individual who was enrolled for the reimbursement of expenses under the Plan as of the first day of that month, including (i) any individual who, on that date, would have been eligible for reimbursement but for the fact that he or she had previously been reimbursed for the full amount of benefits available to him or her under the terms of the Plan; (ii) any individual whose eligibility for the Plan had terminated prior to that date but who, on that date, remained eligible to submit post-termination run-out claims under the terms of the Plan or whose family members remained eligible to submit such claims.

If it is determined to apply, the Minimum Annual Fee shall be due and payable within thirty (30) days after P&A provides the Employer with an invoice with respect to same. Once paid, the Minimum Annual Fee shall be credited against the Employer's obligation for monthly fees as determined in accordance with the preceding paragraph, and P&A shall not bill for any monthly fees until the total of all such fees accrued to date exceeds the amount of the Minimum Annual Fee. Monthly fees shall be due and payable within thirty (30) days after P&A provides the Employer with an invoice with respect to same.

3. **ANNUAL REPORT PREPARATION.** \$300.00 for each annual return (Form 5500 Series or equivalent) that is prepared by P&A pursuant to Section 1 of this Agreement.
4. **REQUESTED ADDITIONAL SERVICES AND MATERIALS.** For such services and materials requested by the Employer that are in addition to the services and materials described in Section 1 of this Agreement, P&A shall be entitled to such additional compensation from the requesting party as is mutually

agreed upon by the requesting party and P&A.

5. ***MAILING EXPENSES.*** The cost of any mailing required under the Agreement the rate for which exceeds the first-class rate charged by the U.S. Post Office.

6. ***RECOUPMENT OF PENALTIES AND FEES.*** The amount of any penalty or like fee that is imposed on P&A as a result of any action or inaction by the Employer or by the employees or other agents of the Employer with respect to the administration of the Plan, including but not limited to returned check charges or ACH rejection fees. P&A shall be entitled to immediately recoup any such penalty or fee from the Employer after giving the Employer written notice that P&A has paid such amount.

Note: Should the Employer elect to change the terms of the Plan or should changes in applicable laws necessitate changes to the Plan documents, P&A will provide the Employer with a quote as to the cost of having P&A make the document changes.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Katie Schwing, Senior Planner - Long Range Transit

Department(s): Planning

Requested Motion

Motion to approve an agreement between the Town of Cary and the Town of Apex for Remix Transit Planning software cost reimbursement, to assist with long range transit planning, not to exceed \$11,250, effective for one (1) year ending July 31, 2024, and to authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This agreement follows an amendment to the Town of Cary's agreement (EN23-052-00) with Remix Technologies, LLC, allowing for the Town of Apex to add an account on this contract at a reduced cost as compared to procuring a separate contract. This agreement acknowledges that the Town of Apex will reimburse the Town of Cary for the additional costs associated with adding that provision to their agreement. The purpose of requesting access to this software is to support the Transit Priorities study planned for this fiscal year. This study is approved for partial funding through a Wake Transit Community Funding Area Program planning grant (TC003-V), with an expected 50% reimbursement of eligible costs. This software procurement is within the approved scope.

Attachments

- CN13-A1: Agreement - Town of Cary - Remix Transit Planning Software Cost Reimbursement



AGREEMENT FOR REIMBURSEMENT

This Agreement for Reimbursement (hereafter “Agreement”) is made by and between the Town of Cary, a North Carolina municipal corporation (hereafter “Cary”) and the Town of Apex, a North Carolina municipal corporation (hereafter “Apex”). Apex and Cary are sometimes hereinafter referred to collectively as the “Parties.”

RECITALS

WHEREAS, Apex desires to procure software to assist with its long-range transit planning,

WHEREAS, Cary has an existing agreement with a third-party contractor (Remix Technologies, LLC, Town of Cary Agreement EN23-052-00) providing transit planning software as a service for GoCary transportation services (hereafter “Platform”);

WHEREAS, Cary and Apex as neighbors in the region collaborate on transit planning activities;

WHEREAS, Apex requests authorization to utilize the Platform for future transit planning in Apex;

WHEREAS, Cary has authorized Apex to utilize the Platform, and Apex has agreed to reimburse Cary for this additional expense and amendment to EN23-052-00, and according to the further terms and conditions, set forth herein.

WHEREAS, this Agreement is authorized by N.C.G.S § 160A-20.1.

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt of which is acknowledged, the parties agree as follows:

1. **RECITALS; PURPOSE.** The recitals are incorporated into this Agreement. This Agreement shall be effective upon execution by both parties (“Effective Date”). This Purpose of this Agreement is for Apex to reimburse Cary for the costs of Cary amending Agreement EN23-052-00 to allow Apex to access the Platform for the 2024 fiscal year, incorporated herein by reference (“Services”).
2. **COMPENSATION:** Apex shall pay to Cary the total sum of eleven thousand two hundred fifty dollars (\$11,250.00) for provision of Services. Payment shall be made within thirty (30) days of receipt of an invoice from Cary.
3. **DURATION AND TERM OF AGREEMENT.** This agreement shall become effective on the date of the full execution of this Agreement (“Effective Date”) and shall terminate on July 31,

2024. The Parties may extend the term of this Agreement by a separate written instrument executed by both Parties.

4. TERMINATION. Either Cary or Apex may terminate this Agreement by notice to the other party at any time as follows:
 - (a) If the other party is in breach of any material obligation hereunder, by causes and reasons within its control, and has not cured such breach within thirty (30) days after notice requesting cure of the breach, provided, however, that if the breach is not capable of being cured within thirty (30) days of such written notice, the Agreement may not be terminated so long as the breaching party commences and is taking commercially reasonable actions to cure such breach as promptly as practicable.
 - (b) Either party may terminate this Agreement for its own convenience at any time by giving ten (10) days written notice to all Parties. If the Agreement is terminated by either party for convenience, Cary will be paid for the portion of its Services provided up to the effective date of termination.
5. NO JOINT AGENCY AND NO PERSONNEL. No joint agency is established by this Agreement, and this Agreement does not create a partnership, joint venture, other joint endeavor, joint ownership, joint operations, or personnel sharing of any kind. No joint personnel are needed by the Parties to carry out this Agreement; this Agreement does not provide for the appointment of any personnel joint or otherwise.
6. AMENDMENT. This Agreement may be amended at any time by the mutual written consent of both Parties.
7. NOTICE. All notices and other communications required or permitted by this Agreement shall be in writing and shall be given either by personal delivery, or deposited in the United States mail, postage prepaid, addressed as follows:

The notice address for Cary shall be:

Attn: Kelly Blazey
Town of Cary
316 North Academy Street
Cary, NC 27513

The notice address for Apex shall be:

Attn: Shannon Cox
Town of Apex Planning Department
PO Box 250
Apex, NC 27502

8. DISPUTE RESOLUTION; GOVERNING LAW; VENUE. In the event a dispute arises between the Parties regarding performance under this Agreement, the Parties agree to bargain

in good faith towards a mutual resolution. If the Parties, after honest good faith negotiations, cannot reach a mutually agreeable resolution of the dispute, then a Party may adjudicate its dispute as allowed by North Carolina State Laws. This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions related to this Agreement shall be brought in Wake County, N.C.

9. NON-EXCLUSIVE REMEDIES/NO WAIVER. The selection of one or more remedies for breach shall not limit a Party's right to invoke any other remedy available under Agreement or by law. No delay, omission or forbearance to exercise any right, power or remedy accruing to a Party shall impair any such right, power or remedy or shall be construed to be a waiver of any breach hereof or default. Every right, power or remedy may be exercised from time to time and as often as deemed expedient.
10. NO THIRD PARTY BENEFICIARIES. There are no third party beneficiaries to Agreement.
11. NO WAIVER OF IMMUNITY. Nothing in this Agreement shall be construed to mandate purchase of insurance by Cary pursuant to N.C.G.S. § 160A-485 or to in any way waive Cary's defense of governmental immunity from any cause of action alleged or brought against any Party for any reason if otherwise available as a matter of law. No officer, agent or employee of Cary shall be subject to any personal liability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute this Agreement in their official capacities only, and not in their individual capacities. This section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.
12. NONDISCRIMINATION. To the extent permitted by law, neither Party, their officers, employees, contractors, agents, successors, or permitted assigns, shall discriminate against any member of a protected class as defined by federal, state, or local law, including Wake County Code of Ordinances Section 34.01.
13. PUBLIC RECORDS; CONFIDENTIAL RECORDS AND INFORMATION. Apex acknowledges that records made or received in connection with the transaction of public business are public records and subject to public records requests. Cary may provide copies of such records, including copyrighted records, in response to public record requests, except that, upon request of and indemnification by Apex, Cary will not disclose records that meet all of the requirements of a trade secret as set forth in N.C.G.S. § 66-152, that are specifically designated as a "trade secret" or "confidential" at the time of initial disclosure by contractor, and that are otherwise entitled to protection under N.C.G.S. § 132-1.2(1). Apex shall make Cary aware of any public records requests made in regard to Platform or this Agreement. If Apex, its employees or subcontractors, during provision of Platform, becomes aware of or has access to confidential records or information or information otherwise protected from disclosure by Federal or State law ("Confidential Information"), Apex, its employees and subcontractors, shall not disclose any such Confidential Information.
14. ELECTRONIC VERSION OF AGREEMENT. Cary may convert a signed original of this Agreement to an electronic record pursuant to an approved North Carolina Department of Natural and Cultural Resources approved procedure and process for converting paper records

to electronic records for record retention purposes. Such electronic record of this Agreement shall be deemed for all purposes to be an original signed Agreement.

15. ELECTRONIC SIGNATURES. Apex acknowledges and agrees that the electronic signature application DocuSign may be used, at the sole election of Cary, to execute this Agreement and any associated documents. By selecting "I Agree," "I Accept," or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the DocuSign application, Apex consents to be legally bound by the terms and conditions of this Agreement and that such act constitutes Apex's signature as if actually signed by Apex in writing. Apex also agrees that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. Apex acknowledges and agrees that delivery of a copy of this Agreement or any other document contemplated hereby, through the DocuSign application, will have the same effect as physical delivery of the paper document bearing an original written signature.

Remainder of page left blank intentionally.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized officials.

APEX, Town of Apex

Catherine Crosby, Town Manager

Date

Attest:

Allen Coleman, Town Clerk

Date

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

Antwan Morrison, Finance Director

Date

CARY, Town of Cary

Kelly A. Blazey, Transit Director

Date

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

Deputy Finance Officer

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Tim Herman, Fire Chief

Department(s): Fire

Requested Motion

Motion to approve an Agreement Amendment between Wake County Government and the Town of Apex, for municipal fire protection for the unincorporated areas of Apex Fire district (Hipex District) ending June 30, 2025, and to authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of Town.

Approval Recommended?

Yes

Item Details

The amendment covers 3 things:

- 1) FY24 appropriation based from our cost share agreement (\$1,561,828)
- 2) New Apparatus replacement funding agreement
- 3) Wake County providing body armor to fire departments

Attachments

CN-A1: Agreement Amendment - Wake County - Municipal Fire Protection



FIRST AMENDMENT
to
FY 2023 – FY2025
MUNICIPAL FIRE PROTECTION AGREEMENT

TOWN OF APEX

This **FIRST AMENDMENT** made and entered into the 3rd day of July 2023, by and between the County of Wake, a body politic and corporate of the State of North Carolina, hereinafter referred to as “**COUNTY**” and Town of Apex hereinafter referred to as “**TOWN**”.

WITNESSETH:

WHEREAS, the **COUNTY** and **TOWN** have an existing Fire Protection Agreement specifying services, terms and conditions under which the **TOWN** provides fire services to the **COUNTY** (“**Agreement**”); and,

WHEREAS, the term of said Agreement is July 1, 2022 through June 30, 2025; and

WHEREAS, The **COUNTY** desires to amend the Agreement to add funds approved in the FY24 adopted budget for the provision of Fire Services under the Agreement; and,

WHEREAS, The **COUNTY** desires to amend the Agreement to add terms related to Body Armor to be provide by the **COUNTY** for the safety of the **TOWN**; and

WHEREAS, The **COUNTY** desires to amend the Agreement to add terms related to a new option for Cost Sharing for fire fighting vehicles (“**LFFV**” and “**SFFV**”); and

WHEREAS, the **TOWN** has accepted these amended terms and is desirous of a continued relationship with the **COUNTY** to provide fire services.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, **COUNTY** and **TOWN** amend the Agreement as follows:

1. *Recitals/Capitalized Terms.* The foregoing recitals are made a part of this Amendment and are incorporated herein by reference. Capitalized terms used in this Amendment and not otherwise defined shall have the meanings ascribed to such terms in the Agreement.

2. *Specific Amendments.* The Agreement is hereby amended as follows:

(a) *Additional FY 24 Funds.* Section 2 of the Agreement is amended to add the following paragraph:

FISCAL YEAR 2024. The approved total appropriation in the Wake County FY 24 adopted budget for the TOWN is ONE MILLION, FIVE HUNDRED SIXTY

ONE THOUSAND, EIGHT HUNDRED TWENTY-EIGHT and ZERO cents, (\$1,561,828.00), which shall be the maximum payable to the Department for FY 24, with no minimum amount due in the event of early termination.

- (b) *Cost Share.* Section 16 of the Agreement is amended to add the following section:

16.9.1.9. Starting with the FY 24 Fire Tax District Budget process, as an alternative to 16.9.1.5 and 16.9.1.6 herein, any Town traditionally paying cash for apparatus may instead opt to enter a new apparatus agreement with the County for all of the Town department's LFFV and SFFV upon the following conditions:

- a. Town receives an annual capital apparatus payment based on predicted modeled cost of apparatus with yearly adjustments on cost share percentage (The updated cost share % and annual payment will be provided and mutually agreed upon during the budget process each year).
- b. Town may purchase apparatus on the Town's timeline instead of the County's apparatus schedule.
- c. All Apparatus from the Town department shall be removed from the County's apparatus replacement schedule.
- d. County shall pay for 100% of the cost of brush trucks and tankers.
- e. Agreement shall encompass all large firefighting vehicles and small firefighting vehicles including administrative vehicles.
- f. Town cannot switch back to the old system after the new apparatus agreement is established.
- g. When the Town sells each LFFV and SFFV at its end of useful life, the County shall receive the cost share percentage of the sale, which shall be based on the sale in the year that the vehicle was purchased.
- h. All apparatus must be insured in accordance with the requirements set forth in Section 17.4 of the Agreement.

- (c) *Body Armor.* Section 20 of the Agreement is amended to add the following section:

20.27. BODY ARMOR: The COUNTY shall provide Body Armor to the Department for personal safety and protection. TOWN agrees to follow the minimum standard for use and care of body armor attached as Appendix A to this Amendment and incorporated herein by reference. For the purpose of this Section, Body Armor is defined as an item of personal protective equipment that provides protection against specific ballistic threats within its coverage area. 20.13 of the Agreement shall apply to disposal of Body Armor.

3. *Affirmation of Agreement Terms.* Except to the extent herein revised, modified or amended, all terms, conditions and provisions of the Agreement are hereby affirmed and ratified in all respects, and shall remain in full force and effect.

4. *Counterparts.* This Amendment may be executed in any number of counterparts and all so executed shall constitute one agreement binding on the Parties, notwithstanding that not all Parties have signed the same counterpart.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

THE COUNTY OF WAKE

By:_____ **Date:**_____

Title:_____

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

FINANCE DIRECTOR

The person responsible for monitoring contract performance requirements is:

Joe Vindigni_____. _____ **Department Head Initials**

TOWN OF APEX

By:_____ **Date:**_____

Title:_____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

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

Department(s): Administration

Requested Motion

Motion to adopt Budget Ordinance Amendment No. 3 appropriating funds for Town Facilities Master Plan Study and lease extension for downtown parking.

Approval Recommended?

Yes

Item Details

The Town advertised a Request for Quote (RFQ) for master plan services and has selected Creech & Associates as the most qualified firm through the qualification-based selection process to provide a 10-year master plan for town facilities. The masterplan will include facilities conditions assessment, space needs assessment/analysis, and facility master planning of town facilities.

Funding for the plan is proportionally distributed across funds based on components. Additional funding is requested from the General Fund for a lease extension for downtown parking.

Attachments

- CN16-A1: Budget Ordinance Amendment No. 3 - Facilities Master Plan Study and Downtown Parking Lease Extension
- CN16-A2: Comprehensive Facilities Master Plan Study and Downtown Parking Lease Extension





Town of Apex

Budget Ordinance Amendment No. 3

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2023-2024 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	\$323,600
Total Revenues	\$323,600

Section 2. Expenditures:

Facility Services	\$323,600
Total Expenditures	\$323,600

Electric Fund

Section 3. Revenues:

Appropriate Fund Balance	\$6,300
Total Revenues	\$6,300

Section 4. Expenditures:

Electric Utility	\$6,300
Total Expenditures	\$6,300

Water & Sewer Fund

Section 5. Revenues:

Appropriated Fund Balance	\$80,100
Total Revenues	\$80,100

Section 6. Expenditures:

Water/Sewer Administration	\$80,100
Total Expenditures	\$80,100

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

Adopted this the 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC

Town Clerk

July 3, 2023

Mr. Daniel Edwards, CCM, PEM
Senior Capital Projects Manager
Town of Apex, NC
73 Hunter Street
Apex, NC 27502

Re: Town of Apex Comprehensive Facility Study

Mr. Edwards:

Creech & Associates, PLLC is pleased to present you with a proposal for design services to complete a comprehensive facility study, including a space needs analysis, and facility master plan for the prescribed user groups and facilities within the Town of Apex government. The following is a general understanding of the project scope:

- The intent is to analyze current utilization of existing facilities, determine current and future needs for space, and generate a master plan to address deficiencies of the user groups identified in Attachment A.
- The purpose of this analysis will be to coordinate capital planning with the facilities master plan.
- The process is estimated to encompass 9 months from the initial staff interview and is scheduled to commence in July 2023. The starting date is pending the completed contract approval by the town.

The fee is structured around the eight (8) tasks identified in our proposal and listed below. The final deliverable will be an 8.5 x 11 formatted electronic document that provides a comprehensive summary of each task and the relative findings and conclusions. A breakdown of the deliverables by task and their associated fees are as follows:

Task 1: Project Startup and Kickoff Meeting with Advisory Committee

- A. Coordinate project scope and schedule with the Advisory Committee
- B. Receive from the town various data required and requested to initiate the study: organizational charts, CAD files, any facility condition studies, drawings of existing facilities, and other completed studies including Town Hall, the Parks and Recreation Master Plan, and the Public Works Operations Study.
- C. Discuss pre-pandemic and post-pandemic adaptations to space standards.
- D. Initiate project ShareFile site for data transfer.
- E. Kickoff meeting with the Advisory Committee to identify goals. *(Meeting 1)*

FACILITY CONDITION ASSESSMENT

Task 2: Facility Documentation and Assessment

- A. Utilize town provided drawings of each facility as a base to conduct site visits as needed to field verify current conditions for the 21 facilities/sites listed in Attachment B.
- B. Provide a Property Conditions Assessment per ASTM E 2018 -15 of the facilities through visual observation only. No selective demolition to observe unseen conditions will be performed.
- C. Include a non-invasive review of architectural and engineering systems and components in terms of their general condition, serviceability, deficiencies, and the useful remaining life of applicable systems as well as recommended renovations, major repairs, or replacement with estimated costs, respectively.
- D. Include the following engineered systems to be surveyed; Architectural, Mechanical (HVAC and Plumbing), Electrical, Fire Protection and Life Safety systems including Fire Alarm.
- E. Review of security systems at each facility.
- F. Review of the electrical charging stations at each facility including electrical vehicle charging stations.
- G. Include a review for ADA compliance status for facility access/ egress, restrooms, as well as obvious code and safety related components.
- H. Provide documentation of the condition of the observed conditions including photographs and a written report. No load analysis of any type will be performed.
- I. Additional clarifications listed in Attachment D.

SPACE NEEDS ASSESSMENT

Task 3: Profile Departments & Conduct Staff Interviews

- A. Create and distribute survey documents.
- B. Organize and analyze survey results.
- C. Interview the department heads for the 22 user groups listed in Attachment A.
- D. Discuss staff operational models implemented during the pandemic that were successful and planned to continue that implicate the need for space.
- E. Field verify each facility associated with the user groups in Attachment A to calculate each department's footprint within the building.

Task 4: Forecast Future Personnel

- A. Analyze data from alternate sources including the town database that contain growth indicators applicable to staff growth benchmarking.
- B. Create tables that compare multiple growth metrics.
- C. Utilize the selected forecasting metric to illustrate growing space needs in five-year increments for the next twenty years.
- D. Apply the growth logic to support spaces and offices or expansion strategies.

Task 5: Facilities Space and Infrastructure Needs

- A. Compare the current space utilization with the current needs from the surveys and interviews.
- B. Analyze overage and shortage of areas within current facilities and opportunities for improved efficiency.
- C. Create a detailed building program for each user group listed in Attachment A that accounts for current staff and future projections including support spaces.
- D. Vet the initial programs with the Advisory Committee and approve direction. *(Meeting II)*

FACILITIES MASTER PLAN

Task 6: Facilities Master Planning

- A. Create a town map that identifies facility locations, vacant property owned by the town, and the proposed building sites.
- B. Complete a location analysis that incorporates existing and proposed public safety buildings. Additional clarifications listed in Attachment D.
- C. Prepare 2 study options of facility master plans in a narrative format for the 37 locations in Attachment C to address the assessed space needs defined in Task 5.
- D. Prepare a site master plan with proposed new facilities for a maximum of 2 properties to include the following:
 - 1) Two (2) sketch plan options of each existing or future site for review and selection
 - 2) Conceptual level design CAD site plan of the selected option illustrating parking, circulation, and landscaping.
 - 3) Diagrammatic 2-dimensional rendering of the approved plan
 - 4) *One of the site master plans will be the existing Fire Station #3 site and potential for the property.*
- E. Prepare an interior renovation master plan of existing facilities for a maximum of 3 buildings to include the following:
 - 1) Two (2) sketch plan options of floor plan diagrams at the department suite level
 - 2) Square footage and department summaries of each option
 - 3) Conceptual level design CAD floor plan diagram of the selected option at the department suite level
- F. Meet with the Advisory Committee to review and approve direction. *(Meeting III)*
- G. Additional clarifications listed in Attachment D.

Task 7: Cost Estimating

- A. Provide rough order of magnitude (ROM) cost estimates for the five (5) master planning options and/or recommendations from Tasks 6D and 6E.
- B. Produce the cost estimate using the Uniformalt II system of classifying cost by building element with fully loaded unit rates to include labor, material, and equipment. Uniformalt II lends itself to cost control and analysis as well as value engineering. We can also provide an estimate in Masterformat (CSI) should you require it.
- C. The estimate for each option provided will be a Class 4 estimate in line with the American Association of Cost Engineers (AACE) international system and guidelines.
- D. Discuss and identify available funding and revenue sources to assign priority and phasing.
- E. Phasing strategies to consider the physical needs derived from the facility assessment, the needs identified in the space assessment, and some form of the town's priority system.
- F. Meet with the Advisory Committee to review and select the model and associated master plan options for recommendation. *(Meeting IV)*

Task 8: Development of Deliverables and Final Report

- A. Refine the selected master plan option as necessary to align with review comments and capital budgets.

- B. Document the final recommendations and direction for future development that address the components of Tasks 6-7.
- C. Compile an 8.5 x 11 format final report to document the study.
- D. Document the entire process from the kick-off meeting to the final recommendations.
- E. Provide a final draft to the town for review.
- F. Modify report based on town feedback and suggestions on final draft.
- G. Quality Control review of entire document.
- H. Present the final report to the Advisory Committee. *(Meeting V)*
- I. Present the final report to the Town Council.
- J. Prepare and submit an electronic copy of the final report.
- K. Prepare and submit three (3) hard copies of the final report.

A breakdown of lump sum fees by each major category is as follows:

• Space Needs Analysis	\$46,560.00
• Facility Conditions Assessment	\$194,615.00
• Facilities Master Planning	\$79,025.00
• <u>Police and Fire GIS Location Analysis</u>	<u>\$29,700.00</u>
• Total	\$349,900.00

The Advisory Committee will be established by town leadership and will include key personnel to provide oversight and guide the study. There will be a total of five (5) meetings with the Advisory Committee included in this scope, in addition to the interview schedule. There will be a total of one (1) presentation to the Town Council for the final report. A recurring conference call or net meeting will be established twice monthly to maintain open communications throughout the study.

All reimbursable expenses are included in the base fee with the condition that all deliverables will be submitted in electronic format and no hard copies will be required beyond three copies of the final report. Any additions to the scope of work outlined in this proposal, including but not limited to site visits, presentations, deliverables, etc. will be considered an additional service and will be billed hourly per the rates in Attachment E. All additional services must be authorized in writing prior to commencing work.

Creech & Associates appreciates the opportunity to serve the Town of Apex. If you have any questions, please feel free to contact us.

Yours truly:

Creech and Associates, PLLC



Brent J. Green, LEED AP
Principal

ATTACHMENT A

List of 22 user groups to be included in the Space Needs Assessment scope of work:

1. Administration
2. Diversity, Equity, & Inclusion
3. Town Clerk
4. Budget and Performance Management
5. Economic Development
6. Communications
7. Information Technology
8. Police (3 user groups)
9. Fire Administration
10. Fire Stations (3 user groups)
11. Parks, Recreation & Cultural Resources Administration
12. Community Development & Neighborhood Connections
13. Water Resources Operations
14. Water Resources Engineering
15. Public Works (3 user groups)
16. Transportation & Infrastructure Development

ATTACHMENT B

List of 21 structures and/or properties to be included in the Facility Conditions Assessment scope of work.

1. Apex Water Reclamation Facility (Middle Creek location only)
2. Chamber of Commerce – Depot
3. Community Center Phase 1
4. Community Center Phase 2
5. Fire Station # 1
6. Fire Station # 2
7. Fire Station # 3
8. Fire Station # 4
9. Halle Cultural Arts Center
10. Police Station
11. Public Works Administration
12. Public Works Operations
13. Public Works Operations Covered Storage
14. Purchasing and Inventory
15. Purchasing and Inventory Covered Storage
16. Town Hall
17. Parks/Rec Maintenance Building – Laura Duncan Road
18. ACP Classroom/Restroom
19. Parks/Rec Maintenance Building – Evans Road
20. Public Works Storage Yard
21. Warehouse Storage Yard

ATTACHMENT C

List of 37 structures and/or properties to be included in the Facility Master Plan narrative scope of work. Specific locations for master plan studies to be determined.

1. Apex Water Reclamation Facility
2. Chamber of Commerce – Depot
3. Community Center Phase 1
4. Community Center Phase 2
5. Electrical Main office
6. Electrical Warehouse
7. Electrical covered storage
8. Fire Department Administration
9. Fire Station # 1
10. Fire Station # 2
11. Fire Station # 3 (includes master plan for property/lot on site as part of Task 6-E)
12. Fire Station # 4
13. Fire Station # 5
14. Fire Station # 6
15. Halle Cultural Arts Center
16. Mason Street Municipal Building
17. Police Station
18. Public Works Administration
19. Public Works Operations
20. Public Works Operations Covered Storage
21. Purchasing and Inventory
22. Purchasing and Inventory Covered Storage
23. Senior Center
24. Town Hall
25. Tunstall House
26. Parks/Rec Maintenance Building – Laura Duncan Road
27. ACP Classroom/Restroom
28. Parks/Rec Maintenance Building – Evans Road
29. Pleasant Park - Amenity Building
30. Pleasant Park - Signature Fieldhouse
31. Pleasant Park - Maintenance Building
32. Public Works Storage Yard
33. Warehouse Storage Yard
34. Electric Storage Yard
35. Fire Storage Yard
36. Perry Road Storage Yard
37. Old Raleigh/Apex Peakway

ATTACHMENT D

Additional Clarifications

Task 2: Facility Conditions Assessment

A. Civil Engineering scope of work includes the following:

- 1) Parking
- 2) Accessibility
- 3) Pavement Conditions (asphalt and concrete)
- 4) Site grading and drainage
- 5) Site erosion
- 6) Water and Sewer service
- 7) Landscaping
- 8) Other miscellaneous observations

B. Systems Engineering scope of work includes the following:

- 1) Prepare a Facility Condition Assessment Report covering the existing Mechanical, Electrical, Plumbing, Fire Protection systems, security systems, and electrical charging stations.
- 2) The report will include system descriptions, major equipment inventory, remaining useful life, and any recommendations.
- 3) Any major renovations or repairs of MEPFP systems noted in the recommendations will include an opinion of probable cost to implement.

C. Architectural scope of work includes the following:

- 1) Accessibility: complete a cursory level evaluation of the facility to determine compliance with applicable accessibility guidelines, including the Americans with Disability Act (ADA). This will typically include utilizing the ADA Checklist for Existing Facilities as part of our assessment tools.
- 2) Structural Systems: observe the structures for visible signs of distress and will report our findings. Review available structural drawings for information regarding the design load criteria of the existing structures and the building codes to which the structures were designed. We will not provide or review any structural calculations as part of this assessment.
- 3) Roof Systems: visually evaluate the condition of accessible roof systems, accessories, and details. In addition, where applicable we will discuss existing roof warranties. Please note that the previous solar study did not include a roof assessment that parallels this study's scope.
- 4) Building Exterior Elements: visually observe the exterior wall systems, windows, and door systems for visible evidence of deficiencies, continuity of seals, and other types of distress and report findings. Visual observations will be based on those conditions that can be observed from ground level, lower roof levels and using binoculars.
- 5) Interior Finishes: visually observe the interior areas of the property and will report upon their general condition. Capital expenditure will also be included for the renewal of interior finishes.
- 6) Fire and Life Safety: provide general observations of the fire protection and fire alarm systems in use at the property to determine the manufacturer, age, information about the types of systems and materials in use. We will note the general condition from our on-site observations

and interviews with relevant on-site staff. If a more detailed code 2 analysis is required by the client, a specialty consultant in relation to these systems can be retained at additional cost.

- 7) Conveyance Systems: perform general observations of the vertical transportation systems (where present) to determine the age, manufacturer, and capacity of the existing systems. Use this information to determine the remaining service life of components. If a more detailed analysis is required by the client, a specialty consultant in relation to these systems is at additional cost.
- 8) Once the onsite assessment is complete, our team will then begin to develop a 10-year capital expenditure forecast for each building which details each deficiency and capital renewal item identified. Each deficiency and capital renewal item will be provided with an opinion of cost. This will result in a 10-year expenditure forecast that can be utilized to develop a strategic capital plan. Expenditure will also be categorized and ranked so that strategic decisions can be made and direct funding sources to the most critical needs. The opinions of cost will be developed with our in-house cost estimators. Our cost estimating practice maintains both local and national historical cost information that we will be able to rely upon to develop our cost estimates.
- 9) After the capital expenditure forecast is reviewed with the project stakeholders, we will then begin to prepare the facility condition assessment report for each of the listed properties. The focus of the report will be to provide comprehensive and defensible information that will support strategic decisions about the observed conditions and any issues at the properties. The report will include an overall executive summary detailing the financial information, description and condition statements, and photographic documentation.
- 10) In addition to the cost tables, a database of identified capital expenditures will be provided so that the town can manage the data for future budget reporting and planning purposes. The database will include the location, recommendation, opinion of cost, expenditure category and type, and recommended year of completion. The data will be formatted so that it can be presented in Microsoft PowerBi. This tool will help the town be able to plan capital projects across the facilities by being able to identify similar type projects across the portfolio into a single project/bid package. We can also provide the assessment data in an excel table format to be incorporated into any existing capital management software.

Task 5: Facility Master Plan

D. Location Analysis scope of work includes the following:

- 1) Conduct meetings with fire department, police department, and town officials.
 - a) Develop an understanding of the community served.
 - b) Review of the services provided within the existing deployment and baseline performance.
 - c) Review of community expectations
 - d) Assess the current condition of fire facilities through the “eyes” of a responder.
- 2) Fire Department
 - a) Create a base map illustrating the town and municipal limits including the HIPEX fire district, transportation network, physical and natural barriers as they relate to current fire station locations and response areas.
 - b) Examine ISO distance requirements for fire companies to determine any gaps in coverage in relation to high-risk properties.

- c) Geographically plot fire and EMS historic emergency incident locations to determine intensity of requests by area. Separate call type (Fire/EMS) maps based upon hour of day and day of week.
- d) Model response travel time geographic capability
 - 1. Determine any gaps or redundant coverage areas in relation to service demand levels.
 - 2. Overlay of Mileage/population/service demand coverage statistics.
 - 3. Travel model benchmarks based at least upon NFPA 1710 or 1720 as appropriate or locally adopted objectives. Considerations of turn/stop time reductions and roadway obstacles will be considered.
 - 4. Model first alarm capability (ERF) based upon dispatch protocols using the fire department's critical tasking policy.
- e) Examine and map current population levels, geographic density, socioeconomics, and age composition as it relates to provision of fire and EMS services.
- f) Fire incident calls records data analysis"
 - 1. Temporal changes (hour of day/day of week, annual changes over 5 years)
 - 2. By call type
 - 3. Response times (including turnout if data is available) for both Fire and EMS units by call type.
 - 4. Impact of mutual aid received and given.
 - 5. First alarm performance for structural fires that occurred.
 - 6. Simultaneous call level and effect on available units
 - 7. Resource use on calls (# of units)/Utilization (time on task)
 - 8. Frequent addresses responded (also geographically represented)
 - 9. Station area first due unit reliability
- 3) Police Department
 - a) Create a base map illustrating the town and municipal limits, transportation network, physical and natural barriers as they relate to current police station locations and response areas.
 - b) Geographically plot police historic emergency incident locations to determine intensity of requests by area. Separate call type priority level maps based upon hour of day and day of week.
 - c) Examine and map current population levels, geographic density, socioeconomics, and age composition as it relates to provision of police services.
 - d) Police incident call records data analysis:
 - 1. Temporal changes (hour of day/day of week, annual changes over 5 years)
 - 2. By call type
 - 3. Response times (including turnout if data is available) for police units by critical call type.
 - 4. Simultaneous call level and effect on available units
 - 5. Resource use on calls (# of units)/Utilization (time on task)
 - 6. Frequent addresses responded (also geographically represented)
- 4) Jurisdictional Assessment
 - a) Assessment of structural risks in the community, its impact upon the town as a whole and how the most significant or vulnerable properties relate to current deployment of the fire facilities and police services. Special regard given to multistoried structural development and impact on fire services.

- b) Analysis of potential development (Commercial, residential, transportation) changes in the town and the impact upon population change and workload of the fire & police services.
 - c) Examine population projections and aging of population composition. Project it's impact upon the fire and police services.
 - d) Examine Socioeconomic factors that impact the fire and police service demand for services.
- 5) Fire Department Future Planning
 - a) Using a unique methodology of combining future population, structural risk assessment, and demand for services projected into a cellular level scoring system to identify the optimal locations for future fire stations.
 - b) Benchmark coverage of the matrix score based upon current conditions and upon planned development and infrastructure changes in transportation. Barriers, natural and man-made will be taken into consideration.
 - c) If appropriate due to gap in coverage or a recommended closure of station due to architectural review of structure or site needs, locate additional fire station locations.
 - d) Develop a timing/threshold level table for new stations opening.
 - e) Project apparatus needs so that the size of the station needed can be used as a basis for approximate acreage of sites.
 - f) Realignment of first due areas
 - g) Degree of benefit to be gained through implementation of new station(s) opening.
 - h) Extent to which it achieves established performance targets (NFPA 1710/1720 or local adopted guidelines)
 - i) Potential negative consequences
- 6) Police Future Planning
 - a) Determine through queuing analysis the probability of wait for police services for critical as well as all events (includes non-urgent events).
 - b) Evaluate unit level relative to workload to assess the need for additional units.
 - c) Assess the need for additional units based upon city growth in population and/or service area.
 - d) Degree of benefit to be gained through implementation of new staffed units.
 - e) Determine new location for police precinct if the facilities architectural review recommends alternative site.
 - f) Potential negative consequences
- 7) Civil Master Planning scope to include the following:
 - a) Provide Land Planning for new building or expansion on existing or future sites.
 - b) Review dimensional limitations (setbacks, buffers, etc.) on existing or potential sites.
 - c) Preliminary grading analysis
 - d) Review availability of water and sewer and capacity
 - e) Preliminary stormwater control measure sizing
 - f) Parking study

ATTACHMENT E

2023 Hourly Rates

CREECH & ASSOCIATES

Principal	\$225.00
Senior Associate	\$190.00
Project Manager	\$190.00
Associate	\$180.00
Lead Designer	\$180.00
Project Designer I	\$145.00
Project Designer II	\$155.00
Project Designer III	\$165.00
Architect I	\$160.00
Architect II	\$170.00
Architect III	\$180.00
BIM Designer I	\$130.00
BIM Designer II	\$140.00
BIM Designer III	\$150.00
Interior Designer I	\$140.00
Interior Designer II	\$150.00
Interior Designer III	\$160.00
Intern Architect	\$80.00
Administrative	\$75.00

Consultant hourly rates can be provided upon request.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management

Requested Motion

Motion to adopt Budget Ordinance Amendment No. 4 transferring budgeted Debt Service payments from the operating fund to respective Debt Service Funds

Approval Recommended?

Yes

Item Details

Ordinances establishing separate debt service funds for the General Government, Electric and Water and Sewer funds were approved June 27, 2023. Because the adoption establishing dedicated accounting funds for Debt Service occurred late in the fiscal year, Debt Service payments were budgeted the Fiscal Year 2023-2024 Annual Operating Budget and not in the established funds. Budget Ordinance Amendment No. 4 transfers already budgeted funds to the newly established Debt Service Funds in order to prepare for Fiscal Year 2024 payments.

Attachments

- CN16-A1: Budget Ordinance Amendment No. 4 - Debt Services Fund Transfer





Town of Apex

Budget Ordinance Amendment No. 4

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2023-2024 Budget Ordinance be adopted:

General Government Debt Service Fund.

Section 1. Revenues:

Transfer In - General Fund	9,463,000
Total Revenues	\$9,463,000

Section 2. Expenditures:

General Government Debt Service Expenditures	9,463,000
Total Expenditures	\$9,463,000

Electric Debt Service Fund.

Section 3. Revenues:

Transfer In - Electric Fund	1,249,800
Total Revenues	\$1,249,800

Section 4. Expenditures:

Electric Utility Debt Service Expenditures	1,249,800
Total Expenditures	\$1,249,800

Water & Sewer Fund

Section 5. Revenues:

Transfer In - Water & Sewer Fund	3,776,700
Total Revenues	\$3,776,700

Section 6. Expenditures:

Water & Sewer Debt Service Expenditures	3,776,700
Total Expenditures	\$3,776,700

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

Adopted this the 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC

- Page 203 - Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Amanda Grogan. Director

Department(s): Budget & Performance Management

Requested Motion

Motion to adopt Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendment 2024-3 allocating funds to the ARPA Capital Project Fund.

Approval Recommended?

Yes

Item Details

The Town of Apex is in a unique position as a municipality that received funds as part of the state budget through the North Carolina Pandemic Recovery Office (NCPRO). Because of this position the Town of Apex is required to make reports NCPRO encumber all funds by December 31, 2024 and have all funds spent no later than December 31, 2026. Ordinance Amendments appropriate the remaining \$5.45 million of the \$11.5 million the Town received from NCPRO to selected projects. Additional allocations include \$140,000 in General Fund Balance are allocated for projected increases at West Street Park and \$1.25 million from the Water & Sewer Capital Reserve to cover additional costs for Sunset Hills Pump Station project which will expand system capacity.

Attachments

- CN17-A1: ARPA Staff Report - ARPA Capital Project Fund
- CN17-A2: Budget Ordinance Amendment No. 5 - ARPA Capital Project Fund
- CN17-A3: Capital Project Ordinance Amendment 2024 - 3 - ARPA Capital Project Fund



MEMORANDUM

Date: August 1, 2023
To: Mayor Gilbert & Apex Town Council Members
CC: Shawn Purvis, Town Manager
From: Amanda Grogan, Budget & Performance Management Director
RE: ARPA Project Staff Report



The purpose of this memo is to provide an update on the projects associated with \$11.5 million granted to Apex from the North Carolina Pandemic Recovery Office (NCPRO). This memo will outline projects selected, funding level, and expected timelines for each project.

West Street Park: Park upgrades include installation of a restroom, basketball court improvements, and a path between the parking lot and the basketball courts as identified in the Park Master Plan developed through community input. Residents have requested a shelter with restroom at an additional estimated cost of \$500,000-\$750,000

- Expected to use \$1,500,000 in funding from NCPRO. Project estimate is currently \$1,650,000.
- RFQ and project award planned for early Fall 2023.
- Kickoff & public engagement -late Fall 2023.
- Design / site plans / CDs for approval in late Spring 2024.
- Bid construction in mid-2024.

Baucom Sewer Extension: The Baucom Sewer extension will bring Town sewer lines to six parcels in the Justice Heights Neighborhood.

- Expected to use \$250,000 in funding from NCPRO. Project estimate is currently \$250,000.
- Design/permitting complete; easement acquisition in process
- Construction start date: Winter 2023
- Expected completion date is Summer 2024.

1.5 MG Elevated Storage Tank: This project will construct a 1.5-million-gallon elevated water storage tank. The tank is required to meet North Carolina Department of Environmental Quality (NCDEQ) public water storage (PWS) requirement for water storage.

- Expected to use \$3,600,000 in funding from NCPRO. Project estimate is currently \$7.7 million.
- 60% Design Complete; Land Acquisition in Process
- Construction start date: Winter 2023
- Expected completion date is Winter 2024.

Sunset Hills Pump Station: This project will consist or relocating the existing pump station outside of the 100-year floodplain and make the wetwell deeper to serve the entire sewer basin.

- Expected to use \$3,150,000 in funding from NCPRO. Project estimate is currently \$4,400,000.
- Design/Permitting Complete; currently being advertised, expected bid opening date is 8/16 at 1pm
- Construction start date: Winter 2023
- Expected completion is Winter 2024.



Town of Apex

Budget Ordinance Amendment No. 5

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2023-2024 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	140,000
Total Revenues	\$140,000

Section 2. Expenditures:

Transfer to APRA Capital Project Fund	140,000
Total Expenditures	\$140,000

Water & Sewer Reserve Fund

Section 3. Revenues:

Appropriated Fund Balance	1,250,000
Total Revenues	\$1,250,000

Section 4. Expenditures:

Transfer to APRA Capital Project Fund	1,250,000
Total Expenditures	\$1,250,000

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

Adopted this the 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2024-3

ARPA Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

Interest Earned	10,000
Transfer from General Fund	140,000
Transfer from Water & Sewer Capital Reserve Fund	1,250,000
State Grants	5,450,000
Total Revenues	\$6,850,000

Section 2. The expenditures anticipated are:

Affordable Housing Site Acquisition	3,000,000
1.5 MG Elevated Water Storage Tank	3,600,000
Baucom Sewer Extension	250,000
Total Expenditures	\$6,850,000

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 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Angela Reincke, Parks Planning Project Manager

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to award a construction contract with North Carolina Department of Transportation (NCDOT) for EB-6021 Beaver Creek Greenway (Phase I, Phase 1A and Phase 2) construction and adopt Budget Ordinance Amendment No. 2 and Capital Project Ordinance Amendment 2024-02, and to authorize the Interim Town Manager, or their designee, to execute the contract on behalf of the Town.

Approval Recommended?

Yes

Item Details

This is a locally administered federal-aid project (LAPP) to complete a greenway improvement from Kelly Road park to the Nature park providing connectivity to Kelly West and Greenbrier subdivisions through multiple accesses. Federal grant funds have been committed to construction of the project at a reimbursement rate of 80% with a maximum of \$1,052,881.60. Sealed bids for construction and furnishing of all material s were received and opened on Thursday, June 22, 2023. It is the recommendation of staff that the contract be awarded to Fred Smith Co. as the lowest responsible bidder.

Bid Summary (Responsive bids):

Engineers Estimate	\$6,323,822.00
Fred Smith Co	\$6,592,956.00
Crowder Construction	\$6,941,974.91

Attachments

- CN18-A1: Beaver Creek Greenway Bid and Funding Memo dated July 31, 2023 - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2)
- CN18-A2: Construction Contract - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2) **(provided under a separate cover)**

- CN18-A3: Plat Map - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2)
- CN18-A4: Bid Tabulation - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2)
- CN18-A5: Budget Ordinance Amendment No. 2 - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2)
- CN18-A6: Capital Project Ordinance Amendment 2024-002 - Beaver Creek Greenway Construction (Phase 1, Phase1A, and Phase 2)





July 31, 2023

To: Mayor Gilbert and Town Council

Cc: Demetria John, Assistant Town Manager; Craig Setzer, PRCR Director; Amanda Grogan, Budget Director; Antwan Morrison, Finance Director

From: Shawn Purvis, Deputy Town Manager

Re: Beaver Creek Greenway Bid Award and Project Funding

The purpose of this memo is to provide Town Council with information about the Beaver Creek Greenway project bidding and potential grant funding available from the Locally Administered Projects Program (LAPP). The memo provides a brief background of the project costs and information about the potential LAPP funding available for Town Council to consider as they review the recommended options and the implications of each option.

Background

The Beaver Creek Greenway project was part of the 2017 Parks Bond referendum. The greenway will connect Kelly Road Park to the Nature Park and provide for future extensions and connections to the west of the Nature Park. The original project budget at the time of the referendum was approximately \$4.02 million. Design alterations, right-of-way acquisition, and increasing costs with the Senior Center and Pleasant Park created delays for the Beaver Creek Greenway project. The Town bid the project in July 2022 with a revised total budget estimate of approximately \$6.56 million. The Town has a funding reimbursement agreement for \$1.05 million from LAPP for the project, with funds from the Recreation Capital Reserve covering the remainder of the project costs. After receiving only two bids in 2022 and being unable to open them, staff consulted with Capital Area Metropolitan Planning Organization (CAMPO) about potential modifications to the project and additional LAPP funding. CAMPO staff recommended the Town rebid the project and apply for additional LAPP funding. The Town opened bids for the project on June 22, 2023, with the apparent low bid of \$6.59 million. The construction bid brought the total projected budget to \$8.67 million, which was \$2.11 million over the most recent estimate.

Discussion

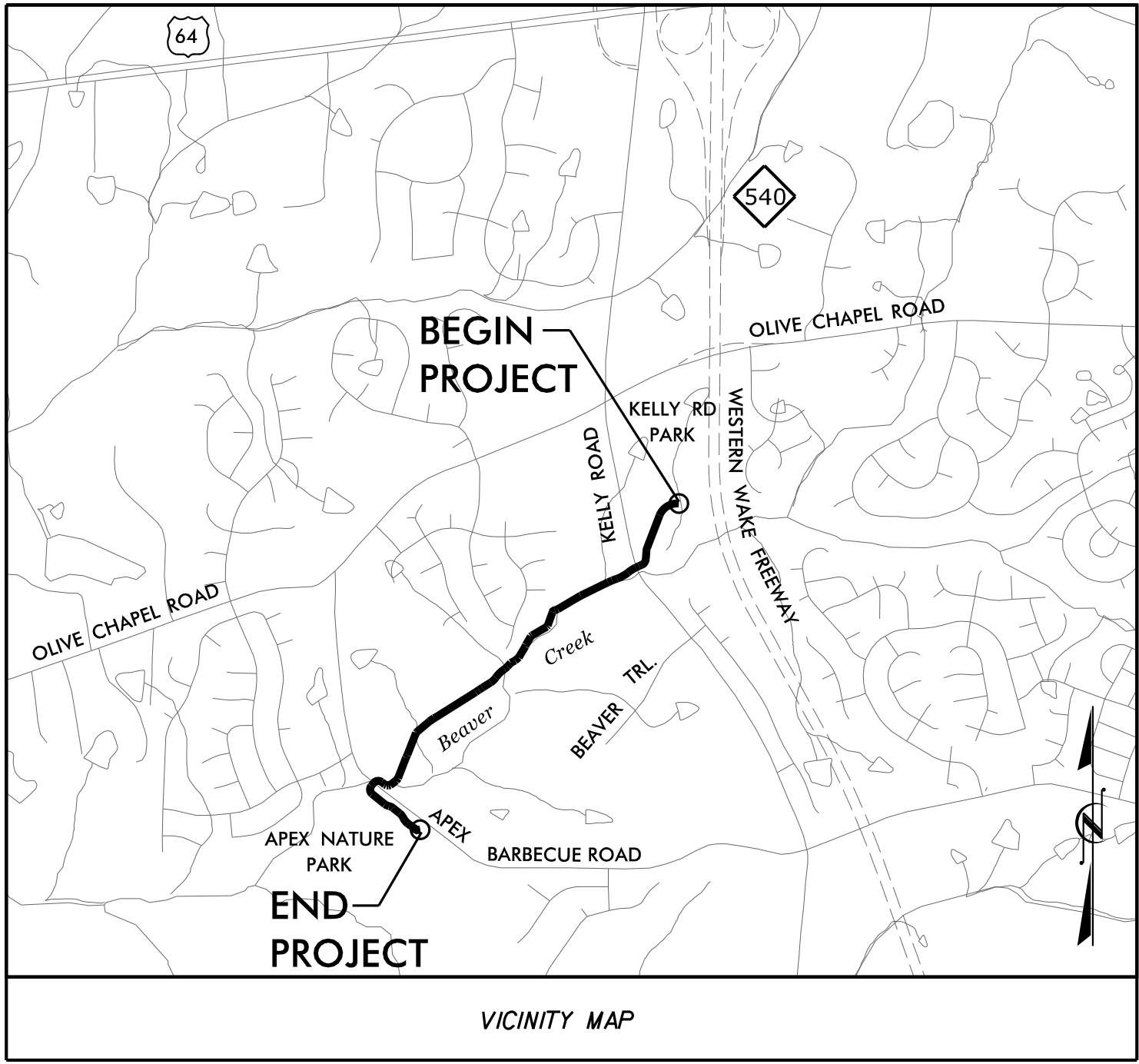
To be considered for additional LAPP funding from CAMPO, the Town needs to demonstrate a full commitment to the project for NCDOT to provide concurrence of the award. The Town is eligible to make a funding request to CAMPO for an additional \$3.44 million, for a total of \$4.49 million. The project is eligible for additional funding because the Town did not receive the full amount eligible or requested for the first LAPP funding agreement in 2020 (\$1.05 million). Town staff has submitted a request to CAMPO, who is prepared to consider it at their next board meeting on August 16, 2023. CAMPO staff has provided a recommendation for the board to award the funding. The Town's commitment to the project with the current budget would be \$7.62 million. If CAMPO awards the full funding requested, the Town's funding obligation would be \$4.18 million.

Recommendation

The Beaver Creek Project was part of the original package of projects supported by the 2017 Parks Bond referendum. Increased costs for the Senior Center and Pleasant Park reduced available bond monies for the greenway, but the project remained a priority. The total project cost is more than double the original estimate but additional LAPP funding is available that, if awarded, would bring the Town's financial commitment close to the original project budget of \$4.02 million. Staff recommends Town Council consider the following options.

- **Delay the project until a future date.** If Council does not wish to proceed at this time, the project can be delayed and rebid in the future. It is unknown what effect a delay would have on the cost of the project although it would likely increase. There may not be additional LAPP funds available in the future.
- **Award the project bid and approve the necessary budget amendment to fully fund the project.** If Council chooses to move forward with the project, Council will need to approve a budget amendment that allocates additional funding (\$2.1 million) from the Recreation Capital Reserve. This allocation will fund the project and indicate a commitment of \$7.62 million from the Town and \$1.05 million from LAPP. The allocation would reduce the Recreation Capital Reserve by approximately half. Fully committing to the project will also allow the Town to receive support for an additional \$3.44 million of LAPP funding. The additional LAPP funding is not guaranteed until awarded by the CAMPO board.

TIP PROJECT: EB-6021



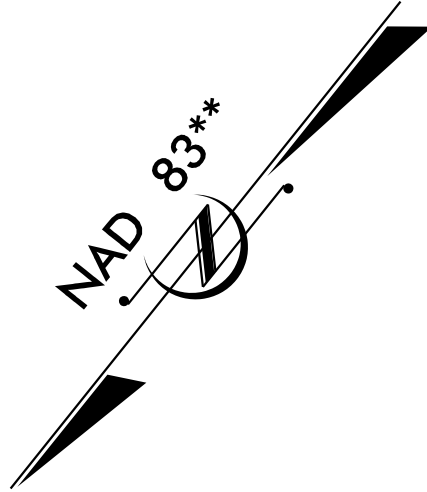
TOWN OF APEX

BEAVER CREEK GREENWAY EXTENSION

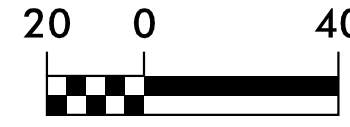
PHASES 1, 2 & 1A

FROM KELLY ROAD PARK TO APEX NATURE PARK

CONSTRUCTION PLAN



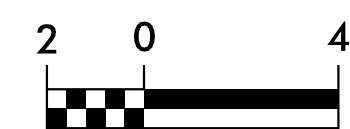
GRAPHIC SCALE



PLANS



PROFILE (HORIZONTAL)



PROFILE (VERTICAL)

JACQUES GILBERT
MAYOR

CATHERINE CROSBY
TOWN MANAGER

BUILDING INSPECTIONS TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Building Inspections Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Code of Ordinances and the North Carolina State Building Codes. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved sewars 09/15/2021 2:33:58 PM Date: _____

PUBLIC WORKS TRANSPORTATION TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex, and to the best of my knowledge and belief, provides an acceptable transportation system with consideration for the elements contained within the Transportation Plan conforming to the requirements established in the Standard Specifications of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved sewars 09/09/2021 2:08:13 PM Date: _____

ELECTRIC TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Electric Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved ramdb 09/09/2021 1:04:19 PM Date: _____

WATER RESOURCES SOIL EROSION & SEDIMENTATION CONTROL TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex, and to the best of my knowledge and belief, conforms to the requirements established in the Soil Erosion and Sedimentation Control Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

This signature does not constitute plan approval, only plan requirements. A separate letter of plan approval will be mailed to the financially responsible person at a later date according to the construction sequence.

By: N / A slurder 09/15/2021 2:58:00 PM Date: _____

FIRE DEPARTMENT TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Fire Department, and to the best of my knowledge and belief, conforms to the requirements established within the Town's Standard Specifications, Fire Protection Ordinances, and the North Carolina International Fire Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved slurder 09/09/2021 3:41:05 PM Date: _____

WATER RESOURCES STORMWATER ENGINEERING TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Water Resources Stormwater & Utility Engineering Division and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details and the Unified Development Ordinance of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements. This signature serves as the stormwater permit for this project.

By: Approved slurder 09/15/2021 2:56:16 PM Date: _____

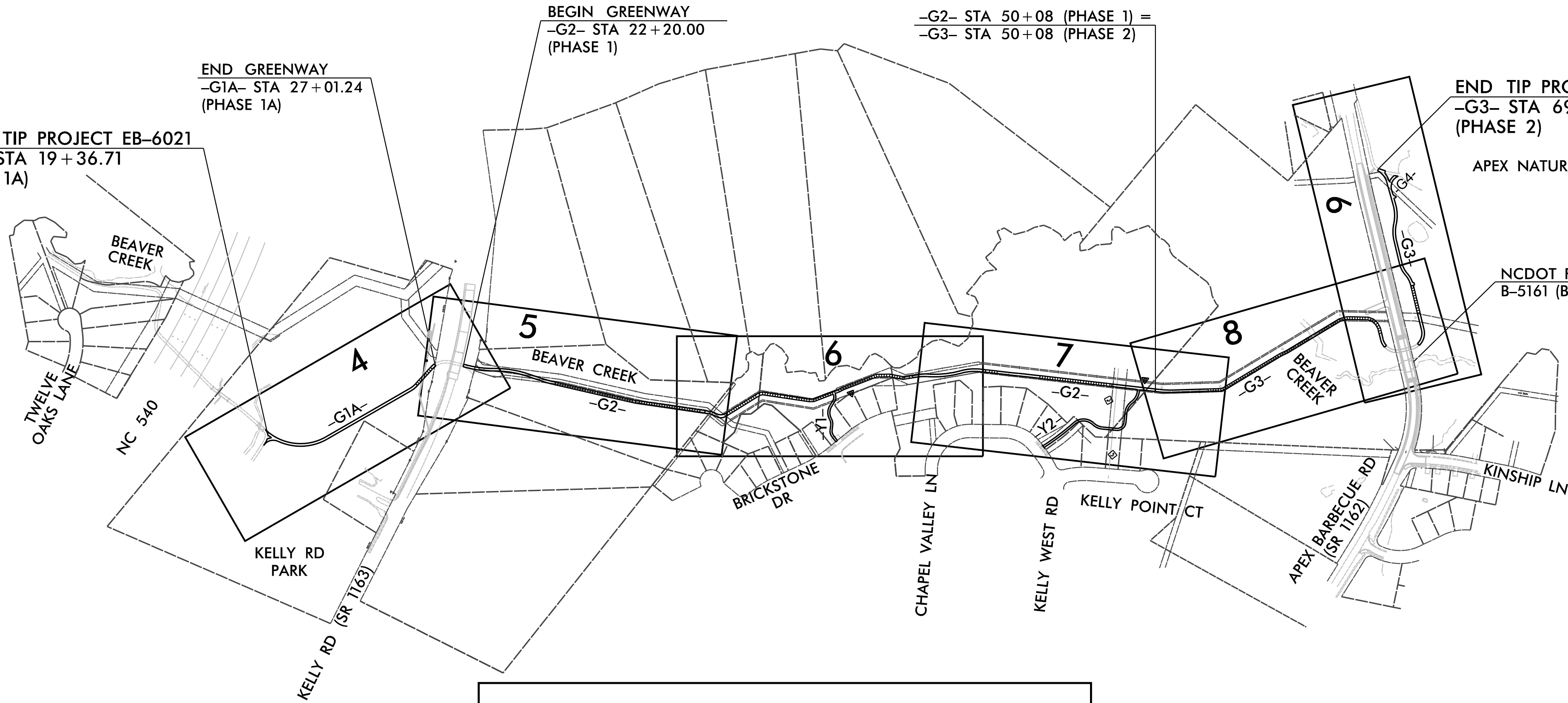
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(PHASE 1A)

END GREENWAY
-G1A- STA 27 + 01.24
(PHASE 1A)

BEGIN GREENWAY
-G2- STA 22 + 20.00
(PHASE 1)

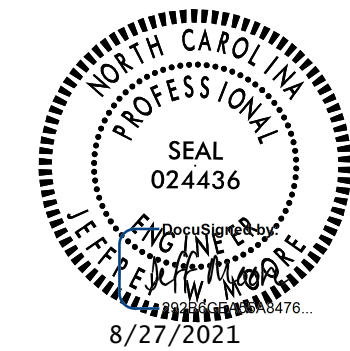
-G2- STA 50 + 08 (PHASE 1) =
-G3- STA 50 + 08 (PHASE 2)

END TIP PROJECT EB-6021
-G3- STA 69 + 23.79
(PHASE 2)



APEX NATURE PARK

NCDOT PROJECT
B-5161 (BY OTHERS)



LINEAR PROJECT STORMWATER MANAGEMENT NOTE
THIS PROJECT MEETS THE SPIRIT AND INTENT OF SECTION E-5 OF THE NORTH CAROLINA DIVISION OF ENVIRONMENTAL QUALITY (DEQ) STORMWATER DESIGN MANUAL FOR LINEAR TRANSPORTATION PROJECTS. THE TOWN OF APEX IS THE OWNER AND DEVELOPER OF THIS GREENWAY SYSTEM THAT IS NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT. THE GREENWAY IS BEING CONSTRUCTED WITHIN AN EXISTING GREENWAY EASEMENT CORRIDOR AND ON TOWN OF APEX OWNED PROPERTY FOR THE PURPOSE OF PROVIDING A LINEAR PEDESTRIAN CORRIDOR FOR PUBLIC BENEFIT AS PART OF THE WAKE COUNTY GREENWAY PLAN.

PARKS, RECREATION, AND CULTURAL RESOURCES TOWN OF APEX CERTIFICATION

These plans have been reviewed by the Town of Apex, and to the best of my knowledge and belief, conform to representations made by the developer to myself and the Parks, Recreation, and Cultural Resource Advisory Commission consistent with the projects requirements for public Parks and Recreation, either in total or in part, as outlined in Section 7.3 of the Town's Unified Development Ordinance and Article IV, Section 19 of the Town Code. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved apexrc 09/09/2021 12:10:10 PM Date: _____

WATER RESOURCES UTILITY ENGINEERING TOWN OF APEX CERTIFICATION

This drawing has been reviewed by the Town of Apex Water Resources Department, and to the best of my knowledge and belief, conforms to the requirements established in the Standard Specifications and Construction Details of the Town of Apex. However, this signature does not constitute a variance from any requirements contained in any federal, state, or local code, law, specification, rule or ordinance. The developer/engineer/contractor is solely responsible for meeting all applicable requirements.

By: Approved slurder 09/09/2021 12:10:10 PM Date: _____

PLANNING/ZONING TOWN OF APEX CERTIFICATION

This construction drawing has been reviewed by the Town of Apex Planning Department, and to the best of my knowledge and belief, conforms to the Subdivision or Site Plan that was approved by the Town of Apex Board of Commissioners, and meets the Town of Apex Zoning, Subdivision, or Unified Development Ordinance. This signature does not constitute a variance from any requirements of the originally approved Subdivision or Site Plan cited above, or any federal, state, or local code, law, specification, rule, guideline, or ordinance. It is the sole responsibility of the owner/developer, or any of his agents or contract professionals to ensure that this construction plan meets all the aforementioned requirements.

By: Approved slurder 09/09/2021 12:10:10 PM Date: _____

PREPARED IN THE OFFICE OF:

Kimley»Horn
© 2019

NC LICENSE #F-0102
421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NORTH CAROLINA 27601
PHONE: (919) 677-2000

OWNER:

TOWN OF APEX
PARKS, RECREATION AND CULTURAL RESOURCES
53 HUNTER STREET
APEX, NC 27502
ANGELA REINCKE
919.372.7468
angela.reincke@apexnc.org

ENGINEER:

KIMLEY-HORN AND ASSOCIATES, INC.
421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27603
JEFFREY W. MOORE, P.E.
919.677.2000
jeff.moore@kimley-horn.com

SURVEYOR*:

THE WOOTEN COMPANY
120 NORTH BOYLAN AVE.
RALEIGH, NC 27603
TIMOTHY R. INGOLD, PLS, CFS
919.828.0531
tingold@thewootencompany.com

*NCDOT SURVEY FROM B-5161
WAS USED IN CONJUNCTION
**SEE PLANS FOR VERTICAL DATUM

PROPOSED PUBLIC INFRASTRUCTURE	
WATER LINES	N/A
SEWER LINES	N/A
PUBLIC STREETS	N/A
CURB & GUTTER	N/A
STORM DRAIN	N/A
SIDEWALK/GREENWAYS	6,190 LF

BID TABULATION

TIP No.:EB-6021

Route:Beaver Creek Greenway Extension, Phases 1, 2, and 1A

CONSTR. COST
\$6,323,822.00

CONSTR. COST
\$6,592,956.00

CONSTR. COST
\$6,941,974.91

Line Item	Item Number	Sec No.	Pay Item	Total Quantity	Unit	Engineer's Estimate		Fred Smith Company		Crowder Construction	
						Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	0000100000-N	800	MOBILIZATION	1	LS	\$105,090.00	\$105,090.00	\$329,000.00	\$329,000.00	\$347,098.74	\$347,098.74
2	0000400000-N	801	CONSTRUCTION SURVEYING	1	LS	\$61,220.00	\$61,220.00	\$65,000.00	\$65,000.00	\$49,500.00	\$49,500.00
3	0043000000-N	226	GRADING	1	LS	\$1,602,750.00	\$1,602,750.00	\$1,830,000.00	\$1,830,000.00	\$1,375,500.00	\$1,375,500.00
4	0050000000-E	226	SUPPLEMENTARY CLEARING AND GRUBBING	1	ACR	\$10,000.00	\$10,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
5	0057000000-E	226	UNDERCUT EXCAVATION	2100	CY	\$75.00	\$157,500.00	\$40.00	\$84,000.00	\$115.00	\$241,500.00
6	0195000000-E	265	SELECT GRANULAR MATERIAL	2500	CY	\$40.00	\$100,000.00	\$60.00	\$150,000.00	\$175.00	\$437,500.00
7	0196000000-E	270	GEOTEXTILE FOR SOIL STABILIZATION	7300	SY	\$4.25	\$31,025.00	\$3.25	\$23,725.00	\$6.81	\$49,713.00
8	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	20	TON	\$45.00	\$900.00	\$70.00	\$1,400.00	\$262.64	\$5,252.80
9	0320000000-E	300	FOUNDATION CONDITIONING GEOTEXTILE	50	SY	\$5.00	\$250.00	\$5.00	\$250.00	\$65.84	\$3,292.00
10	0448200000-E	310	15" RC PIPE CULVERTS, CLASS IV	132	LF	\$125.00	\$16,500.00	\$170.00	\$22,440.00	\$274.92	\$36,289.44
11	0453000000-E	310	15" PIPE END SECTION	4	EA	\$1,000.00	\$4,000.00	\$1,250.00	\$5,000.00	\$4,958.14	\$19,832.56
12	1121000000-E	520	AGGREGATE BASE COURSE	1215	TON	\$70.00	\$85,050.00	\$65.00	\$78,975.00	\$83.34	\$101,258.10
13	1220000000-E	545	INCIDENTAL STONE BASE	100	TON	\$70.00	\$7,000.00	\$60.00	\$6,000.00	\$36.98	\$3,698.00
14	1525000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE SF9.5A	75	TON	\$150.00	\$11,250.00	\$225.00	\$16,875.00	\$300.00	\$22,500.00
15	1575000000-E	620	ASPHALT BINDER FOR PLANT MIX	10	TON	\$600.00	\$6,000.00	\$775.00	\$7,750.00	\$1,000.00	\$10,000.00
16	1880000000-E	SP	GENERIC PAVING ITEM - GRANITE SCREENINGS	140	TON	\$60.00	\$8,400.00	\$75.00	\$10,500.00	\$99.83	\$13,976.20
17	2022000000-E	815	SUBDRAIN EXCAVATION	56	CY	\$20.00	\$1,120.00	\$38.00	\$2,128.00	\$53.69	\$3,006.64
18	2036000000-E	815	SUBDRAIN COARSE AGGREGATE	84	CY	\$55.00	\$4,620.00	\$60.00	\$5,040.00	\$155.24	\$13,040.16
19	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	500	LF	\$12.00	\$6,000.00	\$35.00	\$17,500.00	\$45.52	\$22,760.00
20	2070000000-E	815	SUBDRAIN PIPE OUTLET	2	EA	\$330.00	\$660.00	\$350.00	\$700.00	\$1,184.96	\$2,369.92
21	2077000000-E	815	6" OUTLET PIPE	12	LF	\$35.00	\$420.00	\$60.00	\$720.00	\$90.32	\$1,083.84
22	2591000000-E	848	4" CONCRETE SIDEWALK	600	SY	\$55.00	\$33,000.00	\$50.00	\$30,000.00	\$62.50	\$37,500.00
23	2612000000-E	848	6" CONCRETE DRIVEWAY	70	SY	\$110.00	\$7,700.00	\$78.00	\$5,460.00	\$75.50	\$5,285.00
24	2738000000-E	SP	4" REINFORCED SIDEWALK	2510	SY	\$100.00	\$251,000.00	\$85.00	\$213,350.00	\$80.00	\$200,800.00
25	3575000000-E	SP	PVC FENCE AND PLANTER BOX RESET	32	LF	\$75.00	\$2,400.00	\$128.00	\$4,096.00	\$381.74	\$12,215.68
26	3575000000-E	SP	STANDARD METAL HANDRAIL	880	LF	\$100.00	\$88,000.00	\$44.00	\$38,720.00	\$374.74	\$329,771.20
27	3578000000-N	SP	FIXED BOLLARDS (STEEL)	8	EA	\$500.00	\$4,000.00	\$1,250.00	\$10,000.00	\$3,500.45	\$28,003.60
28	3578000000-N	SP	REMOVABLE BOLLARDS (STEEL)	4	EA	\$1,000.00	\$4,000.00	\$2,000.00	\$8,000.00	\$4,886.89	\$19,547.56
29	3578000000-N	SP	WOOD BOLLARDS	20	EA	\$300.00	\$6,000.00	\$775.00	\$15,500.00	\$1,108.56	\$22,171.20
30	3628000000-E	876	RIP RAP, CLASS I	300	TON	\$75.00	\$22,500.00	\$125.00	\$37,500.00	\$147.79	\$44,337.00
31	3649000000-E	876	RIP RAP, CLASS B	90	TON	\$65.00	\$5,850.00	\$175.00	\$15,750.00	\$136.76	\$12,308.40
32	3656000000-E	876	GEOTEXTILE FOR DRAINAGE	1480	SY	\$5.00	\$7,400.00	\$3.50	\$5,180.00	\$6.54	\$9,679.20
33	4025000000-E	901	CONTRACTOR FURNISHED, TYPE E SIGN	14	SF	\$40.00	\$560.00	\$19.50	\$273.00	\$25.50	\$357.00
34	4072000000-E	903	SUPPORTS, 3-LB STEEL U-CHANNEL	105	LF	\$15.00	\$1,575.00	\$7.00	\$735.00	\$18.15	\$1,905.75
35	4102000000-N	904	SIGN ERECTION, TYPE E	7	EA	\$160.00	\$1,120.00	\$350.00	\$2,450.00	\$75.00	\$525.00
36	4360000000-N	SP	TOWN OF APEX GREENWAY SIGN - DIRECTIONAL	7	EA	\$700.00	\$4,900.00	\$2,700.00	\$18,900.00	\$215.00	\$1,505.00
37	4360000000-N	SP	TOWN OF APEX GREENWAY SIGN - ID SIGN	1	EA	\$900.00	\$900.00	\$4,000.00	\$4,000.00	\$215.00	\$215.00
38	4360000000-N	SP	TOWN OF APEX GREENWAY SIGN - MILEAGE	1	EA	\$500.00	\$500.00	\$4,600.00	\$4,600.00	\$215.00	\$215.00
39	4360000000-N	SP	STOCKPILE AND RELOCATE TOWN OF APEX MESSAGE BOARD	1	EA	\$200.00	\$200.00	\$6,000.00	\$6,000.00	\$1,811.85	\$1,811.85
40	4360000000-N	SP	STOCKPILE AND RELOCATE TOWN OF APEX WOOD DIR SIGN ("PINE LOOP")	1	EA	\$100.00	\$100.00	\$6,000.00	\$6,000.00	\$1,811.85	\$1,811.85
41	4457000000-N	SP	TEMPORARY TRAFFIC CONTROL	1	LS	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00	\$29,461.54	\$29,461.54
42	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	84	LF	\$3.00	\$252.00	\$7.50	\$630.00	\$6.00	\$504.00
43	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	280	TON	\$60.00	\$16,800.00	\$80.00	\$22,400.00	\$66.27	\$18,555.60
44	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	110	TON	\$60.00	\$6,600.00	\$100.00	\$11,000.00	\$75.17	\$8,268.70
45	6012000000-E	1610	SEDIMENT CONTROL STONE	135	TON	\$55.00	\$7,425.00	\$95.00	\$12,825.00	\$156.10	\$21,073.50

Line Item	Item Number	Sec No.	Pay Item	Total Quantity	Unit	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
46	6015000000-E	1615	TEMPORARY MULCHING	9	ACR	\$ 1,200.00	\$ 10,800.00	\$ 1,200.00	\$ 10,800.00	\$ 1,650.00	\$ 14,850.00
47	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	900	LB	\$ 5.00	\$ 4,500.00	\$ 2.00	\$ 1,800.00	\$ 6.90	\$ 6,210.00
48	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEEDING	5	TON	\$ 1,500.00	\$ 7,500.00	\$ 750.00	\$ 3,750.00	\$ 1,080.00	\$ 5,400.00
49	6024000000-E	1622	TEMPORARY SLOPE DRAINS	400	LF	\$ 11.00	\$ 4,400.00	\$ 25.00	\$ 10,000.00	\$ 73.14	\$ 29,256.00
50	6030000000-E	1630	SILT EXCAVATION	120	CY	\$ 35.00	\$ 4,200.00	\$ 2.00	\$ 240.00	\$ 160.15	\$ 19,218.00
51	6036000000-E	1631	MATting FOR EROSION CONTROL	270	SY	\$ 3.00	\$ 810.00	\$ 3.50	\$ 945.00	\$ 2.65	\$ 715.50
52	6038000000-E	SP	PERMANENT SOIL REINFORCEMENT MAT	55	SY	\$ 10.00	\$ 550.00	\$ 6.50	\$ 357.50	\$ 6.50	\$ 357.50
53	6042000000-E	1632	1/4" HARDWARE CLOTH	520	LF	\$ 7.00	\$ 3,640.00	\$ 6.95	\$ 3,614.00	\$ 6.95	\$ 3,614.00
54	6070000000-N	1639	SPECIAL STILLING BASINS	4	EA	\$ 150.00	\$ 600.00	\$ 1,500.00	\$ 6,000.00	\$ 3,012.47	\$ 12,049.88
55	6084000000-E	1660	SEEDING & MULCHING	15	ACR	\$ 2,250.00	\$ 33,750.00	\$ 1,600.00	\$ 24,000.00	\$ 2,125.00	\$ 31,875.00
56	6087000000-E	1660	MOWING	9	ACR	\$ 250.00	\$ 2,250.00	\$ 175.00	\$ 1,575.00	\$ 175.00	\$ 1,575.00
57	6090000000-E	1661	SEED FOR REPAIR SEEDING	150	LB	\$ 10.00	\$ 1,500.00	\$ 6.90	\$ 1,035.00	\$ 6.90	\$ 1,035.00
58	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	1	TON	\$ 1,500.00	\$ 1,500.00	\$ 1,200.00	\$ 1,200.00	\$ 600.00	\$ 600.00
59	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	300	LB	\$ 6.00	\$ 1,800.00	\$ 6.90	\$ 2,070.00	\$ 6.90	\$ 2,070.00
60	6108000000-E	1665	FERTILIZER TOPDRESSING	8	TON	\$ 1,000.00	\$ 8,000.00	\$ 750.00	\$ 6,000.00	\$ 1,237.50	\$ 9,900.00
61	6114500000-N	1667	SPECIALIZED HAND MOWING	20	MHR	\$ 80.00	\$ 1,600.00	\$ 125.00	\$ 2,500.00	\$ 95.00	\$ 1,900.00
62	6117500000-N	SP	CONCRETE WASHOUT STRUCTURE	6	EA	\$ 2,000.00	\$ 12,000.00	\$ 1,072.50	\$ 6,435.00	\$ 3,136.29	\$ 18,817.74
63	6132000000-N	SP	FILTER SACK INLET PROTECTION	1	EA	\$ 200.00	\$ 200.00	\$ 524.50	\$ 524.50	\$ 1,109.59	\$ 1,109.59
64	6132000000-N	SP	TEMPORARY STREAM CROSSING (-G2- STA. 31+80)	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 10,000.00	\$ 10,000.00	\$ 34,843.26	\$ 34,843.26
65	6132000000-N	SP	TEMPORARY STREAM CROSSING (-G2- STA. 40+28)	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 10,000.00	\$ 10,000.00	\$ 34,843.26	\$ 34,843.26
66	6132000000-N	SP	TEMPORARY STREAM CROSSING (-G2- STA. 48+28)	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 10,000.00	\$ 10,000.00	\$ 34,843.26	\$ 34,843.26
67	6147000000-E	SP	TEMPORARY SILT FENCE & TREE PROTECTION FENCE	12735	LF	\$ 4.00	\$ 50,940.00	\$ 3.00	\$ 38,205.00	\$ 2.95	\$ 37,568.25
68	6147000000-E	SP	TREE PROTECTION FENCE	1240	LF	\$ 3.00	\$ 3,720.00	\$ 2.75	\$ 3,410.00	\$ 2.65	\$ 3,286.00
69	6147000000-E	SP	MUD MATS	2610	LF	\$ 50.00	\$ 130,500.00	\$ 5.00	\$ 13,050.00	\$ 92.19	\$ 240,615.90
70	6680000000-E	SP	TOPSOIL	20	CY	\$ 75.00	\$ 1,500.00	\$ 120.00	\$ 2,400.00	\$ 102.00	\$ 2,040.00
71	6680000000-E	SP	SOIL AMENDMENTS	5	CY	\$ 200.00	\$ 1,000.00	\$ 120.00	\$ 600.00	\$ 97.00	\$ 485.00
72	8860000000-N	SP	BRIDGE #1 (-G3- STA. 56+88.00)	1	LS	\$ 260,000.00	\$ 260,000.00	\$ 540,000.00	\$ 540,000.00	\$ 330,651.86	\$ 330,651.86
73	8860000000-N	SP	TIMBER BOARDWALK #1 (-G1A- STA. 25+95.13 to 26+81.13)	86	LF	\$ 1,150.00	\$ 98,900.00	\$ 2,100.00	\$ 180,600.00	\$ 1,895.75	\$ 163,034.50
74	8860000000-N	SP	TIMBER BOARDWALK #2 (-G2- STA. 25+88.83 to 31+86.23)	598	LF	\$ 1,150.00	\$ 687,700.00	\$ 885.00	\$ 529,230.00	\$ 775.51	\$ 463,754.98
75	8860000000-N	SP	TIMBER BOARDWALK #3 (-G2- STA. 32+76.23 to 40+49.78)	774	LF	\$ 1,150.00	\$ 890,100.00	\$ 910.00	\$ 704,340.00	\$ 798.50	\$ 618,039.00
76	8860000000-N	SP	TIMBER BOARDWALK #4 (-G2- STA. 43+39.00 to 43+84.00)	45	LF	\$ 1,150.00	\$ 51,750.00	\$ 1,010.00	\$ 45,450.00	\$ 883.51	\$ 39,757.95
77	8860000000-N	SP	TIMBER BOARDWALK #5 (-G2- STA. 45+53.00 to 48+36.00)	283	LF	\$ 1,150.00	\$ 325,450.00	\$ 925.00	\$ 261,775.00	\$ 808.25	\$ 228,734.75
78	8860000000-N	SP	TIMBER BOARDWALK #6 (-G3- STA. 52+15.62 to 56+63.00)	448	LF	\$ 1,150.00	\$ 515,200.00	\$ 1,110.00	\$ 497,280.00	\$ 1,108.14	\$ 496,446.72
79	8860000000-N	SP	TIMBER BOARDWALK #7 (-G3- STA. 57+13.00 to 59+98.39)	286	LF	\$ 1,150.00	\$ 328,900.00	\$ 1,130.00	\$ 323,180.00	\$ 1,126.93	\$ 322,301.98
80	8860000000-N	SP	TIMBER BOARDWALK #8 (-G3- STA. 63+25.00 to 64+25.00)	100	LF	\$ 1,150.00	\$ 115,000.00	\$ 1,195.00	\$ 119,500.00	\$ 1,223.77	\$ 122,377.00
81	6240000000-N	1670	CALYCANTHUS FLORIDUS 'MICHALE LINDSEY' 'SWEET SHRUB'	18	EA	\$ 100.00	\$ 1,800.00	\$ 127.00	\$ 2,286.00	\$ 127.00	\$ 2,286.00
82	6370000000-N	1670	ILEX GLABRA 'SHAMROCK' ' INKBERRY'	32	EA	\$ 100.00	\$ 3,200.00	\$ 84.50	\$ 2,704.00	\$ 84.50	\$ 2,704.00
83	6470000000-N	1670	MAGNOLIA GRANDIFLORA 'BRACKENS' SOUTHERN MAGNOLIA	3	EA	\$ 1,000.00	\$ 3,000.00	\$ 1,112.00	\$ 3,336.00	\$ 1,112.00	\$ 3,336.00
84	6510000000-N	1670	OXYDENDRUM ARBOREUM 'SOURWOOD'	3	EA	\$ 750.00	\$ 2,250.00	\$ 730.00	\$ 2,190.00	\$ 730.00	\$ 2,190.00
85	6605000000-N	1670	TAXODIUM DISTICHUM 'BALD CYPRESS'	3	EA	\$ 1,000.00	\$ 3,000.00	\$ 1,082.00	\$ 3,246.00	\$ 1,082.00	\$ 3,246.00
86	6640000000-N	1670	CLETHRA ALNIFOLIA 'SUMMERSWEET CLETHRA'	14	EA	\$ 100.00	\$ 1,400.00	\$ 63.00	\$ 882.00	\$ 63.00	\$ 882.00
87	6640000000-N	1670	NYSSA SYLVATICA 'SOUR GUM'	3	EA	\$ 1,000.00	\$ 3,000.00	\$ 1,082.00	\$ 3,246.00	\$ 1,082.00	\$ 3,246.00
88	6645000000-N	SP	TRASH RECEPTACLE	2	EA	\$ 265.00	\$ 530.00	\$ 955.00	\$ 1,910.00	\$ 995.00	\$ 1,990.00
89	6645000000-N	SP	RECYCLING RECEPTACLE	2	EA	\$ 710.00	\$ 1,420.00	\$ 955.00	\$ 1,910.00	\$ 955.00	\$ 1,910.00
90	6645000000-N	SP	DOG WASTE STATION	2	EA	\$ 150.00	\$ 300.00	\$ 1,279.00	\$ 2,558.00	\$ 1,279.00	\$ 2,558.00
91	6650000000-E	1670	MULCH FOR PLANTING	25	CY	\$ 125.00	\$ 3,125.00	\$ 78.00	\$ 1,950.00	\$ 78.00	\$ 1,950.00
92	6655000000-E	1670	WATER FOR PLANTING	50	M/G	\$ 100.00	\$ 5,000.00	\$ 270.00	\$ 13,500.00	\$ 270.00	\$ 13,500.00
						TOTAL	\$ 6,323,822.00	TOTAL	\$ 6,592,956.00	TOTAL	\$ 6,941,974.91



Town of Apex

Budget Ordinance Amendment No. 2

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2023-2024 Budget Ordinance be adopted:

Recreation Capital Reserve Fund

Section 1. Revenues:

77-0000-39902: Appropriated Fund Balance	\$2,108,000
Total Revenues	\$2,108,000

Section 2. Expenditures:

77-0000-49667: Transfer to Recreation Project Fund	\$2,108,000
Total Expenditures	\$2,108,000

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

Adopted this the 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2024-2

67 - Recreation Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

9200-0002-39777: Transfer from Recreation Reserve	2,108,000
Total Revenues	\$2,108,000

Section 2. The expenditures anticipated are:

9200-0002-47300: Beaver Creek Greenway	2,108,000
Total Expenditures	\$2,108,000

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 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Michael Deaton, P.E., Director

Department(s): Water Resources

Requested Motion

Motion to approve a Master Services Agreement (MSA), effective August 1, 2023 through June 30, 2026, with J&D Tree Pros, Inc, for tree trimming, removal and stump grinding services, and to authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

J&D Tree Pros, Inc. agrees to perform tree trimming, removal, and stump grinding services for the following departments: Electric, Parks, Water Resources, and Public Works when requested by these departments.

Attachments

- CN19-A1: Master Services Agreement - Contract Multi-Year - J & D Tree Pros, Inc. - August 1, 2023 through June 30, 2026
- CN19-A2: Quote - Contract Multi-Year - J & D Tree Pros, Inc. - August 1, 2023 through June 30, 2026



STATE OF NORTH CAROLINA

Contract Identification # NW 2024-047

COUNTY OF WAKE

MASTER SERVICES AGREEMENT

THIS MASTER SERVICES AGREEMENT (hereinafter "Agreement") is entered into this the ____ day of _____, 2023, by and between, J & D Tree Pros, Inc., a North Carolina Corporation with its principal business offices located at 2950 Farrington Road, Apex, NC 27523 (the "Contractor"), and the Town of Apex, a municipal corporation of the State of North Carolina, (the "Town"). Town and Contractor may collectively be referred to as "Parties" hereinafter.

WITNESSETH:

WHEREAS, Town, is engaged in the operation of electric, parks, water and sewer utilities including pipes, drains, facilities, and associated equipment and infrastructure, which from time to time required maintenance, repair, installation, removal, testing, and inspection as well as other projects related to wastewater treatment and soil and erosion control; and

WHEREAS, the professional services of outside firms or consultants and/or others will from time to time in the future be needed by the Town for the services as described above; and

WHEREAS, Contractor provides professional services of the nature required by the Town and employs trained and experienced technical personnel possessing adequate knowledge, skills, and experience to provide such professional services to the Town; and

WHEREAS, the Parties contemplate that the services of the Contractor will be performed in various stages in accordance with separate authorizations to be issued by the Town, and the Parties desire to set forth the basic terms of their agreement in this Master Services Agreement rather than in the separate authorizations issued by the Town; and

WHEREAS, the Parties acknowledge and agree that this Agreement shall act as a base agreement under which the Parties can enter into multiple specific transactions by executing a Purchase Order and written confirmation to proceed pursuant to a Scope of Services, quote, and/or rate sheet; and

WHEREAS, the Parties agree that this Agreement is non-exclusive and does not require or commit the Contractor to being available to perform services until a Scope of Services and quote is submitted, and does not preclude the Town from hiring other vendors or contractors to perform the same or similar work.

NOW THEREFORE, in consideration of the foregoing recitals, and the premises and mutual covenants herein contained, the receipt and adequacy of which is hereby acknowledged, the Parties, intending to be legally bound, hereto do contract and agree as follows:

Revision date 11/9/2021

1. SCOPE OF SERVICES.

The Contractor agrees to perform for the Town the following general services when requested by the Town: Tree trimming/removal and stump grinding services for multiple departments within the Town.

When service is requested by the Town, Contractor shall provide a cost estimate based on the attached rate sheet, labeled Exhibit A, titled Quote 8899, dated June 15, 2023, and a detailed Scope of Services shall be governed by the terms of this Agreement. The quote and Scope of Services shall reference this Agreement and this Agreement shall be incorporated into and made a part of the Scope of Services and quote whether or not expressly incorporated by reference in the Scope of Services and quote.

In the event of a conflict between the terms of a Scope of Services, quote, or estimate and this Agreement, this Agreement shall control.

2. SPECIFICATIONS.

Upon request by the Town, Contractor will provide plans and specifications prior to engaging in any services under this Agreement. Contractor hereby acknowledges that it is fully licensed to perform the work contemplated by this Agreement. In the event of a conflict between the provided plans and specifications and this Agreement, this Agreement shall control.

3. TIME OF COMMENCEMENT AND COMPLETION.

This Agreement shall terminate on June 30, 2026 unless terminated sooner in accordance with the terms of this Agreement. Contractor shall commence and complete the work required by this Agreement in accordance with the dates provided in the Scope of Services as agreed upon by the Parties. Contractor shall immediately notify the Town of any event or circumstance that may, immediately or in the future, impede the proper and timely execution of any work so that remedial action may be taken. Contractor shall not begin any work pursuant to this Agreement or a Scope of Services until written confirmation has been provided by the Town. The Parties hereby agree that written confirmation may be provided through electronic communication from the Town's representative identified in Section 13 of this Agreement. If Contractor has not satisfactorily commenced or completed the work within the times specified, the Town may declare such delay a material breach of contract and may pursue all available legal and equitable remedies. Any changes to the schedule(s) provided in the Scope of Services must be agreed to in writing by the Town and the Contractor.

4. CONSIDERATION AND PAYMENT OF SERVICES.

In consideration of the above services, the Town will pay the Contractor the amount authorized by the issued Purchase Order corresponding to the agreed upon Scope of Services and quote. After services are agreed upon pursuant to this Agreement and the associated Scopes of Service,

Contractor will invoice the Town for work performed. Town has the right to require the Contractor to produce for inspection all of Contractor's records and charges to verify the accuracy of all invoices. Town shall pay Contractor's invoices within thirty (30) days of receipt unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. INDEMNIFICATION.

To the extent permitted by law, the Contractor agrees to defend, pay on behalf of, indemnify, and hold-harmless the Town of Apex, its elected and appointed officials, employees, agents, and volunteers against any and all claims, demands, suits or losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the Town of Apex its elected or appointed officials, employees, agents, and volunteers by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof resulting from the negligence of the Contractor.

6. APPLICABILITY OF LAWS AND REGULATIONS.

The Contractor shall adhere to all laws, ordinances, and regulations of the United States, the State of North Carolina, the County of Wake, and the Town of Apex in the performance of the services outlined in this contract and any attached specifications.

This Agreement shall be governed by the laws of the State of North Carolina. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or nonperformance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Wake County, North Carolina, or the United States District Court sitting in Wake County, North Carolina, and it is agreed by the Parties that no other court shall have jurisdiction or venue with respect to such suits or actions.

7. E-VERIFY COMPLIANCE.

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

8. QUALITY AND WORKMANSHIP.

All work shall be performed to the satisfaction of the Town. The work shall not be considered complete nor applicable payments rendered until the Town is satisfied with the services provided. Contractor shall provide services in accordance with all federal, state and local law and in accordance with all governing agency regulations and shall be held to the same standard and shall exercise the same degree of care, skill and judgment in the performance of services for

the Town as is ordinarily provided by a similar professional under the same or similar circumstances at the time in North Carolina.

9. INSURANCE.

The Contractor shall maintain valid general liability insurance in the minimum amount of \$1,000,000, commercial automobile liability insurance in the minimum amount of \$2,000,000, and provide certificates of such insurance naming the Town of Apex as an *additional insured* by endorsement to the policies. If the policy has a blanket additional insured provision, the contractor's insurance shall be primary and non-contributory to other insurance. Additionally, the contractor shall maintain and show proof of workers' compensation and employer's liability insurance in the minimum amount of \$1,000,000. The Contractor shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

All required certificates of insurance, endorsements, and blanket additional insured policy provisions are attached and considered part of this document. Notwithstanding the foregoing, neither the requirement of Contractor to have sufficient insurance nor the requirement that Town is named as an additional insured, shall constitute waiver of the Town's governmental immunity in any respect, under North Carolina law.

10. PRE-PROJECT SAFETY REVIEW MEETING.

If requested by the Town, the Contractor shall attend a pre-project safety review meeting with the contacting Department Head and Supervisors and Safety and Risk Manager prior to the start of work.

11. DEFAULT.

In the event of substantial failure by Contractor to perform in accordance with the terms of this Agreement, Town shall have the right to terminate Contractor upon seven (7) days written notice in which event Contractor shall have neither the obligation nor the right to perform further services under this Agreement.

12. TERMINATION FOR CONVENIENCE.

Town shall have the right to terminate this Agreement for the Town's convenience upon thirty (30) days written notice to Contractor. Contractor shall terminate performance of services on a schedule acceptable to the Town. In the event of termination for convenience, the Town shall pay Contractor for all services satisfactorily performed.

13. NOTICE.

Any formal notice, demand, or request required by or made in connection with this Agreement shall be deemed properly made if delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

TO CONTRACTOR: Attn: Daniel McMains
Contractor: J & D Tree Pros, Inc.
Address: 2590 Farrington Rd
Apex, NC 27523
Email: info@jdtreepros.com

TO TOWN: Town of Apex
Attention: Michael Deaton
PO Box 250
Apex, NC 27502

14. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town, having taken commercially reasonable precautions, shall be in default of the provisions of this Agreement for delays in performance due to forces beyond the control of the parties. "Forces beyond the control of the parties" shall mean, but is not limited to, delay caused by natural disaster, fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disobedience, or other event reasonably outside of the parties' control. Due to the ever-changing circumstances surrounding the COVID-19 pandemic, situations may arise during the performance of this Agreement that affect availability of resources and staff of Contractor or the Town. There could be changes in anticipated performance times and service costs. Contractor will exercise reasonable efforts to overcome the challenges presented by current circumstances. In the event of changes in performance times or service costs caused by the COVID-19 pandemic the Town reserves the right to terminate this Agreement in accordance with its terms. The Parties agree that they shall not be liable to each other for any delays, expenses, losses, or damages of any kind arising out of the impact of the COVID-19 pandemic.

15. NONWAIVER FOR BREACH.

No breach or non-performance of any term of this Agreement shall be deemed to be waived by either party unless said breach or non-performance is waived in writing and signed by the parties. No waiver of any breach or non-performance under this Agreement shall be deemed to constitute a waiver of any subsequent breach or non-performance and for any such breach or non-performance each party shall be relegated to such remedies as provided by law.

16. CONSTRUCTION.

Should any portion of this Agreement require judicial interpretation, it is agreed that the Court or Tribunal construing the same shall not apply a presumption that the terms hereof shall be more

strictly construed against any one party by reason of the rule of construction that a document is to be more strictly construed against the party who prepared the documents.

17. NO REPRESENTATIONS.

The parties hereby warrant that no representations about the nature or extent of any claims, demands, damages, or rights that they have, or may have, against one another have been made to them, or to anyone acting on their behalf, to induce them to execute this Agreement, and they rely on no such representations; that they have fully read and understood this Agreement before signing their names; and that they act voluntarily and with full advice of counsel.

18. SEVERABILITY.

In the event for any reason that any provision or portion of this Agreement shall be found to be void or invalid, then such provision or portion shall be deemed to be severable from the remaining provisions or portions of this Agreement, and it shall not affect the validity of the remaining portions, which portions shall be given full effect as if the void or invalid provision or portion had not been included herein.

19. COUNTERPARTS.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

20. MODIFICATION.

This Agreement contains the full understanding of the parties. Any modifications or addendums to this Agreement must be in writing and executed with the same formality as this Agreement.

21. BINDING EFFECT.

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

22. ASSIGNMENT.

Contractor shall not assign, sublet, or transfer any rights under or interest in (including, but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the Town. Nothing contained in this paragraph shall prevent Contractor from employing such independent consultants, associates, and sub-contractors as it may deem appropriate to assist Contractor in the performance of services rendered.

23. INDEPENDENT CONTRACTOR.

Contractor is an independent contractor and shall undertake performance of the services pursuant to the terms of this Agreement as an independent contractor. Contractor shall be wholly responsible for the methods, means and techniques of performance.

24. NON-APPROPRIATION.

Notwithstanding any other provisions of this Agreement, the parties agree that payments due hereunder from the Town are from appropriations and monies from the Town Council and any other governmental entities. In the event sufficient appropriations or monies are not made available to the Town to pay the terms of this Agreement for any fiscal year, this Agreement shall terminate immediately without further obligation of the Town.

25. IRAN DIVESTMENT ACT CERTIFICATION.

N.C.G.S. 147-86.60 prohibits the State of North Carolina, a North Carolina local government, or any other political subdivision of the State of North Carolina from contracting with any entity that is listed on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. N.C.G.S. 147-86.59 further requires that contractors with the State, a North Carolina local government, or any other political subdivision of the State of North Carolina must not utilize any subcontractor found on the State Treasurer's Final Divestment List. As of the date of execution of this Agreement the Contractor hereby certifies that the Contractor is not listed on the Final Divestment List created by the North Carolina State Treasurer and that the Contractor will not utilize any subcontractors found on the Final Divestment List.

26. ANTI-HUMAN TRAFFICKING.

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

27. NONDISCRIMINATION.

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

28. ELECTRONIC SIGNATURE.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this Agreement and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The Parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by

the Agreement and any related documents. If electronic signatures are used the Agreement shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ____ day of _____, 2023.

Contractor

Name: DocuSigned by:
Denise Patterson
BF662727CFB4464...

By: Denise Patterson
(Signature)

Title: office Manager

Attest:

(Secretary, if a corporation)

Town of Apex

Shawn Purvis, Interim Town Manager

Attest:

Allen L. Coleman, CMC, NCCCC
Town Clerk

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

Antwan Morrison, Finance Director



J & D Tree Pros Inc.

2590 Farrington Road | Apex, NC 27523
919-467-7997 | info@jdtreepros.com | jdtreepros.com

RECIPIENT:

*Town of Apex

P.O. Box 250
Apex, NC 27502
Phone: (919) 980-0484 - Jessica

SERVICE ADDRESS:

P.O. Box 250
Apex, NC 27502

Quote #8899

Sent on 06/15/2023

Total \$0.00

PRODUCT / SERVICE	DESCRIPTION	TOTAL
zzz Services	Itemized Breakdown for Annual Contract Pricing 2023 - 2024 for each crew depending on what equipment it will take to clear easement. Minimum's could change based on multiple job with logistics and equipment in the area.	\$0.00*
Note	Note: EMERGENCY SERVICES NUMBER - 866-895-2911	\$0.00
zzz Services	Manual Crew #1 - 3 Men for broke limbs Equipment - Bucket truck, 18" Chipper Monday - Friday from 7:30 am - 5pm \$335/hr with 2 hr minimum After hours for emergency work after 5:00 pm \$365/hr with 2 hr minimum	\$0.00*
zzz Services	Manual Crew #2 - 5 Men Equipment - Bucket truck, 18" Chipper and Chipper Truck Monday - Friday from 7:30 am - 5pm \$440/hr with 2 hr minimum After hours for emergency work after 5:00 pm \$510/hr with 2 hr minimum	\$0.00*
zzz Services	Crane Crew #1 - 6 Men Equipment - 90 Ton Crane(with 150' maximum reach, 17 Ton Knuckleboom, 18" Chipper and 2 Chipper Trucks, Counterweight truck Monday - Friday from 7:30 am - 5pm \$725/hr with 4 hr minimum After hours for emergency work after 5:00 pm \$775/hr with 4 hr minimum	\$0.00*
zzz Services	Crane Crew - 6 Men Equipment - 110 Ton Crane(with 200' maximum reach, 17 Ton Knuckleboom, 18" Chipper and 2 Chipper Trucks, 14 wheeler Counterweight truck Monday - Friday from 7:30 am - 5pm \$870/hr with 4 hr minimum After hours for emergency work after 5:00 pm \$980/hr with 4 hr minimum	\$0.00*



J & D Tree Pros Inc.

2590 Farrington Road | Apex, NC 27523
919-467-7997 | info@jdtreepros.com | jdtreepros.com

PRODUCT / SERVICE	DESCRIPTION	TOTAL
zzz Services	Grind the stumps to approximately 4" below ground level. This does not include removal of grindings. Under 14" - \$100 14" - 28" - \$150 28" and larger - \$180 and up depending on size and mass.	\$0.00*

Total \$0.00

* Non-taxable

J&D Tree Pros, Inc. will be held harmless should the customer fail to inform us of any underground utilities that could cause damage due to the weight of the machinery, trees hitting the ground or stump grinding. This includes but is not limited to water & sewer lines, septic tanks, driveways, underground dog fences and sprinkler systems. Payments by check, online checking or with credit card.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meetings:

- June 27, 2023 - Regular Town Council Meeting Minutes
- July 28, 2023 - Emergency Town Council Meeting Minutes

Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachments

- CN20-A1: **DRAFT** Minutes - June 27, 2023 - Regular Town Council Meeting Minutes
- CN20-A2: **DRAFT** Minutes - July 28, 2023 - Emergency Town Council Meeting Minutes



DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 27, 2023
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 27, 2023 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=uhaEULsZynE>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Councilmember Brett Gantt
Councilmember Ed Gray
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Absent: Mayor Pro Tempore Audra Killingsworth

Town Staff

Town Manager Catherine Crosby
Deputy Town Manager Shawn Purvis
Assistant Town Manager Demetria John
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman
Deputy Town Clerk Ashley Gentry
Budget and Performance Management Director Amanda Grogan
Finance Director Antwan Morrison
Planning Director Dianne Khin
All other staff members will be identified appropriately below

DRAFT MINUTES

[SLIDE 1]



[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and led those in attendance in a brief moment of silence. He then invited everyone to join him in a recitation of the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert noted that there was a staff request to remove Consent Item 9 - Encroachment Agreement - 1251 Burma Drive.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman**, to approve the Consent Agenda, with Consent Item 9 removed.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

CN1 Annexation No. 752 - Castleberry Assemblage - 89.90 acres (REF: RES-2023-038, RES-2023-039, and OTHER-2023-060)

Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of a Public Hearing for August 8, 2023, on the Question of Annexation - Apex Town Council's intent to annex 90.24 acres Castleberry Assemblage, Annexation No. 752 into the Town Corporate limits.

CN2 Budget Ordinance Amendment No. 19 and Capital Project Ordinance Amendment No. 2023-15 - Reedy Branch Greenway (REF: ORD-2023-048, ORD-2023-049, and CONT-2023-175)

Council voted to approve a Master Agreement for On-Call Professional Services for Reedy Branch Greenway Project (Sweetwater), and to approve corresponding Budget Ordinance Amendment No. 19 and Capital Project Ordinance Amendment 2023-15, and to authorize the Town Manager to execute the agreement on behalf of the Town.

DRAFT MINUTES

CN3 Budget Ordinance Amendment No. 21 and Capital Project Ordinance Amendment No. 2023-16 - Capital Project Grant Allocations and Annual Shop-With-A-Cop Program Allocation (REF: ORD-2023-050 and ORD-2023-051)

Council voted to approve a Budget Ordinance Amendment No. 21 for Grant Allocations and Capital Project Ordinance Amendment No. 2023-16 for Shop-With-A-Cop Program.

CN4 Contract Multi-Year - Flock Safety Inc. - License Plate Reader Technology - July 1, 2023 through June 30, 2025 (REF: CONT-2023-176)

Council voted to approve a Master Services Agreement (MSA), effective July 1, 2023 through June 30, 2025, with Flock Safety Inc. for technology and software support for the following in the Apex Police Department (APD): FlockOS, Flock Safety Falcon, Flock Safety Falcon Flex, Flock Safety Advanced Search and authorize the Town Manager to execute the agreement(s) on behalf of the Town.

CN5 Contract Multi-Year - HT Stormwater Management - Monthly Maintenance All Town-Owned Stormwater Control Measures (SCMs) - July 1, 2023 through June 30, 2026 (REF: CONT-2023-177)

Council voted to approve a Master Services Agreement (MSA) between the Town of Apex and HT Stormwater Management for monthly maintenance of all Town-owned Stormwater Control Measures (SCMs) for a three-year period, effective July 1, 2023 through June 30, 2026, with the option to approve two additional one-year contract extensions after that date and authorize the Town Manager to execute on behalf of the Town.

CN6 Contract Multi-Year - IPKeys Power Partners Inc. - Meter Data Management System (MDMS) - July 1, 2023 through June 30, 2028 (REF: CONT-2023-183)

Council voted to approve an Agreement for IPKEYS Meter Data Management System (MDMS) between the Town of Apex and IPKeys Power Partners, Inc., effective July 1, 2023 through June 30, 2028 for professional services with the meter data management system (MDMS) that supports the meter system upgrade (MSU), and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN7 Council Meeting Minutes - Multiple

Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
June 13, 2023 - Town Council Regular Meeting
June 20, 2023 - Town Council Work Session

CN8 Debt Service Fund Ordinances - General, Electric, and Water & Sewer (REF: ORD-2023-052, ORD-2023-053, ORD-2023-054, and ORD-2023-055)

Council voted to adopt ordinances which establish Debt Service Funds for General Government, Electric, and Water and Sewer; and approve Budget Ordinance Amendment No. 22 associated with this new fund structure.

~~CN9 Encroachment Agreement - 1251 Burma Drive~~

This item was removed from the Consent Agenda, per Council vote.

CN10 Encroachment Agreement - 2210 Winston Circle, Lot 3. (REF: CONT-2023-179)

Council voted to approve an Encroachment Agreement between the Town of Apex and Swigart Construction, Inc. to install a driveway located at, 2218 Winston Circle, that will encroach 199 square feet (SF) onto the Town of Apex 30' Public Utility Easement (Sewer) and authorize the Town Manager to execute the agreement on behalf of the Town.

DRAFT MINUTES

CN11 Humie Olive Place - Fee-In-Lieu (FIL)

Council voted to approve a fee-in-lieu for Humie Olive Place with the original 4 lots for a total of 8 duplex units paying a fee of \$2,157.44 per each unit and 2 additional lots with a total of 4 duplex units paying a fee of \$2,705.23 per each unit.

CN12 Memorandum of Agreement (MOA) between Central Pines Regional Council (formerly Triangle J Council of Governments (TJCOG) - Solid Waste Consortium - Fiscal-Year 2023-24 (REF: CONT-2023-180)

Council voted to approve a Memorandum of Agreement (MOA) between Central Pines Regional Council (formerly Triangle J Council of Governments (TJCOG) and Town of Apex, effective July 1, 2023 through June 30, 2024, for the purpose of participating in the Solid Waste Consortium and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN13 Ordinance Amendment - Incorporating Local Acts into Charter (ORD-2023-056)

Council voted to approve an Ordinance Amendment to incorporate local acts into the Town Charter.

CN14 Position Authorization List Update - Fiscal Year 2024

Council voted to approve the Fiscal Year 2024 Position Authorization List and the Fiscal Year 2024 Job Title and Market Range Inventory for the Town of Apex.

CN15 Resolution - Public Utility Easement Abandonment (REF: RES-2023-040)

Council voted to approve a resolution entitled "A Resolution to Abandon Portions of Existing Public Utility Easements", located in the Reams Gove Subdivision.

[PRESENTATIONS]

PR1 Proclamation - Parks and Recreation Month - July 2023 (REF: PRO-2023-027)

Mayor Gilbert and Town Council the Parks and Recreation Month Proclamation in unity.

Craig Setzer, Director of Parks, Recreation, and Cultural Resources, and other staff members, accepted the proclamation and took a photo with the Mayor and Council.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Mahaffey**, to approve the Regular Meeting Agenda as presented.

VOTE: UNANIMOUS (4-0)

[SLIDE 2]

Public Participation

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's 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 and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak



[PUBLIC FORUM] (NOTE: To view Public Forum and Public Hearing Sign-up Sheets, see OTHER-2023-062)

First to speak was **Chris Chandler** of 1936 Gray Meadow Drive: (To see Mr. Chandler's handouts, see **OTHER-2023-064**)

"Evening Council, thank y'all, Chris Chandler from 1936 Gray Meadow Drive, Woodall Estates. Come again just to speak, share some information, as we all know why I'm here. One of the handouts that you're getting is one that just came out recently, US pedestrian deaths in '22 is the highest number in more than 40 years. This handout will explain a lot of that and what's going on, and different reasons why. This was out of 49 states in the district, only Oklahoma didn't send there's but they have about 92 deaths a year, pedestrian involvement. One of the other things you'll have is a handout from the FHWA guide on why crosswalk marking designs matter. In there I highlighted a couple spots. One of the is "the question isn't whether to mark, but how we mark it." You'll see in there about how visibility makes a big difference with cars travelling, people walking, it lets us pedestrians walking know "hey remember, crosswalk ahead, stop and look, make eye contact." But sometimes when we're making eye contact with vehicles, there's more than one person in there. I have kids, like a lot of people do, sometime you have to speak to your kids. You may take your eye off the person standing on the sidewalk who's trying to draw attention to say "hey, there's a crosswalk, I'm getting ready to walk." So there's so many different ways that we can make these high visibility. One of the other things in here about the different designs and how they improve, and with high visibility crosswalks, it will slow a lot of people down when coming to these areas versus a traditional non-marking crosswalk, not high visibility. And when I say all of this, there's no one bullet. Slowing the speed is not going to make 100% difference. Improving the crosswalk is not going to make 100%. It takes a combination of all of them, and this is a lot of what I'm learning as long as our community is working also, I'm growing in this from the things I'm learning. And the other handout you'll see, it talks about a lot of different factors in these, and one of the things that we've heard a lot is that you can't do crosswalks too close. But a lot of what we're learning in these studies as I continue and I bring to you, and as I'm learning, but a lot of times a crosswalk is 200 foot a city block, is the recommendation. Now I know we don't want to put them every 200 foot, but I hope we can grow, and encourage, and be better about that

DRAFT MINUTES

1 in looking at this. When we come back in August, one of the things our community will be doing, is
2 we're going to do a community assessment of the walking feasibility study, and I shared that the last
3 time I came, so we'll be doing that next month to see how our community ranks in that. And thank
4 y'all again so much for your time."

5
6 **Mayor Gilbert** thanked Mr. Chandler for his comments.

7
8 Next to speak was **Diane Long** of 1308 Salem Church Road:

9 "I'm going to speak to two concerns I have, one is speeding on Hunter Street, and the other one is
10 these little ducks we have in town over near the WakeMed center. And we have a lot of people that
11 come down Hunter Street, and I don't know what to tell anybody to do about it, I think the Police
12 Department here does a great job. But when the school opens back up, it always concerns me, that
13 people speeding down Hunter Street may hit a child. But anyway, what has happened is my
14 daughter lives at about the 3rd house after you turn off of 55. She has lost her cat. She came crying to
15 my house, and the cat she took her to the vet, and it had died. And then cats that we don't even
16 know about, or who they belong to, they get run over, so a lot of animals are getting run over on the
17 end next to 55 highway, and I don't know what you can do about it. They're certainly very very fast,
18 the cars are, certainly not within the speed limit, but there is a speeding problem, especially on that
19 end I think, more so than North Salem Street because of the way it's designed. But anyway, if you
20 could have someone look into it, I would really appreciate it. And we did find a place that, it's near
21 Crabtree Valley, it will take any kind of an animal, now I'm going to talk about these ducks. I have
22 passed by that street where those ducks cross in road, I have stopped and let those ducks go by.
23 And anyway, my daughter was out again, and this couple had stopped, five of those little ducks were
24 run over and killed, and then the mama of these ducks apparently had a broken leg, and one of
25 those little ducks kept coming back to the mama trying to soothe it, and be concerned for its mother.
26 And we didn't know, when my daughter came over to the house we got a map out, and we looked
27 and we found a place that will take any kind of an animal, and they'll take care of it, and pay for it if
28 you give them a donation, so we're going to look into that. Anyway, I know we go over to the
29 WakeMed facility for different reasons, and those ducks are not hurting anybody, and I don't know
30 how many times I have stopped myself to let those little ducks go by. So anyway, I just think we need
31 to be more careful, people need to be more careful, and the thing about it, nobody stops. Nobody
32 stops to see if they have hurt the animal or anything when they get killed. So anyway, we just need to
33 do something about this situation. The speed and taking care of our animals, thank you."

34 **Mayor Gilbert** thanked Ms. Long for her comments, and said it was always good to see her.
35

36 Next to speak was **Phil Welch** of 1471 Big Leaf Loop: (To view Mr. Welch's Handout, please
37 see **OTHER-2023-065**)

38 "Good evening Mayor, Councilmembers, my name is Phil Welch, I live at 1471 Big Leaf Loop in
39 Apex. I wanted to give a couple comments to Council on the first version of the Affordable Housing
40 Incentive Zoning Policy Procedures Manual, that's New Business item 1. I'm speaking today as an
41 advocate for affordable housing in Apex, not as the chair of the Housing Advisory Board. I do,
42 however, request all of the hard work and intense discussion that went into this policy over the past
43 year and a half. What you see in that policy reflects a consensus and a whole bunch of compromises.
44 I think it's a reasonable start, I'm look forward to hearing from the staff how it's working in their

DRAFT MINUTES

negotiations with developers and so forth. I expect that the Housing Advisory Board will be considering some adjustments to this when it's reviewed a year from now, here's some possible adjustments I hope to see as an affordable housing advocate. The minimum percentage of affordable housing in the policy is 5%, we've heard from staff that developers are now coming to them with offers of 5% affordable housing even before incentives are offered, so that's good news. Hopefully with incentives, that minimum percentage might be pushed up a bit, which we desperately need. And 5% of the development can either be affordable homes or developable lots. My preference would be for affordable homes, because that's the ultimate objective here, we don't expect people to pitch tents on lots. If it is lots, hopefully the staff might be able to negotiate for, and the builders agree to, a little higher percentage than the 5%, because they're a little less expensive to the developers. The minimum affordability periods for ownership homes are 20 years, and that's a great minimum for long-term affordability. The minimum affordability period for the rental developments are negotiable, I hope eventually we'll have a standard of at least 20 years of affordability for rental developments too, because they're important as well. The maximum affordable are median income percentages for owner-occupied homes is 135%, there's a lot of discussion about that. As a point of reference, HUD recently published \$117,000 as this year's area median income for households in the Raleigh-Metro statistical area, so 135% of \$117,000 is about \$158,000. I will stop at that point, thank you very much, and I encourage you to approve the policy."

Mayor Gilbert thanked Mr. Welch for his comments.

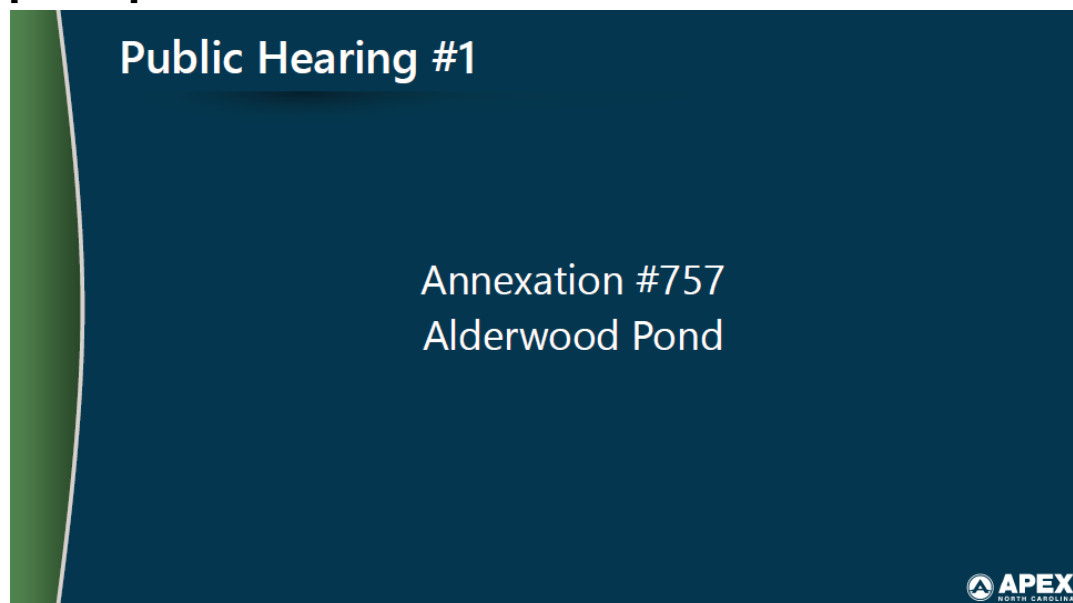
With no more signups for Public Forum, **Mayor Gilbert** moved the meeting on to Public Hearings.

[PUBLIC HEARINGS]

PH1 Annexation No. 757 - Alderwood Pond - 0.67 acres (REF: (ORD-2023-057))

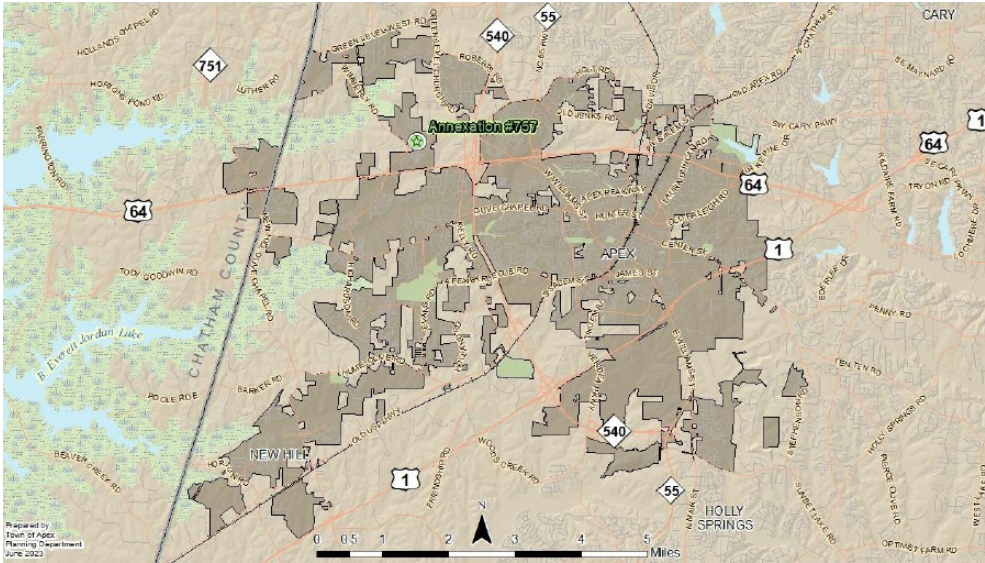
Planning Director **Dianne Khin** gave the following presentation regarding Annexation No. 757 - Alderwood Pond.

[SLIDE 3]



DRAFT MINUTES

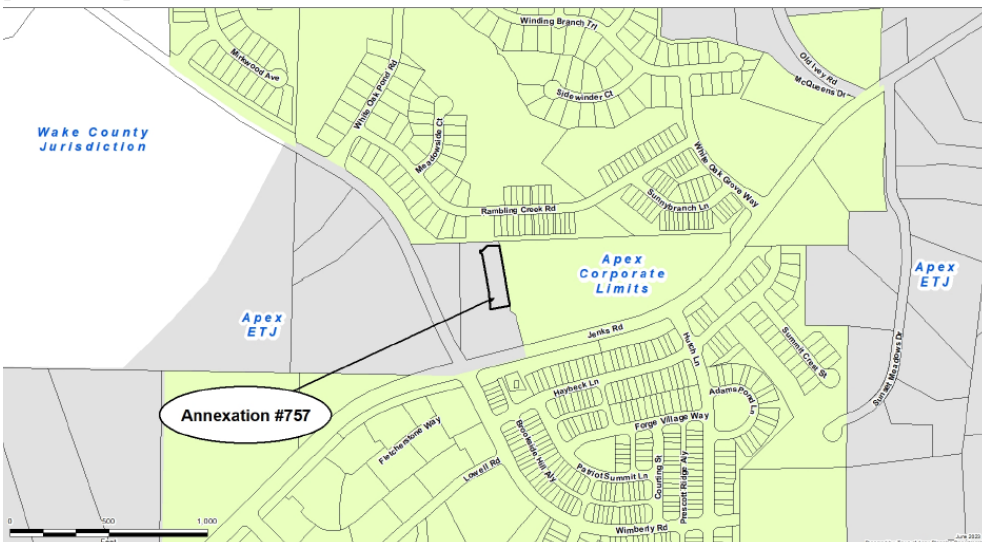
1 **[SLIDE 4]**



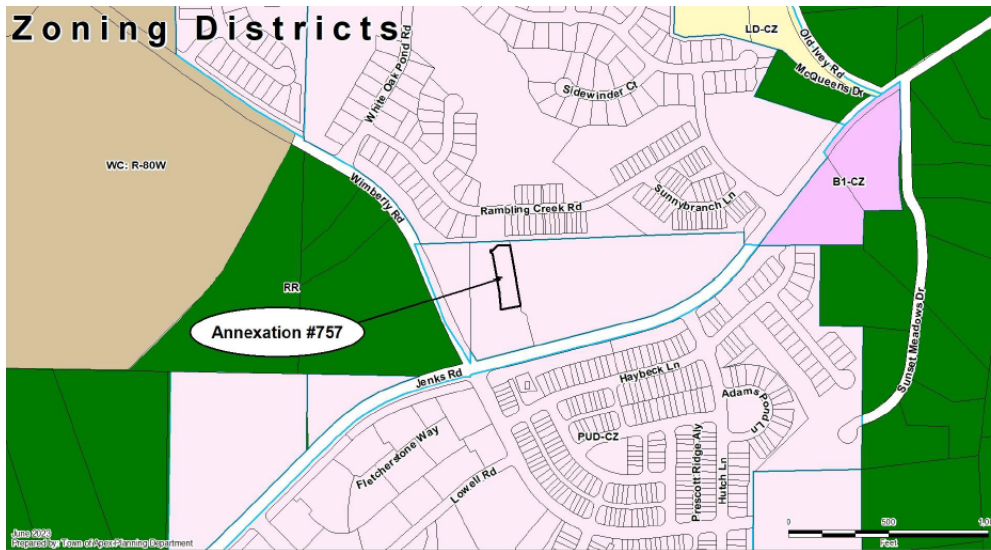
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[SLIDE 7]



Mayor Gilbert opened up Public Hearing. With no signups, he closed Public Hearing and brought discussion back to Council.

Councilmember Gray said he appreciated the clarification from staff on this annexation.

A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Zegerman**, to approved Annexation No. 757 - Alderwood Pond.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

PH2 Fiscal Year 2023-2024 - Annual Operating Budget and Fee Schedule Adoption (REF: ORD-2023-058) (NOTE: Public Hearing 2 was opened simultaneously with Public Hearing 3)

Budget and Performance Management Director **Amanda Grogan** gave the following presentation regarding the 2023-2024 Annual Operating Budget:

[SLIDE 8]

Public Hearing #2 & #3

Fiscal Year 2023-2024
Annual Operating Budget and
Fee Schedule Adoption
&
Fiscal Year 2023-2024/2027-2028
Capital Improvement Plan (CIP)



[SLIDE 9]



Town Clerk **Allen Coleman** gave the following presentation regarding the Elected Officials Compensation Survey:

[SLIDE 1]

Public Hearing No. 2

Apex Elected Official
Compensation Survey Results

[SLIDE 2]

Historical – Mayor and Council Annual Compensation
(Salary and Stipend)

Position and Stipend	Fiscal Year 2022-23	Fiscal Year 2021-22	Fiscal Year 2020-21	Fiscal Year 2019-20	Fiscal Year 2018-19	Fiscal Year 2017-18	Fiscal Year 2016-17	Fiscal Year 2015-16	Fiscal Year 2014-15	Fiscal Year 2013-14
Mayor Annual Salary	\$10,834	\$10,834	\$10,834	\$10,834	\$10,622	\$10,159	\$10,159	\$10,159	\$9,859	\$9,859
Mayor's Stipend Annual <i>Distributed Bimonthly</i>	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800	N/A
Mayor Total Annual Compensation	\$12,634	\$12,634	\$12,634	\$12,634	\$12,422	\$11,959	\$11,959	\$11,959	\$11,659	\$9,859
Mayor Pro-Tempore (MPT) Annual Salary	\$8,621	\$8,621	\$8,621	\$8,435	\$8,270	\$7,909	\$7,909	\$7,909	\$7,696	\$7,696
MPT Stipend Annual <i>Distributed Bimonthly</i>	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	N/A
MPT Stipend Total Annual Compensation	\$9,821	\$9,821	\$9,821	\$9,635	\$9,470	\$9,109	\$9,109	\$9,109	\$8,896	\$7,696
Councilmember Annual Salary	\$8,621	\$8,621	\$8,621	\$8,435	\$8,270	\$7,909	\$7,909	\$7,909	\$7,696	\$7,696
Councilmember Stipend Annual <i>Distributed Bimonthly</i>	\$840.00	\$840.00	\$840.00	\$840.00	\$840.00	\$840.00	\$840.00	\$840.00	\$840.00	N/A
Councilmember Stipend Total Annual Compensation	\$9,461.00	\$9,461.00	\$9,461.00	\$9,275.00	\$9,110.00	\$8,749.00	\$8,749.00	\$8,749.00	\$8,536.00	\$7,696

1 [SLIDE 3]

Historical – Conclusion

- No Annual Salary Increase/change – 2019
 - Mayor
- No Annual Salary Increase/change – 2020
 - Mayor Pro-Tempore and Councilmembers
- No Annual Stipend Increase/change – 2014
 - Originally Established

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[SLIDE 4]

Elected Official Compensation Survey

- **Town Compensation Study** – Completed - October 2022.
- **Elected Official Compensation Study** – 22 responses
 - Neighboring Municipalities (Wake County)
 - Comparable Municipalities (North Carolina)
 - Population Count (2023)
 - Organizational Structure (Budget/CIP, Employees to Resident Ratio, Number of Elected Positions, Infrastructure (e.g. Electric))
 - Economic Development Priorities
- **Survey Questions** – Data Collection (18 Questions)
 - Budget/Organizational Structure
 - Annual Salary/Stipend
 - Benefits Offered/Office Space
 - Travel/Training Budget
 - Issued Technology Equipment

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1 [SLIDE 5]

Survey Results – Comparable Municipalities Mayor and Council Annual Compensation (Salary and Stipend)

Municipality	Population	Mayor Annual Salary	Mayor Annual Stipend	Mayor Pro-Tempore Annual Salary	Mayor Pro-Tempore Annual Stipend	Councilmember Annual Salary	Councilmember Annual Stipend
Kannapolis	59,956	\$21,832	\$3,800	\$15,990	\$3,300	\$15,375	\$3,300
Chapel Hill	62,841	\$35,550	N/A	\$24,990	N/A	\$24,990	N/A
Burlington	65,546	\$12,380	\$2,000	\$9,129	\$1,000	\$8,428	\$1,000
Huntersville	68,711	\$21,000	N/A	\$15,000	N/A	\$14,000	N/A
Apex	74,546	\$10,834	\$1,800	\$8,621	\$1,200	\$8,621	\$840
Jacksonville	76,622	\$10,200	\$2,500	\$7,200	\$1,800	\$7,200	\$1,500
Gastonia	83,022	\$19,029	\$4,653	\$16,373	\$4,653	\$16,373	\$4,653
Greenville	91,991						
Asheville	94,293	\$25,875	\$6,195	\$21,474	\$4,475	\$19,010	\$4,475
Concord	108,533	\$18,257	N/A	\$11,849	N/A	\$10,649	N/A
High Point	114,475	\$26,649	\$4,200	\$20,307	\$3,600	\$20,307	\$3,600
Wilmington	120,695	\$23,794	\$3,500	\$17,509	\$3,000	\$17,509	\$3,000
		\$214,566	\$26,848	\$159,821	\$21,828	\$153,841	\$21,528
		\$21,645.00	\$3,835.43	\$15,982.10	\$3,118.29	\$15,384.10	\$3,075.43

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[SLIDE 6]

Survey Results – Wake County Municipalities Mayor and Council Annual Compensation (Salary and Stipend)

Municipality Alphabetically	Population	Mayor Annual Salary	Mayor Annual Stipend	Mayor Pro-Tempore Annual Salary	Mayor Pro-Tempore Annual Stipend	Councilmember Annual Salary	Councilmember Annual Stipend
Apex	74,546	\$10,834	\$1,800	\$8,621	\$1,200	\$8,621	\$840
Cary	177,222	\$15,090	\$7,500	\$13,922	\$5,600	\$12,610	\$5,600
Fuquay Varina	36,736	\$12,355	\$2,421	\$9,270	N/A	\$9,270	N/A
Garner	31,935	\$10,712	\$1,200	\$8,216	N/A	\$8,216	N/A
Holly Springs	43,524	\$14,856	\$3,600	\$8,749	N/A	\$8,407	N/A
Knightdale	19,576	\$13,600	\$3,000	\$10,300	N/A	\$9,800	N/A
Morrisville	31,278	\$13,864	REIMB*	\$11,689	REIMB*	\$11,689	REIMB*
Raleigh	469,124	\$36,511	\$9,000	\$32,236	\$4,000	\$29,848	\$4,000
Rolesville	10,047	\$12,878	REIMB*	\$9,174	REIMB*	\$5,942	REIMB*
Wake Forest	49,657	\$10,500	\$5,000	\$8,400	\$3,328	\$8,400	\$3,328
Wendell	11,914	\$8,000	REIMB*	\$6,000	REIMB*	\$6,000	REIMB*
Zebulon	9,550	\$12,663	\$3,833	\$5,371	\$2,833	\$5,371	\$2,833
		\$161,029	\$35,554	\$123,327	\$15,761	\$115,553	\$15,761
		\$14,639.00	\$4,444.25	\$11,211.55	\$3,940.25	\$10,504.82	\$3,940.25

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[SLIDE 7]

Elected Official Compensation – Options

- **OPTION A:** Adopt Recommended Compensation Results from Comparable Municipalities
 - Mayor Salary/Stipend Annually: \$21,645/\$3,835
 - Mayor Pro-Tempore Salary/Stipend Annually: \$15,982/\$3,118
 - Councilmember Salary/Stipend Annually: \$15,384/\$3,075
 - **TOTAL FINANCIAL IMPACT (NET INCREASE):** **\$57,931/\$61,376 (FICA)**
- **OPTION B:** Adopt Recommended Compensation Results from Wake County Municipalities
 - Mayor Salary/Stipend Annually: \$14,639/\$4,444
 - Mayor Pro-Tempore Salary/Stipend Annually: \$11,212/\$3,940
 - Councilmember Salary/Stipend Annually: \$10,505/\$3,940
 - **TOTAL FINANCIAL IMPACT (NET INCREASE):** **\$22,416/\$23,483 (FICA)**
- **OPTION C:** Recommend Compensation Amounts
 - Mayor Salary/Stipend Annually: \$_____/ \$_____
 - Mayor Pro-Tempore Salary/Stipend Annually: \$_____/ \$_____
 - Councilmember Salary/Stipend Annually: \$_____/ \$_____
 - **TOTAL FINANCIAL IMPACT (NET INCREASE):** **\$_____/ \$_____**

Mayor Gilbert thanked Town Clerk Coleman for the hard work in putting together all of this research.

Mayor Gilbert then opened up public hearing. With no sign ups, he close public hearing and moved discussion back to Council.

Councilmember Gray said he sees Apex has not had salary increases for elected officials in several years, and this was an effort in 2020-2021 by the Council in solidarity with residents struggling financially. He said since moving out of COVID, things have been moving in the right directions, with increased employment opportunities, the scope of duties for Council becoming larger because of the size of the town, but urged the Council to look at this from a different perspective. He said he felt this increase should be pushed back another year. He said there is still a lot of fiscal challenges ahead. He said they are just coming out of an inflationary recession, and housing rates are climbing in Apex. He said there are still folks struggling in the community, and so he urges the Council to take the same steps the Council did in the pandemic, to use themselves as an example of using the potential additional funds to help those in need. He said he would be voting against any compensation increase at this time. He said he understands that he is saying this from the "comfy chair", and that some members of the community may not be able to run for the office of Town Council because the salary is cost prohibitive for them. He said that today, however, he would rather use the funding that could be used for this Council towards services within the community.

Mayor Gilbert asked Councilmember Gray how many hours a week he devotes towards his role as a Councilmember.

DRAFT MINUTES

1 **Councilmember Gray** said somewhere around 15-17 hours, and that he knows that pales in
2 comparison to the number of hours Mayor Gilbert puts in. He said it's fair to assess the Mayor's
3 compensation and Council's compensation separately. He said Mayor Gilbert is an excellent
4 example of a Mayor who puts in a very high level of time, effort, and care into his role. He said his
5 objection wasn't around how much or how hard Mayor Gilbert or any Councilmember works, but
6 rather that it would be a statement, like in 2020, to say they aren't going to pay themselves, but
7 rather town staff and town programs. He said recognizing and compensating people properly for
8 the work they do is incredibly important. From his time in the military, he said one of the things that
9 he learned was that officers eat last. He said he views this the same way.

10 **Mayor Gilbert** said there was always the option for Councilmember Gray not to accept his
11 increased salary if that was the direction Council decided to move in. He said he covers a lot of
12 ground in his role, and that he does appreciate Councilmember Gray discussing what the Council
13 did in 2020, since he wasn't here then. He said there was never a perfect time to discuss an increase.
14 He said it was the right thing to do to compensate people for the work they are doing. He said this
15 was difficult, but that this was a market rate adjustment. He said it was important to look at the future
16 Mayors and Council, and ensure they are taken care of. He said it should be looked at annually or
17 every 3 years. He said it was difficult, as someone on a fixed income, to provide his services to the
18 town. He said he understood that going in, and that he loves doing it and that he will continue giving
19 his all no matter what the decision is, but he feels an increase is the right direction to go in. He says
20 they have taken care of staff very well, and that this is about service to the community. He said he
21 would support an increase.

22 **Councilmember Mahaffey** said he concurs with the Mayor. He said it's important for people
23 to understand why this discussion was happening. He said by statute, a change in compensation for
24 the elected officials has to be done in the annual budget, and they wanted to have the conversation
25 publicly. He said that's why their awkward conversation is happening right now. He said it was
26 important to understand what Council compensation was for. He said he didn't think it was an
27 incentive to serve, like compensation in the private sector, but rather to remove barriers to serving
28 for community members. He said a situation with a low level of compensation that hasn't changed in
29 about a decade means there are lots of people who simply cannot afford to serve in that role. He
30 said the current compensation structure only allows people to run who have flexible working
31 arrangements, a large enough savings, or a high enough level of income to be able to devote 20-40
32 hours a week for minimal compensation. He said the compensation shouldn't be an incentive for just
33 anyone to make it a career, but rather be high enough that people who have a desire to serve are
34 able to pay their bills through the role. He said many elected bodies have this problem, and many
35 people who were great in their role as an elected official either found they couldn't afford the
36 additional burden or didn't think it was worth it to try. He wanted to ask what kind of talent the town
37 has not been able to harness because the role does not compensate well. He said he would support
38 an increase close to that of the comparable municipalities.

39 **Councilmember Zegerman** said he thinks he finds himself somewhere in the middle on this.
40 He said he understands and appreciates the symbolism in Councilmember Gray's comments about
41 paying themselves last, but that the reality is that the pay is low, and even with proposed increases it
42 is not the equivalent of the salary for a job, even though the commitment is sometimes similar. He
43 said the compensation should also be enough to cover expenses such as travel for their work in the
44 community. He said some of the outliers, like Raleigh, that will be much larger than Apex for the

DRAFT MINUTES

foreseeable future somewhat skew the number a bit. He said he would feel very awkward paying themselves more than what the state legislature pays them. He agreed that the elected body needed to be pooled from a broader population, but an increase of a couple thousand dollars is not going to make a big difference in those who that enables to run. He said he does support a modest increase in terms of compensation and stipend, but he is not comfortable going as high as some of the comparisons put forth.

Councilmember Gantt said he was ready to vote, and that he had no comment.

Councilmember Mahaffey asked how modest Councilmember Zegerman's proposal was.

Councilmember Zegerman said his proposal was \$10,000 a year in compensation for Councilmembers, \$11,000 a year for Mayor Pro Tempore, and \$12,500 a year for the Mayor, with stipends of \$200 a month for Councilmembers, \$250 a month for Mayor Pro Tempore, and \$300 a month for the Mayor.

Mayor Gilbert asked Councilmember Zegerman how he came up with these numbers.

Councilmember Zegerman said he took some of the outliers that he didn't think should be included in the comparison, such as Raleigh and Cary. He said the stipends were pretty consistent across the market even with the outliers.

Councilmember Mahaffey said Raleigh was a big outlier in part because they had a similar debate just last year, and arrived at their new compensation package. He said Zebulon has also recently increased their compensation structure as well. He said he was concerned that this proposed increase would not removed the barriers that are in place. He said they would still have people who couldn't afford to do it, and that it would be more of a minor salary adjustment rather a shift in thinking surrounding what the salary was in place for. He said even the numbers he was thinking, which are close to those from Option A, doesn't get them to where he wants to be, but is defensible based on the data that they have. He said he doesn't want to have Council only be available to people who are fortunate enough to have significant outside income.

Mayor Gilbert asked Town Clerk Coleman what the increase of Councilmember Zegerman's recommendation would be on the total budget.

Town Clerk Coleman said it would be just shy of \$20,000.

Councilmember Mahaffey said he wanted to point out that the town's budget is nearly a quarter of a billion dollars, and that increases of \$20,000 or \$50,000 would not make a meaningful increase in the service the town is able to provide, but it may make a meaningful difference in what the Council looks like in the future.

Mayor Gilbert asked Councilmember Zegerman if he was in support of looking at this annually.

Councilmember Zegerman said he would be in support of that, to keep the process in line with how the town reviews employee compensation.

Councilmember Mahaffey said there were multiple things to decide, the actual increase in compensation, the policy on how to review it going forward, and a discussion around potential benefits that he feels would also help remove barriers. He said discussing these separately would be the best way they can go about it.

Councilmember Gantt said growing up in Asheville, he saw what the low salaries in the General Assembly led to as far as who was able to represent the area in the State Legislature. He said the western part of the state only sent rich people, or people who were retired, because the area was so far away from Raleigh. He said he sees the barriers in that situation, but he doesn't see

DRAFT MINUTES

1 them to the same degree here. He said they meet at night, don't have to travel as much, and the
2 overall financial impact isn't the same as communities sending representatives to the state.

3 **Councilmember Mahaffey** said it was about time, and not distance. He said they struggle to
4 stay on top of their full-time jobs with the responsibilities of Council, and the Mayor is unable to hold
5 a full-time job with how much he puts into his role. He said if someone is in a position where they
6 need to ensure the income, Council is not an option.

7 **Councilmember Gray** said he recognizes the barriers, and that looking at the Mayor's daily
8 schedule, there's really no chance for him to be able to hold a secondary job.

9 **Councilmember Mahaffey** said that on the topic of benefits, he said from the information
10 given to them by staff, it seemed that a lot of municipalities do offer their Council health insurance.
11 He said he personally would not need health insurance from the town, but that could be a
12 consideration preventing a retiree or a senior citizen from running. He said his parents have retired
13 from their own careers, but are in a gap before they can qualify for Medicare/Medicaid, so they had
14 to get a job just to provide them health insurance. He said it would be great to have this included, so
15 the town could benefit from the experience of its seniors. He said that isn't something he thinks
16 should be included in this budget, but that it should be something that is investigated for the future.
17 He said it would make sense to allow Town Councilmembers to join the same health plan the
18 employees are on, which would be his suggestion.

19 **Councilmember Gray** said he had no objection to that.

20 **Councilmember Zegerman** asked if not coming to a consensus on this issue would hold up
21 the budget.

22 **Councilmember Gantt** said the budget has to be passed tonight.

23 **Councilmember Mahaffey** said since it has to be done as part of the budget, if they don't
24 make changes today, the next opportunity they would have to discuss this would be during next
25 year's budget process.

26 **Councilmember Zegerman** said he understands that the money spent on a potential
27 increase is a drop in the bucket compared to the overall budget, but it's really about how they want
28 to look at the role of Council as it relates to being a job, versus keeping things how they are now.

29 **Councilmember Mahaffey** said it would be important to know what the public perception of
30 this was. He said he bet that people in town would be surprised to learn that the Mayor only makes
31 \$10,000 a year, and that Councilmembers make \$8,000 a year. He said he thinks the perception
32 already is that the salary is much higher than it actually is. He said the difference between these
33 numbers in the end is splitting hairs.

34 **Mayor Gilbert** agreed, and said they should decide. He asked Town Clerk Coleman if Mayor
35 Pro Tempore Killingsworth left any of her thoughts on this with him.

36 **Town Clerk Coleman** said that Mayor Pro Tempore Killingsworth said she was supportive of
37 Option B at minimum, and would be willing to support it rising closer to Option A if that is what
38 Council wanted to do.

39 **Councilmember Mahaffey** asked if the discussion had changed anything about
40 Councilmember Zegerman's position. He said that for the record, he was wanting something closer
41 to Option A, which would be roughly \$21,000 a year for the Mayor, \$16,000 for the Mayor Pro
42 Tempore, and \$15,000 for Councilmembers.

43 **Councilmember Zegerman** said that he likes the argument of making Council more
44 accessible. He said he agreed with Councilmember Gray that they were looking at this from a

DRAFT MINUTES

privileged position, and that opening up the capability of serving on Council to more people is good for the spirit of democracy. He said that the prohibitive nature of the compensation wouldn't change if they only increased it by \$1,500, so in order to do that they would need to do something more drastic. He said he wasn't sure if adding \$50,000 this year to increase compensation would fully remove the barrier, but that it would set them up to make more changes in the future, especially as they look at potentially reevaluating this on an annual basis. He said he would be supportive of either Option A or Option B.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman**, to adopt the annual salary for the following elected officials as outlined in Option A (see below), and to amend the 2023/2024 Annual Operating Budget to reflect this change.

Option A:

- Mayor Annual Salary: \$21,645.00
- Mayor Pro Tempore Annual Salary: \$15,982.00
- Councilmember Annual Salary: \$15,384.00

VOTE: 2-2, Councilmember Gray and Councilmember Gantt dissenting

Pursuant to the Town of Apex Town Charter, **Mayor Gilbert** voted in the affirmative to break the tie. Motion passed.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Zegerman**, to adopt the annual stipend amount for the following elected officials as outlined in Option A (see below), and to amend the 2023/2024 Annual Operating Budget to reflect this change.

Option A:

- Mayor Annual Stipend: \$3,835.00
- Mayor Pro Tempore Annual Stipend: \$3,118.00
- Councilmember Annual Stipend: \$3,075.00

VOTE: 2-2, Councilmember Gray and Councilmember Gantt dissenting

Pursuant to the Town of Apex Town Charter, **Mayor Gilbert** voted in the affirmative to break the tie. Motion passed.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey**, to adopt the Annual Operating Budget for Fiscal Year 2023-2024, as amended.

Before the vote, **Councilmember Zegerman** thanked staff for their hard work in crafting the budget, and said it was a wonderful product.

Councilmember Gray said he was also very appreciative of the hard work that went into this. He said he was proud that a lot of money was going towards Public Safety, and that he was also

DRAFT MINUTES

happy that money was in the budget to support organizations that help fill in gaps where the Police and Fire Departments can't service, such as Western Wake Crisis Ministries and Interact. He said it doesn't fix every road, but that is an exercise in fiscal responsibility. He applauded Director Grogan, Deputy Town Manager Purvis, Town Manager Crosby, the Finance Department, and the rest of town staff for getting the right mix of things in the budget, and doing right by the people who live here. He said he enthusiastically supports the budget.

Councilmember Gantt said the budget was an indication of priorities, and he views each budget year as a collection of small choices that will help make the town better, and he thinks they are doing that in this budget.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

AND (NOTE: Public Hearing 2 and Public Hearing 3 were opened simultaneously)

PH3 Fiscal Year 2023-2024/2027-2028 - Capital Improvement Plan (CIP) (REF: ORD-2023-059, ORD-2023-060, ORD-2023-061, ORD-2023-062, and ORD-2023-063)

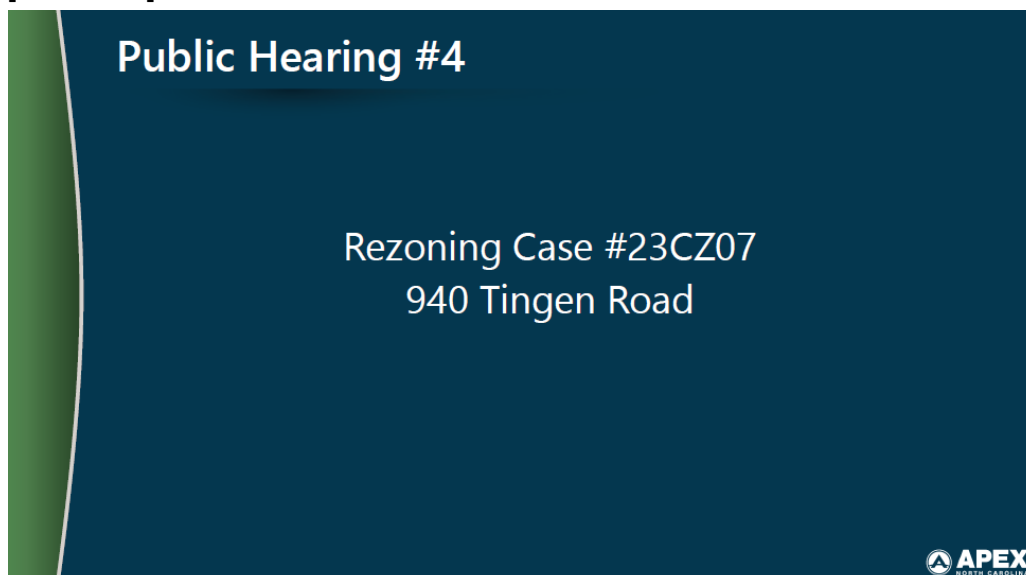
A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Gantt** to approve the 2023-2024/2027-2028 Capital Improvement Plan, as presented.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

PH4 Rezoning Case No. 23CZ07 - 940 Tingen Rd

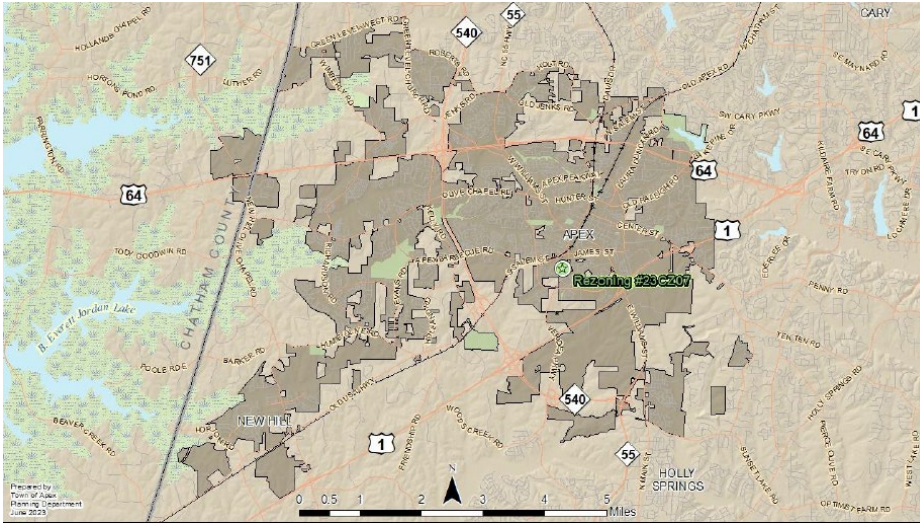
Senior Planner **Liz Loftin** gave the following presentation regarding Rezoning Case No. 23CZ07 - 940 Tingen Road:

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DRAFT MINUTES

[SLIDE 11]

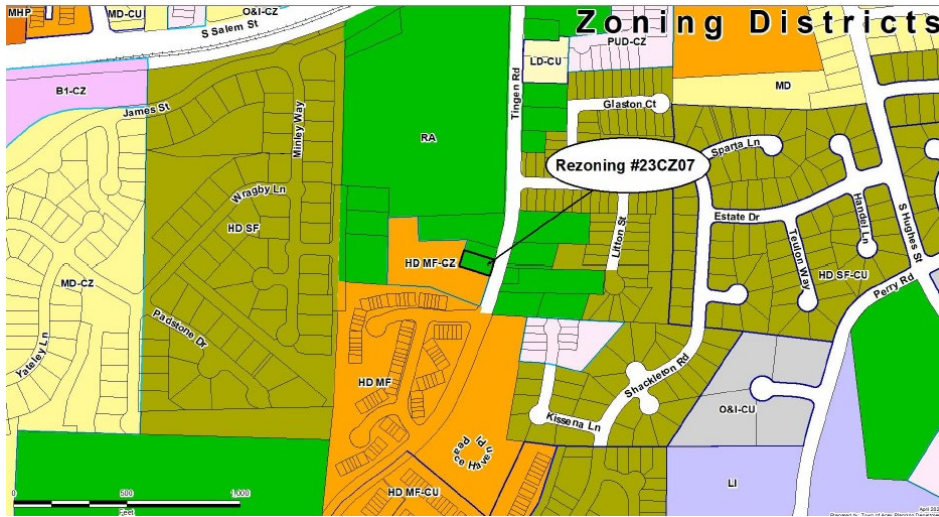


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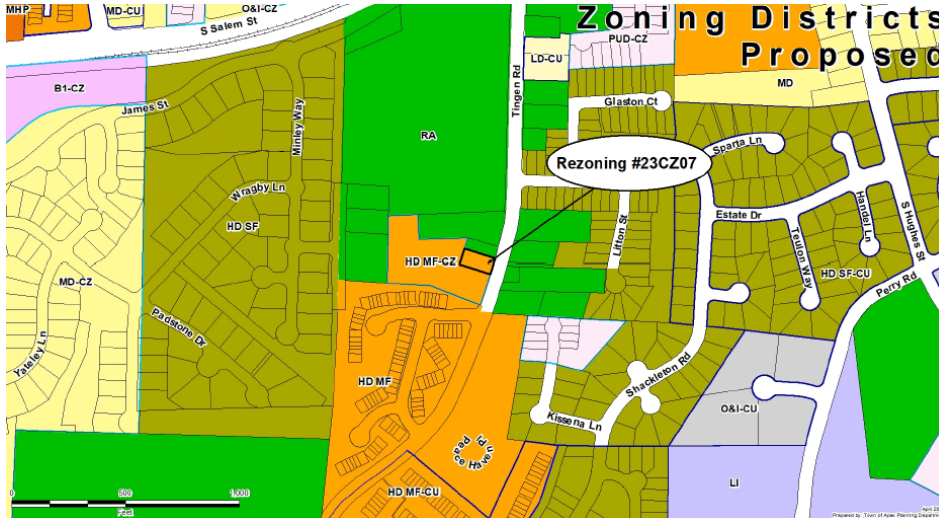


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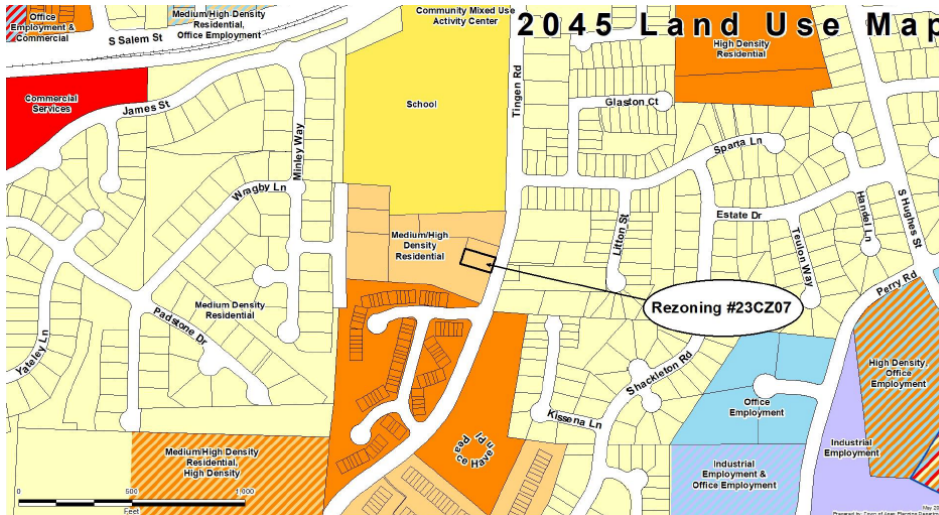
[SLIDE 13]



[SLIDE 14]



[SLIDE 15]



[SLIDE 16]



Councilmember Gantt said he watched the Planning Board meeting for this Rezoning, and said that a lot of the comments made had to do with the previous Zoning conditions of the main development this was a part of, which he felt was inappropriate. He wanted to ensure that this Rezoning was following all of the same stormwater and traffic controls as the main development.

Ms. Loftin said that was correct.

Jeff Roach, on behalf of the applicant, was present to answer questions.

Councilmember Gantt asked if the stormwater on this rezoning would be running off into the drainage pond, and what the overall stormwater impact would be.

Mr. Roach said all of the water from the site would be draining to the pond, and they also looking at the water coming from the school going over their property. He said they would ensure that there would not be negative impacts downstream through this rezoning, and are working with town stormwater staff to figure out and mitigate the issues.

Councilmember Gantt wanted to clarify what they were doing with the water that came from the school.

Mr. Roach said they were diverting the water from the school property, but ensuring they took care of all the water that came from their property into their pond, and to go above and beyond Planning Board recommendations to ensure they never get a call about downstream flooding from a neighbor.

Councilmember Gantt asked if they had considered looking at a higher storm level than a 10 year.

Mr. Roach said it was deeper than a 10 year normally was, but that doing a 25-year was not always more beneficial. He said in this case, slowing the stormwater down on their property could cause the school water to catch up to it, leading to more total water going downstream. He said committing to a 25-year storm level might not be the best thing to do, but they would be working with staff to go above and beyond, and that they would do a 25-year if that was what was determined to be the best option.

DRAFT MINUTES

Councilmember Gantt asked if the overall intent was to have this connect through the west to the Salem Village subdivision.

Mr. Roach said yes, that was always the goal. He said on the Master Subdivision Plan they will see if they have a left a stub on the western part of the property for that potential future connection.

With no further questions, **Mayor Gilbert** opened up the public hearing for this item.

First to speak was **Patricia Fritts** of 206 Harbor Haven Drive:

"Hello, my name is Patricia Fritts, I live in the West Haven Townhomes in a building that borders the properties at 940 Tingen Road. We are hoping that the town departments who are reviewing these site plans, the Towns on Tingen Project, make themselves cognizant of the impact developing this property will have on the townhomes, mostly stormwater, and also some of the sediment that's washing down from the stream and creek into our drainage area. We are hoping and we would like to see stormwater control measures, that would exceed the current up to 10-year floodplain plan. Also, the traffic is a little bit of a concern, because there's a curve at the entrance to the townhomes on Harbor Haven Drive, and with the right-in-right-out, I mean it's hard now to see the cars coming around that curve, but it's going to make it a little difficult if we have more cars coming at us. Thank you."

Mayor Gilbert thanked Ms. Fritts for her comments. With no further sign ups, he closed public hearing for this item, and moved discussion back to Council.

Councilmember Mahaffey said that as he has said before, if a property is having an issue with stormwater, it may seem counterintuitive, but it would be beneficial for properties upstream to develop, as there is an opportunity for a solution to be engineered that could help them as well. He said the ordinance says things cannot be made worse by a development based on the Ordinance, or there will be consequences. He said what they are considering tonight is a small addition, and there's no reason not to go with it since this is the only thing they would ever be able to get out of this property anyway. He said developments should be cohesive and logical, and seeing as this one is to him, he said he would support it.

Councilmember Gray thanked Ms. Fritts for the emails that she had sent, and he said those kinds of things help them get a better understanding of what is going on for a development. He agreed with Councilmember Mahaffey that this gives an opportunity to fix some of these issues. He said given how the developer and staff are working on this, hopefully it can be made into an overall better situation. He said it would be something they would be looking at going forward should this get approved, in order to hold the applicant and Mr. Roach accountable for the commitments they have made.

Councilmember Zegerman said like Councilmember Mahaffey mentioned, the problem cannot be made worse, and so it wasn't just taking the applicant and Mr. Roach at their word. He said they would be on the hook if any problems were created or made worse from their development.

Mayor Gilbert asked Mr. Roach to thank Mr. Iannone for his contribution to affordable housing.

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray**, to approve Rezoning Case No. 23CZ07 - 940 Tingen Road.

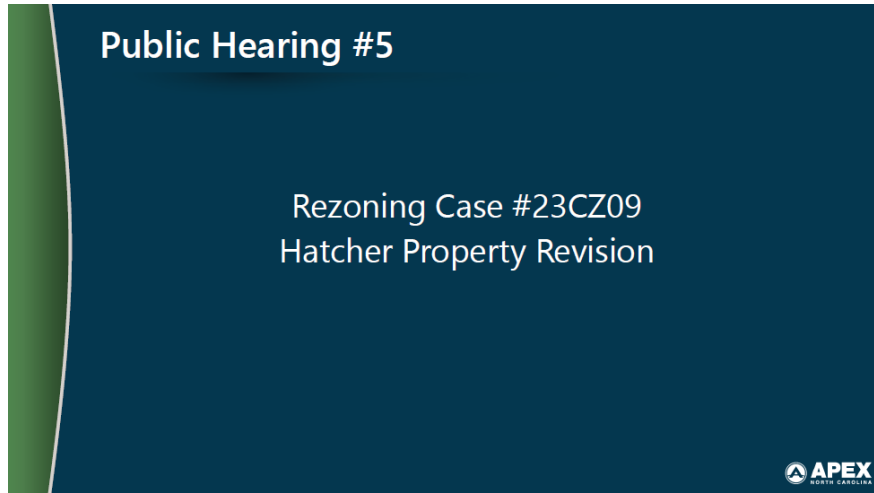
DRAFT MINUTES

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

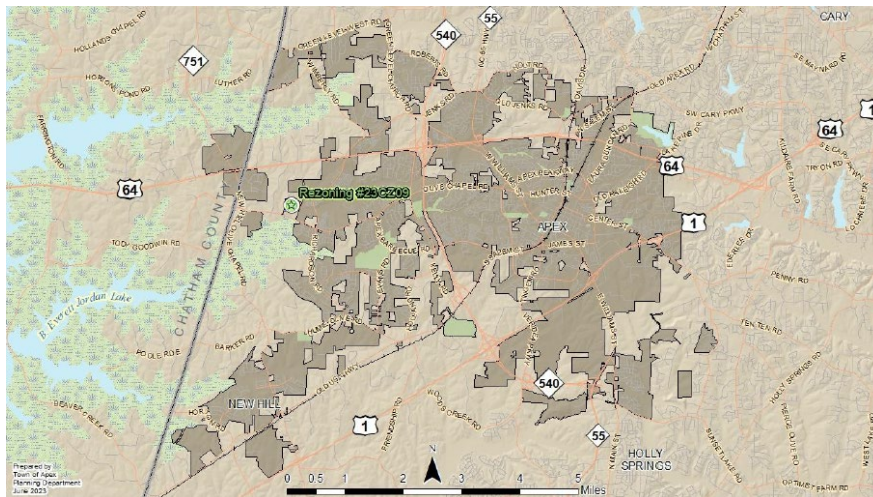
PH5 Rezoning Case No. 23CZ09 - Hatcher Property Revision

Planner II **Shelly Mayo** gave the following presentation regarding Rezoning Case No. 23CZ09 - Hatcher Property Revision:

[SLIDE 17]



[SLIDE 18]

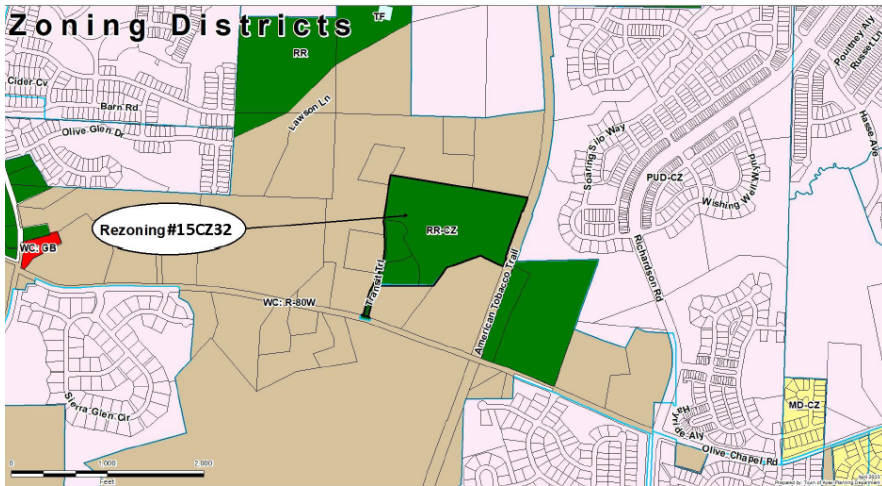


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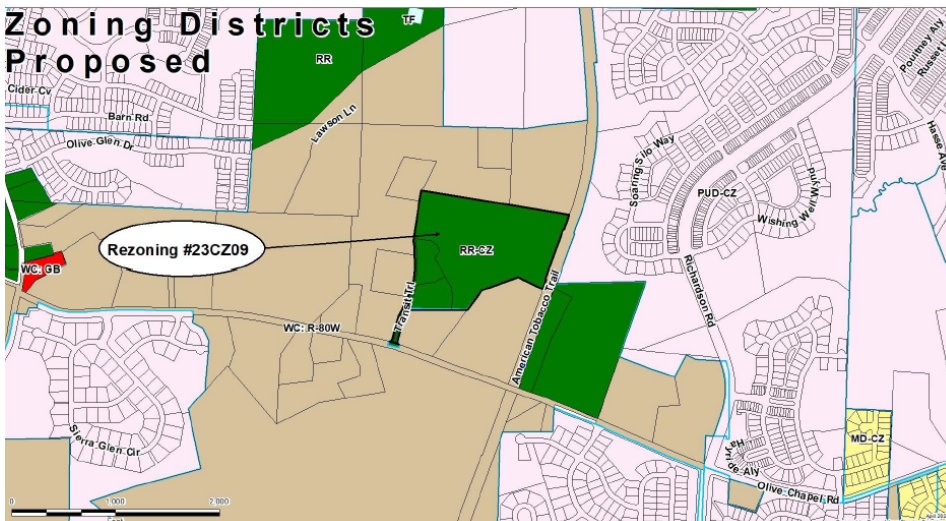
DRAFT MINUTES



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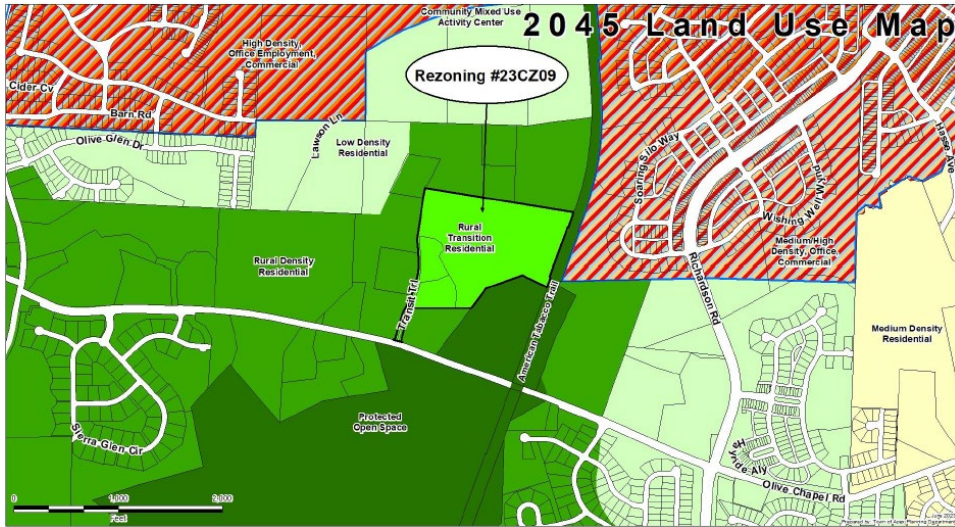


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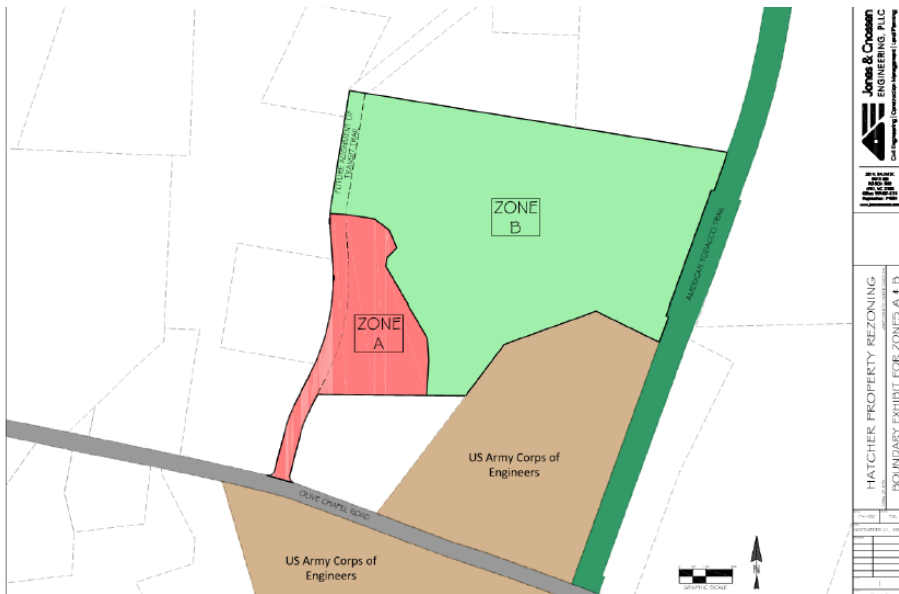


DRAFT MINUTES

1 [SLIDE 22]



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5 [SLIDE 24]

Applicant's proposed changes:

- Condition #4: The maximum built-upon area per lot **for this development** shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:

Front – 25 ft	Side – 8 ft. min/20 ft. total
Corner side – 15 ft	Rear – 25 ft.
- Analysis:
 - The change is consistent with how UDO calculates impervious surface.

APEX
NORTH CAROLINA

[SLIDE 25]

Applicant's proposed changes:

- Condition #15: The developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60' public right-of-way from Olive Chapel Road to the northernmost property boundary, to be dedicated prior to the first plat of the subdivision. The developer shall construct a 24-foot wide section of asphalt (a 6' reduction from the Major Collector Street typical section) and shall not be required to construct curb and gutter on the west side of Transit Trail. The east side of Transit Trail shall be constructed with:
 - curb and gutter
 - a 5-foot sidewalk from Olive Chapel Road to the entrance of the future Master Subdivision Plan, and
 - a 10-foot side path from the entrance of the future Master Subdivision Plan to the northernmost extent of the property.



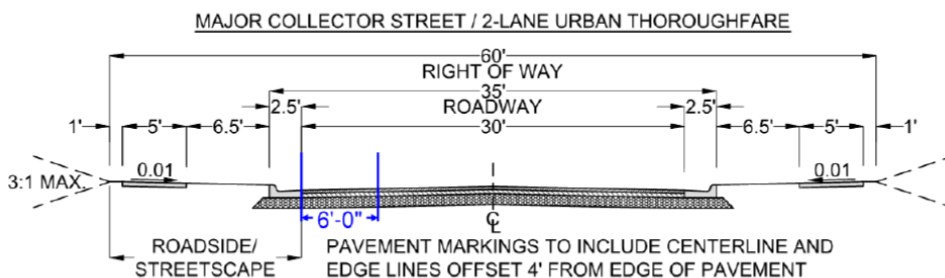
[SLIDE 26]

Analysis: Condition #15

- Staff opposed the original rezoning that removed the curb, gutter and sidewalk from west side of Transit Trail.
- Staff opposes additional deviation from the standard spec.
- Negative consequences:
 - Project will be held to a lower standard than others.
 - Can't be striped per Town specs. Future widening requires all stripes to be relocated.
 - Shoulder on west side reduced from 4' to 2'.
 - Potential for uneven widening on west as development occurs & Town may need to fill in gaps.
 - Drivers & adjacent owners will be disrupted in future for widening & curb & gutter.



[SLIDE 27]



Town of Apex Major Collector Street Typical Section

1 [SLIDE 28]

Applicant's proposed changes:

- Condition #19: If a street stub cannot be provided per UDO Sec. 7.2.1.A.2.c, then the branching cul-de-sac length shall not exceed 1,450 linear feet.
- Analysis:
 - Per the UDO, the max length for a branching cul-de-sac is 1,200 feet.
 - No connection option to south (Army Corps land) or east (American Tobacco Trail)
 - Provides flexibility if a stub street can't be built to north



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[SLIDE 29]

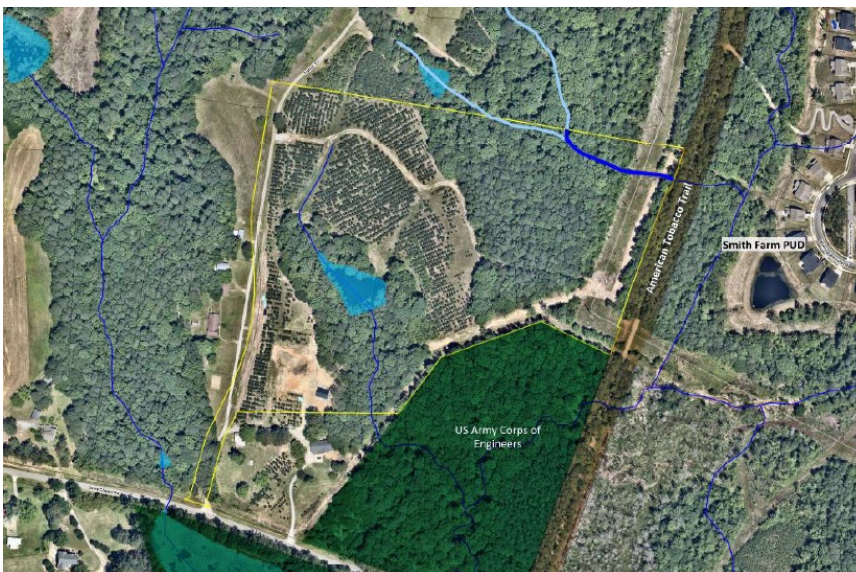
Applicant's proposed changes:

- Condition #20: This development shall not be required to construct a street stub to the northern boundary line (specifically PIN # 0722-02-6366) due to potential future environmental impacts on that adjacent parcel.
- Analysis:
 - Would remove any possible connection to street stub in Legacy Station PUD.
 - Wake Co. doesn't consider stream to be buffered,
 - Staff hasn't received a complete stream buffer analysis.
 - Staff requested an analysis of missing streams and hasn't received it.
 - UDO Sec. 7.2.1.A.2.c allows the Planning Director and Water Resources Director to remove stub street if environmental feature is found.



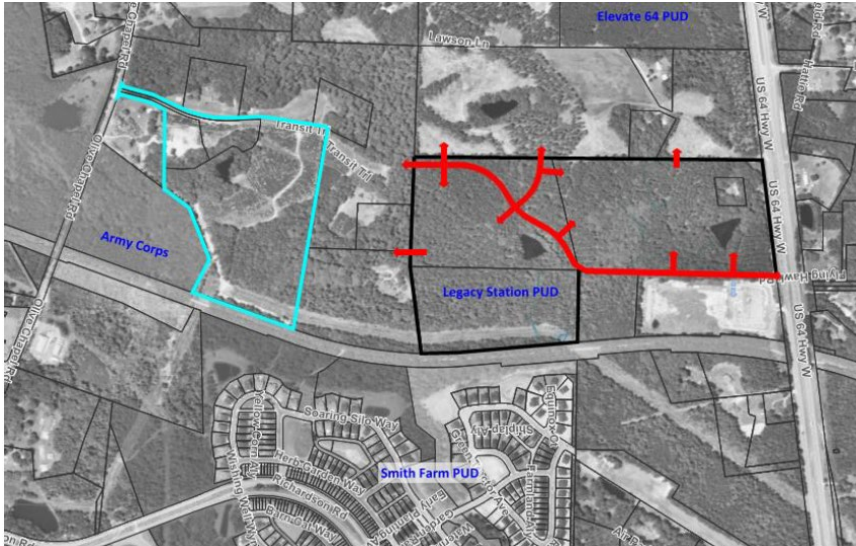
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[SLIDE 30]



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[SLIDE 31]



[SLIDE 32]

Staff Recommendation:

Approve:

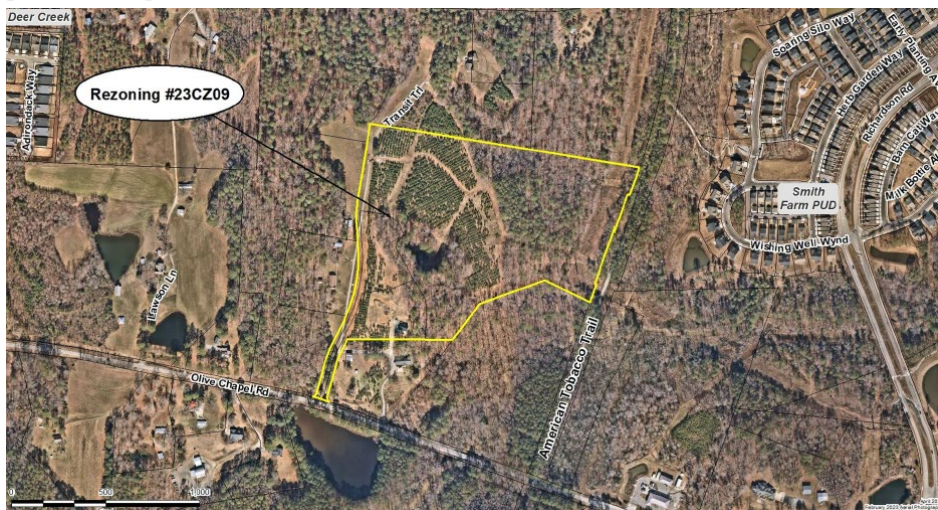
- Condition #4: correct maximum built upon area
- Condition #19: increase max length for branching cul-de-sac

Deny:

- Condition #15: reduction of typical street section
- Condition #20: no street stub to north



[SLIDE 33]



DRAFT MINUTES

1 **Councilmember Mahaffey** asked if Transit Trail were a public road, would the developers
2 only be responsible for increasing the frontage on their side of the road.

3 **Ms. Mayo** said that was correct.

4 **Councilmember Mahaffey** said he thinks this is being held to a lower standard because it is
5 the construction of a new road, and not the expansion of an existing road.

6 **Councilmember Zegerman** mentioned that if the road was built at 24 feet wide, but then
7 extended to 30 feet wide in the future, the grading of the road would be asymmetrical.

8 **Councilmember Mahaffey** said what was the way it worked when developers expanded
9 their frontage on existing roads.

10 **Ms. Mayo** said there is a regulation in the UDO that states a property owner who is
11 constructing a new road, and owns the land on either side of the road, has to develop the road
12 based on the standards outlined in the UDO, unless the traffic level created would not require it at
13 that time. She said if the road is existing and they only own one side, they only have to expand that
14 side. She said this situation is unusual, as the developer is building a new road and owns both sides
15 of it, and there is not existing right of way. She said that is why this is being discussed as a zoning
16 condition, and not just following a section of the UDO.

17 **Councilmember Zegerman** asked if conditions 19 and 20 were related.

18 **Ms. Mayo** said one of the cul-de-sacs is where the street stub would be, and that including
19 condition 19 would allow the development to potentially be expanded in the future. She said
20 condition 19 is considered a back-up plan in case they provide information to not have to provide a
21 street stub in the future.

22 **Councilmember Zegerman** asked if the applicant would need to come back either way if
23 they gave the information to not have to provide a future street stub.

24 **Ms. Mayo** said they would not have to if condition 19 was approved.

25
26 **Patrick Kiernan**, of Jones and Cnossen Engineering, on behalf of the applicant, gave
27 comments to Council. He said their environmental consultant had scored the stream in question as
28 an intermittent stream, just above the minimum threshold for doing so. He said Wake County's
29 determination was that it was not considered a stream. He said if a street stub was proposed, the
30 Army Corps of Engineers would need to do an analysis in order to determine if it was a stream or not
31 in their official opinion. He said if they put in a street stub, the Army Corps could potentially classify it
32 as a stream, and then the permit may be denied because of the potential impacts. He also said they
33 do not believe having a street to the north with potentially 2 stream crossing is the right thing to do.
34 He said they were mainly here tonight for the condition regarding lowering the width of Transit Trail
35 to 24 feet. He said he believed that was understood as part of the original rezoning in January. He
36 said he felt it would be a huge ask for a development of 24 lots to construct a full 30-foot-wide major
37 collector, as they would not be responsible for that if it were an existing road and that the cost would
38 be extremely high.

39 **Councilmember Gantt** asked if the school and property to the north developed years before
40 the property on the west.

41 **Ms. Mayo** said it depends, she said if the town required the road connection to
42 accommodate the school, they would have to pay for it. She said if the property in the middle
43 develops, that developer would have to provide the road connection. She said the road widening
44 would only need to occur if the property on the other side of the road developed.

DRAFT MINUTES

1 **Councilmember Mahaffey** said lots of schools are not on major collectors.

2 **Ms. Mayo** added that many schools in Wake County are on residential streets, even though
3 that was not the ideal situation.

4 **Councilmember Mahaffey** said the school was likely in the distant future, possibly a decade.
5 He said in the time between, the connecting property may be developed and the connection would
6 already be there on their dime.

7 **Councilmember Zegerman** asked Mr. Kiernan what his objection was to the street stub,
8 given that it would be similar in terms of what they would need to do, pending more information on
9 the potential stream. He asked if there was a big difference for them between the two.

10 **Mr. Kiernan** said they feel based on their discussions with their environmental consultant that
11 if a street stub is required, there would be unnecessary stream crossings. He said this condition
12 could be pulled if Council chose to, rather than going to a vote of denial. He said the main reason
13 they were here was the discussions for requirements on Transit Trail.

14 **Councilmember Zegerman** said he thought they wouldn't necessarily have to require a
15 street connection to that stub in the future if development came up to the north, but it was
16 determined there would be too much of an environmental impact.

17 **Councilmember Mahaffey** said he thinks they would definitively determine if there was an
18 environmental feature before building a street stub.

19 **Councilmember Zegerman** asked then why this was a big timing issue now, and why things
20 could not wait for a few months from now when the information that is unknown could be
21 determined about the potential stream.

22 **Mr. Kiernan** said it was down to time and money. He said they could spend a few months
23 designing the stub just to find out it wouldn't be put in, and then possibly have to go back the
24 master subdivision plan as well.

25 **Ms. Mayo** said if they built a stub street, it may require them to have to go close to the water
26 feature, and could trigger additional impacts even without the street being expanded over it.

27 **Councilmember Zegerman** asked if it was a question of money or of environmental impact.

28 **Ms. Mayo** said time and money were the pressing factors, and that the developer would like
29 to start on Transit Trail and the subdivision plans as soon as possible. She said the next opportunity
30 to bring this back would be in August, but that the applicant and staff did also have environmental
31 concerns.

32 **Mr. Kiernan** said timing was the most important thing, and if this became an issue that would
33 end up pushing things back a lot, they could pull the condition and go forward with the street stub.
34 He said no matter the official determination of the stream, he believed a street stub would still
35 coincide with additional stream impacts and/or wetland impacts.

36 **Councilmember Zegerman** asked Russell Dalton, Traffic Services Manager, if that street stub
37 was on the Apex Transit Master Plan.

38 **Mr. Dalton** said this would be a neighborhood street stub, which is typically required per the
39 UDO, but not shown on the transportation plan.

40 **Councilmember Mahaffey** asked if the property to the north did a recombination, could the
41 plan with a street stub be approved then.

42 **Ms. Mayo** said connectivity would still need to be pursued, but it wouldn't necessarily have
43 to point at the landlocked parcel, and there would need to be a second one no matter what. She

DRAFT MINUTES

1 said that requirement of the UDO could be waived if one or more of the potential streams was
2 identified as being buffered.

3 **Councilmember Mahaffey** asked if condition 20 were approved, would the UDO still require
4 a second street stub, just not pointing towards the PIN listed.

5 **Ms. Mayo** said that if Condition 20 were approved, then no street stub to the north would be
6 required.

7 **Councilmember Mahaffey** asked if approving Condition 20 wouldn't still leave open the
8 possibility of a street stub to the PIN adjacent to the property.

9 **Director Khin** said it would make more sense to just say "the northern boundary", and not
10 include a PIN, as the point of the request is to not have to involve the Army Corps.

11 **Councilmember Zegerman** said it seemed they were asking for an exception based on a
12 "might be" scenario with the stream.

13 **Councilmember Zegerman** asked if the easement for the road was entirely on the
14 developer's property.

15 **Mr. Kiernan** said yes.

16 **Councilmember Zegerman** asked then if a developer to the west would be required to
17 develop a portion of road that was not on their property.

18 **Mr. Dalton** said the issue would be if the improvements were not constructed, and what the
19 development to the west would end up being. He said the town could require widening and curb
20 and gutter, but that the development could be exempt from those requirements, meaning it may not
21 be done.

22 **Councilmember Zegerman** said that was his concern. He said granting an exemption to
23 what was already approved, based on a mistake by the developer in what was included, would be
24 setting a bad precedent. He said any widening or improvements for this road would then need to be
25 made through condemnation if the property to the west had exemptions when it developed, and it
26 would be at the cost of the town. He said he doesn't believe the town has a responsibility to
27 accommodate misunderstandings between what is presented and said in words and what is officially
28 documented. He said his responsibility as a Councilmember was ensuring future connectivity, not
29 ensuring ease and cost for developers if they make mistakes. He said continuing to make exceptions
30 to standards would not be the right call in the future. He understands the 30-foot road was a big ask,
31 but he said that was what was documented in January, and he isn't here to maximize developer
32 profit, he is here to maximize transit opportunities in town. He said he does not like the removal of
33 Condition 20, and does not like the amendment of Condition 15.

34 **Councilmember Mahaffey** asked if the developer would consider putting in sprinkler
35 systems on homes that are beyond existing maximum length in those cul-de-sacs, related to
36 Condition 19.

37 **Mr. Kiernan** said he couldn't make that commitment right now. He said the developer may
38 prefer to just put the street stub in from a cost standpoint. He said he wasn't sure how much the
39 additional sprinkler request would add to home construction, and the developer could not be here
40 tonight.

41
42 **Mayor Gilbert** opened up Public Hearing for this item. With no sign ups, he closed Public
43 Hearing, and moved discussion back to Council.

DRAFT MINUTES

Councilmember Zegerman said if Condition 20 was removed, Condition 19 would be as well, and that he was not in favor of Condition 15. He said the Condition requiring 60% was reasonable, but the other 3 he was not in favor of.

Councilmember Mahaffey said he thought they had approved it back in January with Condition 15 already included. He said if it were an existing road, what they are proposing is what would be required. He said he feels he can't change his mind now regarding that condition. He said the built upon area condition was fine. He added that he was torn on the condition regarding the street stub, but that it would set a bad precedent to accept an exception to the street stub requirements based on a possibility of a stream, without proper documentation.

Mr. Kiernan said that based on the discussion, he would ask Condition 20 to be removed. He said he believed Condition 19 should still be included, as it may cause future problems if both were removed and it was determined in the future that a street stub was not feasible if the body was determined to be a stream.

Councilmember Gray said he agrees with the exclusion of Condition 20. He said it was also his understand that Condition 15 was included in the original rezoning as well, and he would have a hard time going back on that.

Councilmember Gantt said he voted against this rezoning last time because he didn't feel it met the threshold for changing the land use for the area, mostly because of transportation relate issues. He said he didn't realize the extent of the changes for Transit Trail, and he think this is worse, so he is still not in favor.

A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Mahaffey**, to approve Rezoning No. 23CZ09 - Hatcher Property Revision, with all Conditions except Condition 20.

VOTE: 2-2, Councilmember Gantt and Councilmember Zegerman dissenting

Pursuant to Town of Apex Town Charter, **Mayor Gilbert** voted in the affirmative in order to break the tie. Motion passed.

Mayor Gilbert declared a 10-minute recess at 8:15 PM.

Council reconvened at 8:25 PM.

PH6 Rezoning Case No. 23CZ11 - Smith Farm Phase 5 PUD Amendment

Ms. Mayo gave the following presentation regarding Rezoning Case No. 23CZ11 - Smith Farm Phase 5 PUD Amendment:

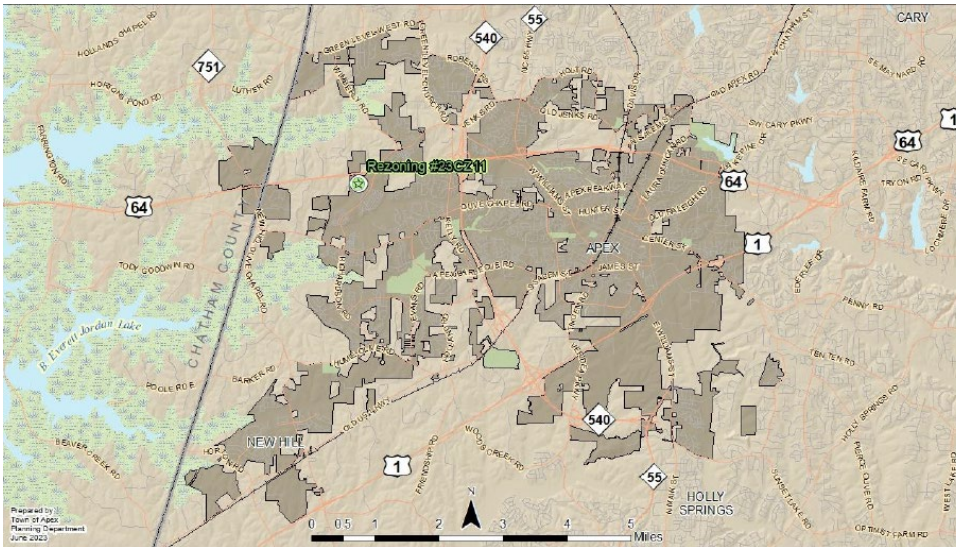
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Public Hearing #6

Rezoning Case #23CZ11 Smith Farm Phase 5 PUD Amendment



[SLIDE 35]

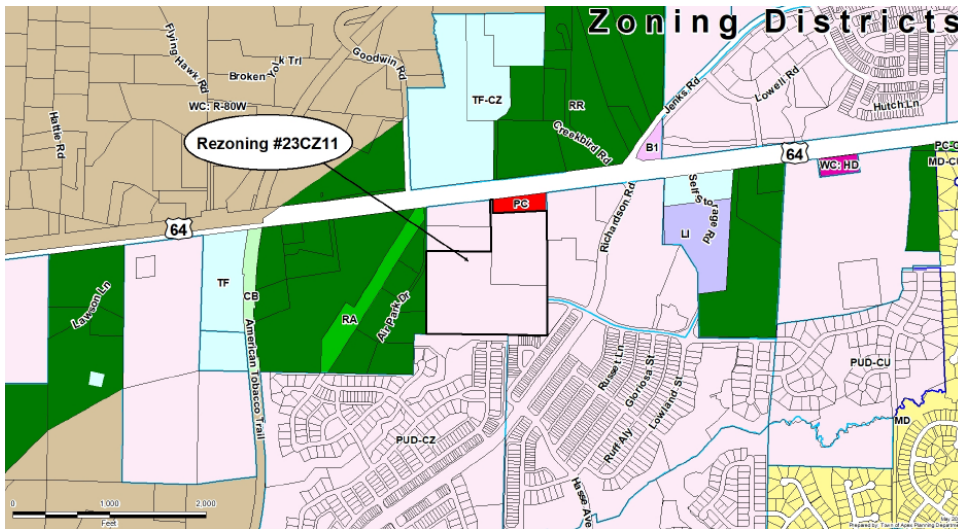


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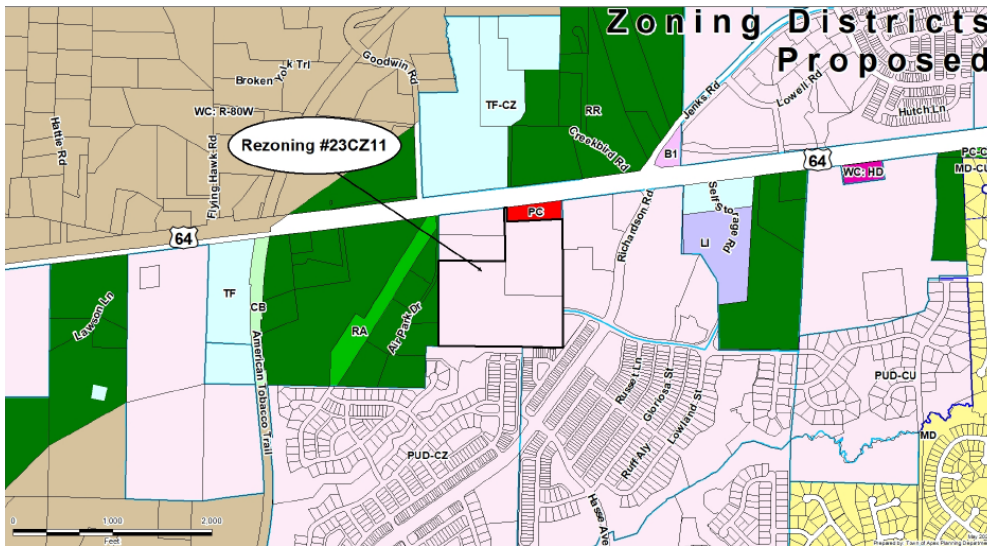


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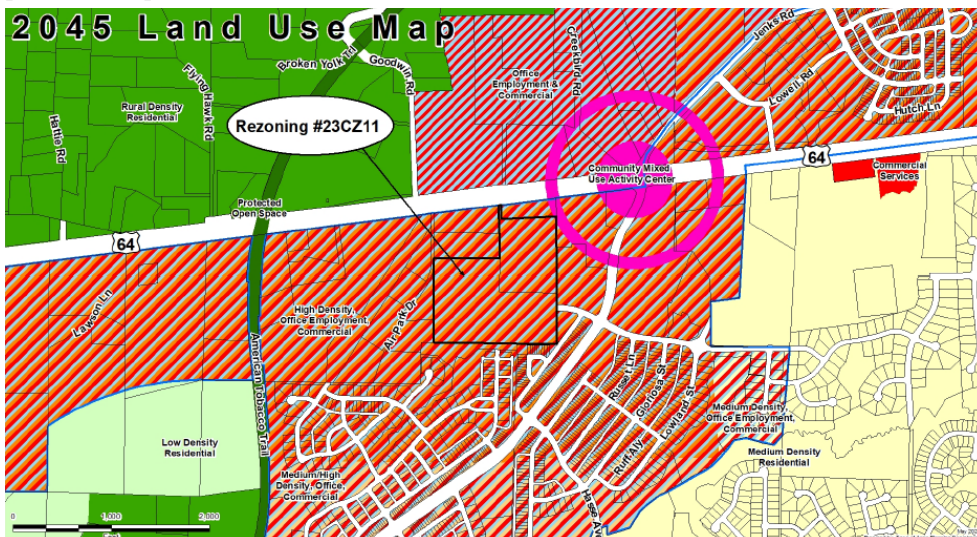
DRAFT MINUTES



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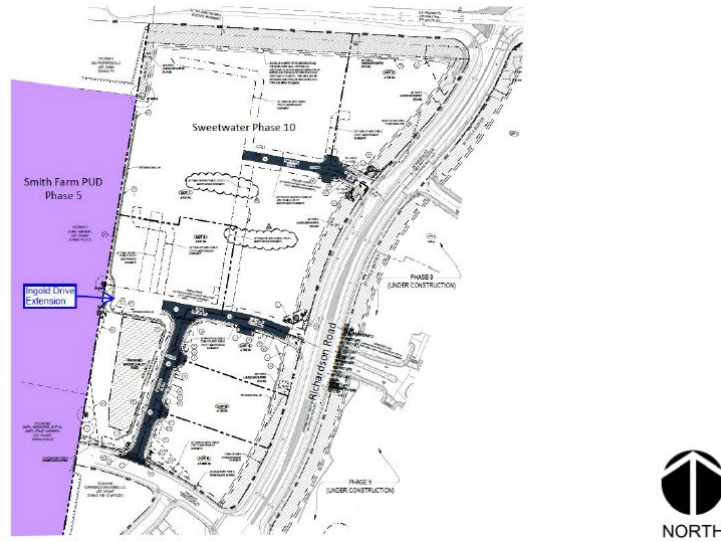


[SLIDE 39]



1 [SLIDE 40]

Site Layout



2
3 [SLIDE 41]

Proposed PUD Amendment

The current wording in Rezoning Case #15CZ32 Smith Farm PUD Section G: Design Controls under Buffers states:

"All perimeter buffers shall be provided in accordance with the Apex UDO".

The applicant is proposing the following amendment to that section:

The Owner's requests that the Perimeter Buffers be amended to include the following:

"To address the physical challenges with providing connectivity between Smith Farm and Sweetwater that primarily involve topography, the PUD shall permit the eastern perimeter buffer adjacent to PINs 0722454406 and 0722443942 to be graded. Such buffer shall be replanted at the time of development and still count as RCA if a future land use requires a perimeter buffer under Unified Development Ordinance (UDO) Sec. 8.2.6 Table 1 as amended. The buffer type shall be in accordance with the Town of Apex UDO Sec. 8.2.6 Table 1 and in no case shall such buffer exceed 20 feet in width. The seed/plant species used to stabilize the disturbed graded area and replanting, if required, shall be in accordance with the Town of Apex Design Development Manual."



4
5 [SLIDE 42]

DRAFT MINUTES



1 **Councilmember Gray** asked if the staff recommendation included the EAB's
2 recommendation for immediate planting.

3 **Ms. Mayo** said no, their recommendation was as presented by the applicant, she said
4 because of the uncertainty of the types of buffer between this and whatever develops nearby.

5 **Councilmember Mahaffey** asked if it would still count as an RCA if there were no buffer for
6 Smith Farm.

7 **Ms. Mayo** said no, it would not. She said this would exempt RCA only on this parcel and only
8 on its eastern side.

9
10 **Peter Cossen**, of Jones and Cossen engineering, gave comments to Council. He said they
11 were approached by Sweetwater's team about this in order to help accommodate their site plan. He
12 said they have no issues with replanting as required by the UDO. He said he believes Sweetwater
13 also used to have a buffer on their site, and got it removed through a rezoning as well.

14 **Ms. Mayo** and **Director Khin** confirmed that was true. Director Khin said Planning staff
15 encouraged the developers for Sweetwater and Smith Farm to work together to help ensure
16 continuity and cohesions. She said the area needs to be graded in this area in order for the
17 topography to work.

18
19 **Mayor Gilbert** opened up Public Hearing for this item.

20 First to speak was **George Bickel**, of 1616 Airpark:

21 "Our concern is on the other side, not on the Sweetwater side, but we live on Airpark Drive, which is
22 on the runway. Our concern is what kind of a buffer are we going to have on this side?"

23 **Ms. Mayo** said this Rezoning would not be going all the way to the edge of the parcel, and
24 therefore would not be impacted at this time. She said she couldn't speak to what may come up on
25 that parcel, but she would be surprised if there wasn't a buffer.

26 **Councilmember Gantt** wanted to confirm that there was a default buffer between different
27 types of uses.

28 **Director Khin** said the UDO controlled what buffers were required as part of a rezoning, and
29 that there definitely be a buffer between Mr. Bickel's property and any development that came up
30

DRAFT MINUTES

1 there. She said more intense zoning uses require larger buffers between residential zones, but she
2 couldn't be sure exactly what buffer the development would have to that property at this time.

3 **Ms. Mayo** said the developer does not currently have plans for the western portion of the
4 property at this time.

5 **Mr. Bickel** said he was just concerned they would start taking down trees.

6 **Ms. Mayo** said there had been no plans shared with her that the developer had any plans for
7 that property when they last spoke.

8 **Mr. Cnossen** said he would speak to the developer and confirm that as well.
9

10 With no more signups, **Mayor Gilbert** closed Public Hearing and brought discussion back to
11 Council.

12 **Councilmember Zegerman** said he wanted to make a few comments, since he was present
13 at the Environmental Advisory Board meeting when this item was discussed there. He said there was
14 no grading plan available then, and there was discussion about keeping the grading along that
15 property line as minimal as possible. He said tonight they heard a significant portion of the property
16 line would be regraded and a lot of vegetation removed, which he said was not known at the time of
17 the EAB meeting. He said there was also discussion at that meeting regarding being done
18 immediately, rather than simply grassing over it and doing it completely later.

19 **Councilmember Mahaffey** said he was uncomfortable to this without some assurance that
20 the buffer type would be something substantial.

21 **Councilmember Zegerman** said it was discussed as being replanted as a Type B buffer.

22 **Councilmember Mahaffey** asked Mr. Cnossen if he could consider committing to a Type B
23 buffer.

24 **Mr. Cnossen** said they were committing to replant what the UDO required based on the use.
25 He said he cannot agree to plant a buffer if it isn't required at this time. He said this is an owner who
26 is trying to be a good neighbor and accommodate a site plan, and that is their approach and goal.

27 **Councilmember Zegerman** said he felt it was weird that the developers for Sweetwater were
28 not here, as it was them who were going to be doing the regrading.

29 **Mr. Cnossen** said the issue was the extension of Ingold Drive and the retaining wall, which
30 were the changes needed in order to accommodate their request.

31 **Councilmember Zegerman** said it seemed like Sweetwater was seeking to do more
32 regrading than what was initially understood as part of their request. He said without Sweetwater
33 representatives here to articulate their plan, it was difficult for him to vote on this.

34 **Councilmember Mahaffey** asked if Sweetwater for be paying for this project.

35 **Mr. Cnossen** said he had no knowledge of the agreements that have been made, and that
36 the owners are currently discussing them. He said he is here in order to get the permission to grade
37 within the buffer in order to remove the retaining wall for the cross-access.
38

39 A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Gantt**, to
40 approve Rezoning Case No. 23CZ11 - Smith Farm Phase 5 PUD Amendment.
41

42 **VOTE: 2-2, Councilmember Mahaffey and Councilmember Zegerman dissenting**
43

DRAFT MINUTES

Pursuant to Town of Apex Town Charter, **Mayor Gilbert** voted in the affirmative in order to break the tie. Motion passed.

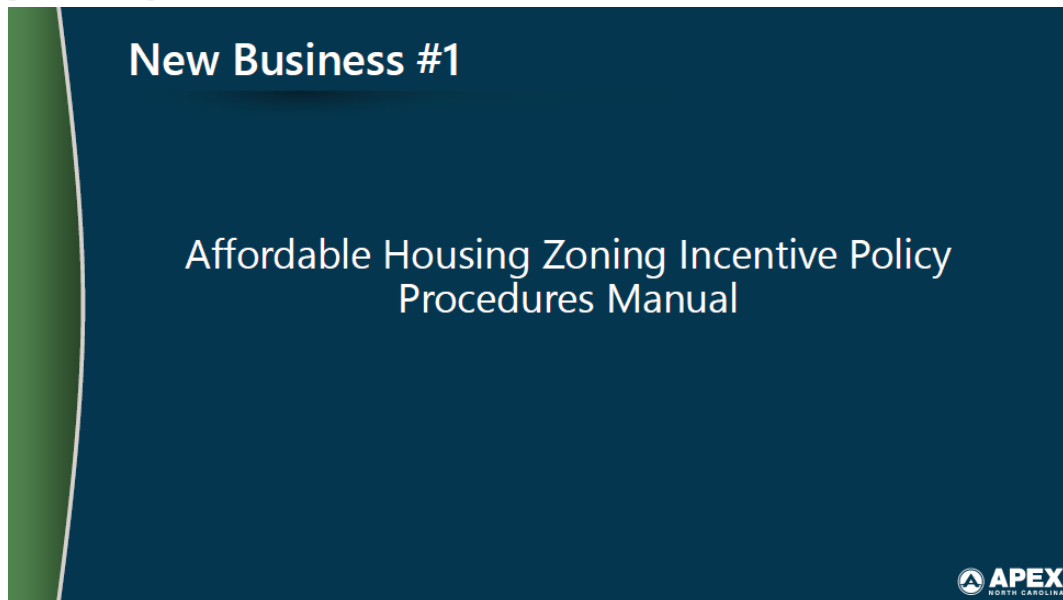
Councilmember Gray said he hoped all of the people who believe the Council all thinks the same way were watching tonight's meeting.

[NEW BUSINESS]

NB1 Affordable Housing Zoning Incentive Policy Procedures Manual

Assistant Town Manager Demetria John introduced the item and **Aaron Sorrell**, consultant for the town on this project. Mr. Sorrell gave information to Council regarding the policy.

[SLIDE 43]



Councilmember Gantt said he hated the section on sidewalks, and views sidewalks as beneficial to a community just like affordable housing. He asked if that trade-off was developer initiated, since he didn't see only putting sidewalks on one side of the road as something that would save a lot of money for developers anyway.

Director Khin said that was a staff recommendation, as Council had approved that measure in cases in the past for cost-saving.

Councilmember Gantt said that was usually in cases where there weren't already existing sidewalks to connect to.

Director Khin said it would essentially be the same case in a Rural Transition area. She said developers would be required to put sidewalks on both sides of all collectors and thoroughfares, and one side of residential streets.

Councilmember Gantt said his second question was about the stacking of incentives, and whether developers would already have a high level of affordable housing in mind, and simply game the system by using all of the incentives to save money. He asked if it had been considered to require more and more affordable units for each incentive.

Mr. Sorrell said there were two approaches when looking at analyzing things like that. He said one approach was an objective scoring system, where they assigned different things, such as sidewalks, a different "score". He said Apex has very unique topography, and no two sites are really

DRAFT MINUTES

1 the same. He said he then decided to craft a more flexible approach for developers to do the types
2 of things that would make the most sense for their development and their property. He said there
3 will be a negotiation process. He said as it evolves, there will be expectations for certain things that
4 need to be done in order for each incentive to be granted.

5 **Councilmember Gantt** wanted to clarify that staff was the safeguard between developers
6 using the stacking of incentives in an undesirable way. He was wondering what kind of information
7 staff would need in order to evaluate whether certain tradeoffs and incentives were worth it.

8 **Mr. Sorrell** said it was appropriate for staff to ask for the numbers and the justification for
9 why developers wanted a certain incentive to be able to weigh the costs of those versus the
10 proposed gain in affordable housing.

11 **Councilmember Gantt** said it wouldn't be good for a project to get all the way to them, and
12 then they deny it at the last minute, potentially losing out on affordable housing units.

13 **Mr. Sorrell** said Council would be able to give direction to staff regarding what they would
14 deem acceptable, and anything outside of those parameters would be given more critical review.

15 **Councilmember Zegerman** asked if there would be training and guidelines for staff on how
16 to evaluate the tradeoffs and costs associated with these incentives, since this isn't something that
17 they are doing now.

18 **Mr. Sorrell** said there has been an administrative guide drafted, which will be revised based
19 on Council's final decision, that will help staff and developers operationalize the incentive process.

20 **Councilmember Mahaffey** said this formalizes the process that is essentially already
21 happening with each rezoning, which he said was a good thing, but his concern was that this doesn't
22 directly outline what certain incentives would require or the tradeoff costs within each one. He said
23 recently, lots of rezonings have been ending up with 5% affordable housing units without any of
24 these incentives attached. He said he wanted the percentage of affordable units to be higher to offer
25 incentives not constructing sidewalks completely. He said he wants 5% to be more like the baseline
26 for any development, as it has been recently. He said he wants to see some clarity for what would
27 need to be done in order to get some of those larger affordable housing percentages. He said he
28 didn't want to see 5% affordable housing proposals that were being given incentives come to
29 Council, since they have been going through with that level without incentives, and so he would not
30 approve those.

31 **Councilmember Zegerman** said this was a step forward in terms of having something
32 concrete and documented for future Councils to use in terms of getting affordable housing projects.
33 He said he also doesn't like some of the numbers, such as being able to get incentives with 5%
34 affordable housing. He said the bar should be higher for that, and that 135% AMI for ownership still
35 feels too high to him. He said they have to start somewhere.

36 **Town Clerk Coleman** read **Mayor Pro Tempore Killingsworth's** remarks on this policy that
37 she sent in:

38 "I apologize that I am not able to be there at this meeting. You will soon vote on the Apex
39 Affordable Housing incentive policy as part of the affordable housing plan. The Housing Affordable
40 Board, consisting of developers, nonprofits, community members, advocates, a planning board
41 member, and a council member, has worked steadily and hard to make sure this policy is as detailed
42 and suitable as possible for Apex. There was compromise on behalf all people on the board. We
43 know there will need to be ongoing analysis and updates to the policy. We know it's not perfect, but
44 we also know the work by the staff, contractors, and board has been amazing, and we expect this

DRAFT MINUTES

policy will encourage built affordable housing. That has always been my focus. Build affordable housing in Apex, as housing prices continue to escalate. I encourage you to vote in favor of this policy, as I would if I was there."

Councilmember Gray said he wanted to comment that the table indicated that the 5% is the minimum level if a developer was involved with this program.

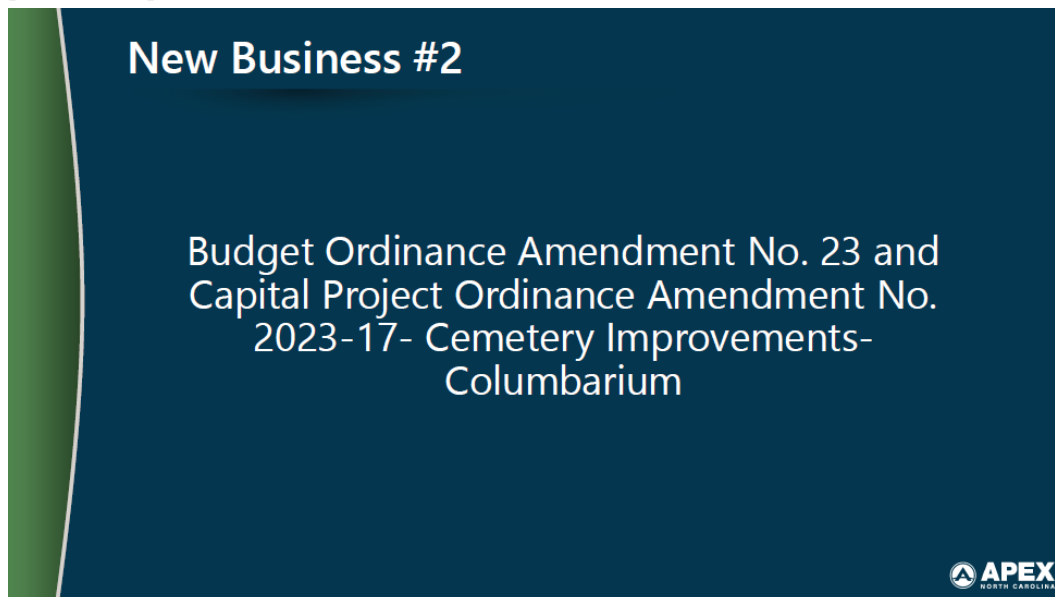
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gray**, to approve the Affordable Housing Zoning Incentive Policy Procedures Manual.

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

NB2 Budget Ordinance Amendment No. 23 and Capital Project Ordinance Amendment No. 2023-17 - Cemetery Improvements - Columbarium (REF: ORD-2023-064 and ORD-2023-065, and CONT-2023-181)

Deputy Town Manager Shawn Purvis gave the following presentation regarding the Columbarium Cemetery Improvements and associated budget and capital project ordinance amendments:

[SLIDE 44]



[SLIDE 45]

Cemetery Improvements and Columbarium Project Options

- **Delay the project until a future date**
 - No additional cost to the Town at this time
 - Unknown effect on the future cost of the project
- **Complete the Base Bid and Alternate 3**
 - Cost for the Base Bid and Alternate 3 would be \$621,000 and require additional funding of \$76,000
 - Cemetery Fund can absorb the additional allocation
- **Complete the entire project**
 - Cost for the Base Bid and all alternates would be \$1.435M and require additional funding of \$890,000
 - Funds needed from General Fund and Cemetery Fund at \$445,000 each

Councilmember Gantt asked if it was meant to be half and half to start with in terms of the parking and the cemetery cost.

Deputy Town Manager Purvis said he wasn't prepared to answer that, as he wasn't sure if it was around half and half with the original bid.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gray**, to approve Option 2 - Choose the Base Bid and Alternate 3, which uses \$621,000 from the cemetery fund to move forward with parking improvements, and authorize an addition \$76,000 from the cemetery fund for parking and sidewalk site improvements.

Councilmember Mahaffey said his preference was to complete the entire project. He asked Council to oppose this motion, and he would offer another motion to complete the whole thing.

Councilmember Gantt said he would prefer not to do this project at all right now. He said he wanted to build sidewalks and focus on the downtown, and with the increased cost of this project, he said the money could be better spent elsewhere.

Mayor Gilbert said he was split between alternate 3 and completing the entire project.

Deputy Town Manager Purvis said that any money for this project coming from the cemetery fund could only be used for the cemetery, other than a situation in which a sidewalk or other infrastructure was built in support of the cemetery.

Councilmember Gantt said option 2 used \$600,000 from the general fund, and then the cemetery fund was the rest.

Deputy Town Manager Purvis said that was incorrect, and that all the money in Option 2, of completing the base bid and alternate 3, was from the cemetery fund. He said Option 3, of completing the entire project, would require \$445,000 from the general fund.

Councilmember Mahaffey said it was important to note that some of the costs would be recovered.

Deputy Town Manager Purvis said yes, some of the cost would be recovered through the sale of the columbarium.

DRAFT MINUTES

Councilmember Gantt said that would be in 20 years. He clarified with Deputy Town Manager Purvis which funds were used for each option.

Town Clerk Coleman mentioned that there is a waiting list of over 60 people for slots in either the cemetery or the future columbarium.

Councilmember Zegerman asked what the capacity of the columbarium would be.

Deputy Town Manager Purvis said it would be 780 niches, but niches could hold 2 urns. He said there would need to be a discussion about fees if that were to be the case. He said the purpose for the columbarium project was concerns about capacity at the cemetery. He said the individual niches would have to be purchased through the general fund, as the cemetery fund can be used for enhancements, but not for expansion. He said when the time comes, they would set the fees in part based on the recovery of capital costs and costs for the niches.

Councilmember Zegerman asked if the fees charged would go back into the cemetery fund.

Deputy Town Manager Purvis said yes, they would have to. He said the cost wouldn't be recovered directly into the general fund, but it would be put back into the cemetery fund.

Mayor Gilbert noted there was still a motion with a second on the table that needed a vote.

Councilmember Mahaffey said he would be opposing this motion, but not because he opposed doing the project. He wanted to fund it in its entirety.

The following motion was made previously, as noted above, and is included again here along with the vote for clarity:

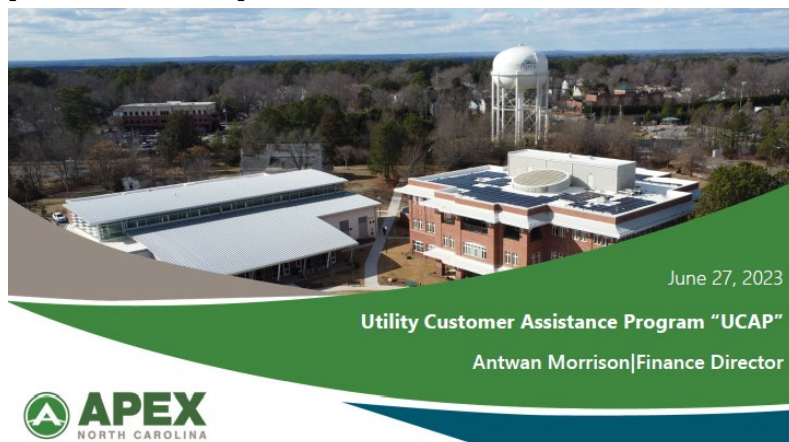
A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gray**, to approve Option 2 - Choose the Base Bid and Alternate 3, which uses \$621,000 from the cemetery fund to move forward with parking improvements, and authorizes an addition \$76,000 from the cemetery fund for parking and sidewalk site improvements.

VOTE: 3-1, Councilmember Mahaffey dissenting

NB3 Utility Customer Assistance Program (CAP) Update (REF: ORD-2023-067 and CONT-2023-182)

Finance Director Antwan Morrison and **Sherry Presnall**, of Western Wake Crisis Ministries, gave the following presentation regarding the Utility Customer Assistance Program (CAP) Update:

[UCAP - SLIDE 1]



[UCAP - SLIDE 2]

Purpose:

- Provide update on UCAP program and make minor adjustments to agreement with agency

Requested Action:

- Motion to accept recommended changes to program
- Motion to approve budget amendment for FY 2023

[UCAP - SLIDE 3]

What is UCAP?

The Town Utility Customer Assistance Program (UCAP) is a Town of Apex funded program that provides utility assistance payment to help eligible households pay their utility bills.

Eligible households will receive a maximum of \$636.00 per fiscal year as a credit, or a credit for the total amount past due, whichever is less on their utility bill with the Town of Apex.

[UCAP - SLIDE 4]

Past Due Accounts as of May 31, 2023

	Residential
General (Refuse)	\$ 39,986
Electric	518,208
Water & Wastewater	188,126

May 31, 2021	Residential
General (Refuse)	\$ 157,227
Electric	1,503,015
Water & Wastewater	605,632

DRAFT MINUTES

1 [UCAP - SLIDE 5]

Delinquent Accounts as of May 31, 2023

	Residential	Commercial	Total
Amount Delinquent	\$ 42,083	\$ 6,824	\$ 48,907
Number of Accounts	299	19	315
Average Balance	\$141	\$359	

May 31, 2021	Residential	Commercial	Total
Amount Delinquent	\$ 1,234,716	\$ 106,226	\$ 1,340,942
Number of Accounts	1,871	76	1,947
Average Balance	\$660	\$1,398	

2
3
4

[UCAP - SLIDE 6]

Utility Customer Assistance Program

A) Eligibility Standards and Determination

B) Approvals by Poverty Level

HUD Area Median Income Raleigh Metro Statistical Area	Number of Approvals
0 to 40% (\$30,620)	212
41 to 50% (\$38,275)	25
51 to 60% (\$45,930)	11
61 to 70% (\$53,585)	7
71 to 80% (\$61,240)	2

*Based on family of four
*Since change in eligibility standards April 2022

5
6

[UCAP - SLIDE 7]

Summary of CAP Applications and Approvals

	As of May 31st
Number of applications	673
Number of accounts qualify for assistance	514
Number received assistance	493
Assistance provided*	\$ 188,134
Average assistance per approval	\$ 382

	2021	2022	2023
Accounts received assistance	27	264	202
Total amount of assistance	\$ 14,847	\$ 112,340	\$ 60,947

-information per WWCM schedule
*amounts for May and June not reported yet

7

DRAFT MINUTES

[UCAP - SLIDE 8]

Available Funds to Date

	Original Appropriation	Awarded/Expended	Percentage Awarded/ Expended
Customer Assistance	\$ 506,000	\$ 234,870	46.4%
Eligibility Determinations	<u>43,675</u>	<u>23,503</u>	53.8%
Total	\$ 549,675	\$ 258,373	

[UCAP - SLIDE 9]

Observations

- ▶ Not as many customers have taken advantage of program
- ▶ Resolved outside of program
 - ▶ Personal funding
 - ▶ Other helps programs
 - ▶ (i.e. Wake County DDS, Neighbors Helping Neighbors, WWCN, White Oak, etc.)
- ▶ Program participants have been frequent appliers

Recommendations

- ▶ Allow customers to access multiple times up to the maximum limit for fiscal year (cap @ \$636)
- ▶ Reduce agency PT eligibility specialist to one staff member – four days a week and five hours a day
- ▶ Communication campaign
- ▶ Review annual limit calculation
- ▶ Review payment plan practices

[UCAP - SLIDE 10]

Questions/Discussion

DRAFT MINUTES

1 **Councilmember Gantt** asked if the town would be able to write off some of the past due
2 money.

3 **Director Morrison** said yes, they would have to, it is just a matter of how much it ends up
4 being.

5 **Councilmember Zegerman** asked if he credited this program from the reduction.

6 **Director Morrison** said yes, it is a good program, but that it can be made even more
7 impactful.

8 **Councilmember Gantt** said they weren't cutting off power and water at all, until around May
9 of 2021.

10 **Councilmember Gray** said it looked like the town had a policy regarding people either
11 being citizens or lawfully present in the United States to qualify for the program. He asked if Western
12 Wake could legally still make the payments for those that were not, or was it only a town policy
13 stopping that.

14 **Ms. Presnall** said it was just a town policy. She added that at Western Wake they check
15 whether customers are residents of Wake County, through utility bills, licenses, or potentially even a
16 letter from a landlord.

17 **Councilmember Gantt** asked how the income was checked.

18 **Ms. Presnall** said that was the challenge, because they do require 3 paystubs. She said they
19 don't have to have that to qualify for food or other services.

20 **Councilmember Mahaffey** wondered what the rationale was for requiring citizenship or
21 legal residency status as part of the policy requirements when it was made in 2021.

22 **Ms. Presnall** said if the funding was related in any way to the CARES Act, then that would
23 have been a requirement.

24 **Councilmember Mahaffey** wanted to know the things that the CARES money went to help
25 reimburse.

26 **Town Manager Crosby** said she would look into that.

27 **Councilmember Gantt** asked if the Neighbors Helping Neighbors fund money was being
28 used first. He said he has been giving 10 dollars a month to that fund since April 2020.

29 **Ms. Presnall** said that money goes to Western Wake and they put it into direct client
30 assistance. She added that the main change they were looking at for this program was that clients
31 would be able to access funds more than once during a fiscal year, provided they do not reach the
32 lifetime maximum.

33 **Town Manager Crosby** said she believed last year Council voted to allow the Manager to
34 make changes to the terms, so that wouldn't be something they needed to vote on.

35 **Councilmember Mahaffey** said his desire was that this program was mentioned on
36 disconnect letters.

37 **Councilmember Gantt** said he thought that already was the case.

38 **Director Morrison** said the goal was to get information about the program out there as much
39 as possible.

40 **Ms. Presnall** said the information was definitely on a regular bill.

41 A motion was made by **Councilmember Gray**, seconded by **Councilmember Mahaffey**, to
42 approve FY 22-23 Budget Amendment No. 20 for the Utility Customer Assistance Program.

43
44 **VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent**

DRAFT MINUTES

[UPDATES BY TOWN MANAGER]

Town Manager Crosby said next week was the Fourth of July, and the town was excited to put on its second fireworks show on July 3rd. She said as she told Councilmember Gray, Apex has the best fireworks in the area. She said the town would be closed Tuesday, July 4th, and there would be the Old-Fashioned Fourth of July Parade that day. She said that on July 19th, from 6-7 PM, there would be a discussion with representatives with CSX at the Halle, which is open to residents to come ask questions and share concerns about the railroad. She acknowledged Parks and Rec Month, and thanked the whole Parks and Rec staff, and there would be some activities to celebrate, including Summer Slam at Salem Pond Park on July 12th, and then a Chalk Walk on July 13th. She congratulated the Housing Team and the HAB on the Housing Policy. She also recognized 3 Peak Performers from the town, Mark Griffin in IT, Jimmy McClure in Water Resources, and Kylie Rays in Economic Development. She said the Peak Performer award is a recognition from peers. She also said the town's Pride and Juneteenth Festivals went very well.

[CLOSED SESSION]

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gray**, to enter into Closed Session pursuant to NCGS §143-318.11(a)(3).

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

Council entered into Closed Session at 9:44 p.m.

Council will enter into closed session pursuant to:

CS1 Laurie Hohe, Town Attorney, Legal Department (REF: RES-2023-041)

NCGS §143-318.11(a)(3):

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

Council returned to open session at 9:58 p.m.

A **motion** was made **Councilmember Mahaffey**, seconded by **Councilmember Gray**, to approve a Resolution Authorizing Eminent Domain Related to the Laura Duncan Sidewalk Project for the Improvement of the Apex Street System. **(REF: RES-2023-041)**

VOTE: UNANIMOUS (4-0), with Mayor Pro-Tempore Killingsworth absent

DRAFT MINUTES

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at 9:59 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on _____.

DRAFT MINUTES
TOWN OF APEX
EMERGENCY TOWN COUNCIL MEETING
THURSDAY, JULY 27, 2023
6:00PM

1 The Apex Town Council met for an Emergency Meeting on Thursday, July 27, 2023 at 6:00
2 pm in the Executive Conference Room on the 2nd Floor at Apex Town Hall, located at 73
3 Hunter Street in Apex, North Carolina.

4
5 The purpose of the Emergency Town Council meeting was to enter into closed session
6 pursuant to North Carolina General Statutes (NCGS) § 143-318.11(a)(3) and NCGS § 143-
7 318.11(a)(6) - quoted below:

8
9 NCGS §143-318.11(a)(3):

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

13 NCGS §143-318.11(a)(6):

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

18
19 This meeting was open to the public.

20
21 **[ATTENDANCE]**

22
23 Elected Body

24 Mayor Jacques K. Gilbert (presiding)

25 Mayor Pro-Tempore Audra Killingsworth

26 Councilmember Brett Gantt

27 Councilmember Ed Gray (arrived late - see page 2)

28 Councilmember Terry Mahaffey

29 Councilmember Arno Zegerman

30 Absent: None

31
32 **Mayor Gilbert** called the meeting to order at 6:01 p.m. and stated the purpose of the
33 emergency town council meeting was to enter into closed session pursuant to NCGS § 143-
34 318.11(a)(3) and NCGS § 143-318.11(a)(6).

35
36 **[CLOSED SESSION]**

DRAFT MINUTES - CONTINUED

1 A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by
2 **Councilmember Arno Zegerman**, to enter into closed session pursuant to NCGS § 143-
3 318.11(a)(3) and NCGS § 143-318.11(a)(6).

4
5 **VOTE: 4-0** (*Councilmember Gray arrived late*)

6
7 Council moved into closed session at 6:02 p.m.

8
9 **Councilmember Gray** arrived at 6:45 p.m.

10
11 Council returned to open session at 7:48 p.m.

12
13 **Mayor Gilbert** declared the meeting in recess until 8:00 p.m.

14
15 Council reconvened at 8:02 p.m.

16
17 A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember**
18 **Terry Mahaffey**, to enter into closed session pursuant to NCGS § 143-318.11(a)(3) and
19 NCGS § 143-318.11(a)(6).

20
21 **VOTE: 5-0 (UNANIMOUS)**

22
23 Council moved into closed session at 8:02 p.m.

24
25 Council returned to open session at 8:10 p.m.

26
27 A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember**
28 **Arno Zegerman**, to accept Town Manager Catherine H. Crosby's resignation effective
29 immediately.

30
31 **VOTE: 4-1; Councilmember Gantt dissenting**

32
33 A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Mayor Pro-**
34 **Tempore Audra Killingsworth** to appoint Shawn Purvis, current Deputy Town Manager, as
35 Interim Town Manager effective immediately.

36
37 **VOTE: 4-1, Councilmember Gantt dissenting**

38
39 **Councilmember Gantt** said his opposition vote was unrelated to Shawn Purvis. He
40 said his opposition vote was to be consistent with the prior action and was related to the
41 process.

DRAFT MINUTES - CONTINUED

[ADJOURNMENT]

Mayor Gilbert announced the meeting adjourned at **8:11 PM.**

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC
Town Clerk to the Apex Town Council

Submitted for consideration and approval by Apex Town Clerk Allen Coleman.

Minutes approved on the _____ day of _____ 20____.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Chris Johnson, PE, MPA, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an encroachment agreement between the Town of Apex and property owners Suresh Reddy Thati and spouse, Navya Beeravelli to install a fence that will encroach 66 linear feet (LF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town of Apex and property owners Suresh Reddy Thati and spouse, Navya Beeravelli (Grantees) for the property described as a residential lot known as Wake County PIN #0712-53-7871, Book of Maps 2020, Page 00940, lot is also known as 3588 Lovage Drive, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 66 linear feet (LF) onto the Town of Apex Public Drainage Easement.

Attachments

- CN21-A1: Encroachment Agreement - 3588 Lovage Drive, Lot 41
- CN21-A2: Exhibit A - Encroachment Agreement - 3588 Lovage Drive, Lot 41



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 _____, 2023, by and between Suresh Reddy Thati and spouse, Navya Beeravelli, "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0712-53-7871** by the Wake County Revenue Department and more particularly described as **Lot 41** of the subdivision known as **Deer Creek Phase 3** as shown on that certain plat recorded in **Book of Maps 2020, Page 00940**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **3588 Lovage Drive, 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 20' TOA Public Drainage Easement**" as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement**".

WHEREAS, Grantees wish to install certain improvements, more particularly described as a fence that encroach **66 linear feet (LF) onto the Public Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

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

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

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees' successors and assigns at Grantees' sole risk and expense, to encroach into the **Public 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 the **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

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

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

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

To Grantees: Suresh Reddy Thati and Navya Beeravelli
3588 Lovage Drive
Apex, NC 27502

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

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Drainage Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Drainage Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Drainage Easement** without cost, risk or liability to the Town.

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

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0712-53-7871, 3588 Lovage Drive, Apex, NC, 27502**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees obligations possesses adequate financial resources and ownership interest, and Grantees delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEES

By: Suresh
Suresh Reddy Thati

By: B. Navya
Navya Beeravelli

STATE OF NORTH CAROLINA

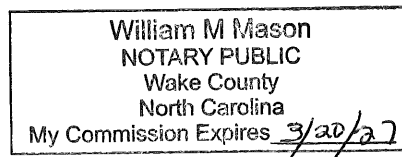
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Suresh Reddy Thati, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 24th day of July, 2023.

William M Mason
[Signature of Notary Public]

My Commission Expires: 3/20/27



STATE OF NORTH CAROLINA

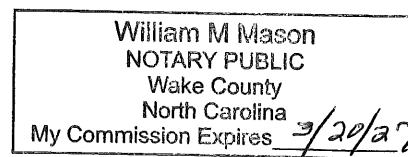
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Navya Beeravelli, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 24th day of July, 2023.

William M Mason
[Signature of Notary Public]

My Commission Expires: 3/20/27



TOWN OF APEX

Shawn Purvis, ICMA-CM
Interim Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

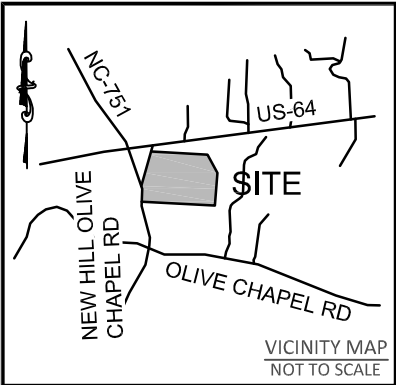


EXHIBIT A

LOT INFORMATION:

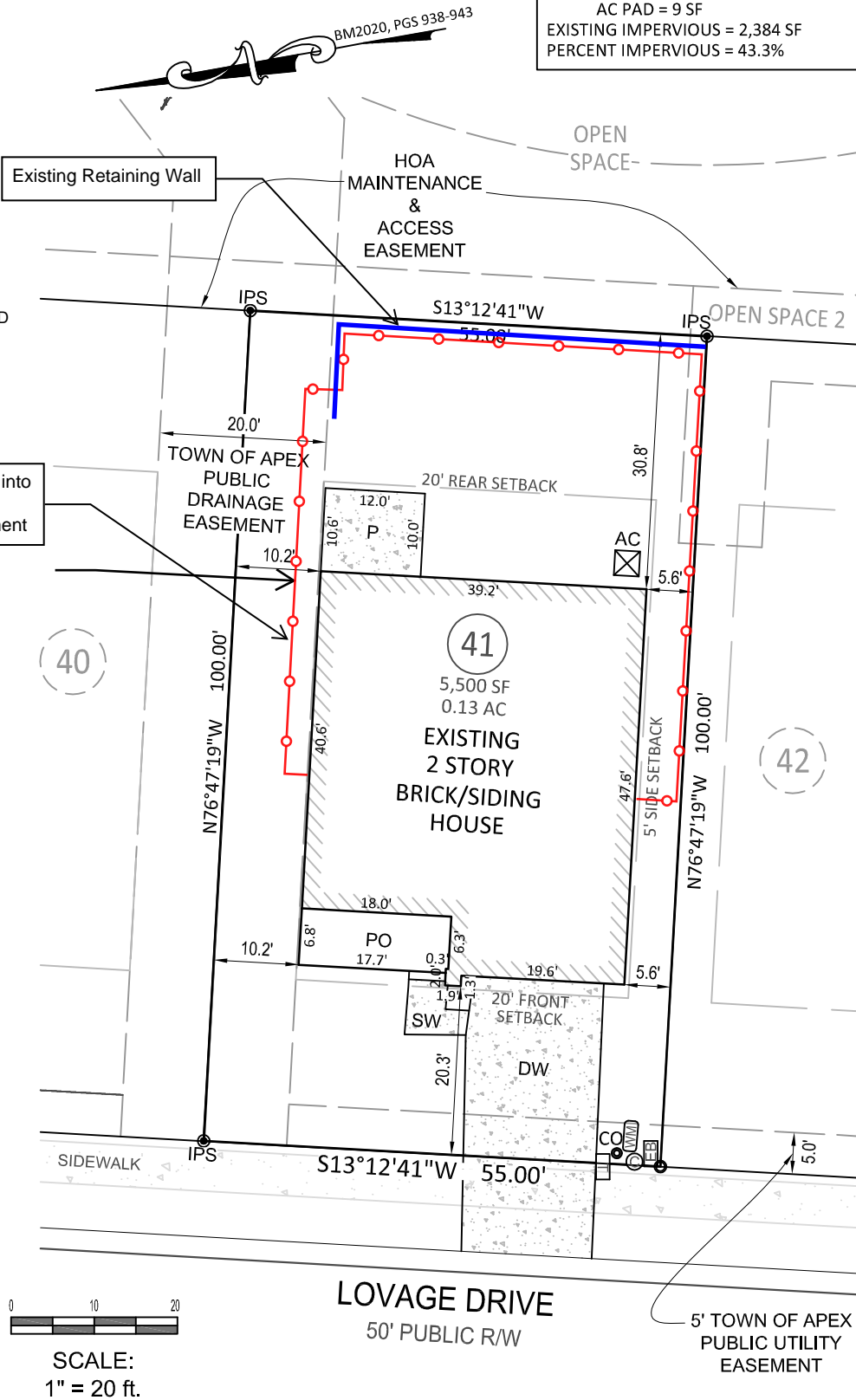
PIN: 0712537871
TOTAL LOT AREA = 0.13 AC = 5,500 SF
HOUSE = 1,743 SF
PORCH = 122 SF
SIDEWALK = 43 SF
DRIVEWAY = 347 SF
PATIO = 120 SF
AC PAD = 9 SF
EXISTING IMPERVIOUS = 2,384 SF
PERCENT IMPERVIOUS = 43.3%

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.

Fence installation 7' from property line - 3' into
easement and will encroach 66 linear feet
(LF) onto the TOA Public Drainage Easement

LEGEND

- PO = PORCH
- WD = WOOD DECK
- SW = SIDEWALK
- DW = CONC DRIVEWAY
- SP = SCREENED PORCH
- CP = COVERED 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
- ⌚ = TELEPHONE PEDESTAL
- CI = CURB INLET
- ⚡ = LIGHT POLE
- G = GAS METER
- E = ELECTRIC METER
- ES = ELECTRIC SERVICE
- ⌚ = ELECTRICAL BOX
- STE = SIGHT TRIANGLE EASEMENT
- S = STOOP
- ⚡ = FIRE HYDRANT



0 10 20
SCALE:
1" = 20 ft.

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/OR 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.
- THE PROPERTY LIES IN ZONES "X" PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 3720071200K, DATED FEBRUARY 2, 2007.
- ZONING: PUD-CZ

JOB#: 160286



Bateman Civil Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Ave., Apex, NC 27539
(919) 577-1080
NCBELS C 2378

- Page 288 -

FINAL SURVEY
EXCLUSIVELY FOR: SURESH REDDY THATI
DEER CREEK PHASE 3 - LOT 41
3588 LOVAGE DRIVE, APEX, NC
WHITE OAK TOWNSHIP, WAKE COUNTY
DATE: 2/24/21 DRAWN BY: MJA CHECKED BY: SPC
REFERENCE: BM 2020, PGS 938-943 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Chris Johnson, PE, MPA, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an encroachment agreement between the Town of Apex and property owners Shabbir Shaik and spouse, Reshma Shaik to install a fence that will encroach 63 linear feet (LF) onto the Town of Apex Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town of Apex and property owners Shabbir Shaik and spouse, Reshma Shaik (Grantees) for the property described as a residential lot known as Wake County PIN #0712-53-7897, Book of Maps 2020, Page 00940, lot is also known as 3592 Lovage Drive, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 63 linear feet (LF) onto the Town of Apex Public Drainage Easement.

Attachments

- CN22-A1: Encroachment Agreement - 3592 Lovage Drive, Lot 40
- CN22-A2: Exhibit A - Encroachment Agreement - 3592 Lovage Drive, Lot 40



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 _____, 2023, by and between Shabbir Shaik and spouse, Reshma Shaik, "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0712-53-7897** by the Wake County Revenue Department and more particularly described as **Lot 40** of the subdivision known as **Deer Creek Phase 3** as shown on that certain plat recorded in **Book of Maps 2020, Page 00940**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **3592 Lovage Drive, 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 20' TOA Public Drainage Easement**" as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement**".

WHEREAS, Grantees wish to install certain improvements, more particularly described as a fence that encroach **63 linear feet (LF) onto the Public Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

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

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

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees' successors and assigns at Grantees' sole risk and expense, to encroach into the **Public 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 the **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

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

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

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

To Grantees: Shabbir Shaik and Spouse Reshma Shaik
3592 Lovage Drive
Apex, NC 27502

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

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Drainage Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Drainage Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Drainage Easement** without cost, risk or liability to the Town.

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

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Wake County PIN #0712-53-7897, 3592 Lovage Drive, Apex, NC, 27502**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees obligations possesses adequate financial resources and ownership interest, and Grantees delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees duties set forth in this Encroachment Agreement.

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

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

GRANTEES

By: SK Shabbir
Shabbir Shaik

By: SK Reshma
Reshma Shaik

STATE OF NORTH CAROLINA

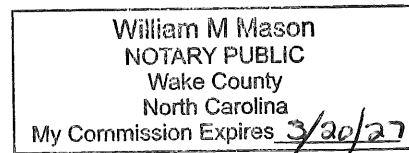
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Shabbir Shaik, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 25th day of July, 2023.

William M Mason
[Signature of Notary Public]

My Commission Expires: 3/20/27



STATE OF NORTH CAROLINA

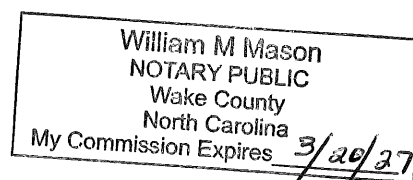
COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Reshma Shaik, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 25th day of July, 2023.

William M Mason
[Signature of Notary Public]

My Commission Expires: 3/20/27



TOWN OF APEX

Shawn Purvis, ICMA-CM
Interim Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

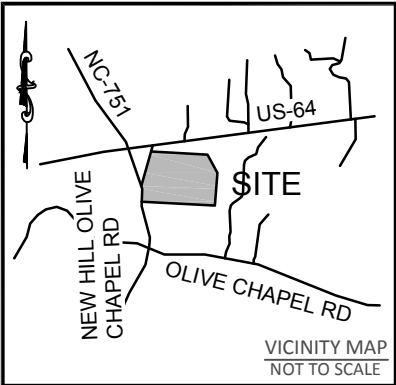


EXHIBIT A

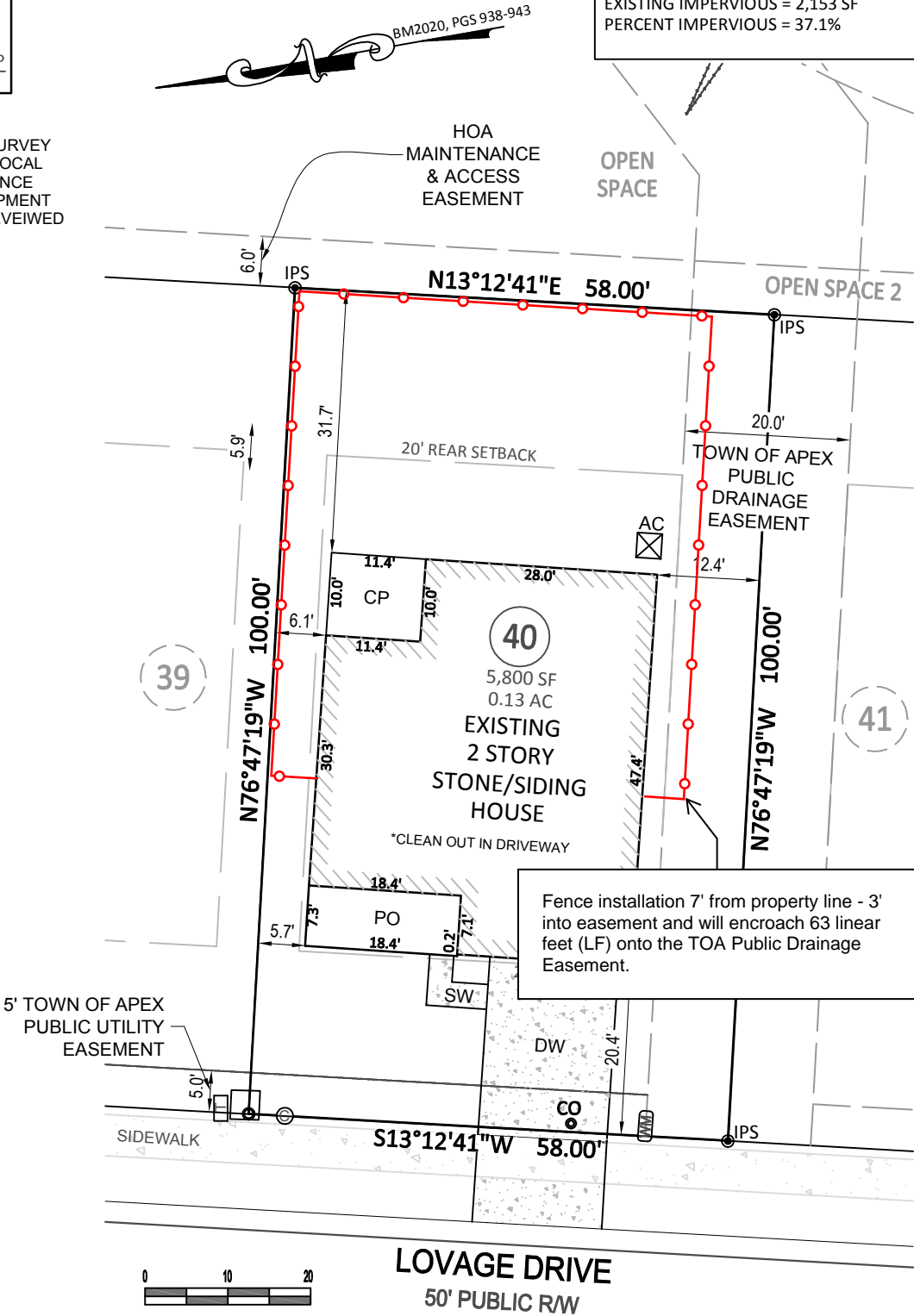
LOT INFORMATION:

PIN: 0712537897
TOTAL LOT AREA = 0.13 AC = 5,800 SF
HOUSE = 1,623 SF
PORCH = 134 SF
SIDEWALK = 31 SF
DRIVEWAY = 242 SF
COVERED PORCH = 114 SF
AC PAD = 9 SF
EXISTING IMPERVIOUS = 2,153 SF
PERCENT IMPERVIOUS = 37.1%

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 REVEIUED
FOR COMPLIANCE WITH RECORDING
REQUIREMENTS FOR PLATS.

LEGEND

- PO = PORCH
- WD = WOOD DECK
- SW = SIDEWALK
- DW = CONC DRIVEWAY
- SP = SCREENED PORCH
- CP = COVERED 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
- = TELEPHONE PEDESTAL
- CI = CURB INLET
- ⦿ = LIGHT POLE
- G = GAS METER
- E = ELECTRIC METER
- ES = ELECTRIC SERVICE
- ⦿ = ELECTRICAL BOX
- STE = SIGHT TRIANGLE EASEMENT
- S = STOOP
- = FIRE HYDRANT



Fence installation 7' from property line - 3' into easement and will encroach 63 linear feet (LF) onto the TOA Public Drainage Easement.

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/OR 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.
- THE PROPERTY LIES IN ZONES "X" PER NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 3720071200K, DATED FEBRUARY 2, 2007.
- ZONING: PUD-CZ
- PROPERTY OWNER: MERITAGE HOMES OF THE CAROLINAS, INC., PERIMETER PARK OFFICE COMPLEX
3005 CARRINGTON MILL BLVD STE 100, MORRISVILLE, NC 27560

JOB#: 160286



Bateman Civil•Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Ave., Apex, NC 27539
(919) 577-1080
NCBELS C 2378

FINAL SURVEY
EXCLUSIVELY FOR: MERITAGE HOMES
DEER CREEK PHASE 3 - LOT 40
3592 LOVAGE DRIVE, APEX, NC
WHITE OAK TOWNSHIP, WAKE COUNTY
DATE: 3/4/21 DRAWN BY: HTC CHECKED BY: SPC
REFERENCE: BM 2020, PGS 938-943 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Chris Johnson, PE, MPA, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an encroachment agreement between the Town of Apex and White Oak Creek Homeowners Association, Inc. to install a private retaining wall, of which forty-nine (49) Linear Feet will encroach into the Town's Right of Way (ROW) and authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town of Apex and White Oak Creek Homeowners Association, Inc. (Grantee). Grantee desires to encroach into that certain 50' public street right(s) of way located at and known as Beckwith Road (hereinafter "ROW") under the Town's jurisdiction in the neighborhood known as Regency at White Oak Creek, Phase 1A, as shown on the plat recorded in Book of Maps 2015, Page 01580, Wake County Registry. Grantee wishes to install certain improvements, more particularly described as a private retaining wall, of which forty-nine (49) Linear Feet will encroach into the Town's Right of Way (ROW).

Attachments

- CN23-A1: Encroachment Agreement - Regency at White Oak Creek
- CN23-A2: Exhibit A - Encroachment Agreement - Regency at White Oak Creek



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 ("Agreement"), being made this ____ day of _____, 2023, by and between White Oak Creek Homeowners Association, Inc., a North Carolina non-profit corporation (hereinafter referred to as "Association" and/or "Grantee") and the Town of Apex, (hereinafter referred to as "Town" and/or "Grantor"). Grantor and Grantee are sometimes hereafter referred to individually as a "Party" and collectively as "Parties".

RECITALS:

WHEREAS, Grantee desires to encroach into that certain 50' public street right(s) of way located at and known as Beckwith Road (hereinafter "**ROW**") under the Town's jurisdiction in the neighborhood known as **Regency at White Oak Creek, Phase 1A**, as shown on the plat recorded in **Book of Maps 2015, Page 01580**, Wake County Registry (hereinafter the "**Subdivision Plat**"); and

WHEREAS, the properties located in the Regency at White Oak Creek neighborhood are subjected to the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens For White Oak Creek recorded in Book 016284, Page 616 of the Wake County Registry and all amendments and supplements thereto (hereinafter "Declaration") and is thereby governed by the Association; and

WHEREAS, pursuant to Article 1, Section 8 of the Declaration, the Association is responsible for any improvement located on, under, in or over public right-of-way which improvement is subject to an encroachment agreement with a Governmental Entity that is recorded in the Registry; and

WHEREAS, Grantee wishes to install certain improvements, consisting of a **private retaining wall, of which forty-nine (49) Linear Feet will encroach into the Town's ROW**, hereinafter referred to as the "Encroachment", as more particularly described and shown in those drawings or plans attached hereto as **Exhibit A** and incorporated herein by reference; and

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

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 **ROW** 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 size of the Encroachment as shown in **Exhibit A** and described in this Agreement.
3. The Town is not responsible for any expenditures of labor or material required for the installation, erection, repair, or removal of the Encroachment. Grantee is responsible for any and all expenditures of labor or materials required for the repair, removal, or maintenance of the Encroachment.
4. Grantee shall be responsible for any and all property damage, injury to or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship or any cause of action arising out of the installation, erection, repair, maintenance, dismantling or removal, or presence of the Encroachment.

5. Grantee agrees to and shall 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, arising out of the installation, maintenance, removal, or location of said Encroachment.
6. Sections 4 and 5 shall survive the termination of this Encroachment Agreement as they relate to any damage or cause of action arising prior to the termination.
7. 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: White Oak Creek Homeowners Association, Inc. c/o CAMS
 1612 Military Cutoff Rd., Ste 108
 Wilmington, NC 28403

8. 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.
9. Grantee agrees to abide by all applicable laws, regulations, statutes and ordinances.
10. This Encroachment Agreement shall not divest the Town of any rights or interest in said **ROW**. The Town may terminate this Encroachment Agreement by giving Grantee ninety (90) days written notice of termination. Prior to the termination date, Grantee shall remove, at its own expense, all or part of the Encroachment, if and as instructed and specified by the Town.

11. If the Town deems, within its sole discretion, that there is not time to give the Grantee notice of ninety (90) days as provided in Paragraph 10 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **ROW**, then fifteen (15) days' notice shall be required. The Grantee shall remove, at its own expense, all or part of the Encroachment, if and as instructed and specified by the Town. If the Town deems, within its sole discretion, that there is not time to give the Grantee notice of fifteen (15) days as provided above and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to, or improve its facilities located within the **ROW**, then no notice shall be required and the Town may remove the Encroachment from the **ROW** without cost, risk or liability to the Town.
12. 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 11 or if Grantee fails to remove the Encroachment within the time limit after receiving notice under Paragraph 10.
13. 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 bodily injury, (including death) and property damage caused by the construction, maintenance, location, repair or visual obstruction of said Encroachment, with the Town being included as an additional insured as its interest may appear under this Agreement. Grantee shall furnish the Town, without demand, each July a certificate of insurance ("COI") from the insurance carrier or carriers with whom the insurance herein mentioned is carried, evidencing that such insurance is in full force and effect. 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.

14. Notwithstanding Section 15 below, Grantee shall be released from its obligation under this Encroachment Agreement only upon one of the following: (i) If Grantee or the Town removes the Encroachment such that the purpose of the Encroachment becomes obsolete; (ii) the assumption of said obligations by a successor in title to the real property known as the ROW described hereinabove; or (iii) by assumption of said obligations by an incorporated property owners association for **Regency at White Oak Creek Phase 1A Subdivision**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegated and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Agreement.
15. This Encroachment Agreement is binding upon and inures to the benefit of all the parties hereto, their heirs, personal representatives, grantees, assigns, transferees, and successors in interest and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.
16. This Agreement may not be amended, modified, or terminated except by written instrument duly executed by the Parties.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

In witness whereof, the Grantee and Town have executed this instrument under seal as of the date stated above.

GRANTEE

White Oak Creek Homeowners Association, Inc.

By: Edward R. Franchi (SEAL)

Name: Edward R. Franchi

Title: WOC HOA Board President

NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

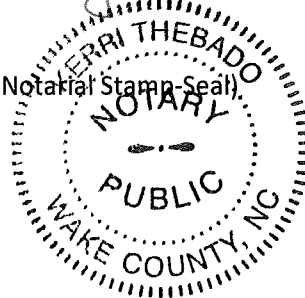
I, Kerri Thebado, a Notary Public of Wake County, North Carolina, certify that Edward R. Franchi, personally came before me this day and acknowledged that he/she is the Board President of White Oak Creek Homeowners Association, Inc. and that he/she, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 18th day of July, 2023.

Kerri Thebado
[Signature of Notary Public]

(Affix Notarial Stamp/Seal)

My Commission Expires: April 30, 2028



TOWN OF APEX

Shawn Purvis, ICMA-CM
Interim Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

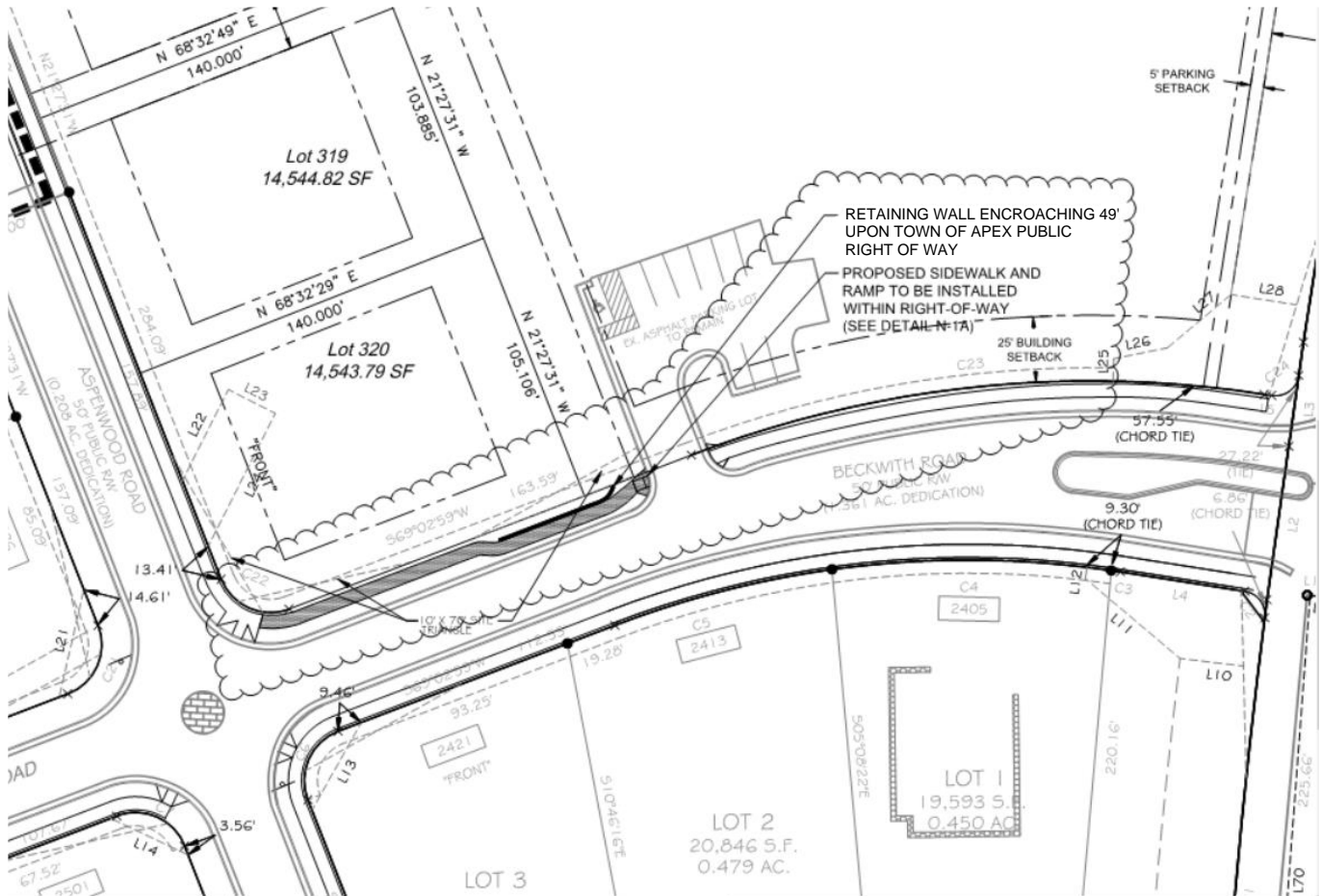
Witness my hand and official stamp or seal, this _____ day of _____, 2023.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

HOA Maintained Retaining Wall in Town Right of Way



- Page 305 -

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Chris Johnson, PE, MPA, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an encroachment agreement between the Town of Apex and property owner Lennar Carolinas, LLC, to install a driveway that will encroach 65 square feet (SF) onto the Public Drainage Easement and 1 square foot (SF) onto the Public Utility Easement and authorize the Interim Town Manager, or their designee, to execute the agreement on behalf of the Town.

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 #0722-23-3613, Book of Maps 2022, Page 01875, lot is also known as 2941 Rise and Shine Road, Apex, NC 27502. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 65 square feet onto the Public Drainage Easement and 1 square foot onto the Public Utility Easement.

Attachments

- CN24-A1: Encroachment Agreement - 2941 Rise and Shine Road
- CN24-A2: Exhibit A - 2941 Rise and Shine Road



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 _____, 2023, 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 #0722-23-3613** by the Wake County Revenue Department and more particularly described as **Lot 541** of the subdivision known as **Smith Farm Phase 4B** as shown on that certain plat recorded in **Book of Maps 2022, Page 01875**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2941 Rise and Shine Road, 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 and a New 5' TOAPUE (Typical) as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement**" and "**Public Utility Easement**," respectively.

WHEREAS, Grantee wishes to install certain improvements more particularly described as a **driveway that will encroach 65 square feet onto the Public Drainage Easement and 1 square foot onto 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 Drainage Easement and 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 Drainage Easement and 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: 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 and 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 Drainage Easement and 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 Drainage Easement and 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 Drainage Easement and 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 Drainage Easement and Public Utility Easement**. The Town shall have the sole discretion to determine the existence of an emergency associated with the condition of the **Public Drainage Easement and 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 by 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:  (SEAL)

Robert Smart
Vice President

NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, Christine Welch, a Notary Public of Wake County, North Carolina, certify that Robert Smart, 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 12 day of July, 2023.


[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: February 16, 2028



TOWN OF APEX

Shawn Purvis, ICMA-CM
Interim Town Manager

(Corporate Seal)

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

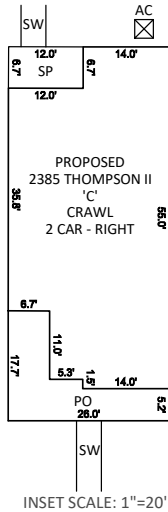
I, _____, a Notary Public of _____
County, North Carolina, certify that Allen Coleman personally came before me this day and acknowledged
that he is the Town Clerk for the Town of Apex, a North Carolina Municipal Corporation, and that by
authority duly given and as the act of the corporation, the foregoing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

Witness my hand and official stamp or seal, this _____ day of _____, 2023.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

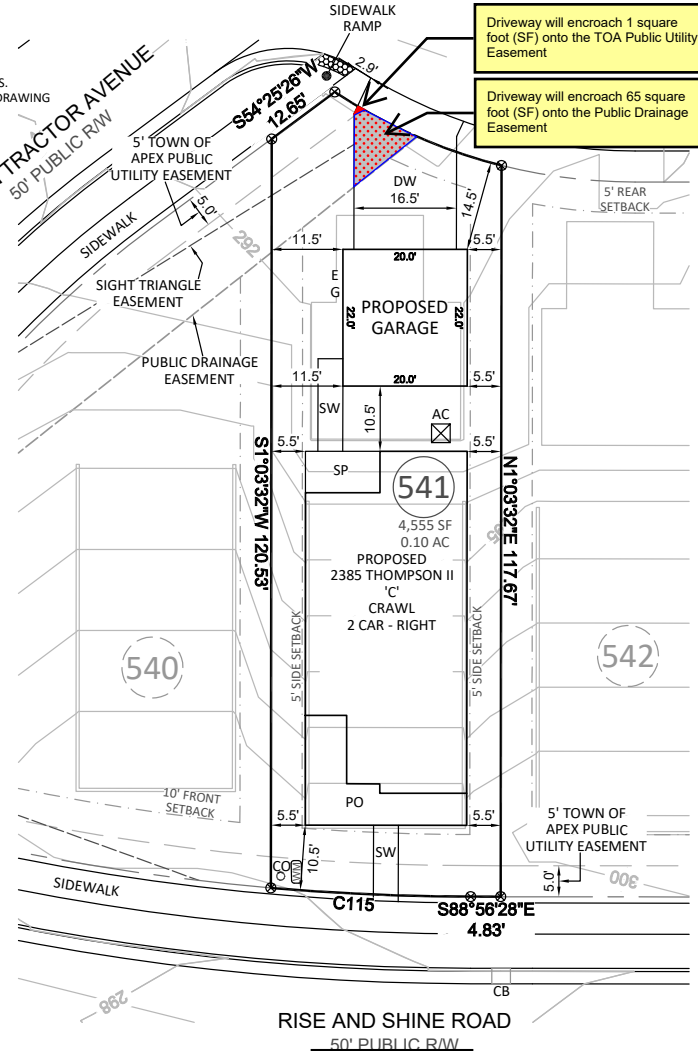


LOT INFORMATION:
PIN: 0722233613
TOTAL LOT AREA = 0.10 AC = 4,555 SF
HOUSE = 1,259 SF
PORCH = 226 SF
SIDEWALKS = 105 SF
DRIVEWAY = 316 SF
SCREENED PORCH = 80 SF
GARAGE = 440 SF
AC PAD = 9 SF
PROPOSED IMPERVIOUS = 2,435 SF
PERCENT IMPERVIOUS = 53.5 %

MUNICIPALITY TO VERIFY FRONT SETBACKS.
SETBACKS TAKEN FROM CONSTRUCTION DRAWING
BUILDING SETBACKS
FRONT - 10'
REAR - 5'
SIDE - 5'
SIDE CORNER - 8'

EXHIBIT A

GREEN TRACTOR AVENUE
50' PUBLIC ROW
5' TOWN OF APEX PUBLIC UTILITY EASEMENT
SIDEWALK
SIGHT TRIANGLE EASEMENT
PUBLIC DRAINAGE EASEMENT

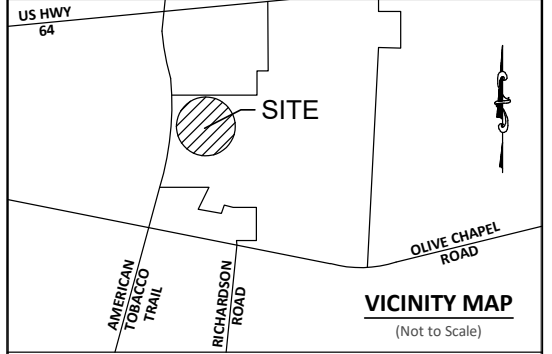


BM 2022, PGS. 1872-1878



Bateman Civil Survey Company

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



NOTE:

THIS 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.

PRELIMINARY PLOT PLAN FOR LENNAR HOMES

SMITH FARM - PHASE 4B - LOT 541
2941 RISE AND SHINE ROAD, APEX, NC
WHITE OAK TWP., WAKE COUNTY

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

REFERENCE: BM 2022, PGS. 1872-1878 BCS# 220305 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Angela Reincke, Parks Planning Project Manager

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to approve a payment of fee-in-lieu of dedication for the Hatcher Property.

Approval Recommended?

Yes

Item Details

The Hatcher Property was rezoned to RR-CZ through case #22CZ12 as revised in case #23CZ09 . This 23.49-acre parcel is located on the north side of Olive Chapel Road just west of the intersection with the American Tobacco Trail and is planned for 23 Single Family detached residential units. Per UDO Section 14.1.2 due to the number of lots proposed, this project is exempt from a review and recommendation by the PRCR Advisory Commission only the payment of fees-in-lieu shall be required. Per UDO Section 14.1.5.A.2. the Town Council shall determine whether to require a dedication of land or payment of a fee-in-lieu. Based on the size of the property, location, and number of units proposed a payment of fees-in-lieu of dedication is recommended with the fee rate set at the time of TRC approval of the Master Subdivision Plan.

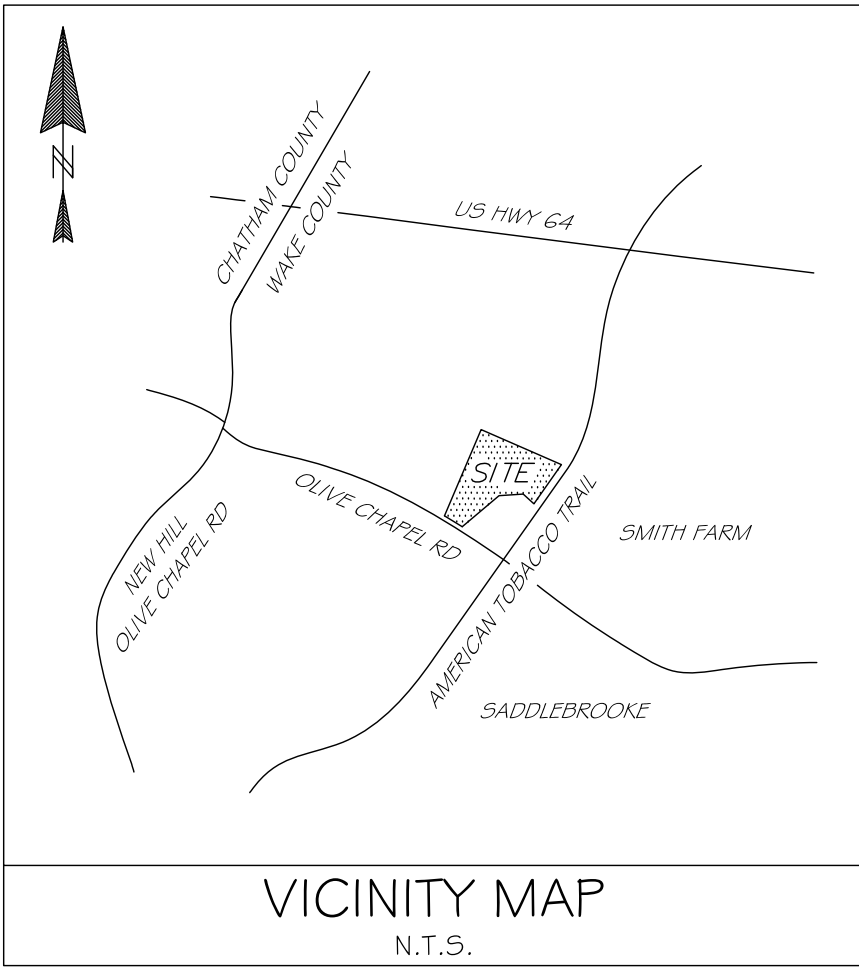
Attachments

- CN25-A1: Master Subdivision Plan - Hatcher Property - Fee-In-Lieu (FIL)



WESTON

MASTER SUBDIVISION PLAN



SITE DATA	
PROJECT NAME	WESTON MASTER SUBDIVISION PLAN
PREPARED BY CONTACT INFORMATION	JONES & CROSSEN ENGINEERING, PLLC P.O. BOX 1062 APEX, NORTH CAROLINA 27502 PHONE - (919) 387-1174 FAX - (919) 387-3375 CONTACT PERSON - PATRICK L. KIERNAN
OWNER / DEVELOPER CONTACT INFORMATION	JVI DEVELOPMENT 1600 OLIVE CHAPEL ROAD, SUITE 400 APEX, NC 27502 PHONE - (919) 387-8846 CONTACT PERSON - JOEY IANNONE
CURRENT ZONING	RR-CZ
CURRENT 2045 LAND USE MAP DESIGNATION	RURAL TRANSITION RESIDENTIAL
ZONING CASE NUMBER	#22CZ12 & #23CZ09
ANNEXATION NUMBER	735
WAKE COUNTY PIN(s)	0722-01-1613
TOTAL PROJECT AREA	23.49 ACRES
MAXIMUM DENSITY	1.0 UNITS/ACRE
MAXIMUM NUMBER OF LOTS	23 LOTS
PROPOSED RESIDENTIAL LOTS	23 LOTS
MINIMUM AVERAGE LOT SIZE	1/2 ACRE
MAXIMUM BUILDING HEIGHT	40' (3 STORIES)
TOTAL RCA / BUFFER AREA REQUIRED	N/A
MAXIMUM BUILT UPON AREA	14.09 AC. (60%)
ESTIMATED BUILT UPON AREA	5.0 AC.
PUBLIC RECREATION REQUIREMENT	23 SINGLE FAMILY DETACHED UNITS @ \$4,016.66=\$92,383.18
PRCR ADVISORY COMMISSION MEETING DATE	N/A
WATERSHED INFORMATION	PRIMARY; JORDAN LAKE PROTECTED AREA
FEMA FLOODPLAIN INFORMATION	MAP #3720071200L (DATED JULY 19, 2022) & MAP #3720072200K (DATED JULY 19, 2022) - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN.
SMALL TOWN CHARACTER OVERLAY DISTRICT	NO
HISTORIC STRUCTURE?	NO
PUBLIC GREENWAY TRAIL CONSTRUCTION?	NO
APEX BUFFER DETERMINATION	WC 22-001
CENTROID	(35.7328, -78.9322)
SANITARY SEWER CAPACITY REQUEST	23 SINGLE FAM./TOWNHOME UNITS @ 300 GAL/DAY=6,900 GAL/DAY

STANDARD SPECIFICATIONS & STANDARD DETAILS
VERSION: FEBRUARY 28, 2023

MINIMUM BUILDING SETBACKS (SINGLE FAMILY)	
FROM BUFFER/RCA	10' FOR BUILDINGS, 5' FOR PARKING
FRONT	25'
REAR	25'
SIDE	20' AGG. TOTAL / 8' MIN.
CORNER SIDE	15'

SHEET INDEX	
1	COVER SHEET
2	ZONING CONDITIONS
3	OVERALL LAYOUT PLAN
4	PRELIMINARY LOT LAYOUT PLAN
5	EXISTING CONDITIONS PLAN
6	PRELIMINARY GRADING & DRAINAGE PLAN
7	PRELIMINARY UTILITY PLAN
8	STAGING & DEMOLITION PLAN
9	NOTES & DETAILS SHEET
LA-1	LANDSCAPE PLAN
LA-2	LANDSCAPE DETAILS

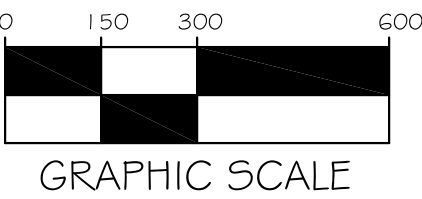
SEWER CAPACITY NOTE:
THIS PROJECT PROPOSES APPROXIMATELY 6,900 GAL/DAY
OF WASTEWATER FLOW (23 LOTS @ 300 GAL/DAY).

GRADING NOTE:
THIS PROJECT WILL BE STAGE GRADED. PER THE UDO
DEFINITION FOR STAGED GRADING, 50% OR LESS OF THE
LOTS WILL BE GRADED DURING THE INITIAL GRADING PHASE.

DRAINAGE NOTE:
90% OF PRE-DEVELOPMENT DRAINAGE AREAS TO BE
PRESERVED IN THEIR NATURAL BASINS.

RCA NOTE:
THIS PROJECT IS EXEMPT FROM PROVIDING RCA PER UDO
SEC. 8.1.2.C.3 LOW DENSITY SINGLE-FAMILY RESIDENTIAL
DEVELOPMENTS (MAXIMUM OF TWO DWELLING UNITS PER
GROSS ACRE); LOW DENSITY SINGLE-FAMILY RESIDENTIAL
DEVELOPMENTS WITH A MAXIMUM OF TWO (2) DWELLING
UNITS PER GROSS ACRE SHALL BE EXEMPT FROM SEC. 8.1
RESOURCE CONSERVATION.

PRELIMINARY PLANS
NOT FOR CONSTRUCTION



WESTON
MASTER SUBDIVISION PLAN
TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA
COVER SHEET

SCALE	1"=300'	DRAWN	PLK
DATE	MAY 1, 2023		
REVISION	7/6/2023	PER TRC	
SHEET	1		
PROJECT	2112		

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

221 N. SALEM ST.
SUITE 001
PO BOX 1062
APEX, NC 27502
Office: 919-387-1174
Registration: P-0151
www.jonescrossen.com

FOR
REVIEW
ONLY

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Taylor Wray, Cultural Arts Center Manager

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to approve an Ordinance Amendment amending Chapter 14 -Section 14 of the Code of Ordinances for the Town of Apex, as it pertains to alcohol at special events.

Approval Recommended?

Yes

Item Details

Staff is recommending that this amendment be approved as it pertains to alcohol at special events.

Attachments

- CN26-A1: Ordinance Amendment - Alcohol Consumption



ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND SECTION 14-14 OF THE
CODE OF ORDINANCES OF THE TOWN OF APEX

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

Section 1. Subsection (e) of section 14-14 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text, and deletions shown as struck-through text:

Sec. 14-14. – Consumption and possession of open containers of malt beverages and unfortified wine prohibited on public streets and municipal property.

- (e) ~~Exemption for Possession during special events prohibited.~~ The consumption of malt beverage and unfortified wine and the possession of an open container of the same, during a special event for which alcohol service has been approved by the Town and within such area(s) designated for alcohol possession and consumption, shall be exempt from subsections 14-14(b) and (c) if the service of such malt beverage or unfortified wine is pursuant to a valid ABC permit and in conformity with the ABC laws. ~~It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events. The prohibition stated in this subsection 14-11(e) applies to, among other areas, downtown sidewalk food service tables.~~

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. **Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. **Effective Date.** This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2023.

Attest:

TOWN OF APEX, NORTH CAROLINA

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell Dalton, P.E. Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an Ordinance Amendment to Chapter 20 Traffic - Section 61 subsection (a) with the addition of part (3) prohibiting U-turns along Laura Duncan Road from 300 feet south of the intersection at US 64 to the southernmost Apex High School driveway, both directions of travel.

Approval Recommended?

Yes

Item Details

These restrictions are to enforce No U-turns along both directions of Laura Duncan Road primarily related to Apex High School carpool pick-up/drop-off traffic patterns for the high school frontage, extending from the start of the left turn median crossover for the Primrose driveway (300 feet south of US 64) to the southernmost high school driveway, in the interest of public safety.

Attachments

- CN27-A1: Ordinance - Chapter 20 Traffic - Section 61(a) - Laura Duncan Rd, No U-turns
- CN27-A2: Map - Ordinance Amendment - Chapter 20 Traffic - Section 61(a) - Laura Duncan Rd, No U-turns



ORDINANCE NO. 2023-_____

**AN ORDINANCE TO AMEND SECTION 20-61(a) OF THE CODE OF ORDINANCES
OF THE TOWN OF APEX**

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

Subsection (a) of Section 20-61 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with the additions shown as bold underlined text:

Sec. 20-61. – Turn signs, lane markers, etc.

(a) Whenever signs are placed, erected or installed as designated below indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. Intersection approaches designated in this section shall have restricted turning movements at hours specified or at all hours if not specified.

(3) Along Laura Duncan Road, No U-turn permitted at any point from 300 feet south of the intersection at US 64 to the southernmost Apex High School driveway, both directions of travel.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2023.

{Signatures on the following page}

Attest:

TOWN OF APEX, NORTH CAROLINA

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney

Ordinance Amend 20-61(a), Laura Duncan Road No U-turns, 300 feet south of US 64 to Southernmost Apex High School Driveway, Both Directions



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell Dalton, P.E., Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development (for Apex Fire Department)

Requested Motion

Motion to approve Ordinance Amendment for Chapter 20 Traffic - Section 164 subsection (38) with the allowance of parking along the inside tangent curb lines of the landscaped medians of Sunny Creek Lane and Windy Creek Lane, addition of subsection (40) prohibiting parking along the east and south side of Evening Star Drive for its entire length, and addition of subsection (41) prohibiting parking along the west side of Homestead Park Drive from Olive Chapel Road to Evening Star Drive, along the north side of Homestead Park Drive from Evening Star Drive to the Homestead Park Drive loop, and along the inner curb line for the entire length of the Homestead Park Drive loop.

Approval Recommended?

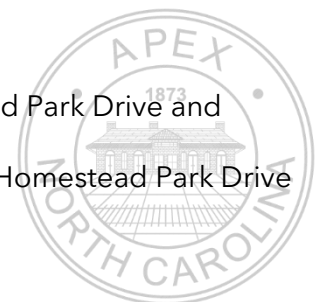
Yes (for Apex Fire Department)

Item Details

Apex Fire Department has received resident inquiries concerning access for emergency vehicles to residences located along and accessed by Evening Star Drive and Homestead Park Drive. Upon investigation by the Deputy Fire Marshal and subsequent outreach to the community HOA(s) to notify residents and gather feedback, amendments to the parking ordinances are proposed to limit parking to one side of the street along both Evening Star Drive and Homestead Park Drive. Additionally, staff recommend restoring some areas of parking along Windy Creek Lane and Sunny Creek Lane identified as a request during the community outreach, where it is currently restricted on both sides of those streets in subsection (38), to offset the loss of parking from the proposed restriction along Evening Star Drive.

Attachments

- CN28-A1: Ordinance No. 2023 - Chapter 20 Traffic - Section 164 - Homestead Park Drive and Evening Star Drive; No Parking
- CN28-A2: Map - Ordinance Amendment - Chapter 20 Traffic - Section 164 - Homestead Park Drive and Evening Star Drive; No Parking



ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND SECTION 20-164 OF THE CODE OF ORDINANCES OF
THE TOWN OF APEX

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

Section 1. Section 20-164 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text:

Sec. 20-164. – No parking zones.

(38) Along both sides of Sunny Creek Lane and Windy Creek Lane, **except along the inside tangent curb lines of the landscaped medians,** north and south of Evening Star Drive.

(40) Along the east and south side of Evening Star Drive for its entire length.

(41) Along the west side of Homestead Park Drive from Olive Chapel Road to Evening Star Drive, along the north side of Homestead Park Drive from Evening Star Drive to the Homestead Park Drive loop, and along the inner curb line for the entire length of the Homestead Park Drive loop.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2023.

Attest:

TOWN OF APEX, NORTH CAROLINA

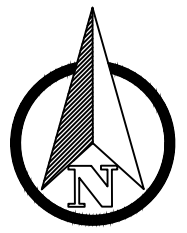
Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney

August 2023 - Proposed Parking Restrictions



TOWN OF APEX

TRANSPORTATION &
INFRASTRUCTURE
DEVELOPMENT
105-B UPCHURCH ST
APEX, NC 27502

PROJECT REFERENCE NO.
HOMESTEAD PARK

SHEET NO.
1



**PRELIMINARY
DO NOT USE
FOR
CONSTRUCTION**



Proposed
Restriction



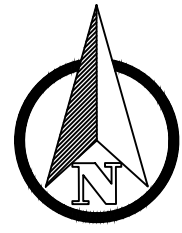
Existing
Restriction



Proposed
Allowance



Homestead Park - Parking Sign Plan



TOWN OF APEX
TRANSPORTATION &
INFRASTRUCTURE
DEVELOPMENT
105-B UPCHURCH ST
APEX, NC 27502

PROJECT REFERENCE NO.
HOMESTEAD PARK

SHEET NO.
2

PRELIMINARY
DO NOT USE
FOR
CONSTRUCTION



Sign Symbol Quantity (Total)

R7-1L



3

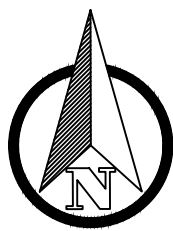
R7-1L/R



10

LOCATIONS OF SIGNS ARE APPROXIMATE.
PLACE SIGNS IN BETWEEN LOT LINES
WHERE DWELLINGS FRONT STREET.

Creekside - Parking Sign Plan



TOWN OF APEX

TRANSPORTATION &
INFRASTRUCTURE
DEVELOPMENT
105-B UPCHURCH ST
APEX, NC 27502

PROJECT REFERENCE NO.
HOMESTEAD PARK

SHEET NO.
2



**PRELIMINARY
DO NOT USE
FOR
CONSTRUCTION**



Sign Symbol Quantity (Total)

R7-1L



L

3

R7-1R



R

3

R7-1L/R



P

13

LOCATIONS OF SIGNS ARE
APPROXIMATE. PLACE SIGNS IN
BETWEEN LOT LINES WHERE
DWELLINGS FRONT STREET.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Russell Dalton, P.E. Traffic Engineering Manager

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve an Ordinance Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances in accordance with the provisions of Chapter 20 Traffic - Section(s) 60.1, 68, 69, - 70.

Approval Recommended?

Yes

Item Details

The lists of stop control intersections (identified as Traffic Schedule I) and yield control intersections (identified as Traffic Schedule II) are proposed for an update to include:

- Remove stop at the intersection of ZENO ROAD/BEAVER CREEK COMMONS DRIVE (replaced by traffic signal). Remove stop at the intersection of MYNSTER DRIVE/HILLMAN BEND and replace with all-way yield for existing mini-circle per approved plans (inventory update).
- Addition/modification of stop signs to match existing conditions at various locations as included in previously approved subdivision plans (inventory update).
- Addition/modification of yield signs to match existing conditions at various locations as included in previously approved subdivision plans (inventory update).

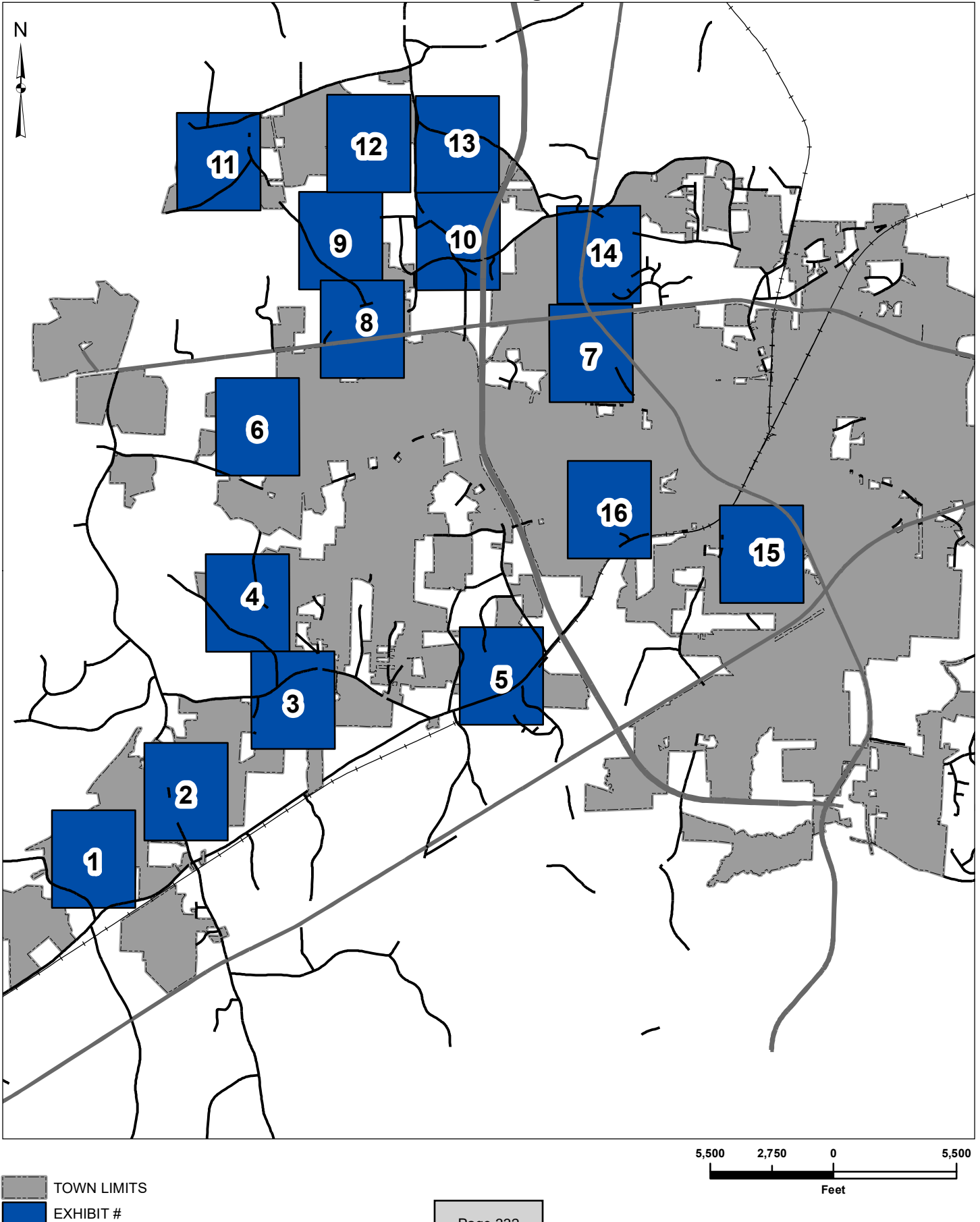
Stop and yield sign locations are based on GPS data collected by the Public Works department. Data is routinely collected and updates to the Traffic Schedules are proposed every 6 to 12 months.

Attachments

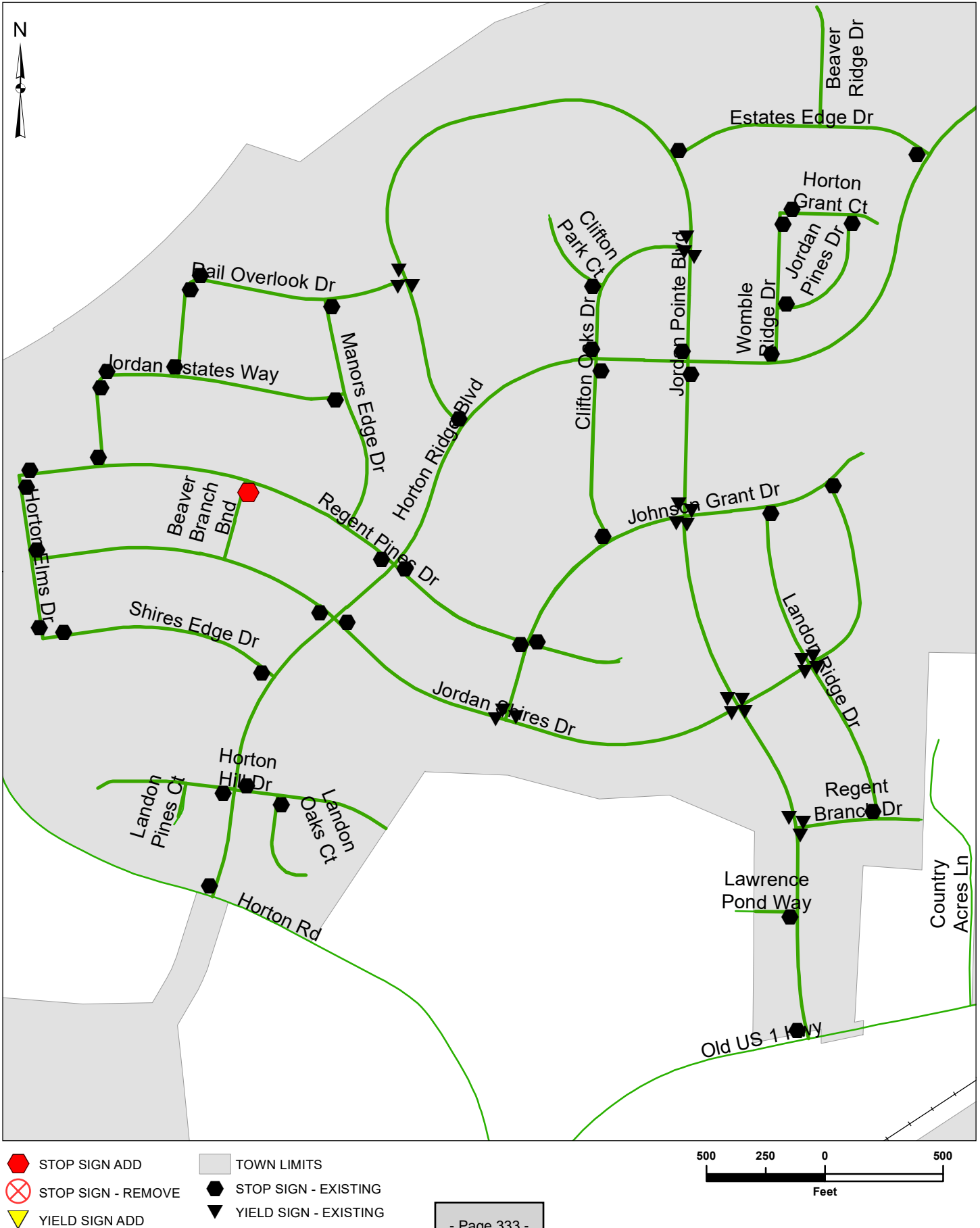
- CN29-A1: Map and Exhibits - Ordinance Amendment - Traffic Schedules I & II, Stop & Yield Updates
- CN29-A2: Ordinance No. 2023 - Traffic Schedules I & II, Stop & Yield Updates
- CN29-A3: Traffic Schedule I (Stop) List of Amended Locations - Ordinance Amendment - Traffic Schedules I & II, Stop & Yield Updates
- CN29-A4: Traffic Schedule II (Yield) List of Amended Locations - Ordinance Amendment - Traffic Schedules I & II, Stop & Yield Updates



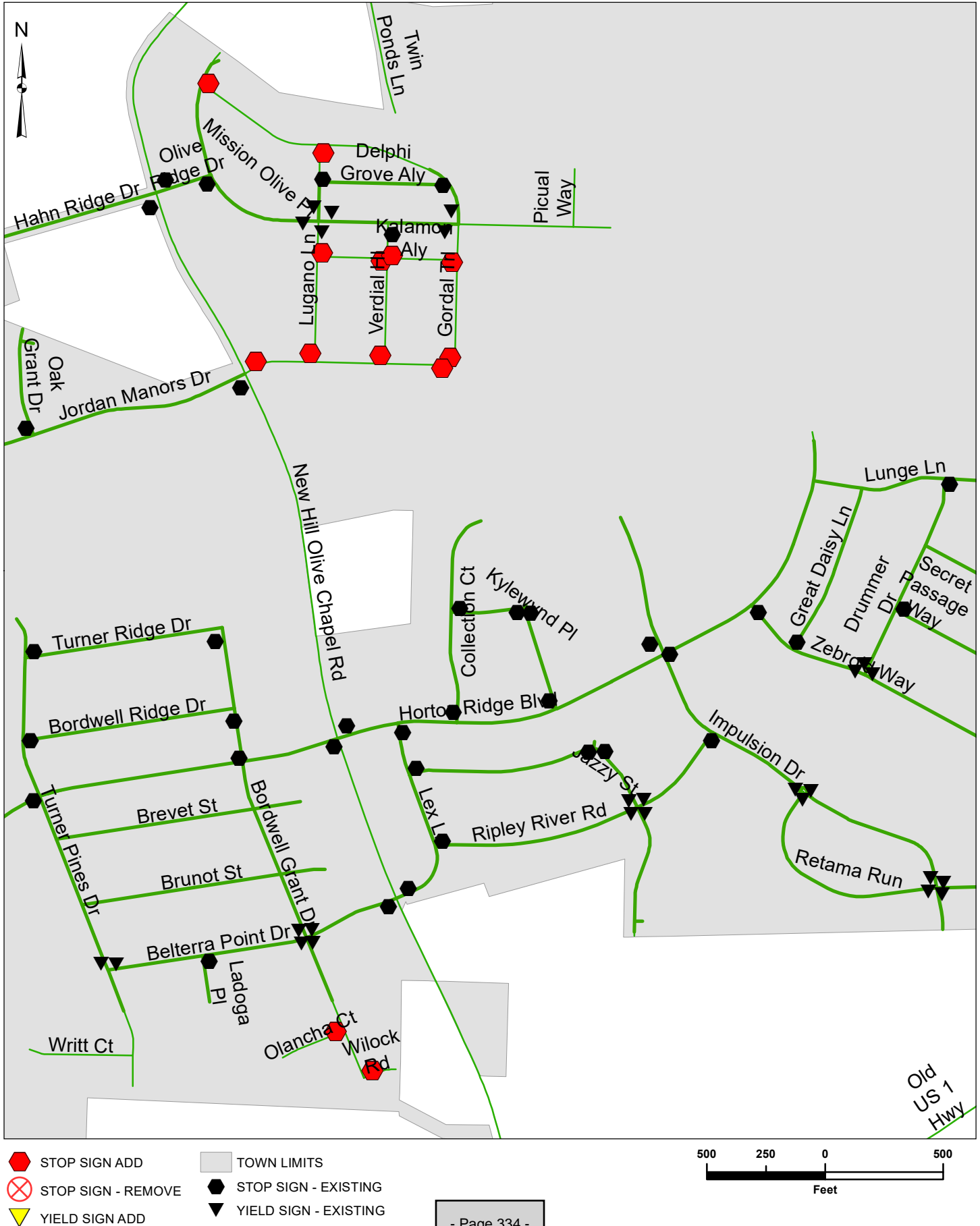
Traffic Schedule I & II
Stop & Yield Intersections
Cover Page



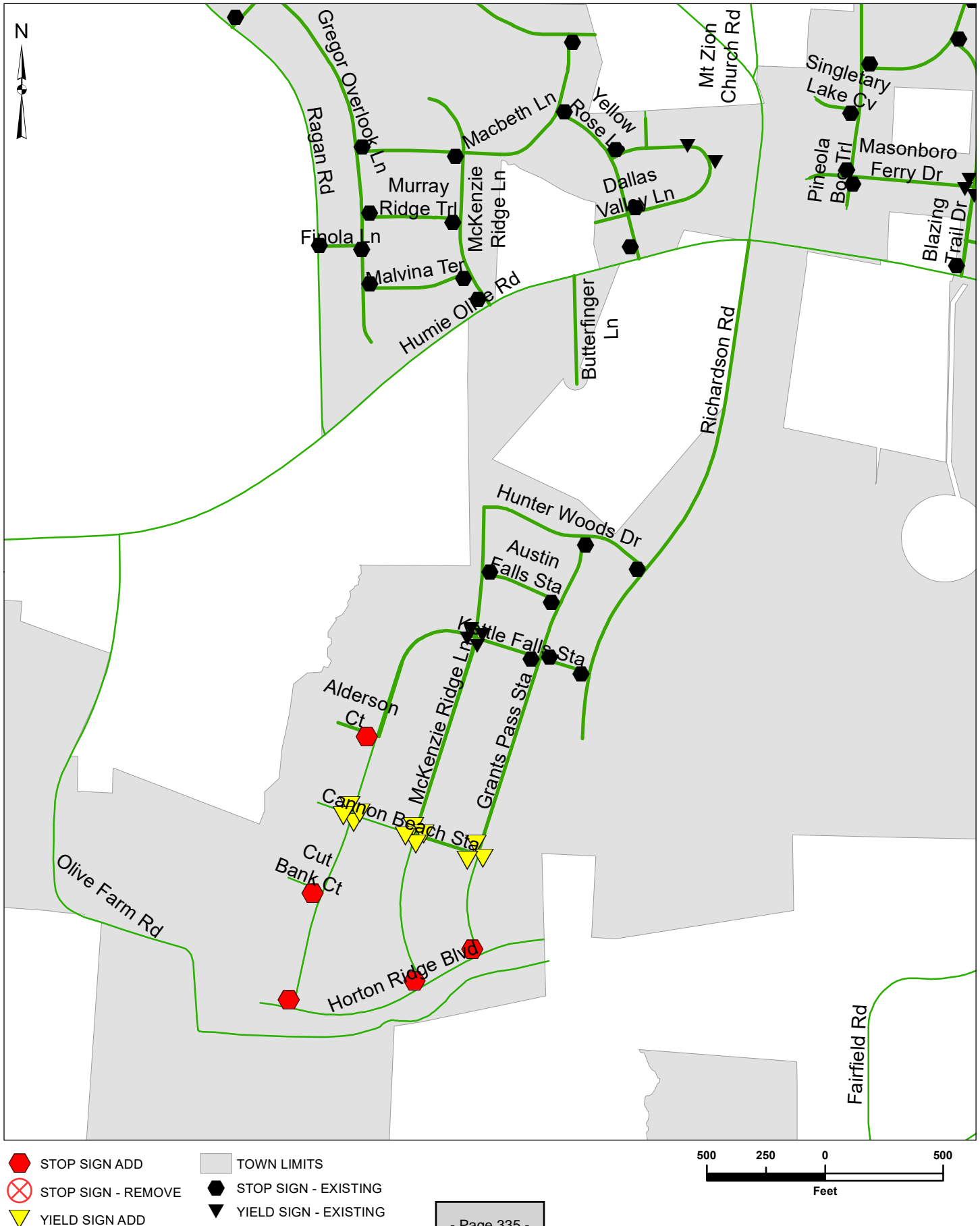
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 001



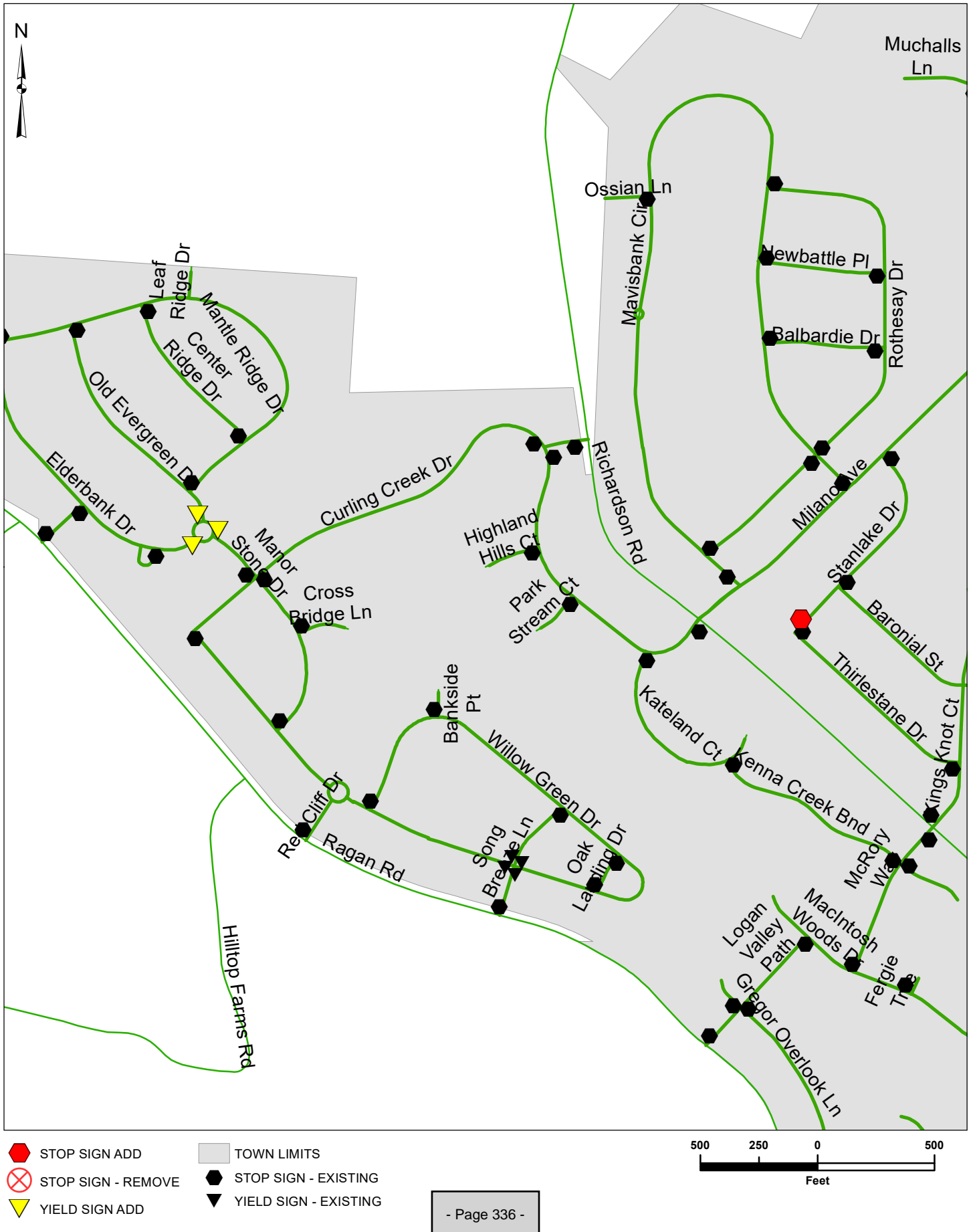
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 002



Traffic Schedule I & II **Stop & Yield Intersections** **EXHIBIT 003**



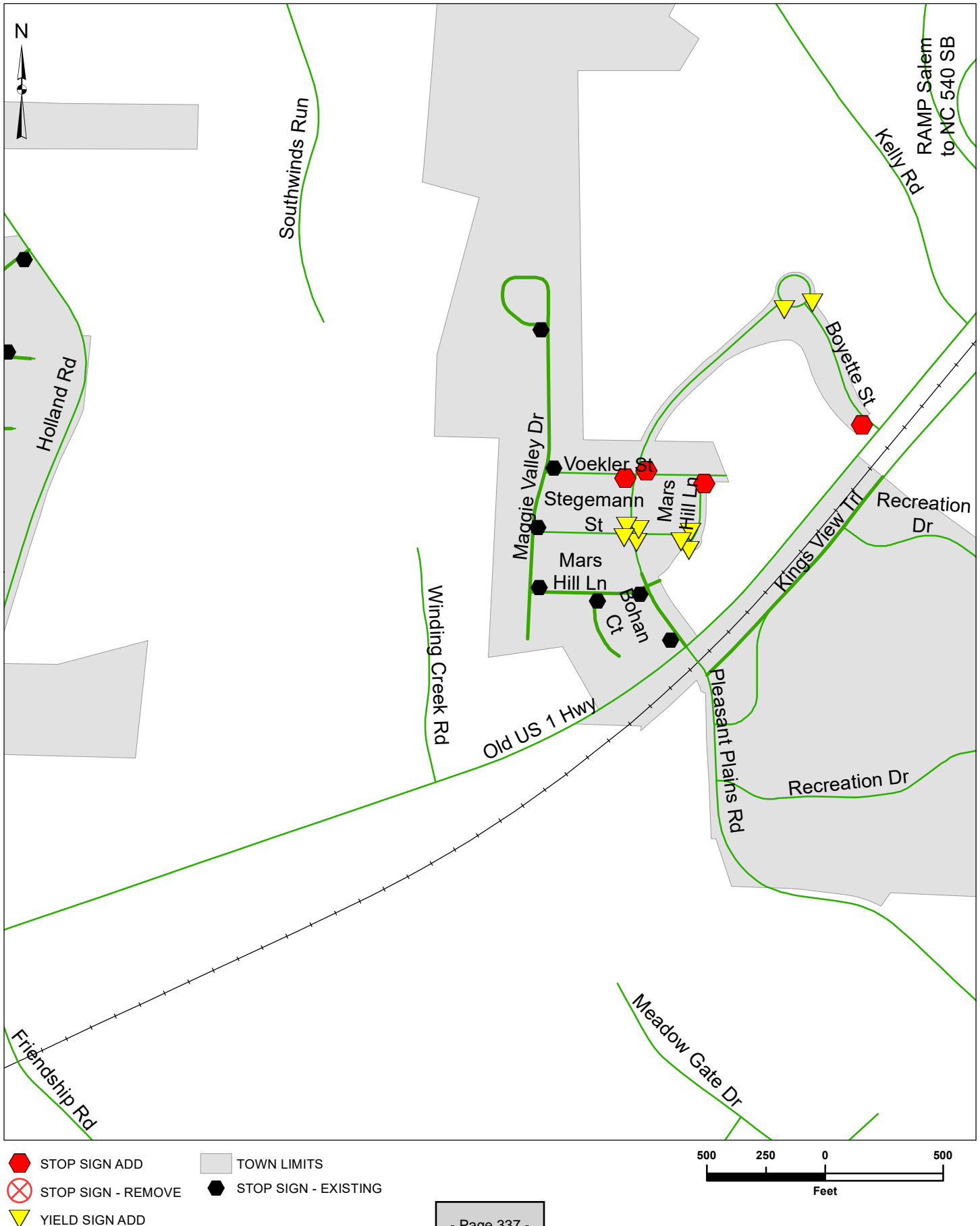
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 004



Traffic Schedule I & II

Stop & Yield Intersections

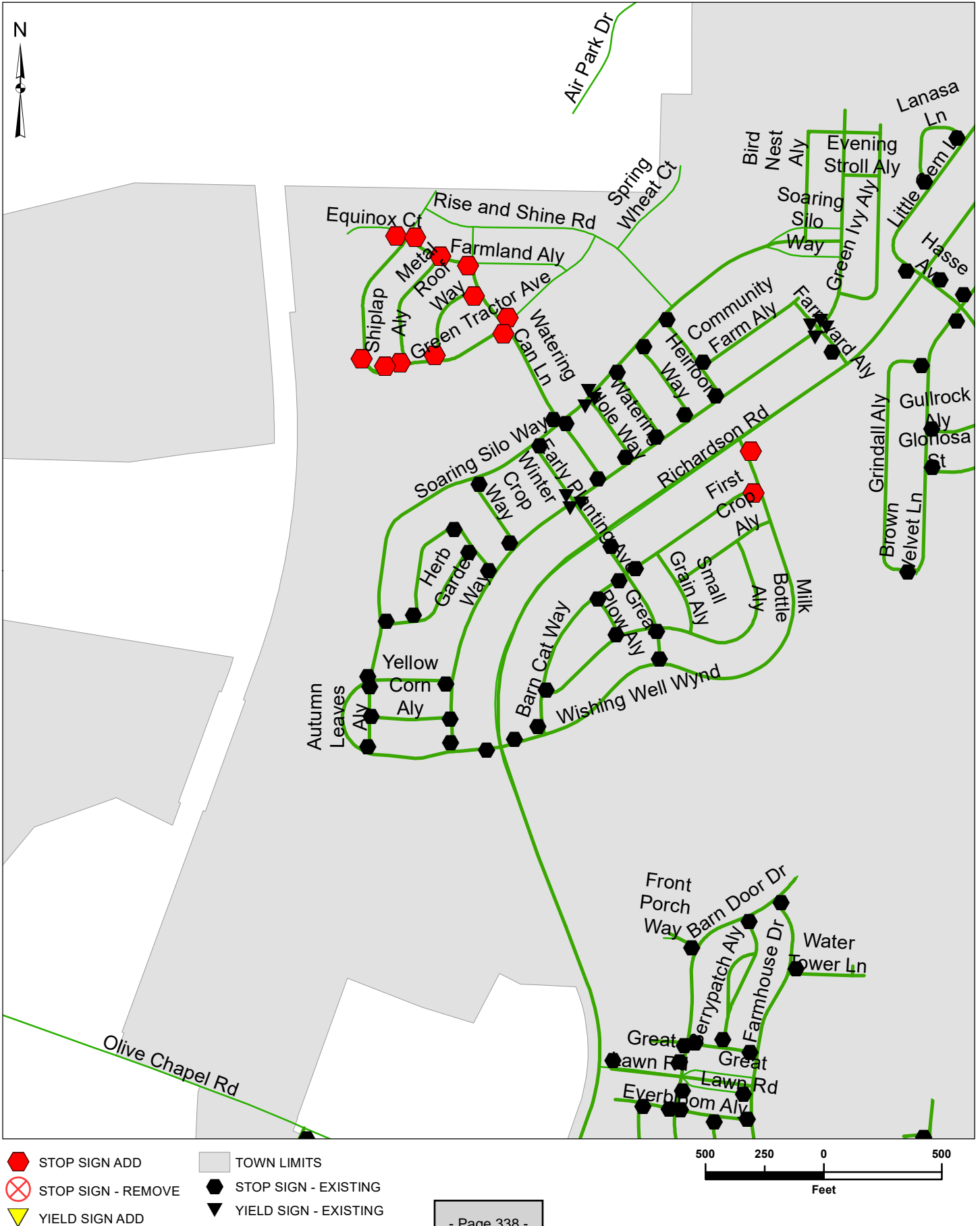
EXHIBIT 005



Traffic Schedule I & II

Stop & Yield Intersections

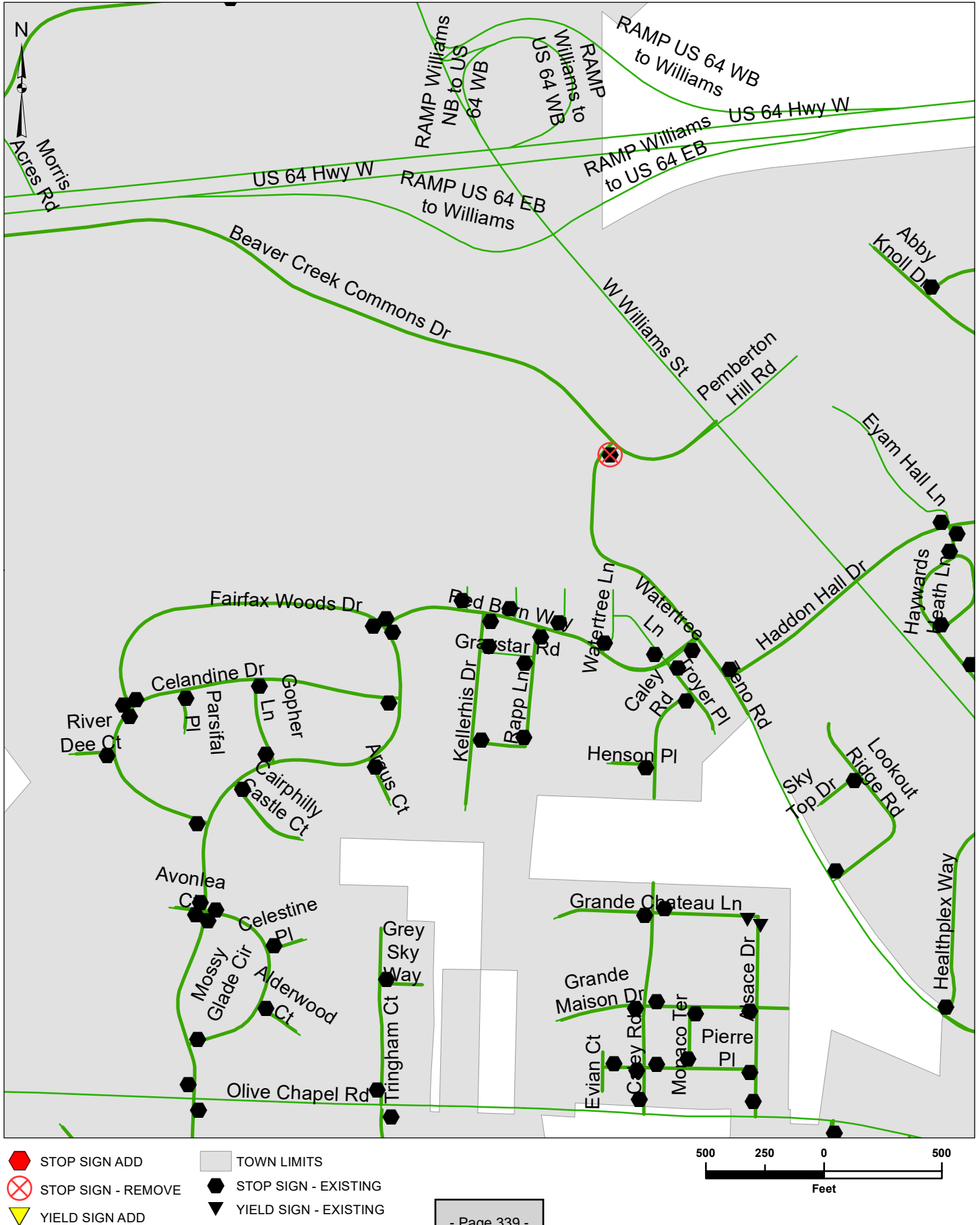
EXHIBIT 006



Traffic Schedule I & II

Stop & Yield Intersections

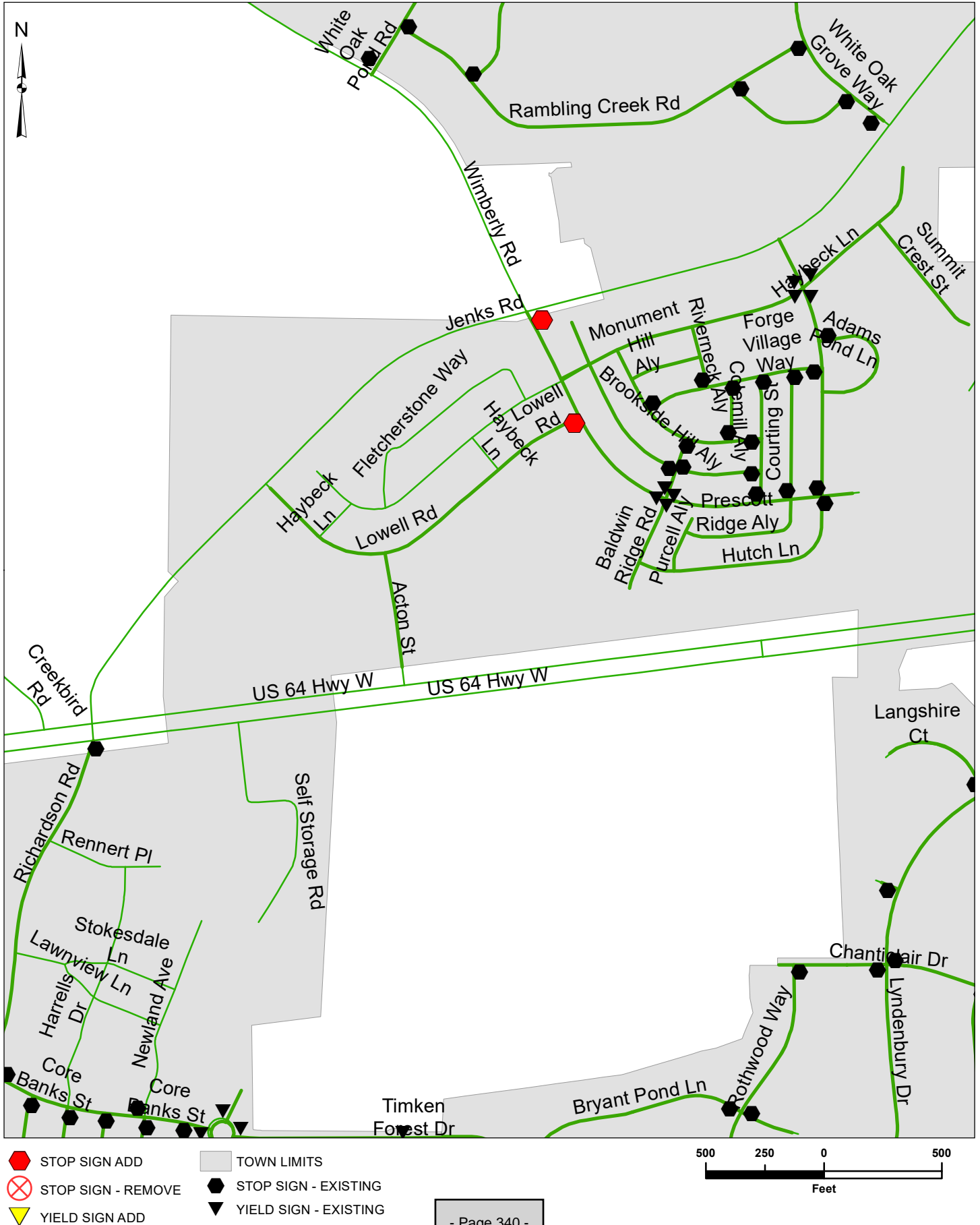
EXHIBIT 007



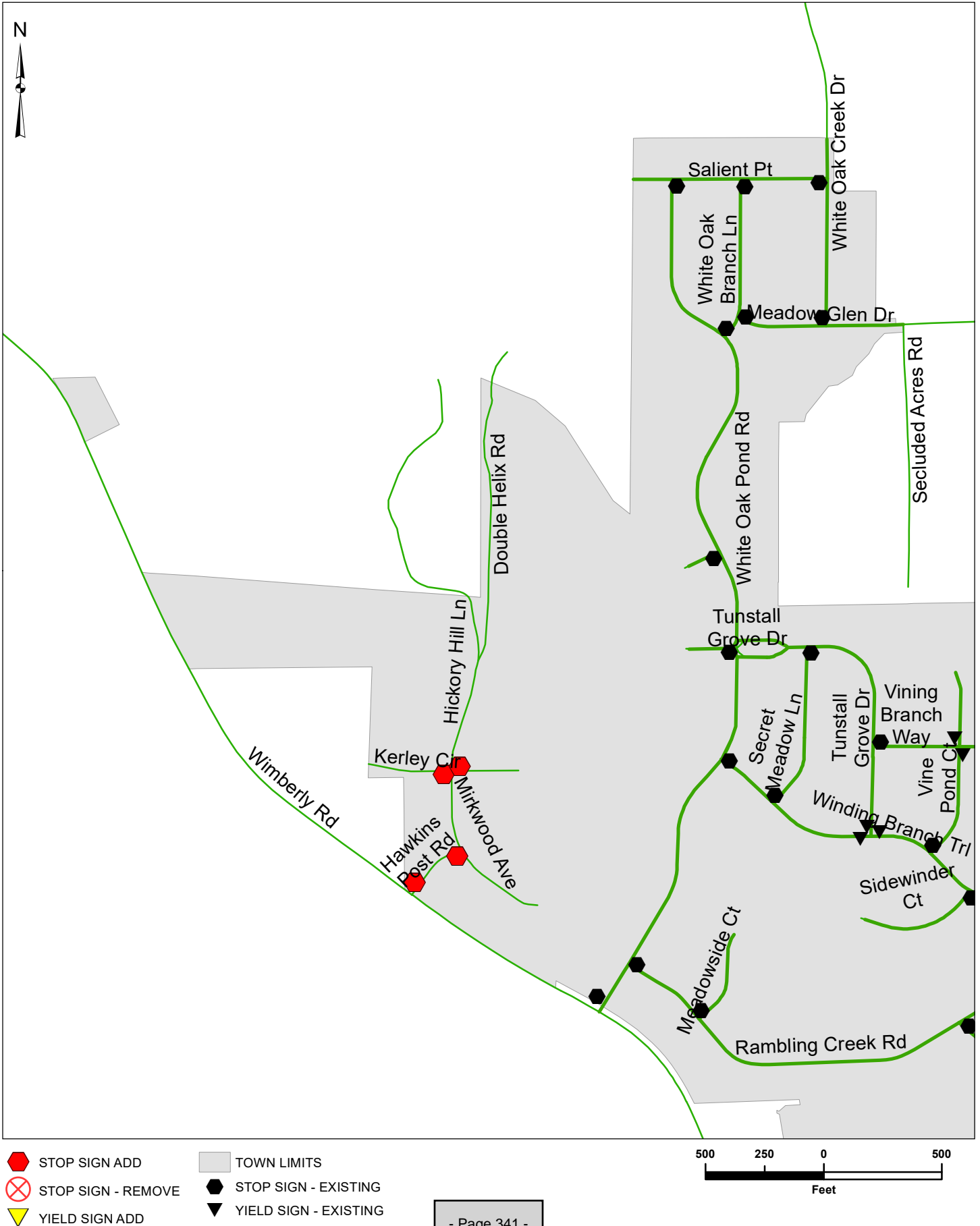
Traffic Schedule I & II

Stop & Yield Intersections

EXHIBIT 008



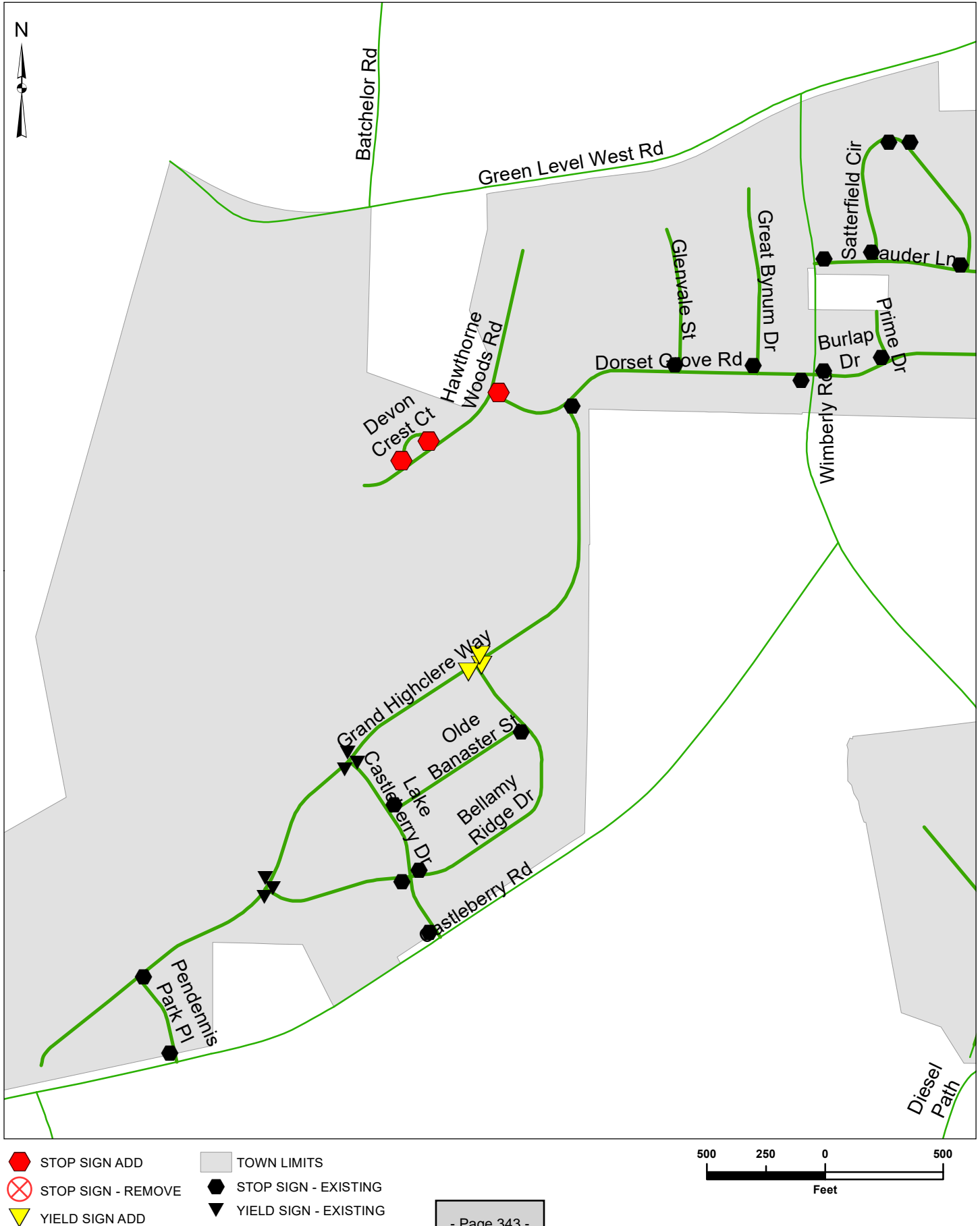
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 009



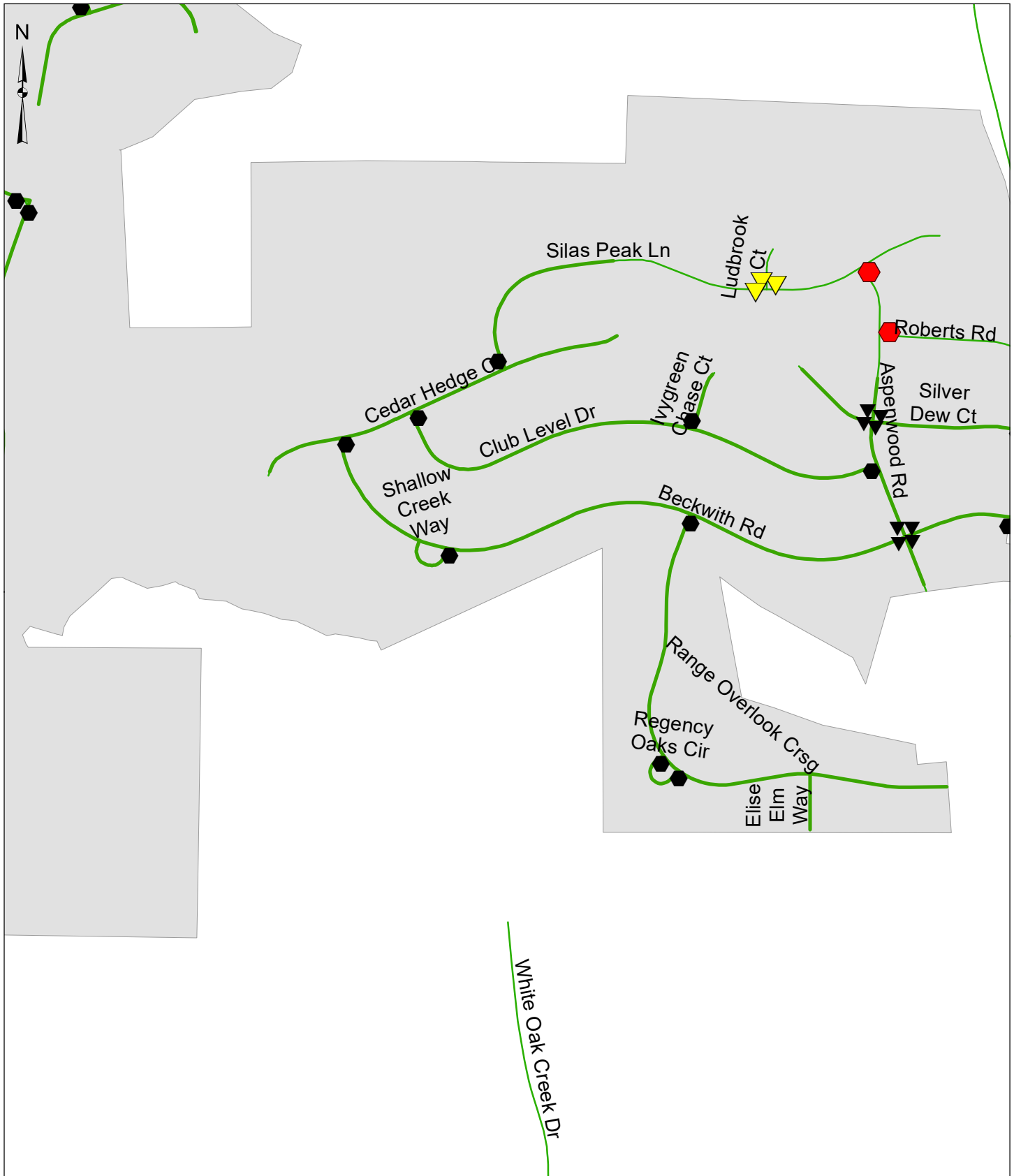
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 010









Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 011



Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 012



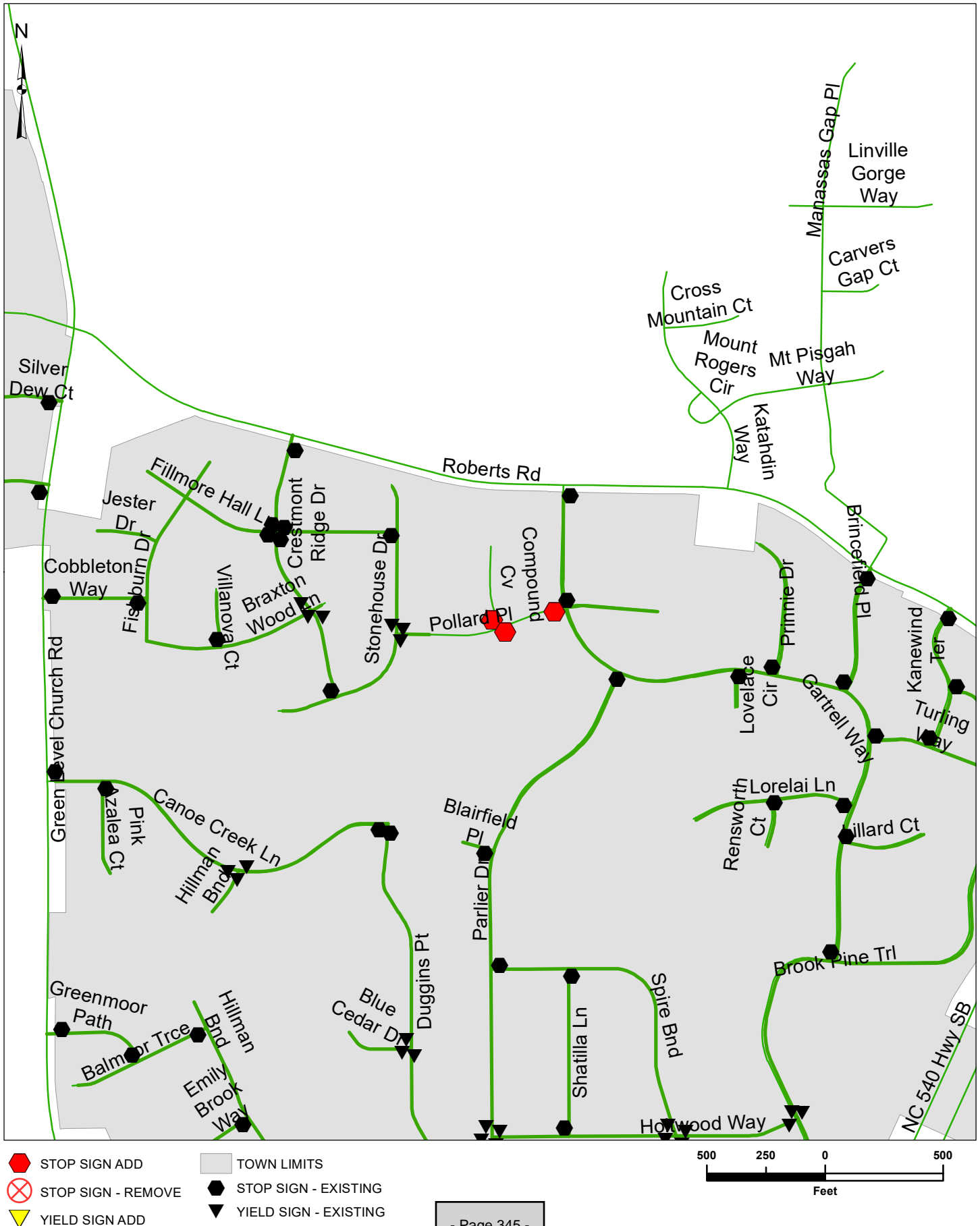
- | | |
|--|---|
|  STOP SIGN ADD |  TOWN LIMITS |
|  STOP SIGN - REMOVE |  STOP SIGN - EXISTING |
|  YIELD SIGN ADD |  YIELD SIGN - EXISTING |



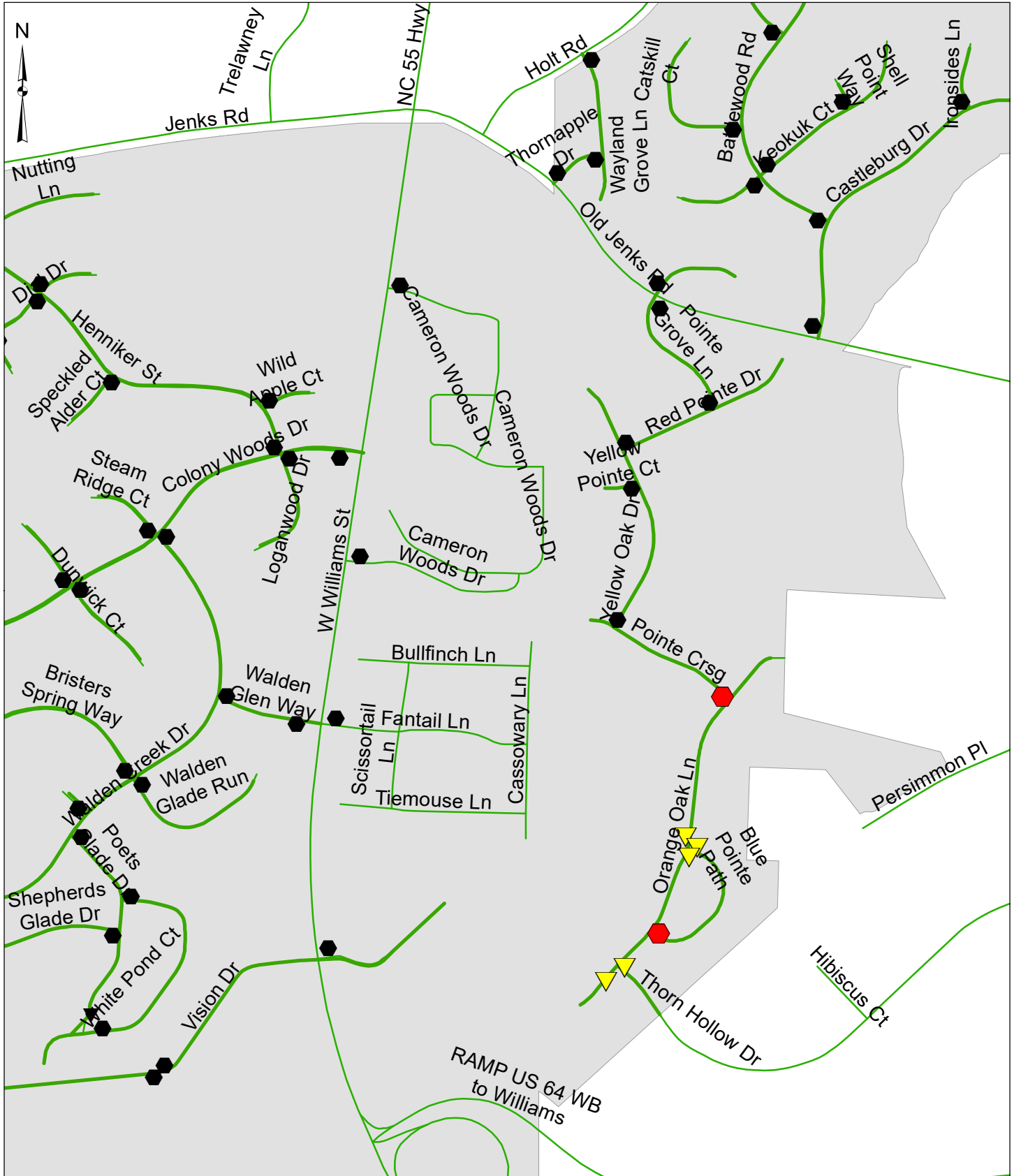
Traffic Schedule I & II

Stop & Yield Intersections

EXHIBIT 013

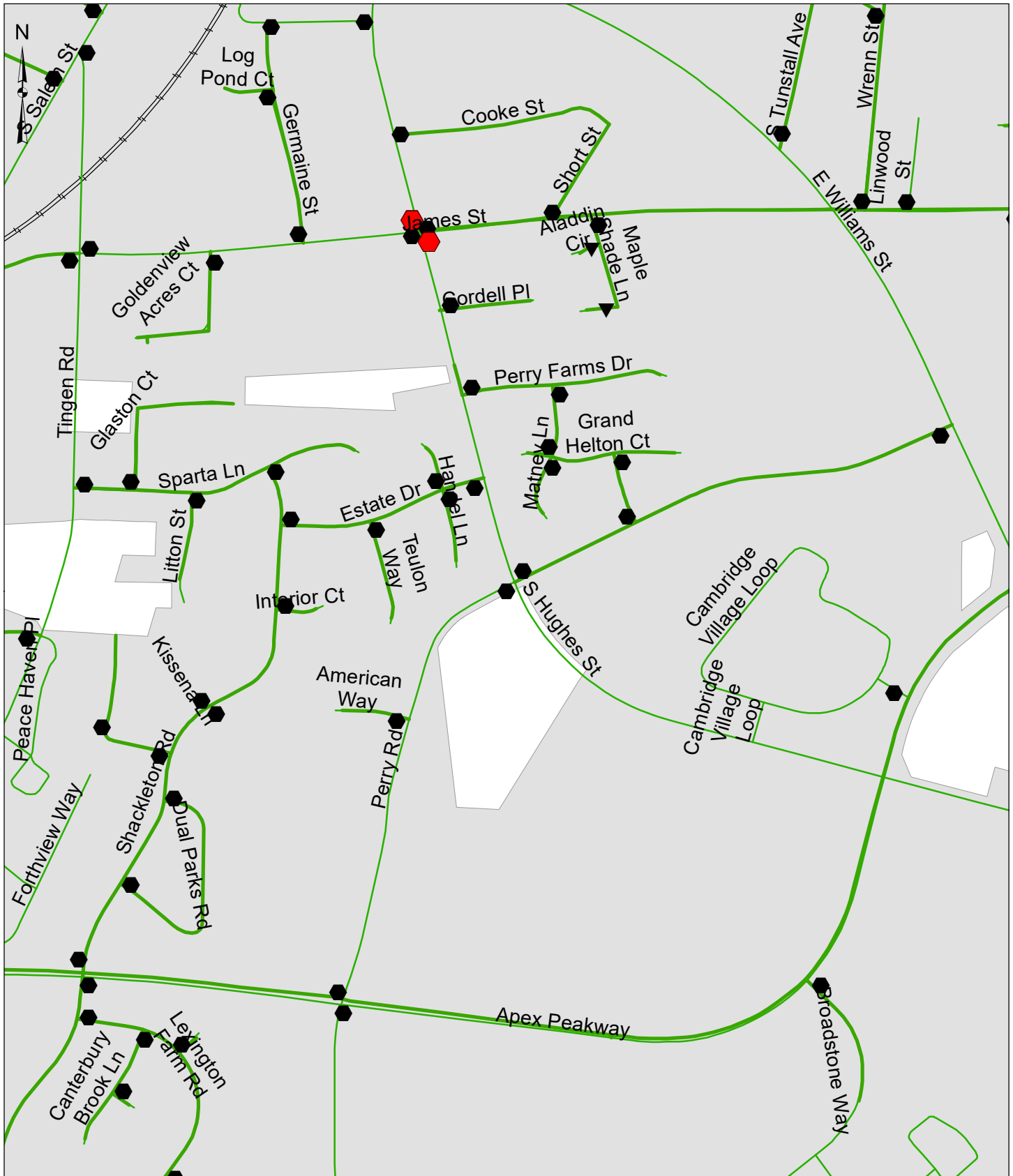


Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 014

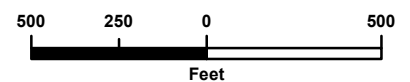


- | | | | |
|--|--------------------|--|-----------------------|
| | STOP SIGN ADD | | TOWN LIMITS |
| | STOP SIGN - REMOVE | | STOP SIGN - EXISTING |
| | YIELD SIGN ADD | | YIELD SIGN - EXISTING |

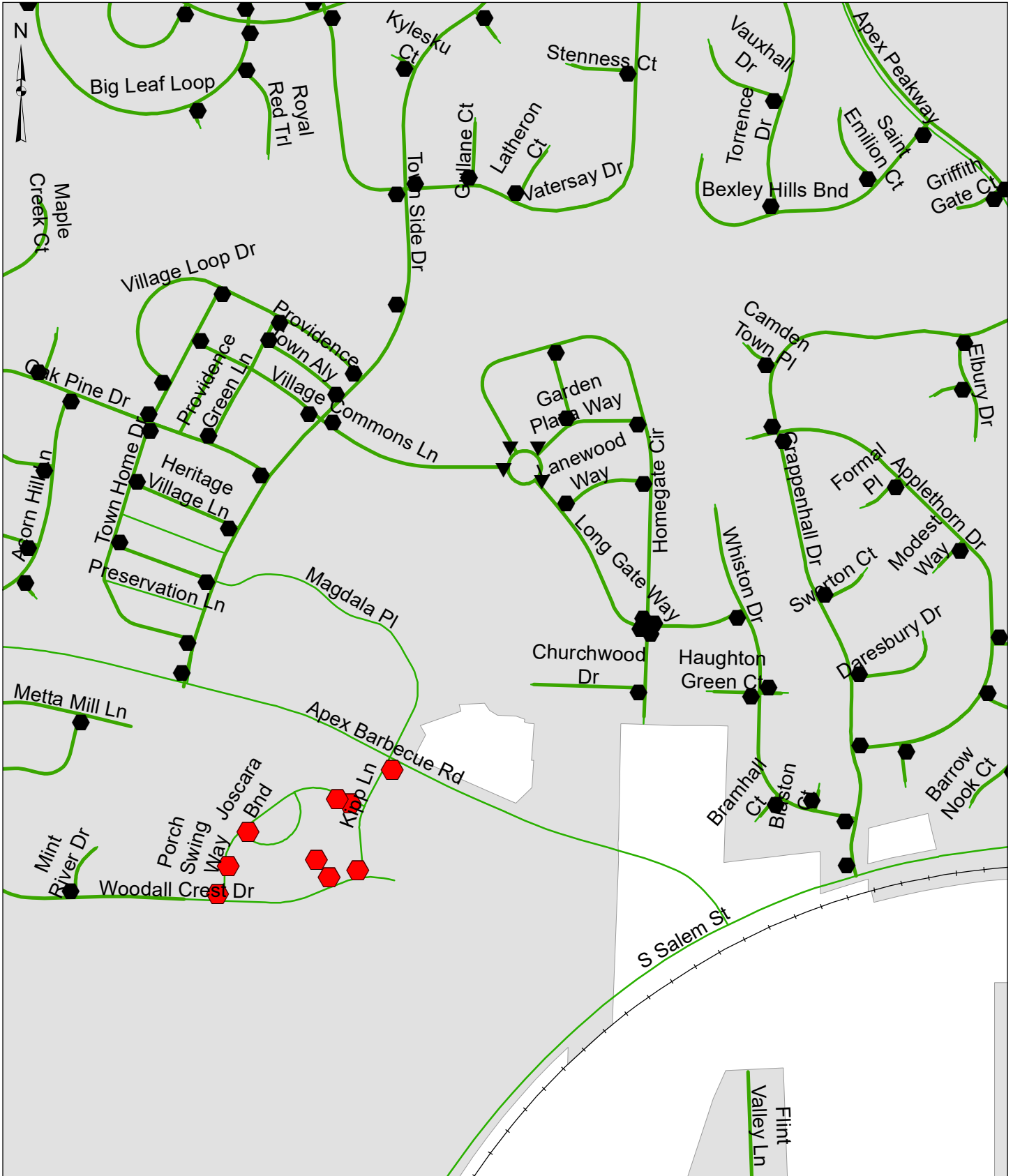
Traffic Schedule I & II Stop & Yield Intersections EXHIBIT 015



- STOP SIGN ADD
- ⊗ STOP SIGN - REMOVE
- ▲ YIELD SIGN ADD
- TOWN LIMITS
- STOP SIGN - EXISTING
- ▼ YIELD SIGN - EXISTING



**Traffic Schedule I & II
Stop & Yield Intersections
EXHIBIT 016**



- | | | | |
|--|--------------------|--|-----------------------|
| | STOP SIGN ADD | | STOP SIGN - EXISTING |
| | STOP SIGN - REMOVE | | YIELD SIGN - EXISTING |
| | YIELD SIGN ADD | | |



TOWN OF APEX, NORTH CAROLINA
ORDINANCE NO. 2023-_____

**AN ORDINANCE AMENDING TRAFFIC SCHEDULES I & II OF THE APEX TOWN CODE
OF ORDINANCES**

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

- Section 1.** In accordance with the provisions of Sections 20-60.1 and 20-68 of the Town of Apex Code of Ordinances, the streets named in the attached Amendment to Traffic Schedule I: Stop Intersections shall be stop streets at their intersection with the streets named and when properly marked with a regulation stop sign, or removed as stop streets if so indicated, and the Traffic Schedule I: Stop Intersections retained on file in the Town Clerk's office shall be amended as described on the attached Amendment to Traffic Schedule I: Stop Intersections.
- Section 2.** In accordance with the provisions of Sections 20-60.1, 20-69, and 20-70 of the Town of Apex Code of Ordinances, the streets named in the attached Amendment to Traffic Schedule II: Yield Intersections shall be yield streets at their intersection with the streets named and when properly marked with a regulation yield sign, and the Traffic Schedule II: Yield Intersections retained on file in the Town Clerk's office shall be amended as described on the attached Amendment to Traffic Schedule II: Yield Intersections.
- Section 3.** The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.
- Section 4.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.
- Section 5.** **Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 6.** **Effective Date.** This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2023.

TOWN OF APEX, NORTH CAROLINA

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Amendment to Traffic Schedule I: Stop Intersections.

In accordance with the provisions of Sections 20-60.1 and 20-68, the following streets, shall no longer be stop streets at their intersection with the streets named and the existing stop signs will be removed:

MYNSTER DR	approaching	HILLMAN BND
ZENO RD	approaching	BEAVER CREEK COMMONS DR

In accordance with the provisions of Sections 20-60.1 and 20-68, the following streets, shall be stop streets at their intersection with the streets named and when properly marked with a regulation stop sign:

ALDERSON CT	approaching	KETTLE FALLS STA
ASPENWOOD RD	approaching	SILAS PEAK LN
BARN CAT WAY	approaching	WISHING WELL WYND
BEAVER BRANCH BND	approaching	REGENT PINES DR
BLUE POINTE PATH	approaching	ORANGE OAK LN
BOYETTE ST	approaching	OLD US HWY 1
COMPOUND CV	approaching	POLLARD PL
COMPOUND CV	approaching	POLLARD PL
CUT BANK CT	approaching	KETTLE FALLS STA
DEVON CREST CT	approaching	HAWTHORNE WOODS RD
DEVON CREST CT	approaching	HAWTHORNE WOODS RD
DORSET GROVE RD	approaching	HAWTHORNE WOODS RD
EQUINOX CT	approaching	GREEN TRACTOR AVE
FARMLAND ALY	approaching	GREEN TRACTOR AVE
FARMLAND ALY	approaching	WATERING CAN LN
GORDAIL TRL	approaching	MISSION OLIVE PL
GORDAL TRL	approaching	GORDAL TRL
GORDAL TRL	approaching	GORDAL TRL
GORDAL TRL	approaching	NEW HILL OLIVE CHAPEL RD
GRANTS PASS STA	approaching	HORTON RIDGE BLVD
GREEN PASTURE ALY	approaching	PORCH SWING WAY
GREEN PASTURE ALY	approaching	RUBYSHINE ALY
GREEN TRACTOR AVE	approaching	WATERING CAN LN
GREEN TRACTOR AVE	approaching	WATERING CAN LN
GREEN TRACTOR AVE	approaching	GREEN TRACTOR AVE
GREEN TRACTOR AVE	approaching	GREEN TRACTOR AVE
HAWKINS POST RD	approaching	MIRKWOOD AVE
HAWKINS POST RD	approaching	WIMBERLY RD
JOSCARA BND	approaching	PORCH SWING WAY
KALAMON ALY	approaching	GORDAL TRL
KALAMON ALY	approaching	VERDIAL HL

KALAMON ALY	approaching	VERDIAL HL
KALAMON ALY	approaching	LUGANO LN
KERLEY CIR	approaching	HICKORY HILL LN
KERLEY CIR	approaching	HICKORY HILL LN
KETTLE FALLS STA	approaching	HORTON RIDGE BLVD
KIPP LN	approaching	WOODALL CREST DR
KIPP LN	approaching	APEX BARBECUE RD
LAVENDER FIELD WAY	approaching	JENKS RD
LAVENDER FIELD WAY	approaching	MAPLE GROVE WAY
LILAC BLOOM LN	approaching	MAPLE GROVE WAY
LILAC BLOOM LN	approaching	GREEN LEVEL CHURCH RD
LOWELL RD	approaching	WIMBERLY RD
LUGANO LN	approaching	GORDAL TRL
LUGANO LN	approaching	GORDAL TRL
MARS HILL LN	approaching	VOEKLER ST
MCKENZIE RIDGE LN	approaching	HORTON RIDGE BLVD
METAL ROOF WAY	approaching	GREEN TRACTOR AVE
METAL ROOF WAY	approaching	WATERING CAN LN
OLANCHA CT	approaching	BORDWELL GRANT DR
PLEASANT PLAINS RD	approaching	VOEKLER ST
POINTE CROSSING	approaching	ORANGE OAK LN
POLLARD PL	approaching	GARTRELL WAY
PORCH SWING WAY	approaching	KIPP LN
PORCH SWING WAY	approaching	WOODALL CREST DR
ROBERTS RD	approaching	ASPENWOOD RD
RUBYSHINE ALY	approaching	PORCH SWING WAY
RUBYSHINE ALY	approaching	WOODALL CREST DR
S HUGHES ST	approaching	JAMES ST
S HUGHES ST	approaching	JAMES ST
SHIPLAP ALY	approaching	GREEN TRACTOR AVE
SHIPLAP ALY	approaching	FARMLAND ALY
STANLAKE DR	approaching	THIRLESTANE DR
VERDIAL HL	approaching	GORDAL TRL
VOEKLER ST	approaching	PLEASANT PLAINS RD
WILOCK RD	approaching	BORDWELL GRANT DR
WIMBERLY RD	approaching	JENKS RD
WISHING WELL WYND	approaching	RICHARDSON RD

Amendment to Traffic Schedule II: Yield Intersections.

In accordance with the provisions of Sections 20-60.1 and 20-68, the following streets, shall no longer be yield streets at their intersection with the streets named and the existing yield signs will be removed:

[No changes]

In accordance with the provisions of Sections 20-60.1, 20-69, and 20-70, the following streets, shall be yield streets at their intersection with the streets named and when properly marked with a regulation yield sign:

BELLAMY RIDGE DR	approaching	GRAND HIGHCLERE WAY
BLUE POINTE PATH	approaching	ORANGE OAK LN
BOYETTE ST	approaching	PLEASANT PLAINS RD
CANNON BEACH STA	approaching	GRANTS PASS STA
CANNON BEACH STA	approaching	MCKENZIE RIDGE LN
CANNON BEACH STA	approaching	MCKENZIE RIDGE LN
CANNON BEACH STA	approaching	KETTLE FALLS STA
CANNON BEACH STA	approaching	KETTLE FALLS STA
ELDERBANK DR	approaching	MANOR STONE DR
GRAND HIGHCLERE WAY	approaching	BELLAMY RIDGE DR
GRAND HIGHCLERE WAY	approaching	BELLAMY RIDGE DR
GRANTS PASS STA	approaching	CANNON BEACH STA
GRANTS PASS STA	approaching	CANNON BEACH STA
HILLMAN BND	approaching	MYNSTER DR
HILLMAN BND	approaching	MYNSTER DR
KETTLE FALLS STA	approaching	CANNON BEACH STA
KETTLE FALLS STA	approaching	CANNON BEACH STA
LUDBROOK CT	approaching	SILAS PEAK LN
MANOR STONE DR	approaching	ELDERBANK DR
MARS HILL LN	approaching	STEGEMANN ST
MARS HILL LN	approaching	STEGEMANN ST
MCKENZIE RIDGE LN	approaching	CANNON BEACH STA
MCKENZIE RIDGE LN	approaching	CANNON BEACH STA
MYNSTER DR	approaching	HILLMAN BND
OLD EVERGREEN DR	approaching	MANOR STONE DR
ORANGE OAK LN	approaching	BLUE POINTE PATH
ORANGE OAK LN	approaching	BLUE POINTE PATH
ORANGE OAK LN	approaching	THORN HOLLOW DR
PLEASANT PLAINS RD	approaching	BOYETTE ST
PLEASANT PLAINS RD	approaching	STEGEMANN ST
PLEASANT PLAINS RD	approaching	STEGEMANN ST
SILAS PEAK LN	approaching	LUDBROOK CT
SILAS PEAK LN	approaching	LUDBROOK CT

STEGEMANN ST
STEGEMANN ST
STEGEMANN ST
THORN HOLLOW DR

approaching
approaching
approaching
approaching

MARS HILL LN
PLEASANT PLAINS RD
PLEASANT PLAINS RD
ORANGE OAK LN

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Steve Adams, Utility Acquisition & Real Estate Specialist

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve the purchase of real property located at, 215 Templeton Street in Apex, NC, and approve Budget Ordinance Amendment No. 1, and to authorize the Interim Town Manager, or their designee, to execute all necessary documents related to this property acquisition on behalf of the Town.

Approval Recommended?

Yes

Item Details

The property located at 215 Templeton Street is adjacent to public parking areas in downtown. The .76-acre property includes an historic home that must be preserved. Approximately half an acre can be subdivided and used for additional downtown parking. The accompanying budget amendment (\$675,000) will cover the cost to purchase the property and associated transaction costs related to the purchase.

Attachments

- CN30-A1: Budget Ordinance Amendment No.1 - Real Property Acquisition - 215 Templeton Street and Budget Ordinance Amendment No. 1





Town of Apex

Budget Ordinance Amendment No. 1

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2023-2024 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

10-0000-39902: Fund Balance Appropriated - Amended	\$675,000
Total Revenues	\$675,000

Section 2. Expenditures:

10-5400-47100: Capital Outlay - Land	\$675,000
Total Expenditures	\$675,000

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

Adopted this the 8th day of August, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Application No. 23CZ07, Peak Engineering and Design, PLLC, petitioner, for property located at 940 Tingen Road (PIN 0741266614).

Approval Recommended?

Planning Department recommends approval.

Item Details

Rezoning Application No. 23CZ07 was approved at the June 27, 2023 Town Council meeting.

Attachments

- CN31-A1: Statement and Ordinance - Rezoning Case No. 23CZ07 - 940 Tingen Road - Statement and Ordinance
- CN31-A2: Attachment A - Legal Description - Rezoning Case No. 23CZ07 - 940 Tingen Road - Statement and Ordinance



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY .21 ACRES LOCATED AT 940 TINGEN ROAD FROM RESIDENTIAL AGRICULTURAL (RA) to HIGH DENSITY MULTI-FAMILY RESIDENTIAL-CONDITIONAL ZONING (HDMF-CZ)

#23CZ07

WHEREAS, JVI Building & Development Inc./ Peak Engineering & Design, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of April 2023 (the “Application”). The proposed conditional zoning is designated #23CZ07;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ07 before the Planning Board on the 12th day of June 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of June 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ07. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #23CZ07;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ07 before the Apex Town Council on the 27th day of June 2023;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of June 2023. Liz Loftin, Senior Planner, presented the Planning Board’s recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ07 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

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

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will expand the area available for an affordable housing project and encourage compatible development of the property; and

WHEREAS, the Apex Town Council by a vote of 4 to 0 approved Application #23CZ07 rezoning the subject tract located at 940 Tingen Road from Residential Agricultural (RA) to High Density Multi-Family Residential-Conditional Zoning (HDMF-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Ordinance Amending the Official Zoning District Map #23CZ07

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Residential Agricultural (RA) to High Density Multi-Family Residential- Conditional Zoning (HDMF-CZ) District, subject to the conditions stated herein.

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

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

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

- | | |
|------------------------------|---------------------------------|
| 1. Townhouse | 5. Park, passive |
| 2. Multi-family or apartment | 6. Greenway |
| 3. Utility, minor | 7. Recreation facility, private |
| 4. Park, active | |

Zoning Conditions:

1. Residential architectural standards:
 - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
 - b. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
 - c. For the homes, roof pitch shall be 5:12 or greater for 75% of the building designs.
 - d. Garage doors must have windows, decorative details or carriage-style adornments on them.
 - e. Front facades shall have horizontal relief achieved using recesses and projections.
 - f. A varied color palette shall be utilized on homes throughout the subdivision and shall include varied trim, shutter, and accent color complementing the siding color.
 - g. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - h. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Bay window	• Decorative shake
• Recessed window	• Decorative air vents on gables
• Decorative window	• Decorative cornice
• Trim around the windows	• Column on gable
• Wrap-around porch or side porch	• Portico
• Two or more building materials	• Balcony
• Decorative brick/stone	• Dormer
• Decorative trim	• Decorative gable
2. A 10' Type A Landscape Buffer is proposed along adjacent property lines. A 30' Type B Town of Apex Thoroughfare Street buffer along Tingen Road is proposed.
3. The development shall include a minimum of two (2) signs identifying environmentally sensitive

Ordinance Amending the Official Zoning District Map #23CZ07

areas to discourage pet waste and chemical use in the vicinity.

4. The development shall provide diverse and abundant pollinator sources (i.e., larval host plants, nectar, pollen, berries, and blooming plants) that bloom in succession from spring to fall. Species shall be selected from the Design and Development Manual or otherwise approved by Planning staff.
5. The development shall provide warm season grasses throughout the development as listed in the Design and Development Manual or otherwise approved by Planning staff.
6. Each dwelling unit shall be pre-configured with conduit for a future solar energy system.
7. The developer shall provide at least two (2) pet waste stations within common open space.
8. Access to the property shall be provided by a right-in/right-out movement located approximately 150' north of Harbor Haven Drive as reviewed by the Town of Apex and NCDOT.
9. The project shall be one-hundred percent (100%) affordable housing through a partnership with an affordable housing provider. Said provider shall establish the housing affordability standards to provide residential units to buyers making less than one-hundred percent (100%) of the Area Median Income (AMI) for the Raleigh MSA. The Affordable Housing Units shall be occupied by low or median-income households earning no more than one-hundred percent (100%) of the Raleigh, NC MSA AMI, adjusted for family size as most recently published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Housing Units shall include a minimum affordability period of no less than ten (10) years (the "Affordable Period"). Examples of an Affordable Housing Provider include, without limitation, Habitat for Humanity of Wake County, the White Oak Foundation, DHIC, or a similar entity identified prior to construction of the new residential units.
10. Existing sidewalk along Tingen Road is sufficient and construction and/or fee-in-lieu for the 10' Side Path identified on the Bicycle Pedestrian System Plan Map shall not be required.
11. Redevelopment of the property shall be completed in conjunction with the adjacent property identified by Wake County GIS as PIN 0741-26-4605.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2023.

Ordinance Amending the Official Zoning District Map #23CZ07

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

"Attachment A"

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

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

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 716,688.80 feet, East 2,042,559.77 feet; thence South $73^{\circ} 24' 21''$ East, 139.77 feet to an iron pipe set on the western right of way of Tingen Road ~ NCSR 1153 (D.B. 15689, PG. 2770); thence with Tingen Road right of way South $18^{\circ} 28' 28''$ West, 70.22 feet to an existing iron pipe; thence North $73^{\circ} 24' 21''$ West, 139.32 feet to a nail set at base of existing iron pipe (disturbed); thence North $18^{\circ} 06' 27''$ East, 70.20 feet to the BEGINNING, containing 0.2248 total acres more or less.

The above-described area is recorded in:
D.B. 19232, PG. 2696 (Tract One) ~ PIN 0741-26-6614

This description prepared for the sole purpose to rezone a property and for no other use.

PRELIMINARY

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Application No. 23CZ09 for Hatcher Property Revision. The applicant is Patrick Kiernan, from Jones & Cnossen Engineering, PLLC, for the properties located at: 0 Olive Chapel Rd; 1901 & 1911 Transit Trail.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 23CZ09 Hatcher Property Revision was approved at the June 27, 2023 Town Council meeting.

Attachments

- CN32-A1: Statement and Ordinance - Rezoning Case No. 23CZ09 - Hatcher Property Revision - Statement and Ordinance
- CN32-A2: Attachment A - Survey - Rezoning Case No. 23CZ09 - Hatcher Property Revision - Statement and Ordinance



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 28.842 ACRES LOCATED AT 0 OLIVE CHAPEL ROAD AND 1901 & 1911 TRANSIT TRAIL FROM RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ #22CZ12) TO RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#23CZ09

WHEREAS, Patrick Kiernan, from Jones & Cnossen Engineering, PLLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of April 2023 (the “Application”). The proposed conditional zoning is designated #23CZ09;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ09 before the Planning Board on the 12th day of June 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of June 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ09. A motion was made by the Apex Planning Board to recommend denial; the motion passed unanimously for the application for #23CZ09;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ09 before the Apex Town Council on the 27th day of June 2023;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of June 2023. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ09 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Rural Transition Residential. This designation on the 2045 Land Use Map includes the zoning district Rural Residential-Conditional Zoning (RR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed rezoning is reasonable and in the public interest because it will require valuable local interconnectivity without compromising the Town’s ability to protect environmental features and permit the future Major Collector to be constructed to a reduced standard that is roughly proportional to the size of the proposed residential development. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 3 to 2 approved Application #23CZ09 rezoning the subject tract located at 0 Olive Chapel Road and 1901 & 1911 Transit Trail from Rural Residential-Conditional Zoning (RR-CZ #22CZ12) to Rural Residential-Conditional Zoning (RR-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Ordinance Amending the Official Zoning District Map #23CZ09

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Rural Residential-Conditional Zoning (RR-CZ #22CZ12) to Rural Residential-Conditional Zoning (RR-CZ) District, subject to the conditions stated herein.

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

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

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

- | | |
|------------------------|------------------|
| 1. Single-family | 4. Greenway |
| 2. Accessory apartment | 5. Park, active |
| 3. Utility, minor | 6. Park, passive |

Zoning Conditions:

The applicant has broken the rezoning into two separate areas with separate conditions for each.

Zone A:

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. A varied color palette shall be utilized throughout the subdivision, to include a minimum of three (3) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
5. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
6. Front porches shall be a minimum of 6 feet deep.

Additional Conditions:

1. The maximum built-upon area per lot shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
2. All homes shall include solar conduit in the building design to facilitate future rooftop solar

Ordinance Amending the Official Zoning District Map #23CZ09

installations.

3. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
4. A maximum total of two private driveway access points onto Transit Trail shall be allowed.
5. Construction shall be restricted to Monday – Saturday, to allow for a reprieve from construction noise on Sundays.
6. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60' public right-of-way from Olive Chapel Road to the northernmost property boundary, to be dedicated prior to the first plat of the subdivision. The developer shall construct a 24-foot wide section of asphalt (a 6' reduction from the Major Collector Street typical section) and shall not be required to construct curb and gutter on the west side of Transit Trail. The east side of Transit Trail shall be constructed with:
 - a. curb and gutter
 - b. a 5-foot sidewalk from Olive Chapel Road to the entrance of the future Master Subdivision Plan, and
 - c. a 10-foot side path from the entrance of the future Master Subdivision Plan to the northernmost extent of the property.
7. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.

Zone B:

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Eaves shall project at least 12 inches from the wall of the structure.
3. Garage doors shall have windows, decorative details or carriage-style adornments on them.
4. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative shake
• Bay window	• Decorative air vents on gable
• Recessed window	• Decorative gable
• Decorative window	• Decorative cornice
• Trim around the windows	• Column
• Wrap around porch or side porch	• Portico
• Two or more building materials	• Balcony
• Decorative brick/stone	• Dormer
• Decorative trim	
6. A varied color palette shall be utilized throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.

Ordinance Amending the Official Zoning District Map #23CZ09

Additional Conditions:

1. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10 year, and 25 year 24-hour storm events.
2. This development shall provide a maximum density of 1.0 units per acre (including open space and R/W).
3. The minimum average lot size shall be ½ acre.
4. The maximum built-upon area for this development shall be 60%, the maximum height shall be 40 ft, and the minimum building setbacks shall be as follows:
 - a. Front – 25 ft;
 - b. Side – 8 ft. min/20 ft. total;
 - c. Corner side – 15 ft;
 - d. Rear – 25 ft.
5. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
6. Developer shall install pollinator-friendly and native flora within SCM planting areas.
7. At least 75% of the plant species used in the landscape design shall be native species.
8. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
9. In order to reduce water consumption and promote pollinator friendly habitat and biodiversity, Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
10. A minimum of one pet waste station shall be installed in HOA common area.
11. Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
12. Any outdoor lighting within HOA maintained areas shall utilize full cutoff fixtures that have a maximum color temperature of 3000K.
13. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
14. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
15. Developer shall construct Transit Trail according to the Apex Thoroughfare and Collector Street Plan on 60’ public right-of-way from Olive Chapel Road to the northernmost property boundary, to be dedicated prior to the first plat of the subdivision. The developer shall construct a 24-foot wide section of asphalt (a 6’ reduction from the Major Collector Street typical section) and shall not be required to construct curb and gutter on the west side of Transit Trail. The east side of Transit Trail shall be constructed with:
 - a. curb and gutter
 - b. a 5-foot sidewalk from Olive Chapel Road to the entrance of the future Master Subdivision Plan, and
 - c. a 10-foot side path from the entrance of the future Master Subdivision Plan to the northernmost extent of the property.
16. For the existing residences that have access to the existing Transit Trail private street, a temporary access drive shall be provided and maintained throughout the duration of construction of Transit Trail as a public street. Once Transit Trail is recorded as public right-of-way, and the road is made open to the public, the temporary drive may be abandoned.
17. A 50’ Type A buffer shall be provided along the eastern boundary line where adjacent to the American Tobacco Trail. A 10’ Type A streetscape buffer shall be provided along the east side of Transit Trail. A 10’ Type B buffer shall be provided along the northern and southern boundary lines. A perimeter landscape buffer shall not be provided along the southeastern boundary line, adjacent to the land owned by USACE. Instead, a split-rail wooden fence shall be provided along

Ordinance Amending the Official Zoning District Map #23CZ09

the project boundary to provide a physical barrier between the USACE property and the cleared and maintained Town of Apex utility easements which run parallel to the project boundary.

18. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays.
19. If a street stub cannot be provided per UDO Sec. 7.2.1.A.2.c, then the branching cul-de-sac length shall not exceed 1,450 linear feet.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A:

Zone A

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 720,998.30 feet, East 2,019,786.59 feet; thence North 89° 30' 03" West, 412.24 feet to a point; thence South 26° 30' 06" West, 79.36 feet to a point; thence a curve to the left South 20° 36' 52" West, 75.90 feet (chord), 370.00 feet (radius) to a point; thence South 14° 43' 39" West, 167.18 feet to a point; thence a curve to the left South 28° 16' 03" East, 34.10 feet (chord), 25.00 feet (radius) to a point; thence South 09° 14' 40" West, 29.60 feet to a point; thence North 75° 39' 03" West, 111.13 feet to a point; thence North 14° 20' 57" East, 34.05 feet to a point; thence a curve to the left North 60° 02' 15" East, 35.55 feet (chord), 25.00 feet (radius) to a point; thence North 14° 43' 39" East, 163.27 feet to a point; thence a curve to the right North 20° 36' 52" East, 88.21 feet (chord), 430.00 feet (radius) to a point; thence North 26° 30' 06" East, 150.72 feet to a point; thence a curve to the left North 25° 06' 43" East, 37.35 feet (chord), 770.00 feet (radius) to a point; thence a curve to the left North 09° 52' 14" East, 368.69 feet (chord), 770.00 feet (radius) to a point; thence North 03° 58' 53" West, 28.07 feet to a point; thence North 03° 58' 53" West, 96.17 feet to a point; thence a curve to the right North 00° 20' 14" West, 64.19 feet (chord), 505.00 feet (radius) to a point; thence South 86° 41' 35" East, 60.00 feet to a point; thence South 80° 45' 39" East, 109.43 feet to a point; thence South 52° 58' 07" East, 68.06 feet to a point; thence South 23° 29' 24" East, 73.97 feet to a point; thence South 46° 29' 27" West, 50.55 feet to a point; thence South 08° 02' 55" West, 34.61 feet to a point; thence South 30° 23' 37" East, 308.52 feet to a point; thence South 04° 03' 53" East, 83.22 feet to a point; thence South 03° 33' 46" West, 131.60 feet to the BEGINNING, containing 5.3566 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.

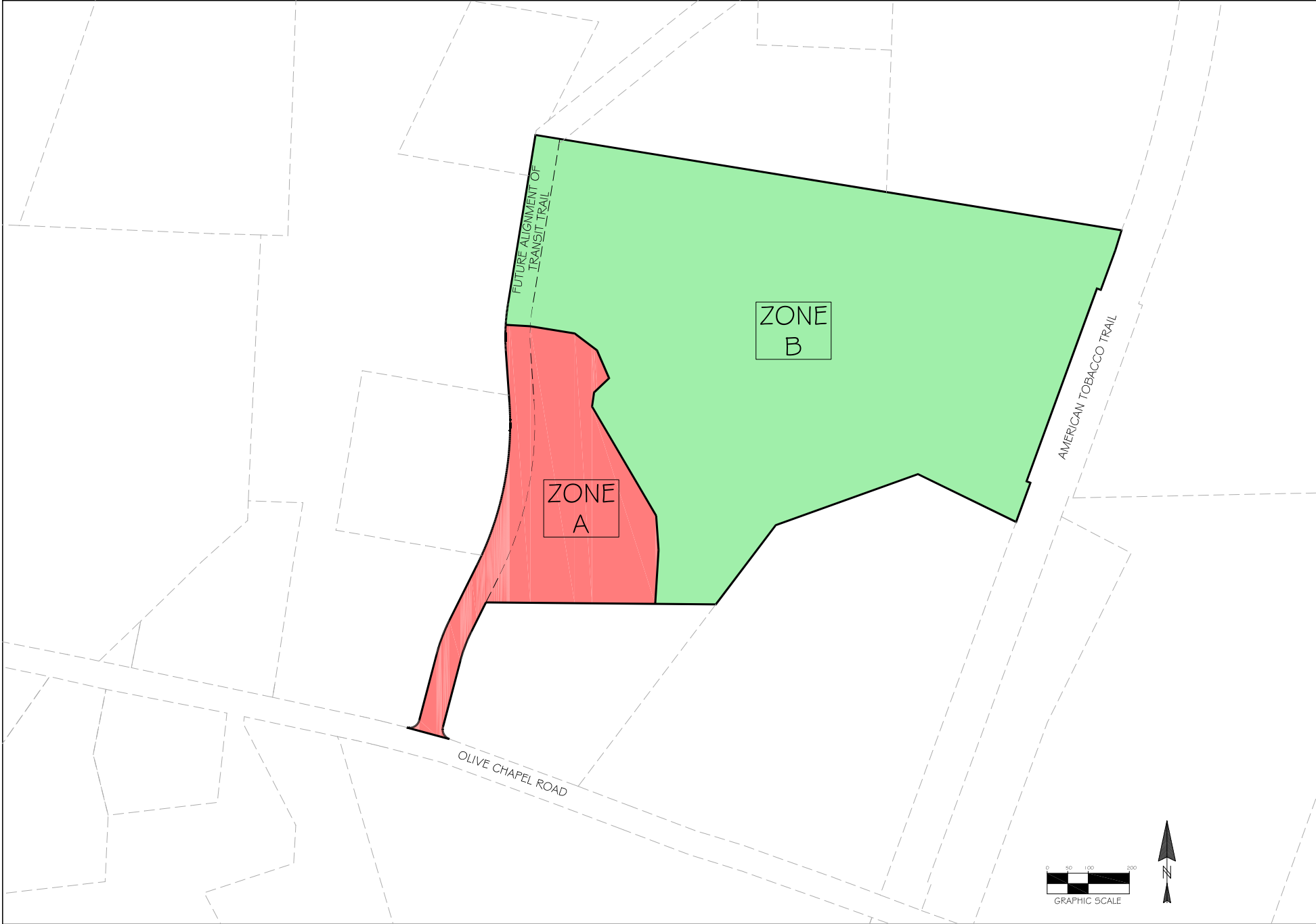
Zone B

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being situated 0.75 mile east of Olive Chapel Baptist Church yet west of and adjacent to the American Tobacco Trail and described more fully as follows to wit:

BEGINNING at an existing iron pipe bearing NAD 83 (2011) coordinate values of North 722,135.06 feet, East 2,019,524.68 feet; thence South 80° 45' 39" East, 1415.59 feet to a point; thence South 17° 07' 41" West, 50.60 feet to a point; thence South 20° 08' 57" West, 103.08 feet to a point; thence North 69° 56' 08" West, 10.00 feet to a point; thence South 20° 03' 07" West, 499.87 feet to a point; thence South 69° 56' 54" East, 10.00 feet to a point; thence South 20° 03' 06" West, 101.61 feet to a point; thence North 64° 01' 14" West, 265.94 feet to a point; thence South 70° 14' 11" West, 367.78 feet to a point; thence South 37° 07' 27" West, 241.92 feet to a point; thence North 89° 30' 03" West, 147.47 feet to a point; North 03° 33' 46" East, 131.60 feet to a point; thence North 04° 03' 53" West, 83.22 feet to a point; thence North 30° 23' 37" West, 308.52 feet to a point; thence North 08° 02' 55" East, 34.61 feet; thence North 46° 29' 27" East, 50.55 feet to a point; thence North 23° 29' 24" West, 73.97 feet to a point; thence North 52° 58' 07" West, 68.06 feet to a point; thence North 80° 45' 39" West, 109.43 feet to a point; thence North 86° 41' 35" West, 60.00 feet to a point; thence a curve to the right North 06° 16' 23" East, 52.26 feet (chord), 505.00 feet (radius) to a point; thence North 09° 14' 36" East, 315.75 feet to a point; thence North 09° 16' 39" East, 99.99 feet to a point; thence South 80° 45' 39" East, 29.94 feet to the BEGINNING, containing 23.4854 total acres more or less.

This description was prepared for the sole purpose of rezoning and for no other use.



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

221 N. SALEM ST.
SUITE 601
PO BOX 8682
APEX, NC 27502
Office: 919-387-1174
Registration: P-0161
www.jonescnossen.com

HATCHER PROPERTY REZONING
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

BOUNDARY EXHIBIT FOR ZONES A & B

SCALE: 1" = 100' PLK

DATE: NOVEMBER 21, 2022

REVISION:

2112

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Application No. 23CZ11, Smith Farm Phase 5 PUD Amendment. The applicants are Andrew Clark TR & Staley Smith; and Staley Smith, Aaron Smith Jr. & Haley Hoffler for the properties located at: 3223 US 64 Hwy West & 0 Air Park Dr.

Approval Recommended?

The Planning Department recommends approval.

Item Details

Rezoning Application No. 23CZ11 Smith Farm Ph 5 PUD Amendment was approved at the June 27, 2023 Town Council meeting.

Attachments

- CN33-A1: Statement and Ordinance - Rezoning Case No. 23CZ11 - Smith Farm Ph 5 PUD Amendment - Statement and Ordinance
- CN33-A2: Attachment A - Legal Description - Rezoning Case No. 23CZ11 - Smith Farm Ph 5 PUD Amendment - Statement and Ordinance
- CN33-A3: Attachment B - Smith Farm Phase 5 PUD Amendment - Rezoning Case No. 23CZ11 - Smith Farm Ph 5 PUD Amendment - Statement and Ordinance



Attachment A: Legal Description

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½" iron pipe in the west line of Sweetwater PUD north of Core Banks Dr. a public right of way; thence with Sweetwater PUD S 00° 26' 37" E, 521.43' to an existing ¾" iron pipe being a corner of Sweetwater PUD; thence continuing with Sweetwater PUD N89° 15' 53" W, 413.71' to an existing ½ iron pipe being a common corner with Sweetwater PUD, Smith Farm - Phase 4, and Smith Farm - Phase 5; thence with a line passing through Smith Farm - Phase 5 N 89° 22' 48" W, 841.60' to an existing 1" iron pipe being a common corner with Esterly thence with Esterly, Gooch, and Morgan N 00° 03' 51" E, 852.02' to an existing ½ iron pipe in the east line of Morgan; thence with a line passing through Smith Farm - Phase 5 S 89° 22' 42" E, 671.76' to a an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 S 01° 01' 20 W, 325.54' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 S 88° 47' 58" E, 584.45' to the point and place of BEGINNING, containing 20.106 acres more or less. The above description of land is all of Wake County PIN 0722-34-4615 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

Attachment A: Legal Description

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and being situated on the south side of US Highway 64 approximately 1.48 miles east of the Wake/Chatham County Line described more fully as follows to wit:

BEGINNING at an existing ½" iron pipe on the southern right of way line of the 200' public right of way of US Highway 64 (Project 8.T520904) also being the NW corner of SKJD Holdings, LLC (D.B. 17333, Page 1214); thence along and with SKJD Holdings, LLC S 00° 21' 44" W, 142.98' to an existing ¾" iron pipe being the SW corner of SKJD Holdings, LLC; thence along and with SKJD Holdings, LLC N 87° 28' 33" E, 552.00' to an existing iron pipe being the SE corner of SKJD Holdings, LLC in the line of Sweetwater PUD - Phase 10; thence with Sweetwater PUD S 00° 26' 37" E, 765.58' to an existing ½ iron pipe in the line of Sweetwater PUD; thence with a line passing through Smith Farm - Phase 5 N 88° 47' 58" W, 584.45' to an existing ½ iron pipe; thence with a line passing through Smith Farm - Phase 5 N 01° 01' 20" E, 325.54' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 N 01° 00' 36" E, 168.01' to an existing ½" iron pipe; thence with a line passing through Smith Farm - Phase 5 N 02° 59' 10" W, 234.96' to an existing ½" iron pipe; thence with a line passing through Smith Farm -Phase 5 N 00° 19' 01" E, 140.08' to an existing ½" iron pipe on the southern right of way of the 200' public right of way of US Highway 64 (Project 8.T520904); thence N 82° 55' 33" E, 30.76' to the point and place of BEGINNING, containing 10.001 acres more or less. The above description of land is all of Wake County PIN 0722-35-8117 being a portion of Smith Farm PUD Phase 5.

The sole purpose of this land description is to be included in a 2023 rezoning application in the Town of Apex and for no other purpose.

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 30.11 ACRES LOCATED AT 3223 US 64 HWY WEST AND 0 AIR PARK DRIVE FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #15CZ32) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#23CZ11

WHEREAS, Peter Cnossen, Jones & Cnossen Engineering, PLLC, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 28th day of April 2023 (the “Application”). The proposed conditional zoning is designated #23CZ11;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ11 before the Planning Board on the 12th day of June 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of June 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ11. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #23CZ11;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ11 before the Apex Town Council on the 27rd day of June 2023;

WHEREAS, the Apex Town Council held a public hearing on the 27rd day of June 2023. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ11 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

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

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will increase the number of connection points between the non-residential portions of the Sweetwater and Smith Farm developments, which will reduce traffic congestion and provide alternative access routes and improved emergency service response time; and

WHEREAS, the Apex Town Council by a vote of 3 to 2 approved Application #23CZ11 rezoning the subject tract located at 3223 US 64 HWY West and 0 Air Park Drive from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32) to Planned Unit Development-Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Ordinance Amending the Official Zoning District Map #23CZ11

referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ32) to Planned Unit Development-Conditional Zoning (PUD-CZ), subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" – Smith Farm Phase 5 PUD Amendment which are imposed as part of this rezoning.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney



Jones & Cnossen
ENGINEERING, PLLC

Civil Engineering | Construction Management | Land Planning

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

May 24, 2023

Amanda Bunce – Planning Manager
Town of Apex Planning Department
P.O. Box 250
Apex, North Carolina 27502

RE: PUD Amendment Letter
Smith Farms PUD
Pin No.'s 0722-35-8117 & 0722-34-4615

This letter is submitted to the Town of Apex for the purpose of amending Conditional Zoning #15CZ32 Smith Farms, A Planned Unit Development, by the following:

1. Perimeter Buffers under Buffers in Section 6: Design Controls of the PD Plan for PUD-CZ, Smith Farms states; "All perimeter buffers shall be provided in accordance with the Apex UDO".

The Owner's requests that the Perimeter Buffers be amended to include the following:

To address the physical challenges with providing connectivity between Smith Farm and Sweetwater that primarily involve topography, the PUD shall permit the eastern perimeter buffer adjacent to PINs 0722454406 and 0722443942 to be graded. Such buffer shall be replanted at the time of development and still count as RCA if a future land use requires a perimeter buffer under Unified Development Ordinance (UDO) Sec. 8.2.6 Table 1 as amended. The buffer type shall be in accordance with the Town of Apex UDO Sec. 8.2.6 Table 1 and in no case shall such buffer exceed 20 feet in width. The seed/plant species used to stabilize the disturbed graded area and replanting, if required, shall be in accordance with the Town of Apex Design & Development Manual.

This PUD Amendment is requested to accommodate the necessary grading by the planned Sweetwater-Phase 10 development for construction of cross-access along Ingold Drive. This cross-access was requested by the Town of Apex as part of the Sweetwater-Phase 10 approval, but existing topography between the adjoining properties requires construction of a significant retaining wall to maintain the required eastern perimeter buffer on the Smith Farms PUD parcels. This PUD Amendment will allow grading between the properties to provide an at-grade extension of Ingold Drive for cross-access.

If you have any questions, please feel free to contact our office at any time.

Regards,

A handwritten signature in black ink, appearing to read "Peter D. Cnossen".

Peter D. Cnossen, P.E.
Jones & Cnossen Engineering, PLLC

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Wake County Tax Administration Tax Report for the Town of Apex dated June 01, 2023.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on July 10, 2023, approved and accepted the enclosed tax report for the Town of Apex, dated June 1, 2023 for the period of May 1, 2023 through May 31, 2023.

Attachments

- CN34-A1: Tax Report for May 2023





Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SHINICA THOMAS, CHAIR
SUSAN EVANS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
DON MIAL
CHERYL STALLINGS
JAMES WEST

July 11, 2023

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on July 10, 2023, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yvonne Gilyard".

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

05/01/2023 - 05/31/2023

APEX

PAGE

TIME

DATE

5:15:41 PM

06/01/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

05/01/2023 - 05/31/2023

REBATE NUMBER	PROPERTY TAG	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
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BUSINESS ACCOUNTS

847312	3.37	0.00	0.34	0.00	3.71	05/18/2023	0006109932	2020	2020	000000	CHURCH, NINA
847313	3.46	0.00	0.35	0.00	3.81	05/18/2023	0006109932	2021	2021	000000	CHURCH, NINA

SUBTOTALS FOR BUSINESS ACCOUNTS	6.83	0.00	0.69	0.00	7.52			2	Properties Rebated		
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INDIVIDUAL
PROPERTY ACCOUNTS

846348	2.46	0.00	0.25	0.00	2.71	05/10/2023	0006941765	2021	2021	000000	ACADEMY LTD #289
846342	2.87	0.00	0.29	0.00	3.16	05/10/2023	0006899037	2022	2022	000000	TRIEBERT, DAVID BRYAN
846619	35.95	0.00	0.00	0.00	35.95	05/11/2023	0006963557	2022	2021	000000	SANDERS, DERRICK ANTOINE
846349	2.30	0.00	0.23	0.00	2.53	05/10/2023	0006941765	2022	2022	000000	ACADEMY LTD #289
847053	94.64	30.00	0.00	0.00	124.64	05/16/2023	0006944955	2022	2021	000000	DELOACH, BILLY CHARLES
846204	103.46	30.00	0.00	0.00	133.46	05/08/2023	0006981468	2023	2022	000000	PACIS, REUBEN DOMINGO
846605	77.55	30.00	0.00	0.00	107.55	05/11/2023	0006996723	2023	2022	000000	SUTER, JOSHUA KAIN
846609	39.68	0.00	3.97	0.00	43.65	05/11/2023	0006920104	2022	2022	000000	FESSENDEN, PATRICK JAMES

SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	358.91	90.00	4.74	0.00	453.65			8	Properties Rebated		
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Wake County Tax Administration

Rebate Details
05/01/2023 - 05/31/2023
APEX

DATE 06/01/2023
TIME 5:15:44 PM
PAGE 2

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING FOR	OWNER
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TOTAL REBATED FOR APEX	365.74	90.00	5.43	0.00	461.17			10	Properties Rebated for City	
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to amend the 2023 Town Council Meeting Calendar.

Approval Recommended?

Yes

Item Details

In accordance with North Carolina General Statute 143-318.12, a schedule of regular meetings shall be filed with the Town Clerk to the Town Council. The schedule must show the date, time, and place of each meeting.

It is proposed that the 2023 Town Council Meeting Calendar be amended as follows:

- **ADD** - Personnel Committee Meeting
 - Date: Friday, August 11, 2023
 - Time: 2:30 PM - 4:00 PM
 - Location: Apex Town Hall 73 Hunter Street Apex, NC 27502
- **CHANGE** - Finance Committee Meeting
 - FROM: Thursday, August 31st, 2023
 - TO: Thursday, September 21st, 2023
 - Time: 9:00 AM - 11:00 AM
 - Location: Apex Town Hall 73 Hunter Street Apex, NC 27502

Attachments

- CN35-A1: Revised - 2023 Council Meeting Calendar No. 6
- CN35-A2: Revised - 2023 Text Calendar No. 6



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: August 8, 2023

Item Details

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

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

Requested Motion

Presentation of the Peak S.T.A.R. Award for the 4th Quarter of the 2022-2023 School Year.

Approval Recommended?

N/A

Item Details

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

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning

Requested Motion

Conduct a Public Hearing and Possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 90.24 acres, Castleberry Assemblage, Annexation No. 752 into the Town Corporate limits.

Approval Recommended?

Yes

Item Details

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

Attachments

- PH1-A1: Annexation Ordinance - Satellite Annexation No. 752
- PH1-A2: Public Hearing Notice - Satellite Annexation No. 752
- PH1-A3: Legal Description - Satellite Annexation No. 752
- PH1-A4: Plat Map - Satellite Annexation No. 752
- PH1-A5: Aerial Map - Satellite Annexation No. 752
- PH1-A6: Annexation Petition - Satellite Annexation No. 752





TOWN OF APEX, NORTH CAROLINA

Municipality No. 333

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

ORDINANCE NO. 2023-
SATELLITE ANNEXATION PETITION NO. 752
Castleberry Assemblage – 90.24 acres

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

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on August 8, 2023, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council finds that the area described therein meets the standards of G.S.§160A-58.1(b), to wit:

- a) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town;
- b) No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c) The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;

WHEREAS, the Apex Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Apex Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and the area proposed for annexation will be best served by annexing the area described;

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-58.2, as amended, the described non-contiguous territory is hereby annexed and described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on August 8, 2023. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, Wake County, North Carolina, White Oak Township (PIN#s: 0723-12-5145, 0723-11-5892, 0723-02-3450, 0723-02-4085, 0723-11-3507), Land Surveyor dated November 9th, 2022" and recorded in Book of Maps book number 2023 and page number , Wake County Registry.

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

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

Adopted this the 8th day of August, 2023.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Annexation Legal Description
Castleberry Reserve

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD (NCSR 1604), SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, LEAVING SAID CENTERLINE, N07°01'11"W A DISTANCE OF 33.52 FEET TO A 1/2" IRON PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF CASTLEBERRY ROAD ; THENCE, WITH SAID RIGHT OF WAY, N57°59'32"E A DISTANCE OF 120.57 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, N56°35'23"E A DISTANCE OF 92.62 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, N56°35'06"E A DISTANCE OF 235.75 FEET TO A COMPUTED POINT; THENCE, CONTINUING WITH SAID RIGHT OF WAY, N56°01'30"E A DISTANCE OF 25.69 FEET TO A COMPUTED POINT; THENCE, LEAVING SAID RIGHT OF WAY, S33°58'30"E A DISTANCE OF 30.00 FEET TO A COMPUTED POINT ON THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 62.20 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Satellite Annexation Ordinance No. 2023-_____, adopted at a meeting of the Town Council, on the 8th day of August, 2023, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 8th day of August, 2023.

Allen L. Coleman, CMC, NCCCC
Town Clerk

(SEAL



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Media Contact:

Allen Coleman, Town Clerk to the Apex Town Council

FOR IMMEDIATE RELEASE

PUBLIC NOTICE – PUBLIC HEARING

APEX, N.C. (June 28, 2023) – The Town Council of Apex, North Carolina has scheduled a Public Hearing to be held at **6:00 p.m.** at Apex Town Hall, 73 Hunter Street, on the **8th day of August, 2023**, on the question of annexation of the following property requested by petition filed pursuant to G.S. 160A-58.1:

Satellite Annexation Petition No. 752 Castleberry Assemblage – 90.24 acres





"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

Residents may submit written comments to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by email at public public.hearing@apexnc.org. Please use subject line "Annexation Petition No. 752" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, August 8th, 2023.

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

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

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

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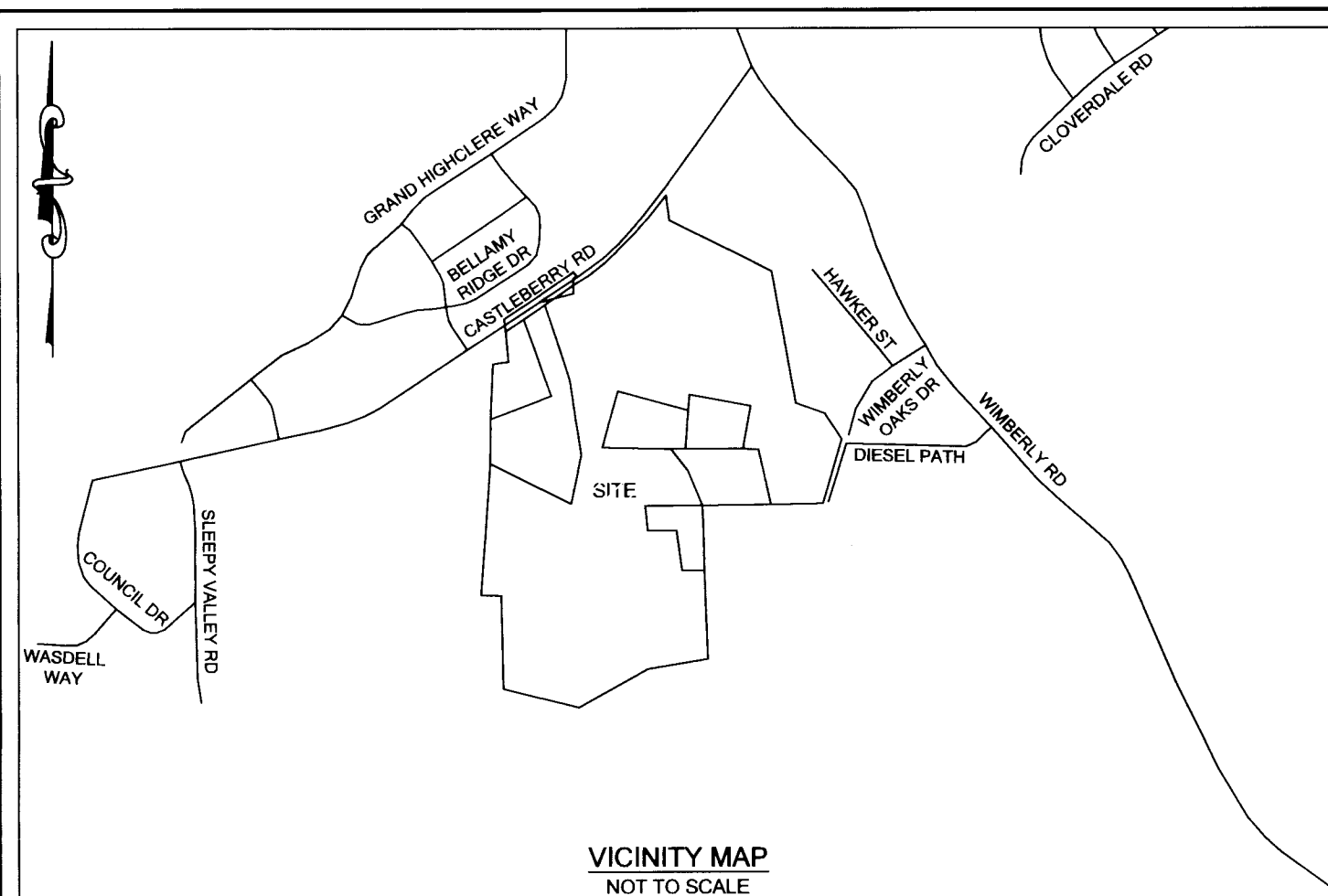
Annexation Legal Description
Castleberry Reserve

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SAID OUTER BOUNDARY CONTAINING 3,930,700 SQUARE FEET OR 90.24 ACRES, MORE OR LESS.



VICINITY MAP
NOT TO SCALE

LEGEND

- EXISTING BOUNDARY CORNER FOUND
- BOUNDARY CORNER SET
- COMPUTED POINT
- CONCRETE MONUMENT FOUND
- PROPERTY LINE SURVEYED
- PROPERTY LINE NOT SURVEYED
- EASEMENTS

TOWN OF APEX CORPORATE LIMITS
(PER WAKE COUNTY GIS)

EIP EXISTING IRON PIPE
EIR EXISTING IRON REBAR
BM BOOK OF MAPS
DB DEED BOOK
PG PAGE
RW RIGHT OF WAY

CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.06'
TYPE OF GPS FIELD PROCEDURE: NC REAL TIME NETWORK
DATES OF SURVEY: OCTOBER 2022
DATUM/EPOCH: NAD83/NSRS2011/SPC
GEOID MODEL: 18
COMBINED GRID FACTOR(S): 0.999902094
UNITS: US SURVEY FEET

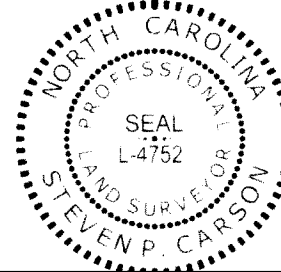
NOTES

- THIS SURVEY WAS PREPARED BY BATEMAN CIVIL SURVEY COMPANY UNDER THE SUPERVISION OF STEVEN P. CARSON, PLS.
- ALL DISTANCE ARE HORIZONTAL GROUND DISTANCE AND ALL BEARINGS ARE BASED ON GPS OBSERVATIONS, NAD83 / NSRS 2011 / SPC, UNLESS OTHERWISE SHOWN.
- PROPERTY LIES IN ZONE "X" PER NATIONAL INSURANCE PROGRAM FLOOD INSURANCE RATE MAP #3720072300K, DATED 07/19/2022.
- SITE ZONED "R-80W" FOR WAKE COUNTY PER COUNTY GIS.
- AREAS COMPUTED BY COORDINATE METHOD.
- THIS MAP HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.
- ALL BOUNDARY CORNERS SET ARE 3/4" IRON PIPE SET (3/4" IPS), UNLESS OTHERWISE NOTED.

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

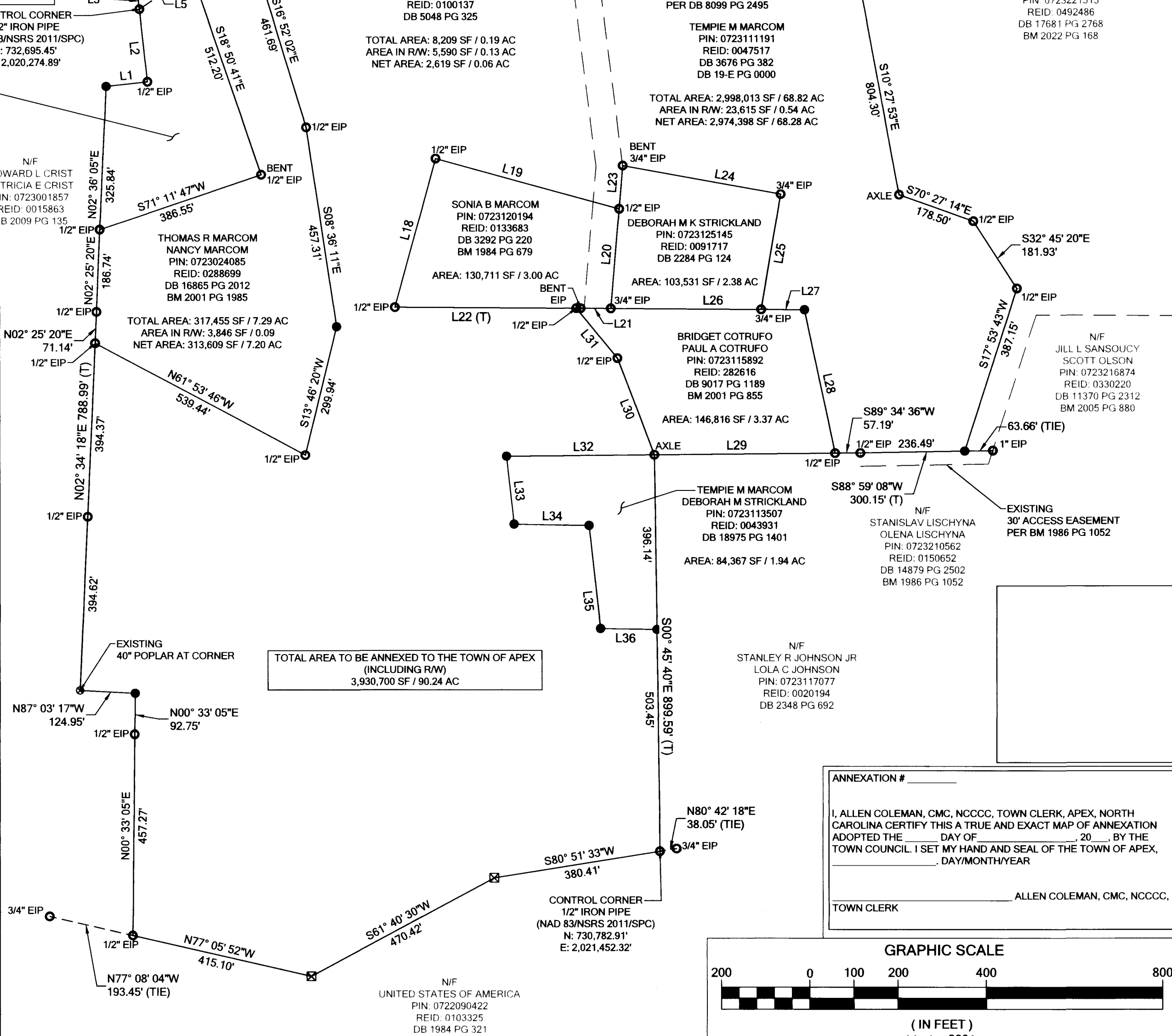
I, STEVEN P. CARSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN DB 2284 PG 124, DB 9017 PG 1189, DB 3292 PG 220, DB 3292 PG 222, DB 16865 PG 2012, DB 18975 PG 1401, DB 3676 PG 382, & DB 5048 PG 325); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HERE ON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20 DAY OF JUNE, A.D., 2023.

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



6/20/23
STEVEN P. CARSON, PLS
NC LICENSE NO. L-4752
DATE

LINE#	DIRECTION	LENGTH
L1	N83° 37' 40"E	94.32'
L2	N06° 20' 52"W	166.26'
L3	N06° 20' 52"W	36.42'
L4	N07° 01' 11"W	33.52'
L5	N57° 49' 50"E	135.10'
L6	N56° 35' 23"E	92.98'
L7	N76° 53' 27"E	57.38'
L8	N76° 02' 08"E	147.61'
L9	N01° 34' 15"W	81.30'
L10	N56° 01' 30"E	88.04'
L11	N53° 38' 28"E	93.37'
L12	N50° 18' 13"E	93.98'
L13	N47° 31' 51"E	88.14'
L14	N42° 57' 56"E	133.67'
L15	N39° 28' 11"E	158.12'
L16	N38° 24' 24"E	132.10'
L17	S07° 45' 19"E	199.36'
L18	N15° 24' 40"E	349.74'
L19	S74° 36' 52"E	431.11'
L20	S04° 53' 00"W	226.83'
L21	N89° 37' 25"W	68.58'
L22	N89° 37' 25"W	420.72'
L23	S04° 53' 00"W	98.52'
L24	S79° 43' 20"E	363.65'
L25	S09° 40' 51"W	265.35'
L26	N89° 36' 52"W	340.90'
L27	N89° 36' 52"W	97.96'
L28	S11° 58' 56"E	332.28'
L29	S89° 28' 25"W	409.63'
L30	N20° 49' 26"W	234.46'
L31	N39° 26' 23"W	146.49'
L32	S89° 28' 25"W	335.00'
L33	S06° 13' 34"E	155.00'
L34	S88° 58' 34"E	170.00'
L35	S06° 13' 34"E	235.00'
L36	S88° 58' 34"E	128.00'



N/F
DON SCOTT SUTTON JR
PIN: 0723136582
REID: 0073546
DB 12187 PG 1721
BM 1993 PG 785

N/F
ABEL L FIGUEROA
JESSICA FIGUEROA
PIN: 0723230271
REID: 0440404
DB 16154 PG 548
BM 2016 PG 1572

N/F
TOLL SOUTHEAST LP COMPANY LLC
PIN: 0723221515
REID: 0492486
DB 17681 PG 2768
BM 2022 PG 168

TEMPLE M MARCOM
PIN: 0723026951
REID: 0100137
DB 5048 PG 325

TEMPLE M MARCOM
PIN: 0723111191
REID: 0047517
DB 3676 PG 382
DB 19-E PG 0000

SONIA B MARCOM
PIN: 0723120194
REID: 0133683
DB 3292 PG 220
BM 1984 PG 679

DEBORAH M K STRICKLAND
PIN: 0723125145
REID: 0091717
DB 2284 PG 124

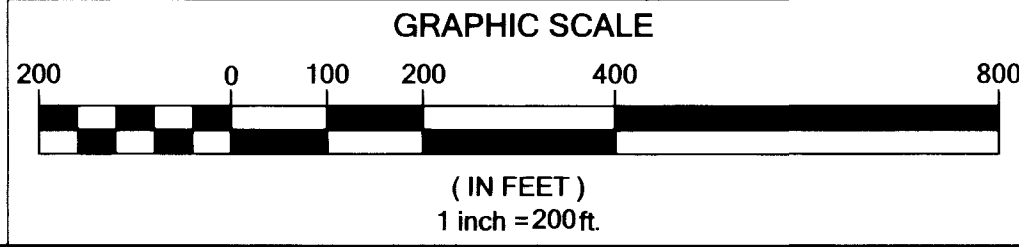
BRIDGET COTRUFO
PAULA COTRUFO
PIN: 0723115892
REID: 282816
DB 9017 PG 1189
BM 2001 PG 855

TEMPLE M MARCOM
DEBORAH M STRICKLAND
PIN: 0723113507
REID: 0043931
DB 18975 PG 1401

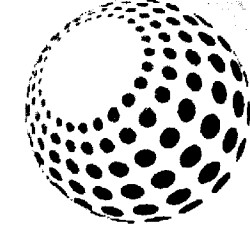
N/F
STANLEY R JOHNSON JR
LOLA C JOHNSON
PIN: 0723117077
REID: 0020194
DB 2348 PG 692

N/F
JILL L SANSOUCY
SCOTT OLSON
PIN: 0723216874
REID: 0330220
DB 11370 PG 2312
BM 2005 PG 880

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



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



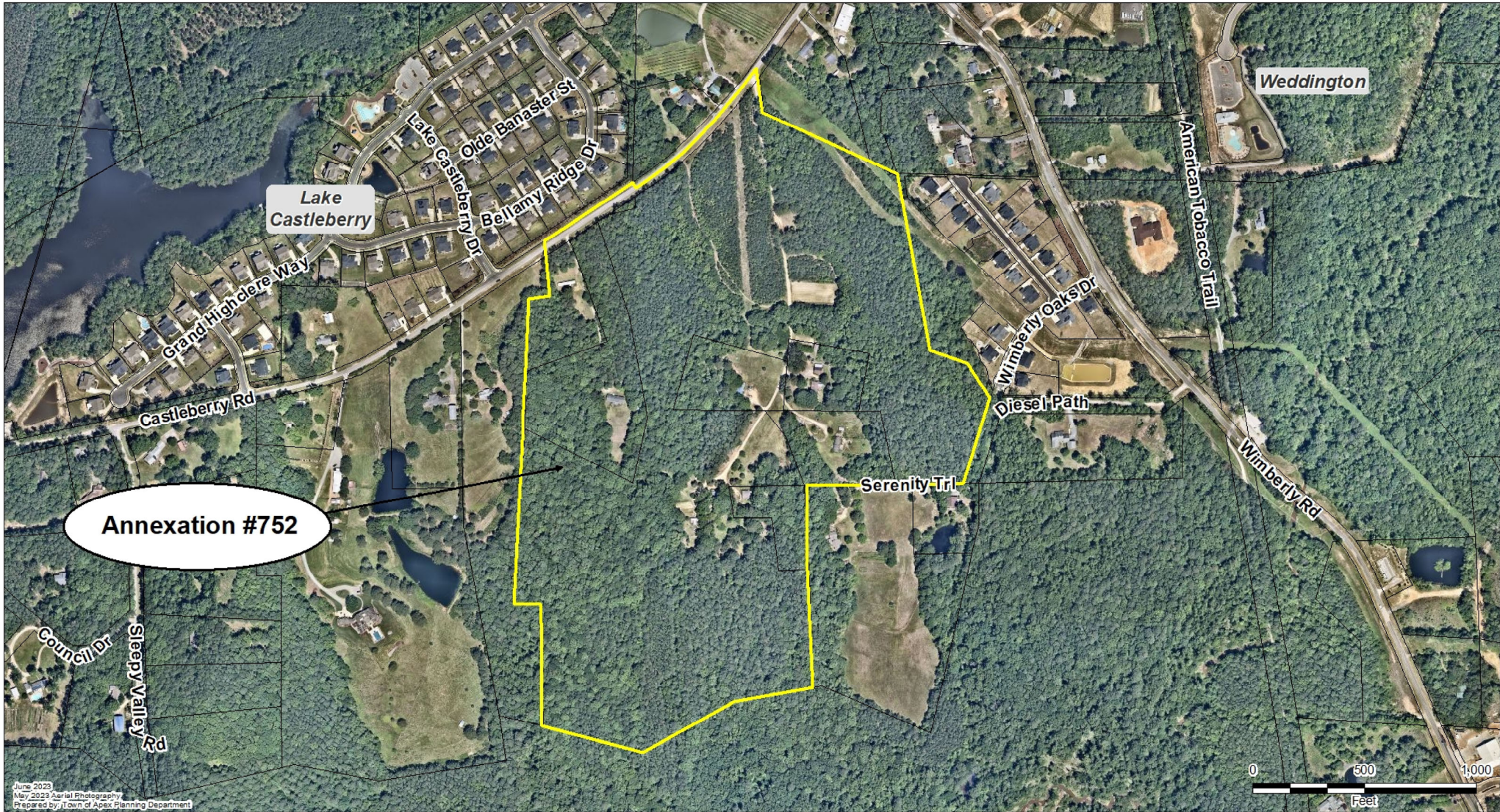
SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX

PINS: 0723125145, 0723115892, 0723120194, 0723023450, 0723024085, 0723113507, 723111191, & 0723026951

AS RECORDED IN DB 2284 PG 124, DB 9017 PG 1189, DB 3292 PG 220, DB 3292 PG 222, DB 16865 PG 2012, DB 18975 PG 1401, DB 3676 PG 382, & DB 5048 PG 325

WHITE OAK TOWNSHIP - WAKE COUNTY - NORTH CAROLINA

REVISIONS
1. ADDED PARCEL 0100137 (12/13/22)
2. REVISED PER APEX COMMENTS (03/07/23)
3. REVISED PER APEX COMMENTS (04/19/23)
4. REVISED PER APEX COMMENTS (05/01/23)
DESIGNED BY: N/A
DRAWN BY: ELS
CHECKED BY: SPC
SCALE: 1" = 200'
DATE: 11/09/2022
JOB NUMBER: 220679
SHEET 1 OF 1



PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2023-005
 Fee Paid: \$ 200.00

Submittal Date: 1-31-2023
 Check #: CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

See attached

Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Bateman Civil Survey Company; Steven P. Carson
 Phone: 919-577-1080 Fax: 919-577-1081
 E-mail Address: info@batemancivilsurvey.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>89.90</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>TBD</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>7</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>180</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>PUD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

*Pending rezoning application

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

AFFIDAVIT OF OWNERSHIP

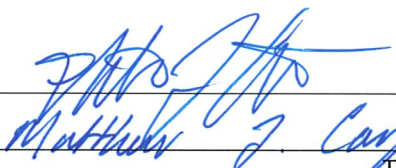
Application #: 2023-005

Submittal Date: 1-31-2023

The undersigned, Matthew J. Carpenter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the authorized agent of all owners, of the property 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. Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
4. To Affiant's actual knowledge, no claim or action has been brought against owners which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owners in court regarding possession of the Property.

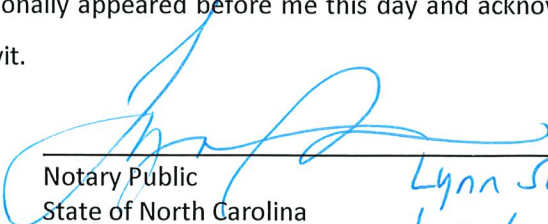
This the 17 day of January, 2023.

 (seal)
Matthew J. Carpenter
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 Matthew J. Carpenter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.




Notary Public
State of North Carolina
My Commission Expires: 11/16/2027

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2023-005

Submittal Date: 1-31-2023

COMPLETE IF SIGNED BY INDIVIDUALS:

Matthew J. Carpenter, Authorized Agent

Please Print


Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County,
this the 17 day of, January, 2023.




Notary Public

My Commission Expires: 11/16/2027

AGENT AUTHORIZATION FORM

Application #: 2023 - 005

Submittal Date: 1-31-2023

Sonya Ammons and Steve Ammons is the owner* of the property for which the attached application is being submitted:

- ☒ Land Use Amendment Land use remain in forestry until closing
- ☒ 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: Annexation Petition

The property address is: 0723113507, 0723120194, 0723026951, and 0723111191 (0723111191 inherited, ownership not shown in Wake County Registry)

The agents for this project are: Jeff Roach and Matthew Carpenter

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

Agent Names: Jeff Roach and Matthew Carpenter

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

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Sonya Ammons

Sonya Ammons

Sonya Ammons

Type or print name

12/13/22

Date

Steve Ammons

Steve Ammons

Type or print name

12/13/22

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Bridget Cotrufo and Paul Cotrufo is the owner* of the property for which the attached application is being submitted:

- ☒ Land Use Amendment Remain in Forestry until closing. (P)
- ☒ 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: Annexation Petition

The property address is: 8635 Castleberry Road; PIN 0723115892

The agents for this project are: Jeff Roach and Matthew Carpenter

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

Agent Names: Jeff Roach and Matthew Carpenter

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

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Bridget Cotrufo

Bridget Cotrufo

Type or print name

Dec. 13, 2022
Date

Paul Cotrufo

Paul Cotrufo

Type or print name

Dec. 13, 2022
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Deborah Strickland and Ronald Strickland _____ is the owner* of the property for which the attached application is being submitted:

- ☒ Land Use Amendment *Land use remain in forestry until closing*
- ☒ 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: Annexation Petition

The property address is: _____ PINs 0723125145, 0723113507, 0723026951 and 0723111191 (0723111191 inherited, ownership not shown in Wake County Registry)

The agents for this project are: Jeff Roach and Matthew Carpenter

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

Agent Names: Jeff Roach and Matthew Carpenter
 Address: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601
 Telephone Number: (919) 835-4032
 E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Deborah Strickland

Deborah Strickland

Type or print name

12-13-2022

Date

Ronald M. Strickland

Ronald Strickland

Type or print name

12.13.2022

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Thomas Marcom and Nancy Marcom

is the owner* of the property for which the attached

application is being submitted:

- ☒ Land Use Amendment *Land use remain in forestry until closing*
- ☒ 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: Annexation Petition

The property address is:

0723113507, 0723024085, 0723023450, 0723026951 and 0723111191 (0723111191 inherited, ownership not shown in Wake County Registry)

The agents for this project are:

Jeff Roach and Matthew Carpenter

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

Agent Names:

Jeff Roach and Matthew Carpenter

Address:

301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number:

(919) 835-4032

E-Mail Address:

matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Thomas Marcom

Thomas Marcom

Type or print name

12/13/22

Date

Nancy Marcom

Nancy Marcom

Type or print name

12/13/22

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: _____

Submittal Date: _____

Bridget Cotrufo and Paul Cotrufo

is the owner* of the property for which the attached

application is being submitted:

- ☒ Land Use Amendment *Remain in Forestry until closing*
- ☒ 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: Annexation Petition

The property address is: 8635 Castleberry Road; PIN 0723115892The agents for this project are: Jeff Roach and Matthew Carpenter☐ I am the owner of the property and will be acting as my own agentAgent Names: Jeff Roach and Matthew CarpenterAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601Telephone Number: (919) 835-4032E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Bridget Cotrufo

Bridget Cotrufo

Type or print name

Dec. 13, 2022
DatePaul Cotrufo

Paul Cotrufo

Type or print name

Dec. 13, 2022
Date

Attach additional sheets if there are additional owners.

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

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

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 2.18

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 70.54

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.20

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.26

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion to deny Rezoning Application No. 23CZ04 Castleberry Reserve Rezoning and Ordinance. The applicant, Matthew Carpenter, Parker Poe/Inspire Commercial, LLC and Jeff Roach, Peak Engineering, seeks to rezone approximately 89.90 acres from Wake County Residential-80W District (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

Recommendation

The Planning Department recommends denial.

The Planning Board held a Public Hearing on July 10, 2023 and by a vote of 5-3 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 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

Attachments

- PH2-A1: Staff Report - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD
- PH2-A2: Vicinity Map - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD
- PH2-A3: Application - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD
- PH2-A4: Legal Description - Exhibit A to Affidavit of Ownership - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD
- PH2-A5: Castleberry Reserve PUD - Attachment B - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD
- PH2-A6: Planning Board Report to Town Council - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD

- PH2-A7: Statement of Town Council & Ordinance - Rezoning Case No. 23CZ04 - Castleberry Reserve PUD



STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 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: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
Applicant/Agent: Matthew Carpenter, Parker Poe/Inspire Commercial, LLC and Jeff Roach, Peak Engineering
Owners: Deborah and Ronnie Strickland, Bridget and Paul Anthony Cotrufo, Sonya Ammons, Deborah Strickland, Thomas Marcom, Sonya and Steve Ammons, Thomas Russell and Nancy Marcom.

PROJECT DESCRIPTION:

Acreage: ±89.90 acres
PINs: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951
Current Zoning: Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Rural Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential
Town Limits: Outside – annexation is required at the time of rezoning

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Wake County Residential-80W (R-80W); Low Density-Conditional Zoning (LD-CZ #13CZ17)	Castleberry Road; Single-family Residential (Lake Castleberry subdivision)
South:	Wake County Residential-80W (R-80W)	Vacant; North Carolina Wildlife Resources Commission Protected Open Space
East:	Wake County Residential-80W (R-80W); Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ23); and Rural Residential-Conditional Zoning (RR-CZ #22CZ04)	Single-family Residential (Wimberly Estates subdivision); Single-family Residential
West:	Wake County Residential-80W (R-80W)	Single-family Residential

EXISTING CONDITIONS:

The properties to be rezoned are located south of Castleberry Road, north of the North Carolina Wildlife Resources Commission Protected Open Space, and approximately 800 feet west of Wimberly Road. The properties include the following:

- Mature trees, several streams bisecting the properties, with the grade sloping toward the southern section of the project site.
- Single-family residential and accessory structures.
- An existing gas line easement within the northeastern parcel, and an existing public overhead electrical easement along Castleberry Road.

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



- A cemetery, “Mills Cemetery”, located in the northwest area of the project site. The Mills Family Cemetery includes approximately 59 grave sites and has been in use for over 180 years.

NEIGHBORHOOD MEETING:

The applicant conducted two neighborhood meetings on December 7, 2022 and April 19, 2023. The neighborhood meeting reports are attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet.

WCPSS indicates that elementary, middle, and high schools within the current assignment area for this rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated. School expansion or construction within the next five years may address concerns at the elementary, middle, and high school grade level.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Rural Density Residential. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) includes a maximum density of 2 units per acre which is inconsistent with the Rural Density Residential (1 unit per 5 acres) classification. If the properties are rezoned as proposed, the 2045 Land Use Map will automatically be amended to Low Density Residential (maximum 3 units per acre) per NCGS 160D-605(a).

PROPOSED PLANNED UNIT DEVELOPMENT PLAN:

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

Permitted Uses:

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

Residential Uses

- Single-family
- Accessory apartment*

**Homeowners Association covenants shall not restrict the construction of accessory dwelling units.*

Recreational Uses

- Park, active
- Greenway
- Park, passive
- Recreation facility, private
- Utility, minor

Non-Residential

- Cemetery

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



Proposed Design Controls:

Residential:

Proposed Land Area:	89.90 acres
Maximum Number of Units:	179 units
Maximum Density:	2.0 units per acre
Maximum Building Height:	45 feet, 3 stories
Maximum Built-Up Area:	45%

Lot Dimensions:

Section	Minimum Lot Width	Minimum Lot Size
Northern	50 ft	6,000 sf
Southern	75 ft	10,000 sf

Setbacks:

	Proposed Minimum Setbacks	
Northern District Single- family Detached	Front	10'
	Front (garage)	20'
	Side	5'
	Rear	10'
	Corner Side	8'
	Minimum from Buffer/RCA	10' for buildings 5' for parking areas
Southern District Single- family Detached	Front	10'
	Front (garage)	20'
	Side	5'
	Rear	10'
	Corner Side	8'
	Minimum from buffer/RCA	10' for buildings 5' for parking areas
Recreation Facility, Private	Front	10'
	Side	10'
	Rear	10'
	Minimum from Buffer/RCA	10' for buildings 5' for parking areas

Proposed RCA & Buffers:

UDO Sec. 8.1.2.C *Size of the RCA*, does not require Resource Conservation Area (RCA) for developments with a density of 2.0 units per acre or less. However, the proposed project is providing 20% of the project

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



site as RCA. Therefore, the applicant is proposing that an additional 5% not be required if the development is mass graded per UDO Section 7.2.5.B.8.

Residential Buffers:

Perimeter Buffers:	UDO Required	Proposed
Along the Property's Castleberry Road frontage	30 ft. Type B	30 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B	20 ft. Type B
Along the Property's southernmost boundary adjacent to PIN 0722090422	20 ft. Type B	20 ft. Type B
Along the Property's shared property line with PIN 0723117077*	20 ft. Type B	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B	20 ft. Type B
Along Diesel Path	20 ft. Type B	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B	20 ft. Type B
Along the Cemetery (as defined below) boundary	20 ft. Type B	10 ft. Type B
Along the Cemetery's Road Frontage	10 ft. Setback	0 ft. Buffer

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

ENVIRONMENTAL ZONING CONDITIONS:

The following environmental conditions shall also apply to the Development:

1. All dwelling units shall be pre-configured with conduit for a solar energy system.
2. A solar PV system of at least 4 kilowatts shall be installed on a minimum of 5 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
3. The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
4. The project shall install a minimum of four (4) pet waste stations.
5. The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
6. Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25-year storm events.

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



7. Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
8. No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
9. Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
10. At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.
11. The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

AFFORDABLE HOUSING:

The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the "Affordable Units").

- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the "Initial Sales Price").
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty-five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x's) one-hundred thirty five percent (135%) times (x's) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the "Affordability Period") shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the "First Sale").
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

ARCHITECTURAL STANDARDS:

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

Residential District Design Guidelines

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.



10. Front porches shall be a minimum of 6 feet deep.

NATURAL RESOURCE AND ENVIRONMENTAL DATA:

The properties are within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

The project is not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015.

PARKING:

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

HISTORIC STRUCTURES:

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the "Cemetery"). The Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

PUBLIC FACILITIES:

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

STORMWATER MANAGEMENT:

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1-year, 10-year, and 25-year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

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

APEX TRANSPORTATION PLAN/ACCESS and CIRCULATION:

The proposed PUD is consistent with the Apex Transportation Plan.

**Transportation Improvements:**

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex and attached to this report. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

1. Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.
2. Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.
3. (Added at the Planning Board meeting) Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the property's Castleberry Road frontage.

Pedestrian Improvements:

1. Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
2. Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening and gutter typical roadway section (the "ATT Connection").
 - Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County.
 - Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way.
 - If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.
3. (Applicant added after Planning Board meeting). Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on January 9, 2023. 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
To the greatest extent practicable, include a 150-yard (450-foot) NC Game Land safety buffer along the exterior of the property adjacent to the US Army Corps lands.	Not Added
Implement low impact development (LID) techniques as defined by the NC Department of Environmental Quality.	Not Added
Stormwater re-use application <ul style="list-style-type: none">Integrate irrigation from the SCM (wet pond) on site	Not Added
Preserve tree canopy and prioritize medium to large, healthy, desirable species. <ul style="list-style-type: none">Preserve existing trees (percentage-based)Existing hardwood trees of 18" diameter or larger which are removed by development shall be replaced b 1.5" caliper native trees, either on site or at an alternate location. Tree species shall be chosen from the DDM or in conjunction with Planning Staff	Not Added
Implement green infrastructure. <ul style="list-style-type: none">Provide diverse and abundant pollinator and bird food sources (e.g. nectar, pollen, and berries from blooming plants) that bloom in succession from spring to fall, which should be 100% native for birds and 75% for pollinatorsProvide and allow for undisturbed spaces (e.g. leaf piles, unmown fields, fallen trees) for nesting and overwintering for native pollinators and wildlife.	Not Added
Install community gardens and native pollinator demonstration gardens	Not Added
Install a minimum of a 4-kW solar PV system to a minimum of 20 homes, including 5 homes with solar before 40% of building permits are approved, 10 homes before 65% of building permits are approved, and 20 homes before 90% of building permits are approved	Added with 4-kw and shall be installed on a minimum of 5 homes
Stormwater control devices shall be designed and constructed so that post-development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1-year, 10-year, and 25-year storm events	Added
Landscaping shall include at least four (4) native hardwood tree species throughout the development	Added
No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall	Added

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



EAB Suggested Condition	Applicant's Response
not be permitted within the riparian buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers	
Install signage near environmentally sensitive areas in order to: <ul style="list-style-type: none">• Reduce pet waste near SCM drainage areas• Eliminate fertilizer near SCM drainage areas	Added
Increase biodiversity. <ul style="list-style-type: none">• Plant pollinator-friendly flora.• Plant 75% native flora (Refer to the Apex Design & Development Manual (DDM) for approved native species)	Added
Include landscaping that requires less irrigation and chemical use. <ul style="list-style-type: none">• Plant warm season grasses for drought-resistance	Added
Install a minimum of four (4) pet waste stations in neighborhoods	Added
Include solar conduit in building design	Added
Include International Dark Sky Association compliance standards. <ul style="list-style-type: none">• Outdoor lighting shall be shielded in a way that focuses lighting to the ground• Lighting that minimizes the emission of blue light to reduce glare shall be used• Lighting with a color temperature of 3000K or less shall be used for outside installations	Added

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Castleberry Reserve PUD project at their April 26, 2023 meeting. The Commission made a recommendation for a fee-in-lieu of dedication for a maximum of 179 single-family detached units. The recommendation is based on the current 2023 fee rate of single-family detached units for \$4,016.66. The total residential fee in lieu per current unit count is \$718,982.14.

AFFORDABLE HOUSING:

The proposed project is proposing two (2) affordable units. Staff supports the proposed affordability term and income targeting range. However, the percentage of affordable units based on the total unit count is not sufficient enough to meet the minimum recommendation of five percent (5%), or 9 units, based on the recently adopted affordable housing incentive zoning policy.

STAFF ANALYSIS:

The proposed project is not in the Public Interest because of the following reasons:

1. The rezoning is not consistent with the current 2045 Land Use Map classification.

The existing Land Use Plan classification is Rural Density Residential at 1 dwelling unit per 5 acres. The Rural Density Residential classification is primarily located adjacent to the Protected Open Space consistent with the Goals established in the Peak Plan 2030.

The Peak Plan 2030 provides a broad vision of the future for Apex based on a set of goals, that includes Protection of Environmental and Natural Resources which warrants the location of the



Rural Density Residential classification adjacent to the Protected Open Space. As stated in the Peak Plan 2030:

- *Apex is located just east of one of the region's best natural amenities, Jordan Lake.*
- *The lake also serves as the area's main water supply.*
- *As the town continues to grow, runoff from development will continue to be one of the biggest threats to water quality in the area.*

Large homesteads and farms make up a significant portion of the western part of the study area. Not only do these lands contribute to the rural character of the area they are a low-impact, low-intensity set of uses in the critical area of the Jordan Lake water supply watershed.

The surrounding existing subdivisions in close proximity to the project site and the protected open space land include densities from 0.98 to 1.48. Staff recommends that the proposed project density be lower and a larger buffer adjacent to the Protected Open Space be provided in order to be consistent with the surrounding existing neighborhood densities and consistent with the Peak Plan 2030 Goal: Protection of the Environmental and Natural Resources.

2. The rezoning is not consistent with the 450-foot buffer from the Protected Open Space recommended by the North Carolina Wildlife Resource Commission (NCWRC) and the Town of Apex Environmental Advisory Board (EAB).

The 450- foot buffer from the Protected Open Space provides the following benefits:

- Water Quality
- Animal Habitat Protection
- Game Land Hunting Safety

Water Quality

Jordan Lake serves as a drinking water supply for hundreds of thousands of Triangle residents. The 450-foot buffer provides well-designed buffer strips that effectively minimize the movement of soil sediment, nutrients, pesticides, and pathogens through the soil profile and from the field as runoff, thereby improving water quality. Also, well-designed buffer strips improve wildlife habitat and air quality by reducing chemical emissions.

Animal Habitat Protection

The Protected Open Space is located in three areas of the Town of Apex planning jurisdiction. There are existing developments in the area of the other two Protected Open Space areas. However, these two Protected Open Space areas include barriers such as: a rail road, the Tobacco Trail, and roads that bisect through the Open Space areas. The Protected Open Space adjacent to the proposed project is unique in that it is the largest area of open space/wildlife corridors. This northern Protected Open Space has twice as much area, two miles, of uninterrupted open space between Wimberly Road and New Hill Road, which means this area has the largest non-fragmented wildlife corridor within the Town of Apex and warrants the recommended 450-foot buffer.



Game Land Hunting Safety

The adjacent Protected Open Space is Game Land for public hunting, trapping, fishing and other wildlife-associated recreation. The NCWRC recommends that local governments and developers do what is possible to maintain agricultural districts and natural areas within the buffer areas detailed below:

- The NCWRC recommends a 150 yard (450 feet) hunting safety buffer on NCWRC Game Lands.

The Apex EAB recommended the same condition as follows: "To the greatest extent practicable, include a 150-yard (450-foot) NC Game Land safety buffer along the exterior of the property adjacent to the US Army Corps lands."

The proposed PUD Plan provides a variable buffer between 237 ft and 349 ft shown in the dark green area. Two SCMs are located within the buffer which reduces the disturbed land distance to 125 feet from the Protected Open Space area. The pink line shows the location of the NCWRC and EAB recommended 450-foot buffer from the Protected Open Space/Game Land. (See Figure 1: Protected Open Space/Game Land Buffer Map).

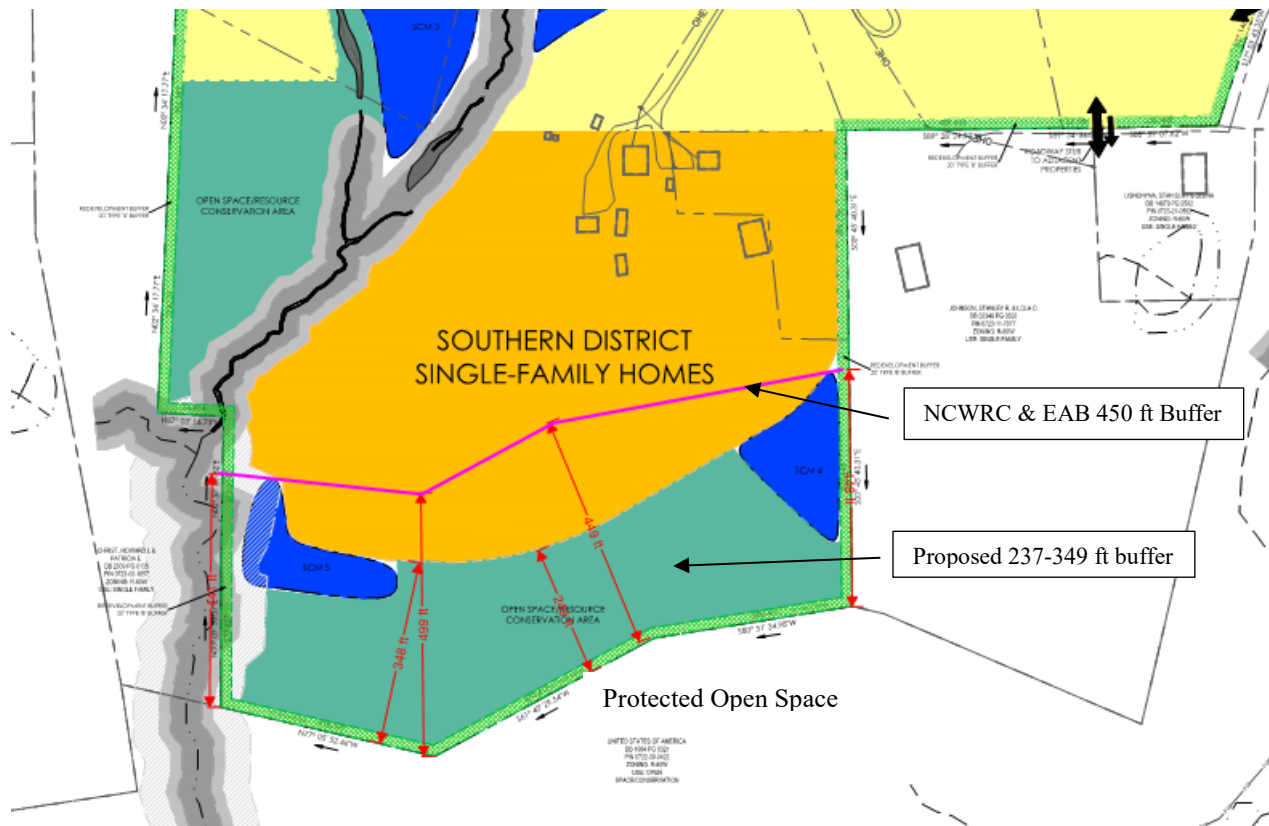


Figure 1: Protected Open Space/Game Land Map

In addition, the Peak Plan 2030 states the following regarding the Game Lands:

Game lands adjacent to Jordan Lake support plant and animal habitats and provide recreational and hunting opportunities. Encroaching development could negatively impact



these resources by fragmenting wildlife corridors and contributing to non-point source pollution.

Staff recommends the proposed project include the NCWRC and Town of Apex EAB recommended minimum 450-foot buffer along the Protected Open Space Game Land in order to provide additional safety buffer from Game Land activities water quality and animal habitat protection. The 450-foot buffer would add approximately 4.91 acres which would increase the RCA to 25%.

3. The rezoning is not consistent with the surrounding neighborhood character.

The Planned Unit Development zoning district includes UDO Section 2.3.4.F Planned Unit Development 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 existing adjacent neighborhoods adjacent to the project site and protected open space proximity include Lake Castleberry, Castleberry Estates, and Weddington (see Figure 2: Surrounding Neighborhood Map).

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting

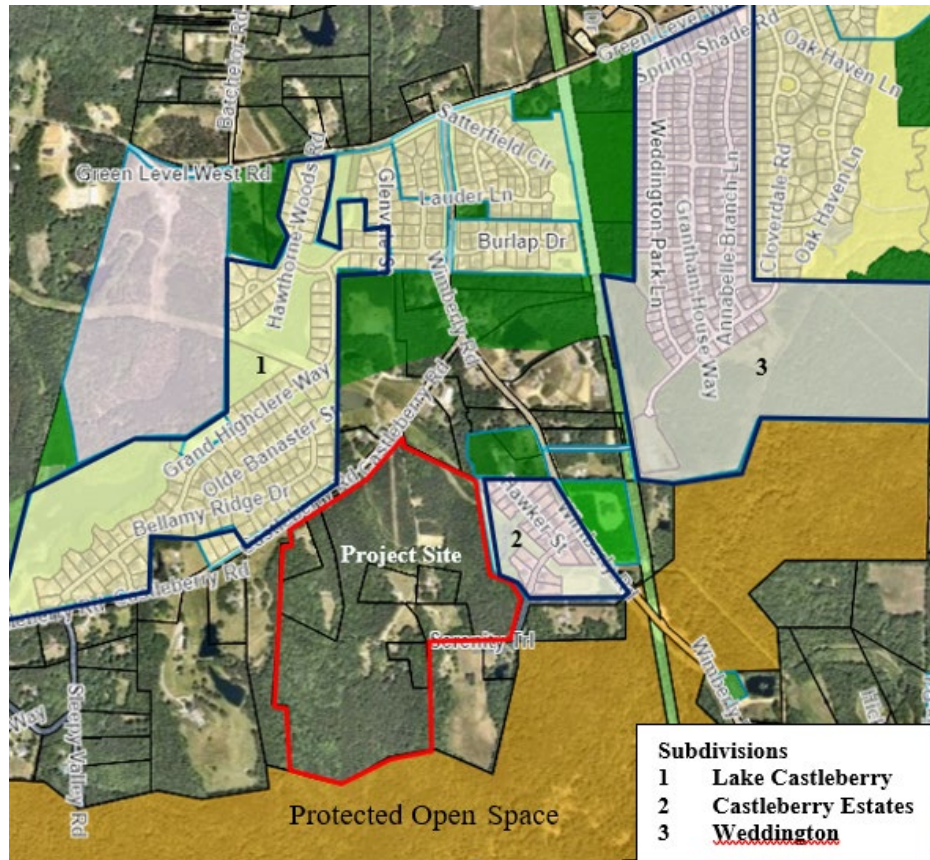


Figure 2: Surrounding Neighborhood Map

The table below compares the proposed project to the adjacent neighborhoods regarding density, minimum lot size, setbacks, and minimum distance to the Protected Open Space.

Subdivision	Density	Min Lot Size	Setbacks		Minimum Distance to Protected Open Space
Proposed Castleberry Reserves	2.0	6,000 (northern area) 10,000 (southern area)	Front: Garage: Side: Corner: Rear:	10 ft 20 ft 5 ft 8 ft 10 ft	237 ft
Lake Castleberry (1)	1.28	10,000	Front: Side: Corner: Rear:	25 ft 10 ft 15 ft 20 ft	1,471 ft
Castleberry Estates (2)	0.98	12,000	Front: Garage: Side: Corner: Rear:	15 ft 20 ft 8 ft 15 ft 15 ft	386 ft
Weddington	1.48	8,000	Front:	20 ft	

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



Subdivision	Density	Min Lot Size	Setbacks		Minimum Distance to Protected Open Space
(3)			Side:	5 ft,	650 ft to residential lots
			Corner:	aggregate 15 ft	
			Rear:	10 ft	
				15 ft	

In comparison to the adjacent neighborhoods, the proposed project provides:

- The highest density;
- The smallest lot size;
- The smallest setbacks;
- The narrowest buffer area along the Protected Open Space/Game Land at 237 feet.

Therefore, the proposed project is not consistent with the surrounding neighborhood character due to the higher density, the smaller lot and setbacks, and the shortest distance of the development area to the Protected Open Space.

4. Reduction in road improvements along Castleberry Road.

At the Planning Board meeting, a transportation condition was added to the proposed rezone as follows:

“Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the property’s Castleberry Road frontage.”

Staff is not in support of the added condition due to the following:

1. The condition is not consistent with the typical requirement for curb and gutter installation on a residential street; and
2. The condition does not offer a fee-in-lieu of curb and gutter similar to surrounding subdivisions. Lake Castleberry subdivision provided a fee-in-lieu for curb and gutter and sidewalk.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on July 10, 2023 meeting and recommended approval by a vote of 5 to 3 with the conditions as proposed by the applicant to include a condition as follows:

In keeping with the existing rural character of Castleberry Road, Developer shall provide right-of-way dedication along Castleberry Road, and improve the south side of Castleberry Road for the length of the Property’s frontage, consistent with the Town’s Rural Residential street section. Additionally, Developer shall construct a 5-foot sidewalk along the south side of Castleberry Road, south of the grassed swale, for the length of the Property’s Castleberry Road frontage.

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends denial of Rezoning #23CZ04 Castleberry Reserve PUD as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Rural Density Residential classification. The applicant proposes a rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) district with a maximum density of 2.0 which is not a valid density district within the Rural Density Residential Land Use Map classification. Therefore, the proposed project is not consistent with the 2045 Land Use Map classification. The Peak Plan 2030 goals include protection of environmental and natural resources, which warrants the location of the Rural Density Residential (1 dwelling unit per 5 acres) classification adjacent to the Protected Open Space.

The proposed rezoning is not reasonable and is not in the public interest because the proposed rezoning does not include the 450-foot buffer recommended by the North Carolina Wildlife Resources Commission and the Environmental Advisory Board. Furthermore, the proposed rezoning is not reasonable and not in the public interest because the proposed rezoning is not consistent with the surrounding neighborhood character, as it includes a higher density, smaller lot size, smaller setbacks, and the nearest development area to the Protected Open Space.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:***Standards***

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

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

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

a) *Development parameters*

- (i) The uses proposed to be developed in the PD Plan for PUD-CZ are those uses permitted in Sec. 4.2.2 *Use Table*.
- (ii) The uses proposed in the PD Plan for PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of non-residential land area is included in certain mixed use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown



- in the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.
- (iii) The dimensional standards in Sec. 5.1.3 *Table of Intensity and Dimensional Standards, Planned Development Districts* may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.
 - (iv) The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details*, and greenway improvements as required by the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.
 - (v) The design of development in the PD Plan for PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient compact network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections.
 - (vi) The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.
 - (vii) The development proposed in the PD Plan for PUD-CZ has architectural and design standards that are exceptional and provide higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.
- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.
- c) *RCA.* The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 *Resource Conservation Area*, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:
- (i) A non-residential component;
 - (ii) An overall density of 7 residential units per acre or more; or
 - (iii) Environmental measures including but not limited to the following:
 - a. The installation of a solar photovoltaic (PV) system on a certain number or percentage of single-family or townhouse lots or on a certain number or percentage of multifamily, mixed-use, or nonresidential buildings. All required solar installation shall be completed or under construction prior to 90% of the building permits being issued for the approved number of lots or buildings. For single-family or townhouse installations, the lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended;



- b. The installation of a geothermal system for a certain number or percentage of units within the development; or
 - c. Energy efficiency standards that exceed minimum Building Code requirements (i.e. SEER rating for HVAC).
- d) *Landscaping.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.2 *Landscaping, Buffering and Screening*, except that variations from these standards may be permitted where it is demonstrated that the proposed landscaping sufficiently buffers uses from each other, ensures compatibility with land uses on surrounding properties, creates attractive streetscapes and parking areas and is consistent with the character of the area. In no case shall a buffer be less than one half of the width required by Sec. 8.2 or 10 feet in width, whichever is greater.
- e) *Signs.* Signage in the PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.7 *Signs*, except that the standards can be varied if a master signage plan is submitted for review and approval concurrent with the PD plan and is determined by the Town Council to be suitable for the PUD-CZ and generally consistent with the intent and purpose of the sign standards of the UDO. The master signage plan shall have design standards that are exceptional and provide for higher quality signs than those in routine developments and shall comply with Sec. 8.7.2 *Prohibited Signs*.
- f) *Public facilities.* The improvements standards and guarantees applicable to the public facilities that will serve the site shall comply with Article 7: *Subdivision* and Article 14: *Parks, Recreation, Greenways, and Open Space*.
 - (i) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site transportation circulation system. The on-site transportation circulation system shall be integrated with the off-site transportation circulation system of the Town. The PD Plan for PUD-CZ shall be consistent with the Apex Transportation Plan and the *Town of Apex Standard Specifications and Standard Details* and show required right-of-way widths and road sections. A Traffic Impact Analysis (TIA) shall be required per Sec. 13.19.
 - (ii) The PD Plan for PUD-CZ demonstrates a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, and are efficiently integrated into off-site potable water and wastewater public improvement plans. The PD Plan shall include a proposed water and wastewater plan.
 - (iii) Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads shall be planned and programmed for the development proposed in the PD Plan for PUD-CZ, and the development is conveniently located in relation to schools and police protection services.
 - (iv) The PD Plan shall demonstrate compliance with the parks and recreation requirements of Sec. Article 14: *Parks, Recreation, Greenways, and Open Space* and Sec. 7.3.1 *Privately-owned Play Lawns* if there is a residential component in the PUD-CZ.
- g) *Natural resource and environmental protection.* The PD Plan for PUD-CZ demonstrates compliance with the current regulatory standards of this Ordinance related to natural resource and environmental protection in Sec. 6.1 *Watershed Protection Overlay District*, Sec. 6.2 *Flood Damage Prevention Overlay District*, and Sec. 8.1 *Resource Conservation*.
- h) *Storm water management.* The PD Plan shall demonstrate that the post-development rate of on-site storm water discharge from the entire site shall not exceed pre-development levels in accordance with Sec. 6.1.7 of the UDO.
- i) *Phasing.* The PD Plan for PUD-CZ shall include a phasing plan for the development. If development of the PUD-CZ is proposed to occur in more than one phase, then guarantees shall



be provided that project improvements and amenities that are necessary and desirable for residents of the project, or that are of benefit to the Town, are constructed with the first phase of the project, or, if this is not possible, then as early in the project as is technically feasible.

- j) *Consistency with 2045 Land Use Map.* The PD Plan for PUD-CZ demonstrates consistency with the goals and policies established in the Town's 2045 Land Use.
- k) *Complies with the UDO.* The PD Plan for PUD-CZ demonstrates compliance with all other relevant portions of the UDO.

CONDITIONAL ZONING STANDARDS:

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

Legislative Considerations

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

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

STAFF REPORT

Rezoning #23CZ04 Castleberry Reserve PUD

August 8, 2023 Town Council Meeting



- 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.



July 31, 2023

Lyle Overcash, PE.
Kimley-Horn and Associates, Inc.
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

Subject: **Staff summary and comments for the Castleberry Trails Development TIA Addendum, 07/27/2023**

Mr. Overcash:

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

Purpose of Addendum

The purpose of this addendum was to increase the lot count of the development from 170 single family homes to 180 single family homes, which increased the trip generation potential of the site by 6% from the original TIA.

Staff Recommendations

Staff has reviewed the increase in trip generation potential for the site and did not see an increase in level of service created by additional traffic at any of the study intersections. Therefore, staff recommendations remain unchanged from the original TIA review dated March 3, 2023.

Study Area

The TIA studied access to the proposed development at the following two (2) intersections:

- Castleberry Road and Site Driveway (proposed)
- Wimberly Road and Wimberly Oaks Drive (existing)

The following three (3) intersections were also included for analysis in the TIA study area:

- Castleberry Road and Wimberly Road
- Wimberly Road and Green Level West Road
- Green Level West Road and Green Level Church Road

Trip Generation

The proposed development is expected to consist of **180** single family homes. The development is projected to generate approximately **32** new trips entering and **95** new trips exiting the site during the weekday A.M. peak hour and **109** new trips entering and **64** new trips exiting the site during the weekday P.M. peak hour. The development is projected to add an additional **1,734** new daily trips onto the adjacent roadway network.

Background traffic

Background traffic consists of 3% annual background traffic growth compounded to build out year 2026, and the following fourteen (14) background developments.

- Halle Green Level West Apartment and Office (21-TAR-457)
- Twyla Road South (19-TAR-438A)
- Twyla Road North (19-TAR-437)
- Duke Health – Travis Staten (18-TAR-430A)
- Parkway Green Level Residential (18-TAR-429)
- Batchelor Road Residential (17-TAR-423)*
- White Oak Foundation (17-TAR-417)
- Wolfe Properties (Apex)
- Green Level Church Daycare (Apex)
- Ellsworth Residential (Apex)
- Apex Commercial – Freedom Square (Apex)
- Williams Grove (Apex)
- Castleberry Estates (Apex)
- Alderwood (Apex)

It should be noted that two of Apex developments (Ellsworth Residential and Castleberry Estates) did not have a traffic impact analysis because these developments were small and below the TIA thresholds. Therefore, it can be assumed that traffic from these developments is accounted in the annual background traffic growth rate.

Trip Distribution and Assignment

The trip distributions to and from the development site are as follows:

- 40% to/from the east on Green Level West Road
- 35% to/from the south on Wimberly Road
- 10% to/from the south on Green Level Church Road
- 10% to/from the west on Green Level West Road
- 5% to/from the north on Green Level Church Road

Traffic Capacity Analysis and Recommendations

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

Tables 1 through 5 describe the levels of service (LOS) for the scenarios analyzed in the TIA. "NA" is shown when the scenario does not apply. The scenarios are as follows:

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

Castleberry Road and Site Driveway

Table 1. A.M. / P.M. Unsignalized Peak Hour Levels of Service Castleberry Road and Site Driveway	
	Build 2026
<u>Overall</u>	<u>NA</u>
<i>Eastbound (Castleberry Road)</i>	NA
<i>Westbound (Castleberry Road)</i>	A / A ²
<i>Northbound (Site Driveway)</i>	A / A ¹

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends construction of a stop-controlled full movement site access driveway with one lane of ingress and one lane of egress on Castleberry Road, approximately 1,400 feet west of Wimberly Road.

Apex staff recommendations:

Apex staff concurs with the recommendation in the TIA. The site driveway is projected to operate at LOS A with minimal delays and minimal queuing.

Wimberly Road and Wimberly Oaks Drive

Table 2. A.M. / P.M. Unsignalized Peak Hour Levels of Service Wimberly Road and Wimberly Oaks Drive			
	Existing 2022	No Build 2026	Build 2026
Overall	<u>NA</u>	<u>NA</u>	<u>NA</u>
Eastbound (Wimberly Oaks Drive)	A / A^1	A / B^1	B / B^1
Northbound (Wimberly Road)	A / A^2	A / A^2	A / A^2
Southbound (Wimberly Road)	NA	NA	NA

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendation in the TIA. Wimberly Oaks Drive is projected to operate at LOS B with minimal delays and minimal queuing. Based on *NCDOT's Roadway Design Manual* and *NCDOT's Policy on Street and Driveway Access*, neither left turn or right turn lanes are warranted on Wimberly Road.

Castleberry Road and Wimberly Road

Table 3. A.M. / P.M. Unsignalized Peak Hour Levels of Service Castleberry Road and Wimberly Road			
	Existing 2022	No Build 2026	Build 2026
Overall	<u>NA</u>	<u>NA</u>	<u>NA</u>
Eastbound (Castleberry Road)	A / A^1	B / B^1	B / B^1
Northbound (Wimberly Road)	A / A^2	A / A^2	A / A^2
Southbound (Wimberly Road)	NA	NA	NA

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

Apex staff recommends the construction of a southbound right turn taper per the right turn lane warrants in the *NCDOT Roadway Design Manual* due to the increase in turn volumes caused by the development. Additionally, staff recommends a stop bar at the intersection with Wimberly Road and centerline pavement markings extending at a minimum 50 feet from the stop bar.

Wimberly Road and Green Level West Road

Table 4. A.M. / P.M. Unsignalized Peak Hour Levels of Service Wimberly Road and Green Level West Road			
	Existing 2022	No Build 2026	Build 2026
Overall	<u>NA</u>	<u>NA</u>	<u>NA</u>
Eastbound (Green Level West Road)	NA	NA	NA
Westbound (Green Level West Road)	A / A^2	A / A^2	A / A^2
Northbound (Wimberly Road)	A / B^1	B / B^1	B / C^1

1. Level of service for stop-controlled minor street approaches.
2. Level of service for left turn movements on free-flowing approaches.

TIA recommendations:

- The TIA recommends no improvements at this intersection.

Apex staff recommendations:

Apex staff concurs with the recommendation in the TIA. This intersection is projected to operate at LOS C or better on all approaches during both peak hours. It should be noted that an eastbound right turn taper is warranted based on the *NCDOT Roadway Design Manual*. However, the development is not projected to contribute a significant amount of traffic to the eastbound approach, therefore no improvements are recommended.

Green Level West Road and Green Level Church Road

Table 5. A.M. / P.M. Signalized Peak Hour Levels of Service Green Level West Road and Green Level Church Road			
	Existing 2022	No Build 2026	Build 2026
Overall	B / B	E / E	E / E
Eastbound (Green Level West Road)	C / C	F / F	F / F
Westbound (Green Level West Road)	C / C	E / E	E / F
Northbound (Green Level Church Road)	A / A	C / D	C / D
Southbound (Green Level Church Road)	B / B	E / F	E / E

TIA recommendations:

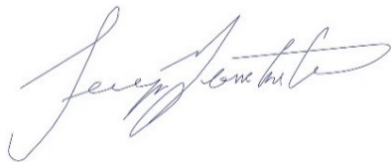
- The TIA recommends no improvements at this intersection

Apex staff recommendations:

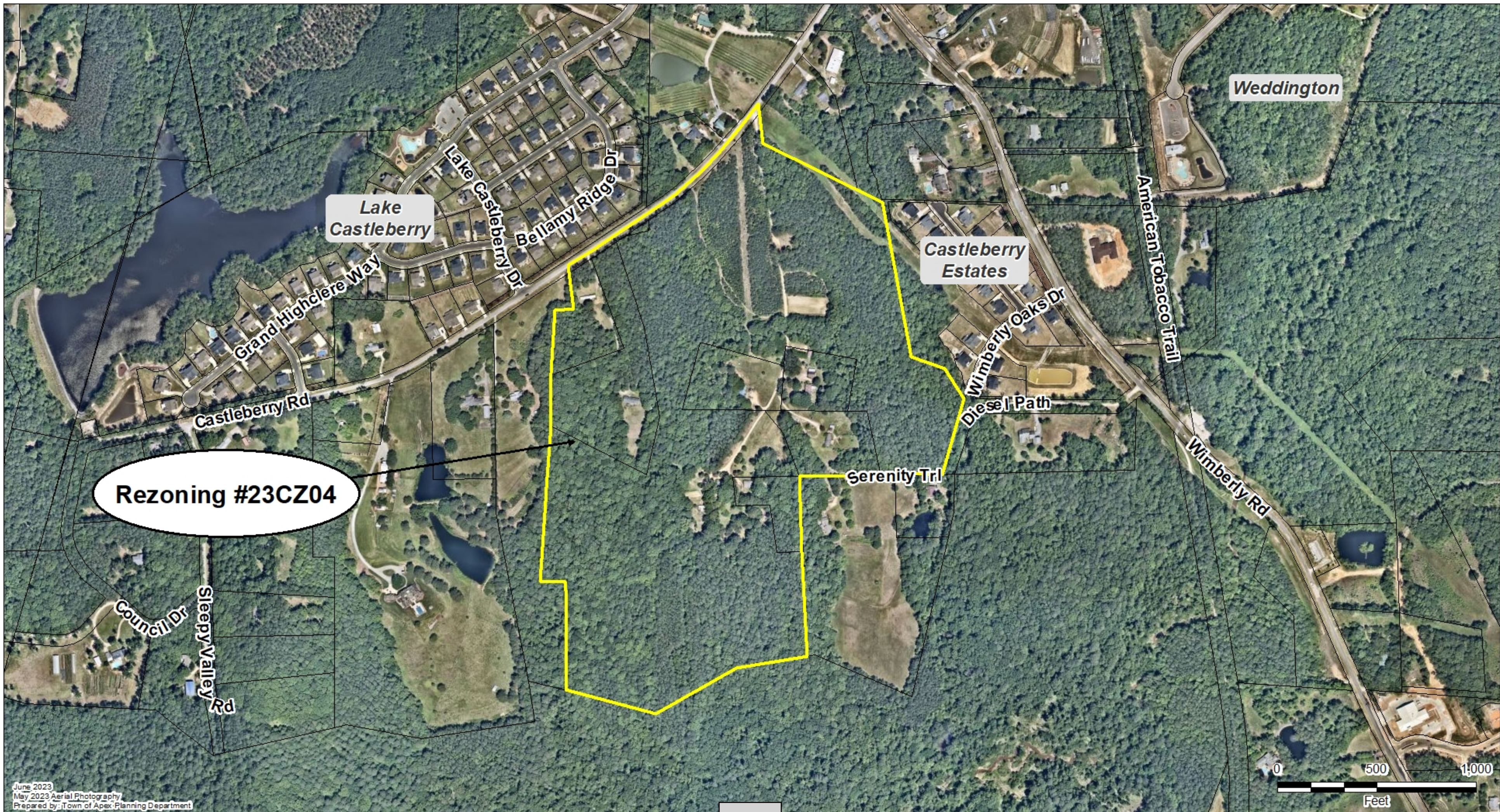
Apex staff concurs with the recommendations in the TIA. The development is projected to increase traffic by no more than 3% at this intersection, therefore no improvements are recommended per Section 13.19 of the UDO. It should be noted that a significant amount of background traffic is projected at this intersection in the no build conditions which will degrade operations to LOS E in both peak hours of the day. Breakdown in operations is projected on three of the four intersection approaches, particularly in the PM peak hour leading to long queues and vehicular delays. The development is not projected to add significantly more congestion to the intersection beyond the traffic projections in the No Build conditions.

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

Sincerely,



Serge Grebenschikov, PE
Traffic Engineer
919-372-7448



Weddington

Lake
Castleberry

Lake Castleberry Dr

Bellamy Ridge Dr

Grand Highclere Way

Castleberry Rd

Rezoning #23CZ04

Council Dr

Sleepy Valley Rd

Castleberry
Estates

Wimberly Oaks Dr

Diesel Path

Serenity Trl

Wimberly Rd

American Tobacco Trail

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 #:	23CZ04	Submittal Date:	1/31/2023
Fee Paid	\$	Check #	

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Castleberry Reserve
Address(es): See attached application Exhibit A
PIN(s) See attached application Exhibit A

Acreage: 89.90
Current Zoning: R-80W (Wake County) Proposed Zoning: Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 LUM Designation: Rural Density Residential

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

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

Area classified as mixed use:	Acreage:	<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: Inspire Commercial, LLC c/o Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

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

Agent Information

Name: Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com
Other contacts: Jeff Roach, Peak Engineering
jroach@peakengineering.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 23CZ04

Submittal Date: 1/31/2023

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

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.

PETITION PROCESS INFORMATION

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

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.

PETITION PROCESS INFORMATION

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.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 23CZ04

Submittal Date: 1/31/2023

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 23CZ04Submittal Date: 1/31/2023**Proposed Subdivision/Development Information**Description of location: South side of Castleberry RoadNearest intersecting roads: Castleberry Rd./Wimberly Rd.Wake County PIN(s): See attachedTownship: White Oak**Contact Information (as appropriate)**Contact person: Matthew CarpenterPhone number: 919-835-4032Fax number: N/AAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601E-mail address: matthewcarpenter@parkerpoe.comOwner: See attached

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Castleberry Reserve2nd Choice (Optional): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 23CZ04 Submittal Date: 1/31/2023

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

See attached

(the "Premises")

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

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

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: Inspire Commercial

TOWN OF APEX

BY: 

BY: _____

Authorized Agent

Authorized Agent

DATE: 1/17/2023

DATE: _____

AGENT AUTHORIZATION FORMApplication #: 23CZ04Submittal Date: 1/31/2023Sonya Ammons and Steve Ammons

is the owner* of the property for which the attached

application is being submitted:

- ☒ Land Use Amendment *Land use remain in forestry until clearing*
- ☒ 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: Annexation Petition

The property address is:

0723113507, 0723120194, 0723026951, and 0723111191 (0723111191 inherited, ownership not shown in Wake County Registry)

The agents for this project are:

Jeff Roach and Matthew Carpenter☐ I am the owner of the property and will be acting as my own agent

Agent Names:

Jeff Roach and Matthew Carpenter

Address:

301 Fayetteville Street, Suite 1400, Raleigh, NC 27601

Telephone Number:

(919) 835-4032

E-Mail Address:

matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Sonya Ammons
Sonya Ammons Sonya Ammons
Type or print name

12/13/22
Date

Steve Ammons
Steve Ammons
Type or print name

12/13/22
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 23CZ04Submittal Date: 1/31/2023Bridget Cotrufo and Paul Cotrufo

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

- ☒ Land Use Amendment *Remain in Forestry until closing*
- ☒ 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: Annexation Petition

The property address is: 8635 Castleberry Road; PIN 0723115892The agents for this project are: Jeff Roach and Matthew Carpenter☐ I am the owner of the property and will be acting as my own agentAgent Names: Jeff Roach and Matthew CarpenterAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601Telephone Number: (919) 835-4032E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Bridget Cotrufo

Bridget Cotrufo

Type or print name

Dec. 13, 2022
DatePaul Cotrufo

Paul Cotrufo

Type or print name

Dec. 13, 2022
Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORM

Application #: 23CZ04

Submittal Date: 1/31/2023

Thomas Marcom and Nancy Marcom

is the owner* of the property for which the attached

application is being submitted:

- ☒ Land Use Amendment *Land use remain in forestry until closing*
- ☒ 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: Annexation Petition *RM*

0723023450

The property address is:

0723113507, 0723024085, 0723024450, 0723026951 and 0723111181 (0723111181 inherited, ownership not shown in Wake County Registry)

The agents for this project are:

Jeff Roach and Matthew Carpenter

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

Agent Names: Jeff Roach and Matthew Carpenter

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

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Thomas Marcom
Thomas Marcom

Type or print name

12/13/22

Date

Nancy Marcom
Nancy Marcom

Type or print name

12/13/22

Date

Attach additional sheets if there are additional owners.

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

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

AGENT AUTHORIZATION FORMApplication #: 23CZ04Submittal Date: 1/31/2023

Deborah Strickland and Ronald Strickland is the owner* of the property for which the attached application is being submitted:

- ☒ Land Use Amendment *Land use remain in forestry until closing*
- ☒ 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: Annexation Petition

The property address is: PINs 0723125145, 0723113507, 0723026951 and 0723111191 (0723111191 Inherited, ownership not shown in Wake County Registry)

The agents for this project are: Jeff Roach and Matthew Carpenter

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

Agent Names: Jeff Roach and Matthew Carpenter

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

Telephone Number: (919) 835-4032

E-Mail Address: matthewcarpenter@parkerpoe.com

Signature(s) of Owner(s)*

Deborah Strickland

Deborah Strickland

Type or print name

12-13-2022

Date

Ronald M. Strickland

Ronald Strickland

Type or print name

12-13-2022

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 23CZ04

Submittal Date: 1/31/2023

The undersigned, Matthew J. Carpenter (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

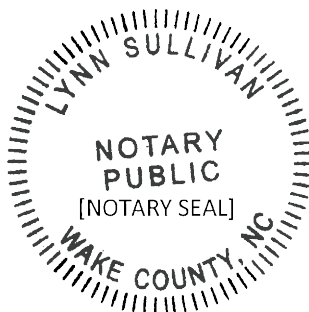
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the authorized agent of all owners, of the property legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
4. To Affiant's actual knowledge, no claim or action has been brought against owners which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owners in court regarding possession of the Property.

This the 17 day of January, 2023.

 (seal)
Matthew J. Carpenter
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 Matthew J. Carpenter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



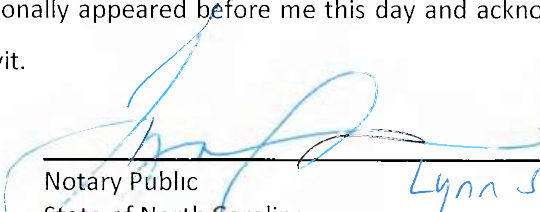

Notary Public
State of North Carolina
My Commission Expires: 11/16/2027

Exhibit A to Affidavit of Ownership

Legal Description of the Property

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°34'36"W A DISTANCE OF 57.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°28'25"W A DISTANCE OF 409.63 FEET TO AN AXLE FOUND; THENCE, S00°45'40"E A DISTANCE OF 396.14 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°45'40"E A DISTANCE OF 503.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.42 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE,

N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 3,916,211 SQUARE FEET OR 89.90 ACRES, MORE OR LESS.

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

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

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

Developer Company Information	
Company Name	Inspire Commercial, LLC
Company Phone Number	c/o Matthew Carpenter; 919-835-4032
Developer Representative Name	Matthew Carpenter
Developer Representative Phone Number	919-835-4032
Developer Representative Email	matthewcarpenter@parkerpoe.com

New Residential Subdivision Information	
Date of Application for Subdivision	TBD
City, Town or Wake County Jurisdiction	Town
Name of Subdivision	Castleberry Reserve
Address of Subdivision (if unknown enter nearest cross streets)	8639 Castleberry Road
REID(s)	See attached
PLIN(s)	See attached

Projected Dates Information	
Subdivision Completion Date	2025/2026
Subdivision Projected First Occupancy Date	2026

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	180					90	90	2000	5000	TBD	TBD	2026					
Townhomes																	
Condos																	
Apartments																	
Other																	

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.

November 22, 2022

Date

Dear Neighbor:

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

See attached Exhibit A

See attached Exhibit A

Address(es)

PIN(s)

in accordance with the Town of Apex 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 checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to Planned Unit Development-Conditional Zoning (PUD-CZ) or Low Density Residential Conditional Zoning (LD-CZ) to facilitate the development of a low density residential subdivision.

Estimated submittal date: January 2, 2023

MEETING INFORMATION:

Property Owner(s) name(s): See attached Exhibit A

Applicant(s): Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Electronic Meeting invitation/call in info: See attached notice letter

Date of meeting**: December 7, 2022

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: November 22, 2022

Re: Notice of Virtual Neighborhood Meeting

You are invited to attend a neighborhood meeting on December 7, 2022 beginning at 6:00 PM. The purpose of the meeting is to discuss an upcoming application to rezone 7 parcels of land located at 8633 Castleberry Road (PIN 0732125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), and 8717 Castleberry Road (PIN 0723023450) (collectively, the "Property"). The Property is currently zoned Residential-80 Watershed (R-80W)(Wake County), and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ) or Low Density Residential Conditional Zoning (LD-CZ). A corresponding annexation petition will be filed with the rezoning application.

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

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

Visit:	https://zoom.us/join
Enter the following meeting ID:	882 4218 9273
Enter the following password:	195811

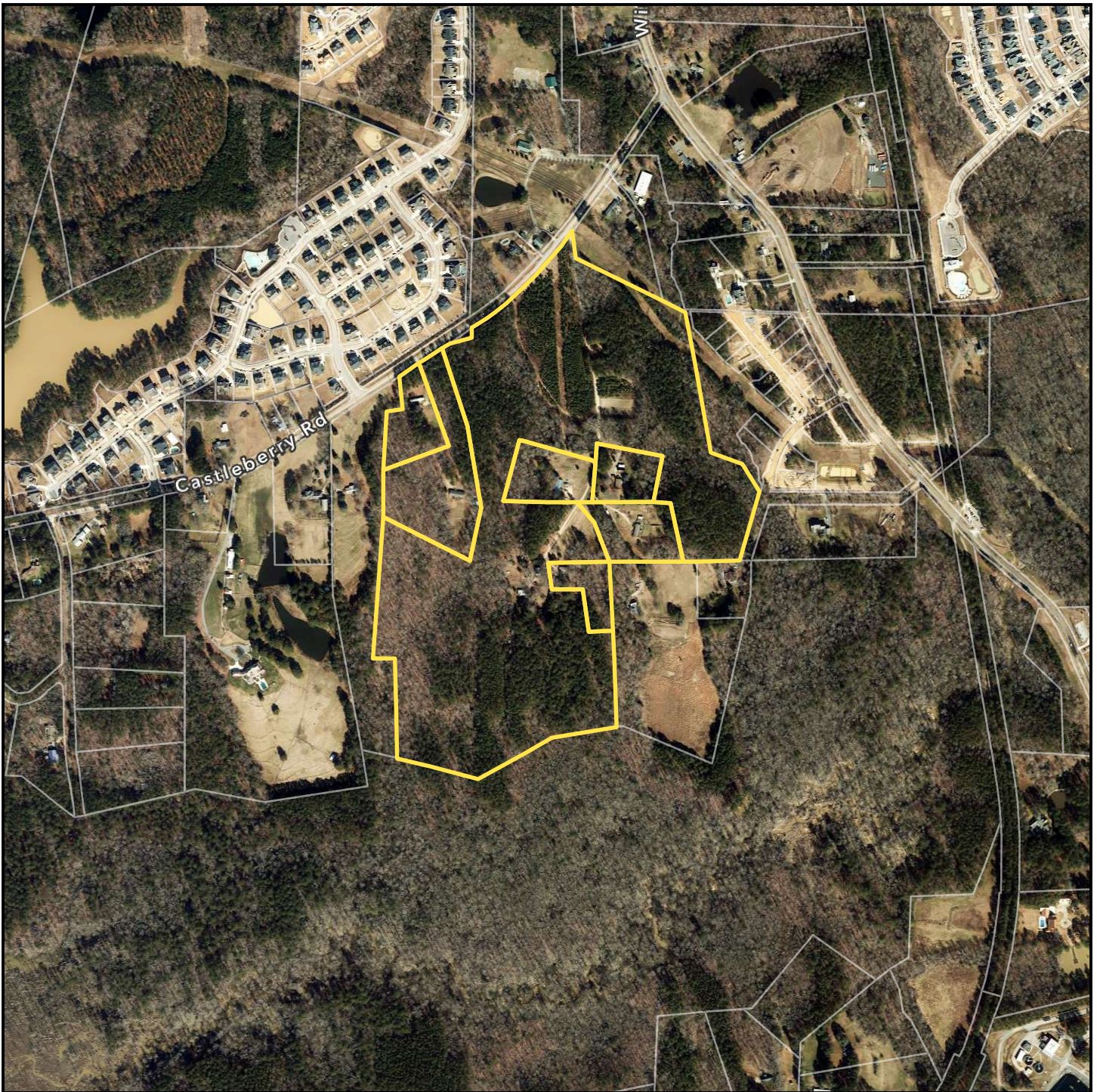
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	882 4218 9273 #
Enter the Participant ID:	#
Enter the Meeting password:	195811 #

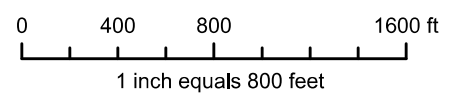
If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Thank you,

Matthew Carpenter



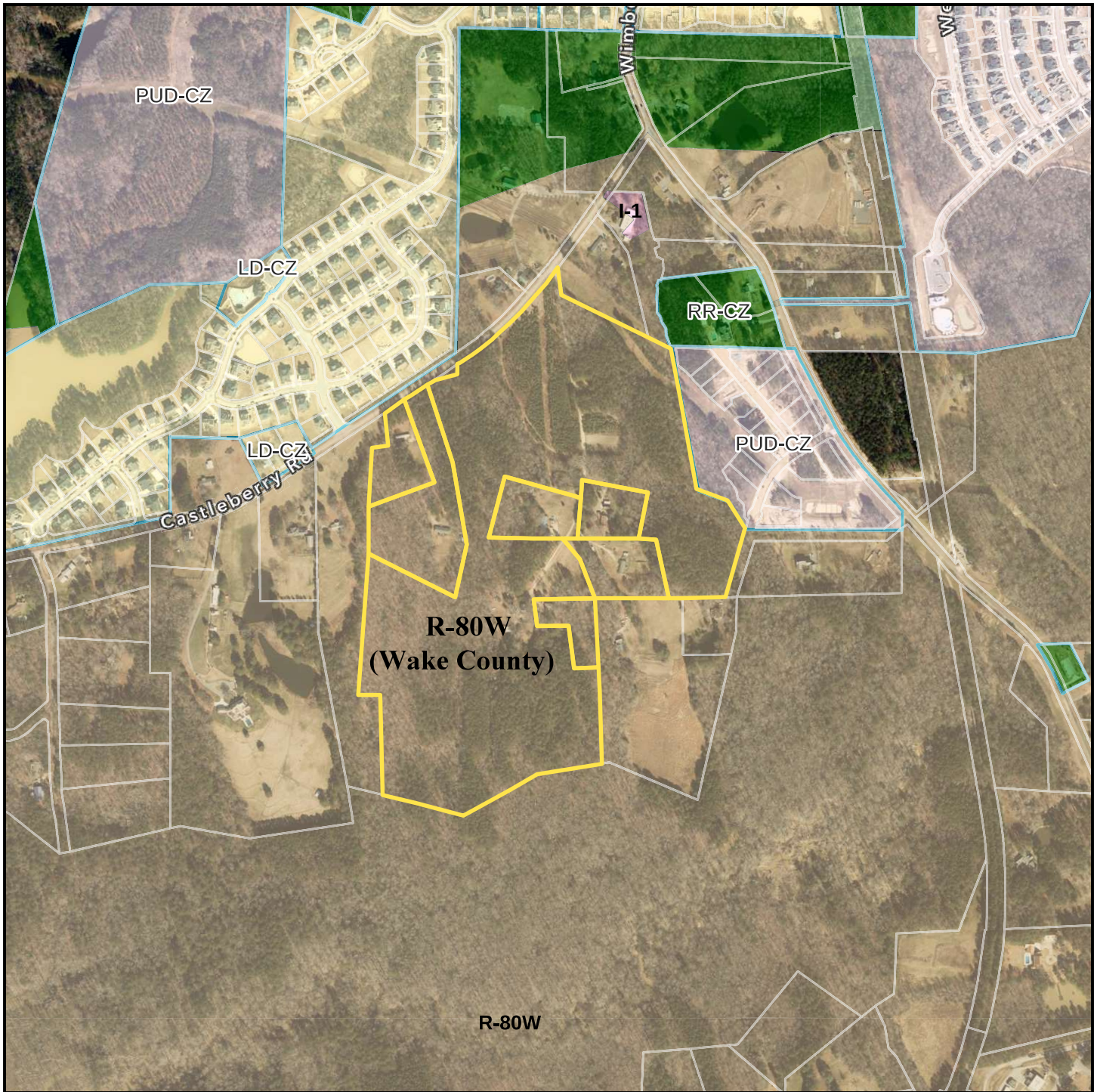
**8633; 8635; 8637; 8639; 8649;
8709; & 8717 Castleberry Road**



Vicinity Map

Disclaimer

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



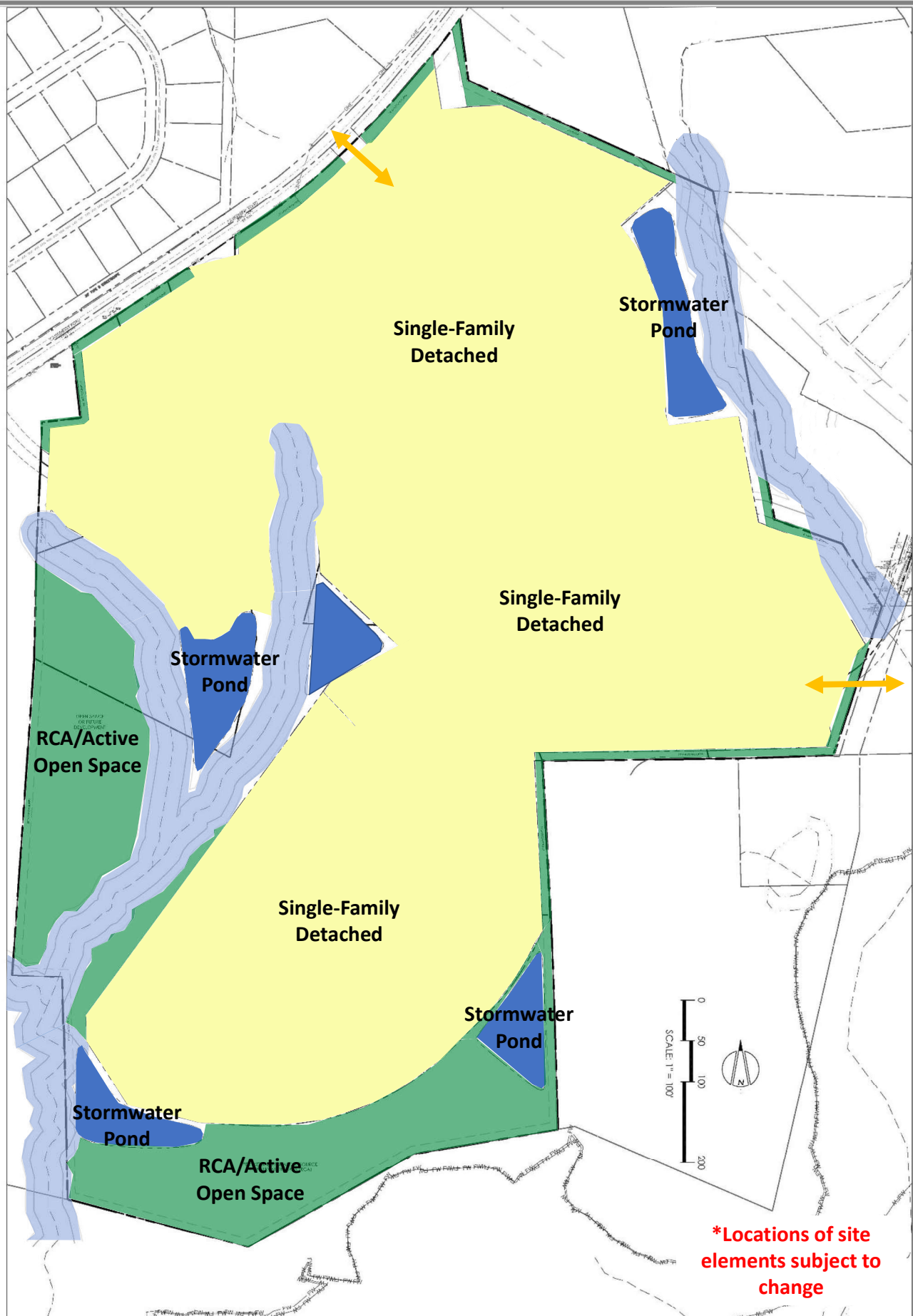
**8633; 8635; 8637; 8639; 8649;
8709; & 8717 Castleberry Road**

Zoning Map

Current Zoning: R-80W (Wake Co.)

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.



SP-1

Project # 220062
 Date: SEPTEMBER 2022
 Drawn by: [blank]
 Scale: As Shown

RESIDENTIAL
 ASSEMBLY

NO.	DATE	DESCRIPTION
1	09/22/22	PRELIMINARY

- Page 455 -

Project: CASTLEBERRY ASSEMBLY
 CASTLEBERRY ROAD
 OAK TOWNSHIP
 NORTH CAROLINA 27523

NO LARGER THAN 1/4" X 1/4"

Preliminary
 Concept Plan

Exhibit A

Castleberry Assemblage

Owner Information Addendum

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Marcom Kay Strickland

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): 18975/1401

Acreage: 2.18

Owner: Tempie M. Marcom and Deborah M. Strickland

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): 19-E/0000

Acreage: 70.54

Owner: Tempie M. Marcom

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.20

Owner: Thomas Russell Marcom and Nancy Marcom

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 3292/222

Acreage: 2.92

Owner: Thomas Russell Marcom

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

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: Castleberry Zoning: R-80W (Wake County)

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 91.59 acres

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

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

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

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

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

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
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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
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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 Danny Smith	919-372-7470 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.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

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

Applicant(s): Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com

Meeting Address: Virtual via zoom

Date of meeting: December 7, 2022

Time of meeting: 6:00

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

Question/Concern #1:

What is the total acreage and number of homes proposed?

Applicant's Response:

The total acreage is around 91 acres but may change slightly based on the final survey. We don't have an exact total unit count at this stage but are proposing a maximum overall density of 2 units/acre.

Question/Concern #2:

What type of buffer will there be along Castleberry Road? Concerns about existing trees along the frontage.

Applicant's Response:

We will have a planted buffer along the Castleberry street frontage, likely 30 feet wide. We can look into maintaining existing trees in the buffer where possible but the site will have to be mass graded and there will be a gap in the buffer to accommodate the neighborhood entrance.

Question/Concern #3:

We want to make sure homes are compatible with existing homes in the area. What type of architectural conditions are you offering?

Applicant's Response:

Although our architectural conditions have not been finalized, we expect to offer several of the commitments you see in other cases in Apex like a restriction on vinyl siding, requirement for multiple materials, roof pitch requirements, etc.

Question/Concern #4:

Where will the neighborhood be accessed from?

Applicant's Response:

We anticipate there will be access points on Castleberry Road and Wimberly. The access to Wimberly Road will connect to the existing road stub at Castleberry Estates.

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

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

I, Matthew J. Carpenter, do hereby declare as follows:
Print Name

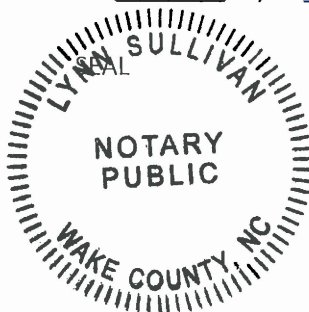
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at via zoom (location/address) on December 7 (date) from 6:00 PM (start time) to 8:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

1/17/2023
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lynn Sullivan, a Notary Public for the above State and County, on this the 17 day of January, 2023.



[Signature]
Notary Public
Lynn Sullivan
Print Name

My Commission Expires: 11/16/2027

**Castleberry Trails PUD
Neighborhood Meeting Attendance Roster
December 7, 2022**

1. Joe Smith
2. Bridget Cotrufo
3. Ellen Conway
4. Rudy Renfer
5. Tim Johnson
6. Matthew Lambe
7. Ed Paiewonsky
8. Nicole Penke
9. Jing Qiu
10. Morgan Lambe
11. Dinesh Ramakrishnan
12. Laura Wahl
13. Robert
14. SK
15. Ryan Akers
16. Preetam Dabade
17. Howard Crist
18. Pat Crist
19. Joni Klem
20. Chelsea Lawrence
21. Mike Guerin
22. Scott Conway
23. Ramesh K
24. Chandra DinavahiSuvidha Kovuri
25. Nancy Marcom

*Contact information was received but has been redacted for filing

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
8805 CASTLEBERRY RD	0713915102	BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-9046
3223 BELLAMY RIDGE DR	0723039278	CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-6604
2935 WIMBERLY OAKS DR	0723224151	CHU, BRIAN CHU, ALBERTINA	2935 WIMBERLY OAKS DR	APEX NC
8624 CASTLEBERRY RD	0723130849	CLUER, THOMAS G JR, CLUER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-6669
3236 BELLAMY RIDGE DR	072303135	COSTA, LUZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-6604
8635 CASTLEBERRY RD	0723118892	COTRUFO, BRIDGET COTRUFO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-6685
8728 CASTLEBERRY RD	0723001857	CRIST, HOWARD L CRIST, PATRICIA E	8728 CASTLEBERRY RD	APEX NC 27523-6757
3235 BELLAMY RIDGE DR	0723030500	DABADE, PREETAM JAVHEDKAR, APIURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-6604
808 WIMBERLY RD	0723230271	FIGUEROA, ABELL L FIGUEROA, JESSICA	804 WIMBERLY RD	APEX NC 27523-6765
8737 CASTLEBERRY RD	0713927050	HAMILTON, BRIAN	9737 CASTLEBERRY RD	APEX NC 27523-6757
8738 CASTLEBERRY RD	0723030500	HAMILTON, BRIAN	9738 CASTLEBERRY RD	APEX NC 27523-6757
3251 BELLAMY RIDGE DR	0723021739	JAINVAL, VISHAL SUBHALAL JAINVAL, SHWETA VISHAL	3251 BELLAMY RIDGE DR	APEX NC 27523-6604
8309 SERENITY TRL	0723110777	JOHNSON, STANLEY RAY JR, JOHNSON, LOLA C	203 WINDSOR WYND PL	FLUQUAY VARIANA NC 27526-6628
8625 CASTLEBERRY RD	0723134513	JOHNSON, WILLIAM R III, JOHNSON, SHERRY W	3511 NC 55 HWY	CARY NC 27519-8371
3244 BELLAMY RIDGE DR	0723031074	KUNSHAN, SRIKAM PENASALWAR, NAMRATA	3244 BELLAMY RIDGE DR	APEX NC 27523-6604
3228 BELLAMY RIDGE DR	0723034203	KRISHNAN, SRINAM SWAMINATHAN, APARNA CHANDRA	3228 BELLAMY RIDGE DR	APEX NC 27523-6604
3248 BELLAMY RIDGE DR	0723020999	KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3248 BELLAMY RIDGE DR	APEX NC 27523-6604
0 CASTLEBERRY RD	0713929535	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
3238 BELLAMY RIDGE DR	0723023974	LAMBE, MORGAN TAYLOR LAMBE, MATTHEW T	3238 BELLAMY RIDGE DR	APEX NC 27523-6604
3207 SERENITY TRL	0723022814	LATORE, JOSEPH A LATORE, ERIN MARIE	3247 BELLAMY RIDGE DR	APEX NC 27523-6603
8635 CASTLEBERRY RD	0723210562	LISHCHYNA, STANISLAV LISHCHYNA, OLENA	8907 SERENITY TRL	APEX NC 27523
8705 CASTLEBERRY RD	0723224262	MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	2827 WIMBERLY OAKS DR	APEX NC 27523
8637 CASTLEBERRY RD	0723020654	MARCOM, TEMPIE M	8637 CASTLEBERRY RD	APEX NC 27523-6685
8717 CASTLEBERRY RD	0723113507	MARCOM, TEMPIE M STRICKLAND, DEBORAH M	8637 CASTLEBERRY RD	APEX NC 27523-6685
8709 CASTLEBERRY RD	0723023450	MARCOM, THOMAS RUSSELL	2309 7 LKS S	WEST END NC 27376-6001
3255 BELLAMY RIDGE DR	0723020744	MARCOM, THOMAS RUSSELL MARCOM, NANCY	3255 BELLAMY RIDGE DR	APEX NC 27523-6604
424 LAKE CASTLEBERRY DR	0713928691	PALAKODETI, ANUPAMA DINAVAH, VENKATA C	424 LAKE CASTLEBERRY DR	APEX NC 27523-6612
2926 WIMBERLY OAKS DR	0723222388	PATEL, VISHAL PATEL, KESHA	2926 WIMBERLY OAKS DR	APEX NC 27523
8644 CASTLEBERRY RD	0723039239	PUTLURI, VENKAT REDDY KUNREDDY, KAVITHA	3243 BELLAMY RIDGE DR	APEX NC 27523-6604
3231 BELLAMY OAKS DR	0723035047	RAMAKRISHNAN, DINESHBABU KOTHANDARAMAN, MOUSHIMI	8644 CASTLEBERRY RD	APEX NC 27523-6669
2932 WIMBERLY OAKS DR	0723222247	RENNER, R A JR TRUSTEE RENFER, BETTY DISHONG TRUSTEE	3231 BELLAMY RIDGE DR	APEX NC 27523-6604
4201 DIESEL PATH, RD	0723218814	REYNOLDS, KATIE COLE REYNOLDS, ROBERT JAY	2932 WIMBERLY OAKS DR	APEX NC 27523
8623 CASTLEBERRY RD	0723136582	SAHA, ARJUN ROY CHOWDHURY, RUPSA	4201 DIESEL PATH, RD	APEX NC 27523-6781
3249 BELLAMY RIDGE DR	0723136592	SANSOUCY, JILL OLSON, SCOTT	8623 CASTLEBERRY RD	APEX NC 27523-6685
0 HAWKER ST	0723221515	SUTTON, DON SCOTT, JP	8623 CASTLEBERRY RD	APEX NC 27523-6685
3227 BELLAMY RIDGE DR	0722064222	TALL DE'ONG YUAN, ZHONGFENG	3240 BELLAMY RIDGE DR	APEX NC 27523-6604
1017 WIMBERLY RD	0723035178	TOLL SOUTHEAST LP COMPANY INC	310 NEW BERN AVE	HORSHAM PA 19044-2323
3227 BELLAMY RIDGE DR		UNITED STATES OF AMERICA	3227 BELLAMY RIDGE DR	APEX NC 27523-6604
		WAHL, JAMES WAHL, LAURA	8625 Castleberry RD	APEX NC 27523
		Current Tenant	8639 Castleberry RD	APEX NC 27523
		Current Tenant	8709 Castleberry RD	APEX NC 27523
		Current Tenant	8717 Castleberry RD	APEX NC 27523
		Current Tenant	440 Hawker ST	APEX NC 27523
		Current Tenant	445 Hawker ST	APEX NC 27523
		Current Tenant	458 Hawker ST	APEX NC 27523
		Current Tenant	470 Hawker ST	APEX NC 27523
		Current Tenant	8309 Serenity TRL	APEX NC 27523
		Current Tenant	808 Wimberly RD	APEX NC 27523
		Current Tenant	1105 Wimberly RD	APEX NC 27523
		Current Tenant	2932 Oaks DR	APEX NC 27523

Exhibit A
Castleberry Road Rezoning
Owner Information Addendum

Parcel 1

Site Address: 8633 Castleberry Road
PIN: 0723125145
Deed Reference (book/page): 2284/124
Acreage: 2.38
Owner: Deborah Strickland and Ronnie Strickland
Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road
PIN: 0723115892
Deed Reference (book/page): 9017/1189
Acreage: 3.37
Owner: Bridget Cotrufo and Paul Anthony Cotrufo
Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road
PIN: 0723113507
Deed Reference (book/page): 18975/1401
Acreage: 1.94
Owner: Sonya Ammons, Deborah Strickland, Thomas Marcom
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road
PIN: 0723111191
Deed Reference (book/page): 19-E/0000
Acreage: 68.82
Owner: Sonya Ammons, Deborah Strickland, Thomas Marcom
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road
PIN: 0723120194
Deed Reference (book/page): 3292/220
Acreage: 3.0
Owner: Sonya Ammons and Steve Ammons
Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom and Nancy Marcom

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 3292/222

Acreage: 2.92

Owner: Thomas Russell Marcom and Nancy Marcom

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): 005048/325

Acreage: 0.19

Owner: Sonya Ammons, Deborah Strickland, Thomas Marcom

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

EXHIBIT B

Legal Description of the Property

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°34'36"W A DISTANCE OF 57.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°28'25"W A DISTANCE OF 409.63 FEET TO AN AXLE FOUND; THENCE, S00°45'40"E A DISTANCE OF 396.14 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°45'40"E A DISTANCE OF 503.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.42 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE,

N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 3,916,211 SQUARE FEET OR 89.90 ACRES, MORE OR LESS.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

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

Applicant(s): Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; 919-835-4032

Meeting Address: Virtual via Zoom

Date of meeting: April 19 Time of meeting: 6:00

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

Question/Concern #1:

What do the green areas on the Concept Plan represent?

Applicant's Response:

Green areas are conceptual locations for Resource Conservation Areas and open space. Although these areas may shift slightly at the subdivision phase, they will generally be located as shown on the Concept Plan. RCAs are preserved areas that will remain undisturbed.

Question/Concern #2:

Is it possible to shift the access road on Castleberry Road west to prevent vehicle lights from shining into my home?

Applicant's Response:

Yes. The arrows shown are preliminary and will be finalized at the subdivision stage. We will shift the arrows west on the Concept Plan.

Question/Concern #3:

How far along in the review process is the application?

Applicant's Response:

We filed the application in February and are currently in the staff review phase. Once staff review has been finalized, the case will go before the Planning Board for a public hearing. Planning Board will vote whether to recommend approval of the case to Town Council. After that, the case will be scheduled for Town Council. Town Council will then hold another public hearing and vote whether to approve the rezoning.

Question/Concern #4:

Will there be sidewalks on Castleberry Road?

Applicant's Response:

Yes, there will be sidewalks along the property's Castleberry Road frontage and throughout the subdivision. We are also working to extend the existing sidewalk stub on Wimberly Road to connect to the American Tobacco Trail.

Castleberry Reserve PUD
Neighborhood Meeting Attendance Roster
April 19, 2023

1. Jim Wahl
2. Pat Crist
3. Chandra Dinavahi
4. Rudy Renfer
5. Annabel White
6. Paul Cotrufo

*Contact information was received but has been redacted for filing

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

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

I, Matthew J. Carpenter, do hereby declare as follows:

Print Name

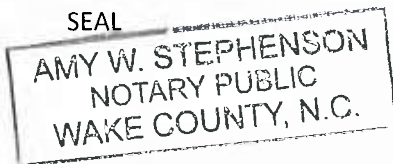
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property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

4/20/23
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Matthew J. Carpenter, a Notary Public for the above State and County, on this the 20th day of April, 2023.



Amy W. Stephenson
Notary Public
Amy W. Stephenson
Print Name

My Commission Expires: 10-2-2023

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

April 4, 2023

Date

Dear Neighbor:

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

See attached Exhibit A

See attached Exhibit A

Address(es)

PIN(s)

in accordance with the Town of Apex 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 checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The applicant is proposing to rezone the property to Planned Unit Development-Conditional Zoning (PUD-CZ) to facilitate the development of a low density residential subdivision.

Estimated submittal date: _____

MEETING INFORMATION:

Property Owner(s) name(s): See attached Exhibit A

Applicant(s): Inspire Commercial, LLC c/o Matthew Carpenter

Contact information (email/phone): matthewcarpenter@parkerpoe.com; (919) 835-4032

Electronic Meeting invitation/call in info: See attached notice letter

Date of meeting**: April 19, 2023

Time of meeting**: 6:00 PM - 8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: between 6:00 - 8:00 PM Question & Answer: between 6:00 - 8:00 PM

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

To: Neighboring Property Owners
From: Matthew J. Carpenter
Date: April 4, 2023

Re: Notice of Second Virtual Neighborhood Meeting

You are invited to attend a second neighborhood meeting on April 19, 2023 at 6:00 PM to discuss rezoning case # 23-CZ-04, the requested rezoning of 8 parcels of land located at 8633 Castleberry Road (PIN 0732125145), 8635 Castleberry Road (PIN 0723115892), 8637 Castleberry Road (PIN 0723113507), 8639 Castleberry Road (PIN 0723111191), 8649 Castleberry Road (PIN 0723120194), 8709 Castleberry Road (PIN 0723024085), 8717 Castleberry Road (PIN 0723023450), and 8705 Castleberry Road (PIN 0723026951) (collectively, the "Property"). The primary change since the first neighborhood meeting held December 7, 2022, is that a small 0.26 acre parcel (PIN 0723026951) has been added to the rezoning case.

The Property is currently zoned Residential-80 Watershed (R-80W)(Wake County), and is proposed to be rezoned to Planned Unit Development-Conditional Zoning (PUD-CZ). A corresponding annexation petition has been filed with the rezoning application.

The purpose of the proposed rezoning is to facilitate the development of a single-family residential subdivision. During the meeting, the applicant will describe the nature of the rezoning request and field any questions from the public. Enclosed are: (1) a vicinity map outlining the location of the Property; (2) a zoning map of the Property; (3) a concept plan; (4) a project contact information sheet; and (5) a common construction issues & who to call information sheet.

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

Visit:	https://zoom.us/join
Enter the following meeting ID:	829 3846 8314
Enter the following password:	034858

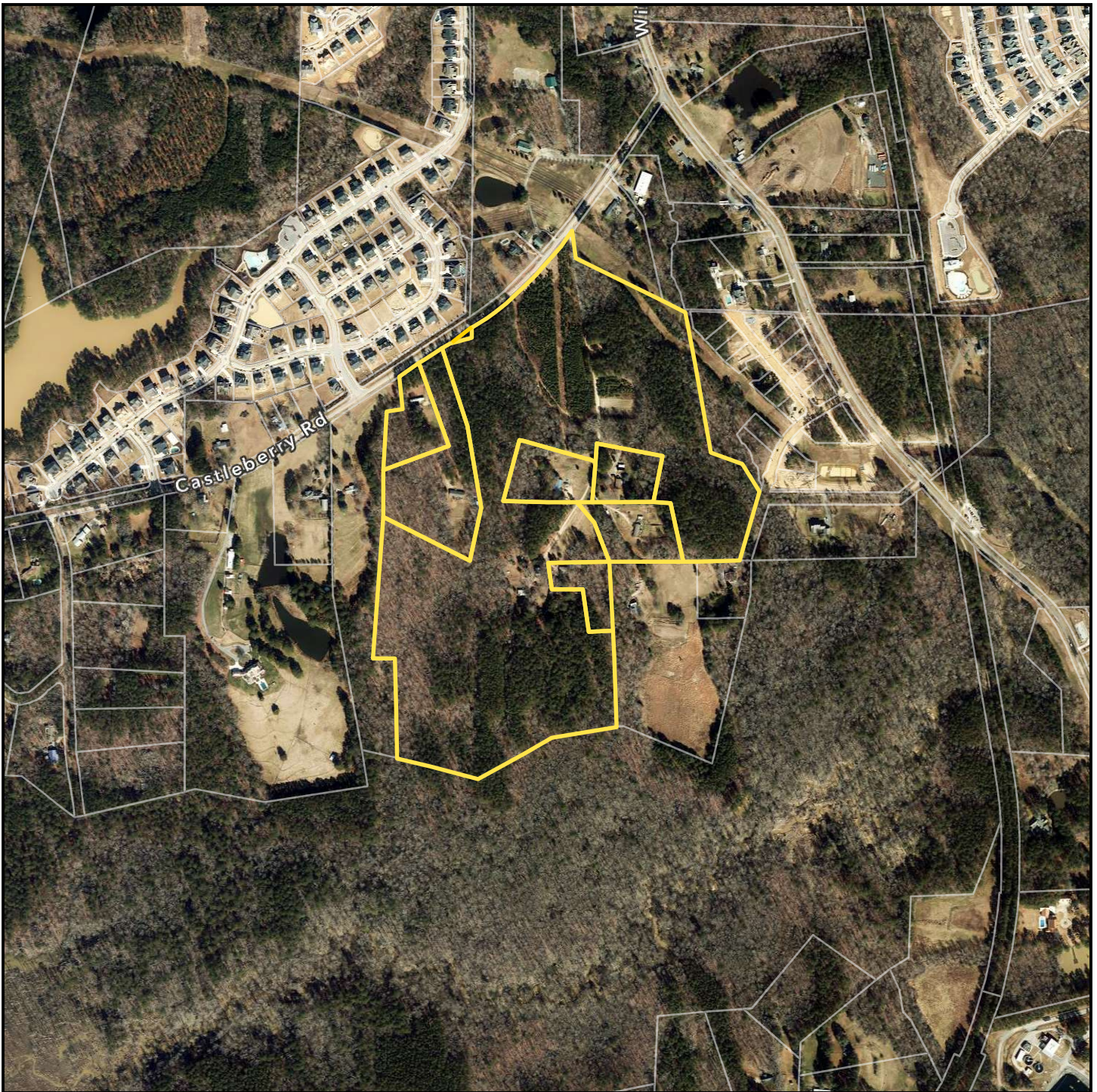
To participate by telephone:

Dial:	1 929 205 6099
Enter the following meeting ID:	829 3846 8314 #
Enter the Participant ID:	#
Enter the Meeting password:	034858 #

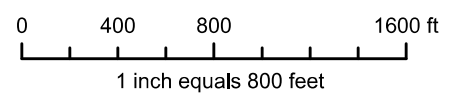
If you have any questions about this rezoning, please contact me at (919) 835-4032 or via email at matthewcarpenter@parkerpoe.com.

Sincerely,


Matthew J. Carpenter



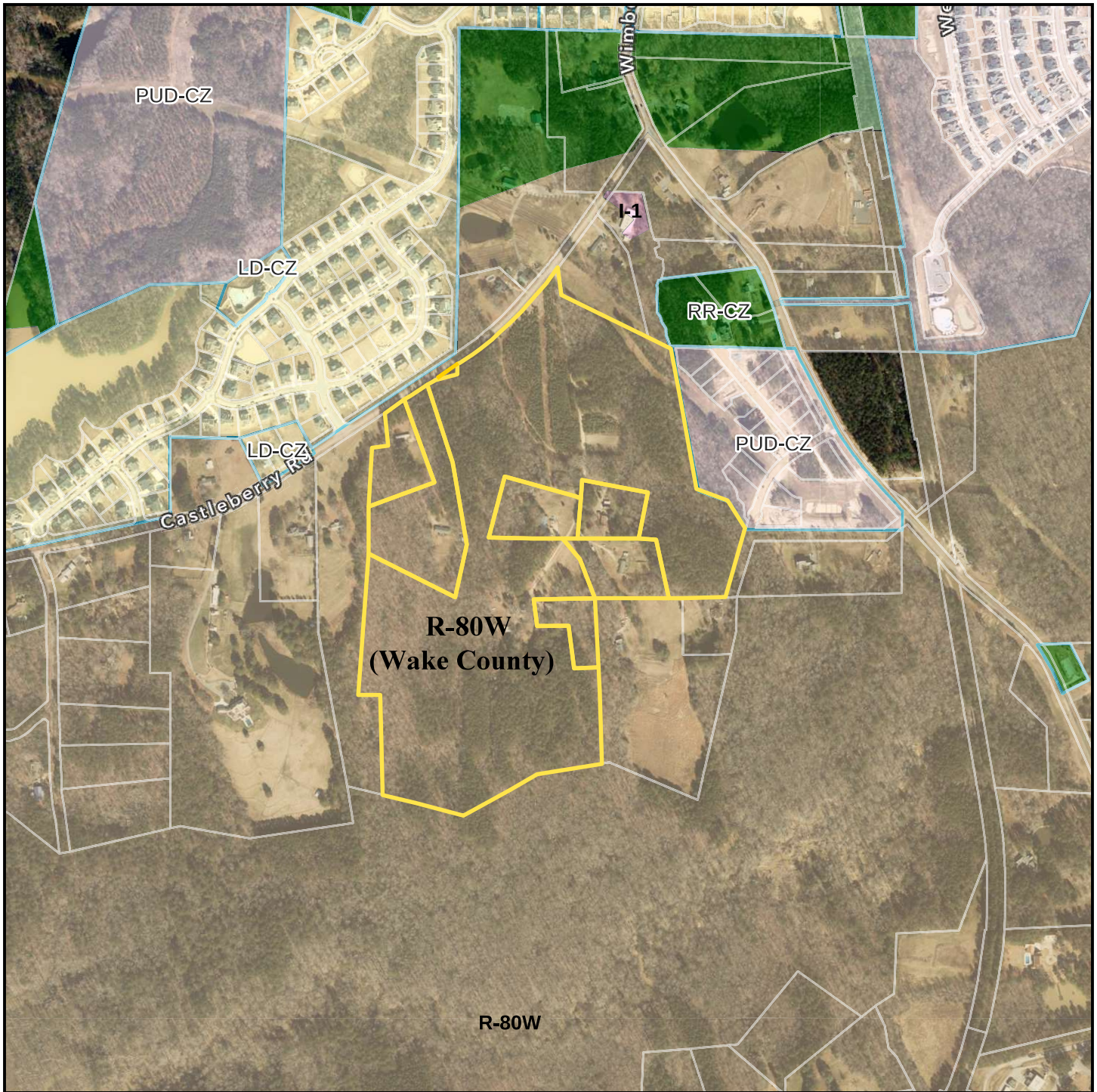
**8633; 8635; 8637; 8639; 8649; 8705;
8709; & 8717 Castleberry Road**



Vicinity Map

Disclaimer

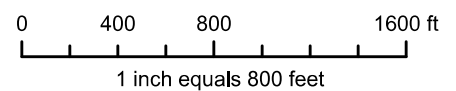
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



**8633; 8635; 8637; 8639; 8649; 8705;
8709; & 8717 Castleberry Road**

Zoning Map

Current Zoning: R-80W (Wake Co.)



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.

LEGEND

- SINGLE FAMILY - DETACHED
- EX CEMETERY
- POSSIBLE SITE AMENITY
- BUFFERS/RCA

- SITE AND UTILITY NOTES:**
1. THE CONCEPTUAL ACCESS AND DRIVE STREET LOCATIONS SHALL BE FOLLOWED AS SHOWN UNLESS OTHERWISE NOTED AND APPROVED.
 2. REAL REQUIRE CONSIDERATION OF LOCAL ORDINANCES, REGULATIONS, AND STANDARDS SHALL BE COORDINATED WITH THE APPLICABLE AGENCIES AND APPROVED BY THE APPLICABLE AGENCIES.
 3. THE CONCEPTUAL UTILITY PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. REAL UTILITY COMPONENTS ARE TO BE DETERMINED BY THE UTILITY PROVIDERS.
 4. REFER TO POTENTIAL DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONCEPTS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 5. ENVIRONMENTAL FEATURES ARE SUBJECT TO REAL TIME COORDINATION WITH VARIOUS REGULATING AGENCIES.
 6. THE CONCEPTUAL UTILITY PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. REAL UTILITY COMPONENTS ARE TO BE DETERMINED BY THE UTILITY PROVIDERS.
 7. ALL UTILITY LOCATIONS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.
 8. PROPOSED UTILITY LOCATIONS WITH ADJACENT DOWN WATER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GAS.
 9. THE PROJECT SHALL COMPLY WITH ALL TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.
 10. THE PROJECT SHALL COMPLY WITH ALL TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.
 11. THE PROJECT SHALL COMPLY WITH ALL TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.
 12. THE PROJECT SHALL COMPLY WITH ALL TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.
 13. THE PROJECT SHALL COMPLY WITH ALL TOWN OF APEX, NCDDOT, OR OTHER RELEVANT AGENCY STANDARD DESIGN SPECIFICATIONS.

POTENTIAL ACCESS POINTS:

Potential Access Points from points on the Conceptual Utility Plan (CUP) / Conceptual Utility Plan (CUP) are shown for illustrative purposes only. The actual location of the access points shall be determined by the utility providers and approved by the applicable agencies. The location of the access points shall be determined by the utility providers and approved by the applicable agencies. The location of the access points shall be determined by the utility providers and approved by the applicable agencies.



**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**
SCALE: 1"=150'

LEGEND

- PROJECT PERIMETER BOUNDARY
- PROPOSED WATER CONNECTIONS
- PROPOSED SEWER CONNECTIONS
- POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR
ILLUSTRATIVE PURPOSES ONLY

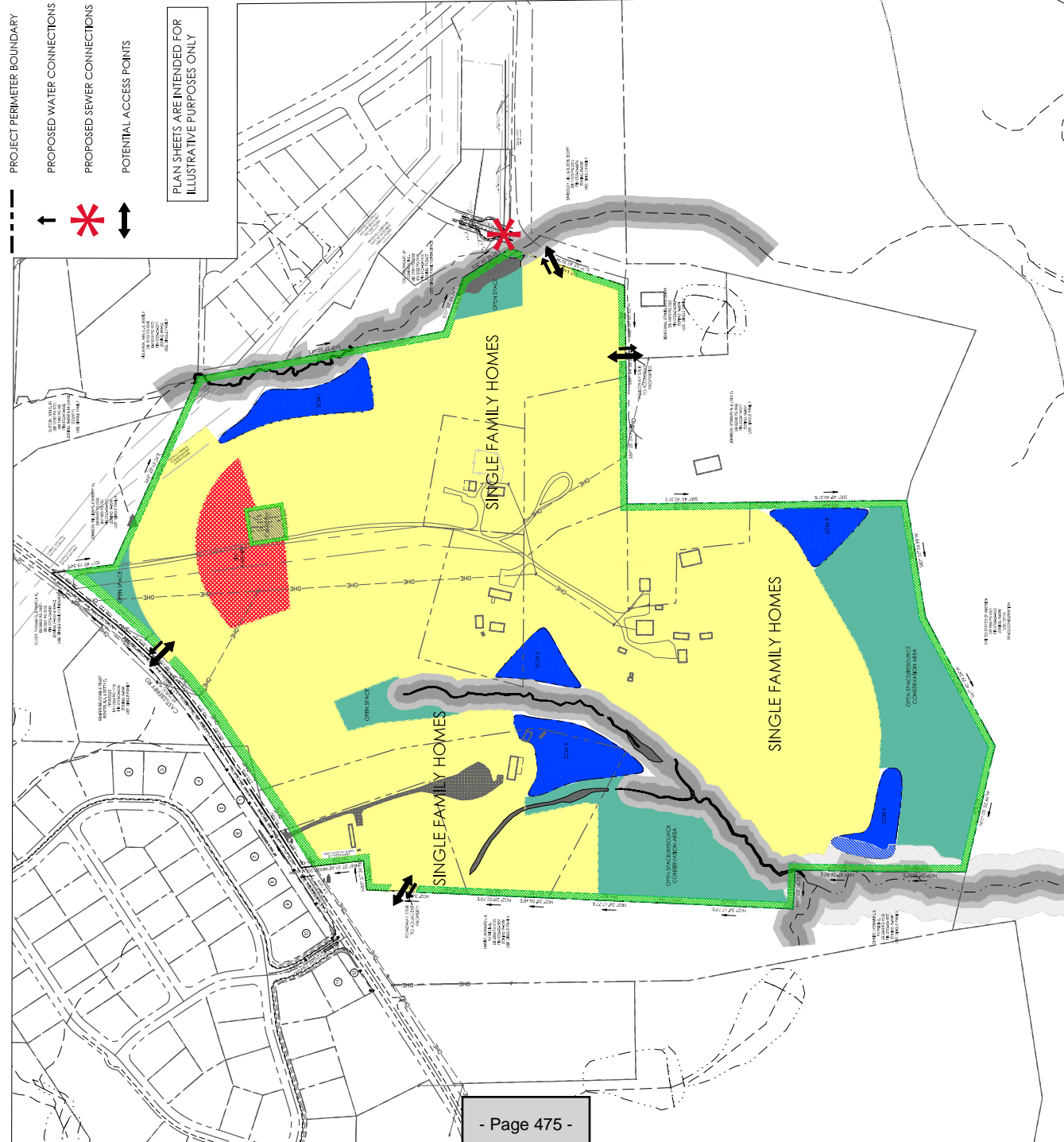


EXHIBIT A
Castleberry Assemblage
Owner Information Addendum

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 2.18

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 70.54

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.20

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.26

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

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: Castleberry Zoning: R-80W (Wake County)

Location: See attached Exhibit A

Property PIN(s): See attached Exhibit A Acreage/Square Feet: 91.59 acres

Property Owner: See attached Exhibit A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

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

Engineer: Peak Engineering & Design, PLLC, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: N/A Email: jroach@peakengineering.com

Builder (if known): Inspire Commercial, LLC c/o Matthew Carpenter

Address: 301 Fayetteville Street, Suite 1400

City: Raleigh State: NC Zip: 27601

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

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

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
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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
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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
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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 Danny Smith	919-372-7470 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
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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
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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
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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
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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
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Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
458 HAWKER ST	0723221779	BOYAPALLY, RAVIKANTH PATNAM, SWAPNA	458 HAWKER ST	APEX NC 27523-6243
8805 CASTLEBERRY RD	0713915102	BRIAN HAMILTON FARMS LLC	219 RALEIGH ST	HOLLY SPRINGS NC 27540-9046
3223 BELLAMY RIDGE DR	0723035278	CARONE, MICHAEL CARONE, KRISTINA	3223 BELLAMY RIDGE DR	APEX NC 27523-9604
2935 WIMBERLY OAKS DR	0723224151	CHU, BRIAN CHU, ALBERTINA	2935 WIMBERLY OAKS DR	APEX NC 27523-6244
8624 CASTLEBERRY RD	0723130849	CLOER, THOMAS G JR CLOER, PAMELA M	8624 CASTLEBERRY RD	APEX NC 27523-9669
3236 BELLAMY RIDGE DR	0723033135	COSTA, LUIZ CLAUDIO MARQUES, NATASHA F	3236 BELLAMY RIDGE DR	APEX NC 27523-9604
8635 CASTLEBERRY RD	0723115892	COTRUFO, BRIDGET COTRUFO, PAUL ANTHONY	8635 CASTLEBERRY RD	APEX NC 27523-9695
8729 CASTLEBERRY RD	0723001857	CRIST, HOWARD L CRIST, PATRICIA E	8729 CASTLEBERRY RD	APEX NC 27523-6757
3235 BELLAMY RIDGE DR	0723034050	DABADE, PREETAM JAVKHEDKAR, APURVA	3235 BELLAMY RIDGE DR	APEX NC 27523-9604
452 HAWKER ST	0723221816	DHARIA, NIRAV JITEENDRA DHARIA, SHIVANI NIRAV	452 HAWKER ST	APEX NC 27523-6243
470 HAWKER ST	0723223605	DUNNA, SATISH K TRUSTEE KATHIVARAPU, NAGAVALLI TRUSTEE	470 HAWKER ST	APEX NC 27523-6243
808 WIMBERLY RD	0723230271	FIGUEROA, ABEL L, FIGUEROA, JESSICA	804 WIMBERLY RD	APEX NC 27523-6765
8737 CASTLEBERRY RD	0713927050	HAMILTON, BRIAN	8805 CASTLEBERRY RD	APEX NC 27523-6759
3254 BELLAMY RIDGE DR	0723020904	HARRIS, JESSICA LONG HARRIS, GARLAND LUTHER III	3254 BELLAMY RIDGE DR	APEX NC 27523-9604
3251 BELLAMY RIDGE DR	0723021739	JAISWAL, VISHAL SUBHALAL JAISWAL, SHWETA VISHAL	3251 BELLAMY RIDGE DR	APEX NC 27523-9604
8309 SERENITY TRL	0723117077	JOHNSON, STANLEY RAY JR JOHNSON, LOLA C	203 WINDSOR WYND PL	FUQUAY VARINA NC 27526-6629
8625 CASTLEBERRY RD	0723134513	JOHNSON, WILLIAM R III JOHNSON, SHERRY W	3511 NC 55 HWY	CARY NC 27519-8371
3244 BELLAMY RIDGE DR	0723031074	JONNALA, SRIKAR PENSALWAR, NAMRATA	3244 BELLAMY RIDGE DR	APEX NC 27523-9604
440 HAWKER ST	0723129979	KOMMAREDDY, SUNIL BOYAPATI, SARITHA	440 HAWKER ST	APEX NC 27523-6243
3228 BELLAMY RIDGE DR	0723034203	KRISHNAN, SRIRAM SWAMINATHAN, APARNA CHANDRA	3228 BELLAMY RIDGE DR	APEX NC 27523-9604
3248 BELLAMY RIDGE DR	0723020999	KUNCHANAPALLI, RAMESH BABU KUNCHANAPALLI, DEVI SUDHA RANI	3248 BELLAMY RIDGE DR	APEX NC 27523-9604
0 CASTLEBERRY RD	0713929535	LAKE CASTLEBERRY OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT CORPORATION	PO BOX 97243
3239 BELLAMY RIDGE DR	0723023974	LAMBE, MORGAN TAYLOR LAMBE, MATTHEW T	3239 BELLAMY RIDGE DR	APEX NC 27523-9604
3247 BELLAMY RIDGE DR	0723022814	LATORE, JOSEPH A LATORE, ERIN MARIE	3247 BELLAMY RIDGE DR	APEX NC 27523-9604
8301 SERENITY TRL	0723210562	LISHCHYNA, STANISLAV LISHCHYNA, OLENA	8301 SERENITY TRL	APEX NC 27523-9603
2927 WIMBERLY OAKS DR	0723224262	MAHA PATRA, MANAS KUMAR SINHA MAHANTY, SANGITA	2927 WIMBERLY OAKS DR	APEX NC 27523-6244
8649 CASTLEBERRY RD	0723120194	MARCOM, SONYA BETH	8649 CASTLEBERRY RD	APEX NC 27523-9695
8705 CASTLEBERRY RD	0723026951	MARCOM, TEMPIE M	8637 CASTLEBERRY RD	APEX NC 27523-9695
8637 CASTLEBERRY RD	0723113507	MARCOM, TEMPIE M STRICKLAND, DEBORAH M	8637 CASTLEBERRY RD	APEX NC 27523-9695
8717 CASTLEBERRY RD	0723023450	MARCOM, THOMAS RUSSELL	2309 7 LKS S	WEST END NC 27376-9601
8709 CASTLEBERRY RD	0723024085	MARCOM, THOMAS RUSSELL MARCOM, NANCY	2309 7 LKS S	WEST END NC 27376-9601
3255 BELLAMY RIDGE DR	0723020744	PALAKODETI, ANUPAMA DINAVAH, VENKATA C	3255 BELLAMY RIDGE DR	APEX NC 27523-9604
424 LAKE CASTLEBERRY DR	0713928691	PATEL, VISHAL PATEL, KESHA	424 LAKE CASTLEBERRY DR	APEX NC 27523-9612
2928 WIMBERLY OAKS DR	0723222388	PUTLURI, VENKAT REDDY KUNREDDY, KAVITHA	2928 WIMBERLY OAKS DR	APEX NC 27523-6244
3243 BELLAMY RIDGE DR	0723022899	RAMAKRISHNAN, DINESHBABU KOTHANDARAMAN, MOUSHMI	3243 BELLAMY RIDGE DR	APEX NC 27523-9604
8644 CASTLEBERRY RD	0723038239	RENFER, R A JR TRUSTEE RENFER, BETTY DISHONG TRUSTEE	8644 CASTLEBERRY RD	APEX NC 27523-9669
3231 BELLAMY RIDGE DR	0723035047	REYNOLDS, KATIE COLE REYNOLDS, ROBERT JAY	3231 BELLAMY RIDGE DR	APEX NC 27523-9604
2932 WIMBERLY OAKS DR	0723222247	SAHA, ARJUN ROYCHOWDHURY, RUPSA	2932 WIMBERLY OAKS DR	APEX NC 27523-6244
4201 DIESEL PATH	0723216874	SANSOUCY, JILL L OLSON, SCOTT	4201 DIESEL PATH	APEX NC 27523-6791
8633 CASTLEBERRY RD	0723125145	STRICKLAND, DEBORAH MARCOM KAY	8633 CASTLEBERRY RD	APEX NC 27523-9695
8621 CASTLEBERRY RD	0723136582	SUTTON, DON SCOTT JR	8621 CASTLEBERRY RD	APEX NC 27523-9695
3240 BELLAMY RIDGE DR	0723032150	TAI, DEYONG YUAN, ZHONGFENG	3240 BELLAMY RIDGE DR	APEX NC 27523-9604
0 HAWKER ST	0723221515	TOLL SOUTHEAST LP COMPANY INC	250 GIBALTAR RD	HORSHAM PA 19044-2323
1017 WIMBERLY RD	0722090422	UNITED STATES OF AMERICA	310 NEW BERN AVE	RALEIGH NC 27601-1441
3227 BELLAMY RIDGE DR	0723035178	WAHL, JAMES WAHL, LAURA	3227 BELLAMY RIDGE DR	APEX NC 27523-9604
446 HAWKER ST	0723220952	YENDLURI, PRUDHVI KATRAGADDA, GIRIJA	446 HAWKER ST	APEX NC 27523-6243
		Current Tenant	8625 Castleberry RD	APEX NC 27523
		Current Tenant	8639 Castleberry RD	APEX NC 27523
		Current Tenant	8708 Castleberry RD	APEX NC 27523
		Current Tenant	8717 Castleberry RD	APEX NC 27523
		Current Tenant	8737 Castleberry RD	APEX NC 27523
		Current Tenant	8309 Serenity TRL	APEX NC 27523
		Current Tenant	808 Wimberly RD	APEX NC 27523
		Current Tenant	1105 Wimberly RD	APEX NC 27523
		Current Tenant	2932 Oaks DR	APEX NC 27523

Created by Town of Apex Planning Department
Date Created 4/3/2023

CASTLEBERRY RESERVE

Planned Unit Development

Apex, North Carolina

Submittal Dates

First Submittal: February 1, 2023

Second Submittal: April 6, 2023

Third Submittal: May 5, 2023

Fourth Submittal: June 2, 2023

Fifth Submittal: June 28, 2023

Sixth Submittal: July 26, 2023

Seventh Submittal: July 31, 2023

Developer

Inspire Commercial, LLC

1124 Grogans Mill Drive

Cary, NC 27519

Civil Engineer

Peak Engineering & Design, PLLC

1125 Apex Peakway

Apex, NC 27502

Land Use Attorneys

Parker Poe Adams & Bernstein LLP

301 Fayetteville Street, Suite 1400

Raleigh, NC 27602



TABLE OF CONTENTS

VICINITY MAP.....	3
PROJECT DATA	4
PURPOSE STATEMENT	5
PERMITTED USES	8
DESIGN CONTROLS	9
AFFORDABLE HOUSING.....	11
ARCHITECTURAL STANDARDS	12
PARKING AND LOADING	15
SIGNAGE	15
NATURAL RESOURCES AND ENVIRONMENTAL DATA	15
STORMWATER MANAGEMENT	16
PARKS AND RECREATION	17
PUBLIC FACILITIES	17
PHASING	19
CONSISTENCY WITH LAND USE PLAN	19
COMPLIANCE WITH UDO	20

VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 Peak Engineering & Design, PLLC 1125 Apex Peakway Apex, NC 27502
Current Zoning:	Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Rural Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	89.90 acres
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 89.90 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet. The Property is currently zoned Residential 80-W (R-80W) under Wake County’s planning jurisdiction. Accordingly, the Property will be annexed into the Town limits concurrently with rezoning approval.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (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***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 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.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (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.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the 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 Advance Apex: The 2045 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 Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.***

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents.

- (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.***

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (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.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 2 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

(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.*

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

The Property may be used for the uses listed 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.

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	89.90 acres
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	179 units
Maximum Residential Density	2.0 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	6,000 square feet
Minimum Lot Width	50 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	30 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's southernmost boundary adjacent to PIN 0722090422	20 ft. Type B
Along the Property's shared property line with PIN 0723117077*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along Diesel Path	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
Along the Cemetery's Road Frontage	0 ft.

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

AFFORDABLE HOUSING

- The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

ARCHITECTURAL STANDARDS

Castleberry Reserve PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

CONCEPTUAL BUILDING ELEVATIONS





PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waster near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area ("RCA") for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8.

Floodplain

The project is not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015.

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the "Cemetery"). The Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 5 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of four (4) pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

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

PARKS AND RECREATION

This project was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and a fee-in-lieu of dedication was recommended.

Single-family detached Units: $\$ 4,016.66 \times 179 = \$ 718,982.14$

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.

- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening and gutter typical roadway section (the "ATT Connection"). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of Advance Apex 2045: The Apex Comprehensive Plan (the “Comp Plan”) and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 2 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of the Comp. Plan.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°34'36"W

A DISTANCE OF 57.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°28'25"W A DISTANCE OF 409.63 FEET TO AN AXLE FOUND; THENCE, S00°45'40"E A DISTANCE OF 396.14 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°45'40"E A DISTANCE OF 503.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.42 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 3,916,211 SQUARE FEET OR 89.90 ACRES, MORE OR LESS.

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

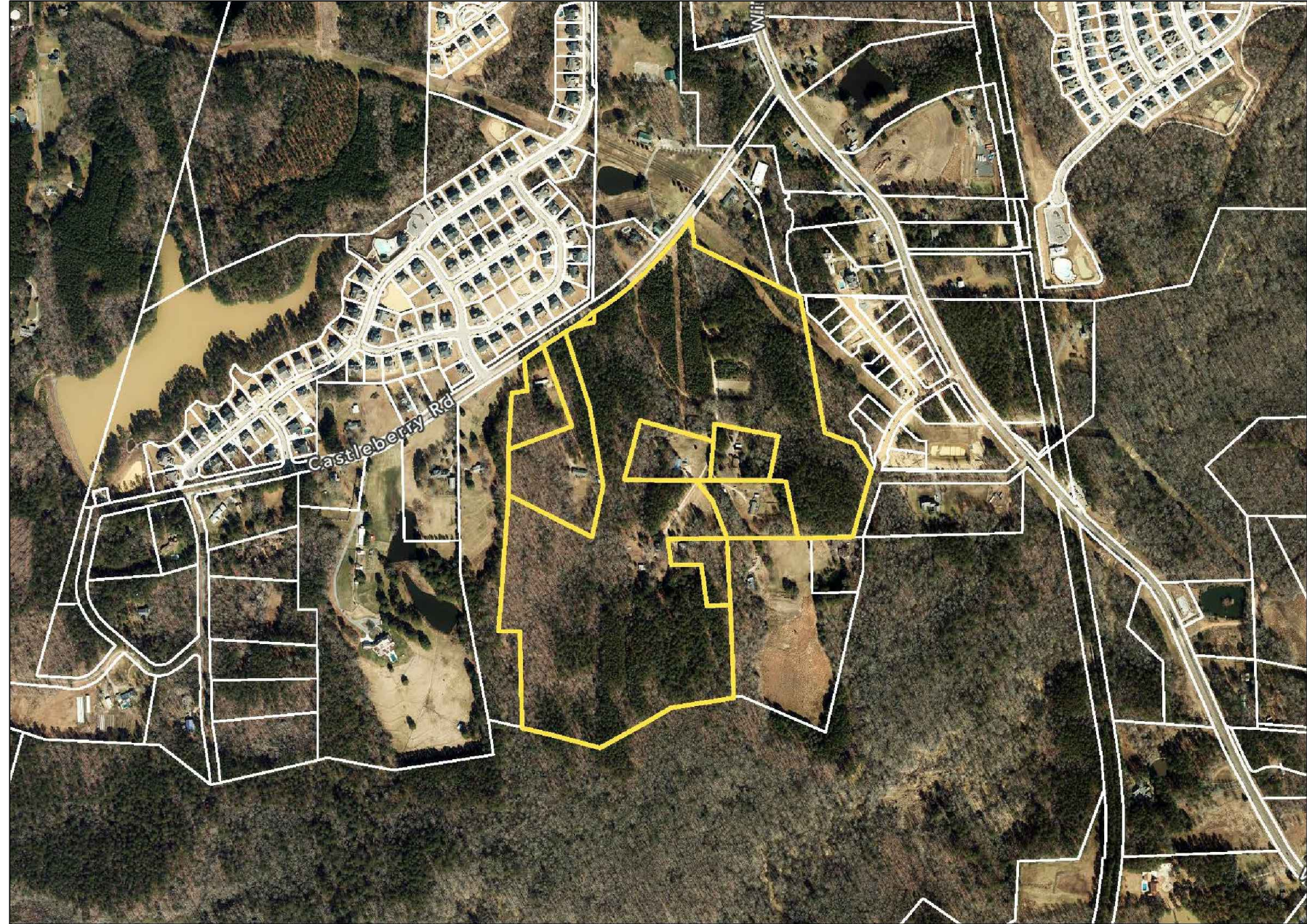
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

<PUD REZONING>
CASTLEBERRY RESERVE

APPLICANT
INSPIRE COMMERCIAL, LLC
MAC PATEL
1124 GROGANS MILL DRIVE
CARY, NC 27519
(919) 413-2120

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

ENVIRONMENTAL CONSULTANT
SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
(919) 846-5900
www.SandEC.com



PROJECT AERIAL SCALE: 1" = 800'



VICINITY MAP SCALE: 1" = 800'

LAND USE ATTORNEY
PARK, POE, ADAMS, & BERNSTEIN LLP
MATTHEW CARPENTER
301 FAYETTEVILLE STREET SUITE 1400
RALEIGH, NC 27601
(919) 835-4032
www.ParkerPoe.com

SURVEYOR
BATEMAN CIVIL SURVEY COMPANY
STEVEN CARSON
2524 RELIANCE AVENUE
APEX, NC 27502
(919) 577-1080
www.BatemanCivilSurvey.com

TRAFFIC ENGINEER
KIMLEY-HORN AND ASSOCIATES
LYLE OVERCASH, P.E.
421 FAYETTEVILLE STREET SUITE 600
RALEIGH, NC 27601
(919) 677-2000
www.Kimley-Horn.com

8639 CASTLEBERRY ROAD
APEX, NORTH CAROLINA 27523
PROJECT NUMBER: 220602

PROPERTY DATA

Parcel	Property Owner	Site Address	PIN	Deeded Acreage	Deed Book/Plat Book
Parcel 1	Slickland, Deborah & Ronnie 8633 Castleberry Road Apex, NC 27523-9695	8633 Castleberry Road	0723-12-5145	2.38 acres	DB2284 Pg124
Parcel 2	Coltrano, Bridget & Paul Anthony 8635 Castleberry Road Apex, NC 27523-9695	8635 Castleberry Road	0723-11-5892	3.37 acres	DB9017 Pg1189
Parcel 3	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 8637 Castleberry Road Apex, NC 27523-9695	8637 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-11-3507	1.94 acres	DB18975 Pg1401
Parcel 4	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 8637 Castleberry Road Apex, NC 27523-9695	8639 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-11-1191	68.82 acres	DB19-E Pg0000
Parcel 5	Ammons, Sonya Beth Marcom Ammons, Steve (spouse) 8649 Castleberry Road Apex, NC 27523-9695	8649 Castleberry Road	0723-12-0194	3.00 acres	DB3292 Pg 220
Parcel 6	Marcom, Thomas Russell & Nancy 2309 7 Lakes S. West End, NC 27376-9601	8709 Castleberry Road	0723-02-4085	7.29 acres	DB16865 Pg2012
Parcel 7	Marcom, Thomas Russell & Nancy 2309 7 Lakes S. West End, NC 27376-9601	8717 Castleberry Road	0723-02-3450	2.92 acres	DB16865 Pg2012
Parcel 8	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 2309 7 Lakes S. West End, NC 27376-9601	8705 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-02-6951	0.19 acres	DB005048 Pg 325
		Total Deeded Acreage:		89.90 acres	3,916,211 sf
		(survey data provided by Bateman Civil Survey Company)			

INDEX OF DRAWINGS:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C002	EXISTING CONDITIONS TREE SURVEY
C100	CONCEPTUAL SITE PLAN/ CONCEPTUAL UTILITY PLAN

REZONING CASE #23CZ04
SUBMITTED FEBRUARY 1, 2023

PARKS AND RECREATION DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION: April 26, 2023	
FEE-IN-LIEU: 2023 RATES	
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x 179 UNITS = \$718,982.14
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

ACRES OF LAND DEDICATION: n/a ACRES
PUBLIC GREENWAY TRAIL CONSTRUCTION YES NO X

The PRCR Advisory Commission unanimously recommended a fee-in-lieu of dedication for 179 single family detached residential units at their April 26th, 2023 meeting. If approved by Town Council in 2023 the rate would be \$4,016.66 per single-family detached residential unit and would run the life of the project unless additional acreage or units were added to the project. The fee-in-lieu of dedication is paid at the time of final subdivision plat.

RIPARIAN BUFFERS AND WETLANDS:

RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.



Know what's below.
Call before you dig.

SITE DATA TABLE

Township:	White Oak Township		
Flood Zone Information:	Firm Panel 3720072300K effective July 19, 2022 does not show the presence of flood zones on the properties (flood zones are located within 100' of the assembly)		
Watershed Information:	Primary Watershed Protection Overlay District, White Oak Creek, Cape Fear River Basin		
Historical:	NC SHPO does not show any existing historical structures A cemetery does exist within the property assemblage (~0.30 acres and 59 gravesites)		
Annexation:	Annexation required as the property is located OUTSIDE of the Apex ETJ		
Existing Zoning:	R-80W (Wake County)		
Proposed Zoning:	PUD - CZ (Planned Unit Development - Conditional Zoning)		
Existing 2045 Land Use Map:	Rural Density Residential		
Proposed 2045 Land Use Map:	Low Density Residential		
Existing Use:	Single-family Residential and vacant		
Proposed Uses:	Single-family Park, active Park, passive Utility, minor	Accessory apartment * Greenway Recreation facility, private	
* Homeowners Association covenants shall not restrict the construction of Accessory apartments			
Maximum Number of Lots:	179 dwelling units		
Proposed Project Density:	2.00 dwelling units/acre or less		
Lots:	Min Lot Size	Min Lot Width	Max Building Height
Northern District Single-Family detached	6,000 SF	50 feet	45 feet (3 stories)
Southern District Single-Family detached	10,000 SF	75 feet	45 feet (3 stories)
Building Setbacks (minimum setbacks unless otherwise noted):			
	Residential	Private Recreation Facility	
Front:	10 feet	10 feet	
Front (garage):	20 feet from sidewalk or back-of-curb N/A		
Rear:	10 feet	10 feet	
Side:	5 feet	10 feet	
Side (Corner Lot):	8 feet	10 feet	
From Buffer or RCA	10 feet	10 feet	
Parking setback from buffer or RCA	5 feet	5 feet	
Parking Requirements:			
Single Family Detached:	2 spaces/dwelling unit required Single Family parking provided by driveway and garage (min 2 spaces/lot)		
Private Recreation Facility:	Parking shall be based upon size and use within the recreation facility		
Maximum Built Upon Area:	40.45 acres or 45% (per zoning condition)		
RCA Required:	20% (per zoning condition)		
Mass Grading RCA Penalty:	Site to be "Mass Graded" (per zoning condition, 20% RCA provided shall satisfy additional 5% RCA required for Mass Grading) 50% (limited by Apex UDO to a maximum acreage for mass grading) maximum of 20 acres of clearing for single-family detached developments		
Grading:			
% of lots graded prior to first plat:			
% of pre-development drainage areas preserved within their natural basins:	90%		



NC License #P-0673

project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523

seal:



NO.	DATE	REVISION
1	APRIL 2, 2023	TOWN OF APEX - 1st ZONING COMMENTS
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS

title:

PUD
COVER SHEET

proj #:

220602

date:

FEBRUARY 1, 2023

dwg by: chkd by:

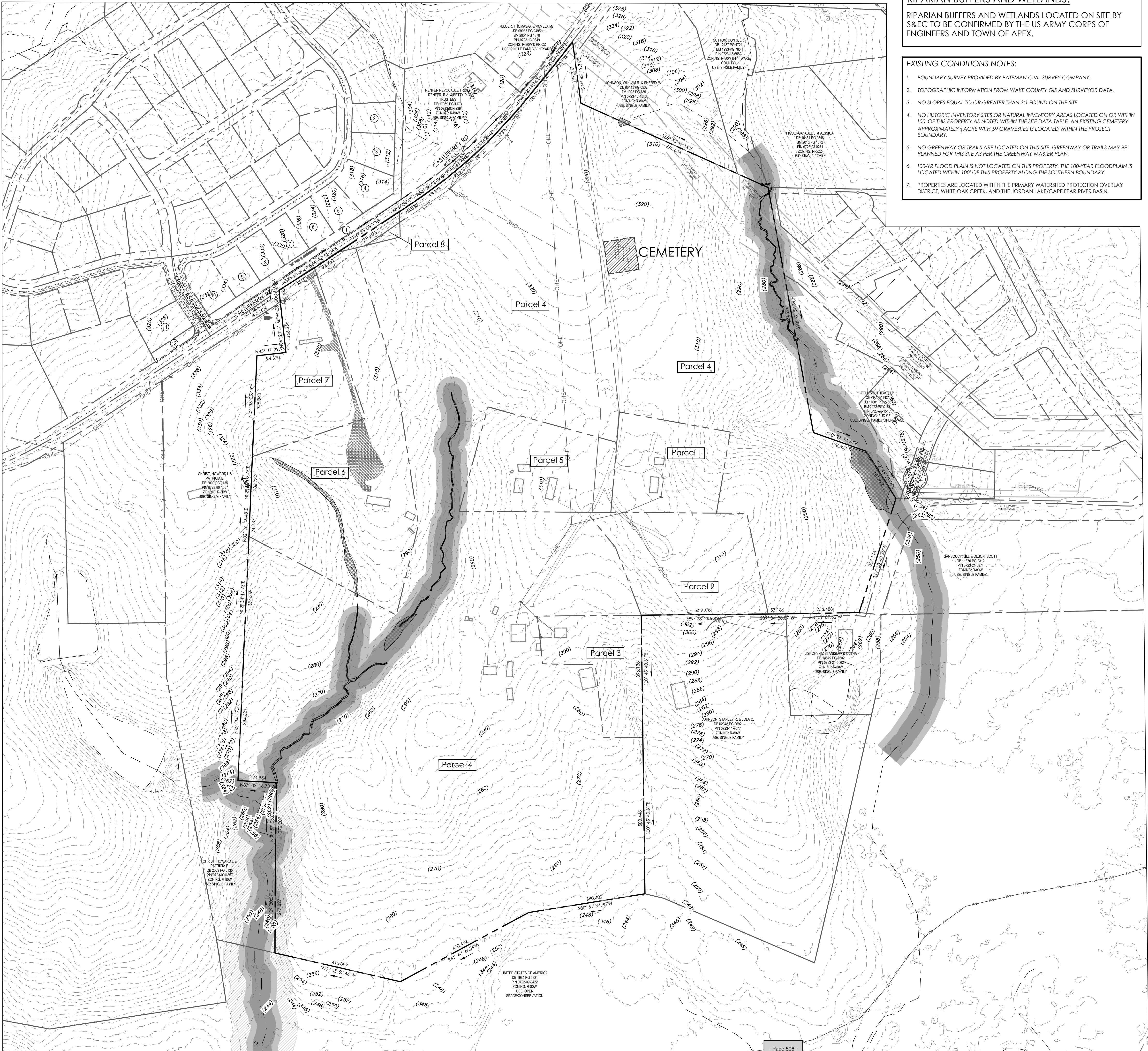
FS JR

scale:

As Noted

sheet:

C000
(PUD PLAN)

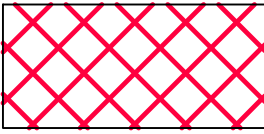


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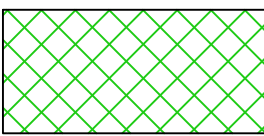
RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

EXISTING CONDITIONS NOTES:

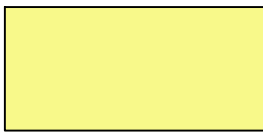
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3. NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
4. NO HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITH THE SITE DATA TABLE. AN EXISTING CEMETERY APPROXIMATELY 1/4 ACRE WITH 59 GRAVESITES IS LOCATED WITHIN THE PROJECT BOUNDARY.
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6. 100-YR FLOOD PLAIN IS NOT LOCATED ON THIS PROPERTY. THE 100-YEAR FLOODPLAIN IS LOCATED WITHIN 100' OF THIS PROPERTY ALONG THE SOUTHERN BOUNDARY.
7. PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, AND THE JORDAN LAKE/CREEK/FAIR RIVER BASIN.



POSSIBLE
SITE AMENITY



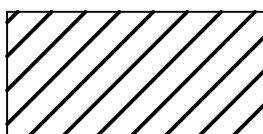
BUFFERS/
RCA



SINGLE FAMILY
6,000 SF MINIMUM



SINGLE FAMILY
10,000 SF MINIMUM



EX CEMETERY
(~ 0.30 ACRES & 59 GRAVESITES)



PROJECT PERIMETER BOUNDARY



PROPOSED WATER CONNECTIONS



PROPOSED SEWER CONNECTIONS



POTENTIAL ACCESS POINTS

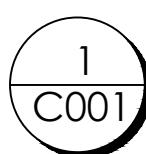
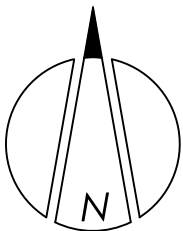
PLAN SHEETS ARE INTENDED FOR
ILLUSTRATIVE PURPOSES ONLY

SITE AND UTILITY NOTES:

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12. TREE PROTECTION FENCING MUST BE PLACED:
a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
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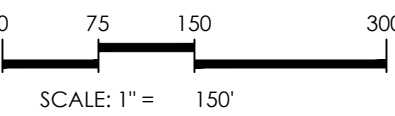
ADJACENT PROPERTIES (LAKE CASTLEBERRY)

1 LAKE CASTLEBERRY OWNER ASSOC. INC. DB 17554 PG 0545 BM 2017 PG 1573 PIN 0723-02-5814 ZONING: LD-CZ USE: SINGLE FAMILY OPEN SPACE	5 DABADI, PREETAM & JAVKHEDKAR, APURVA DB 18137 PG 2425 BM 2017 PG 1573 PIN 0723-03-4050 ZONING: LD-CZ USE: SINGLE FAMILY	9 JAISWAL, VISHAL S. & SHWETA V. APURVA DB 18514 PG 2029 BM 2017 PG 1572 PIN 0723-02-1739 ZONING: LD-CZ USE: SINGLE FAMILY
2 CARONE, MICHAEL & KRISTINA DB 17304 PG 0226 BM 2017 PG 1573 PIN 0723-03-5278 ZONING: LD-CZ USE: SINGLE FAMILY	6 LAMBE, MORGAN T. & MATTHEW T. DB 18199 PG 1629 BM 2017 PG 1573 PIN 0723-02-3974 ZONING: LD-CZ USE: SINGLE FAMILY	10 PALAKODETI, ANUPAMA & DINAVAH, VENKATA C. DB 19127 PG 24869 PIN 0723-02-0744 ZONING: LD-CZ USE: SINGLE FAMILY
3 WAHL, JAMES & LAURA DB 17331 PG 2483 BM 2017 PG 1573 PIN 0723-03-5178 ZONING: LD-CZ USE: SINGLE FAMILY	7 RAMAKRISHNAN, DINESHBABU & KOTHANDARAMAN, MOUSHMI DB 18624 PG 2542 BM 2017 PG 1572 PIN 0723-02-2899 ZONING: LD-CZ USE: SINGLE FAMILY	11 PATEL, VISHAL & KESHA DB 18352 PG 1565 BM 2016 PG 1289 PIN 0713-02-8691 ZONING: LD-CZ USE: SINGLE FAMILY
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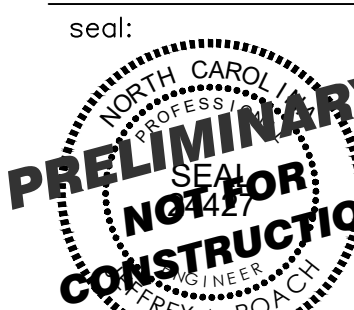


EXISTING CONDITIONS PLAN

SCALE: 1"=150'



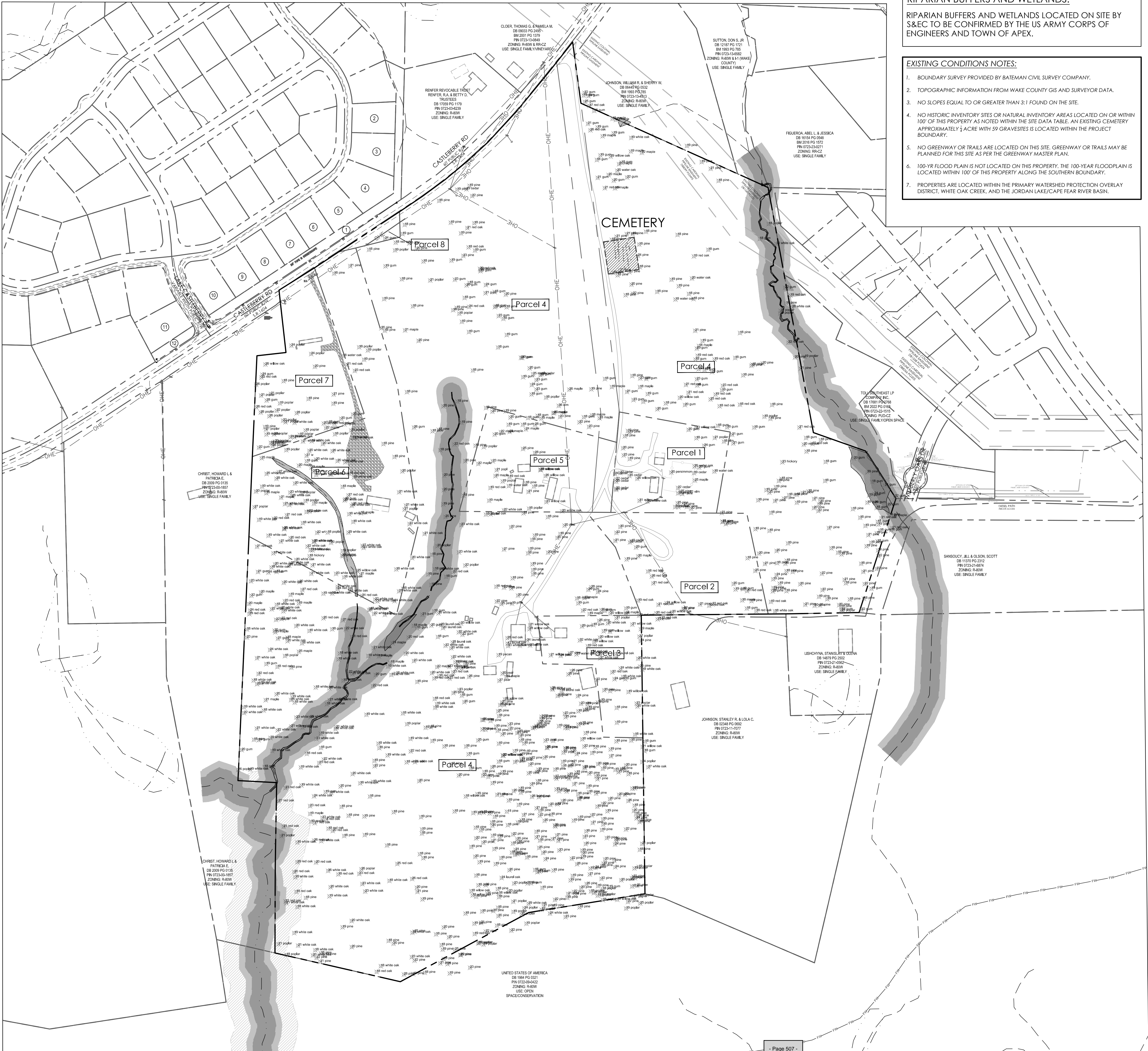
project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



NO.	DATE	REVISION
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS

title:
**EXISTING
CONDITIONS
PLAN**

proj #:
220602
date:
FEBRUARY 1, 2023
dwg by: chkd by:
FS JR
scale:
As Noted
sheet:
C001
(PUD PLAN)



RIPARIAN BUFFERS AND WETLANDS:

RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

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REQUIRED PLAN NOTES:

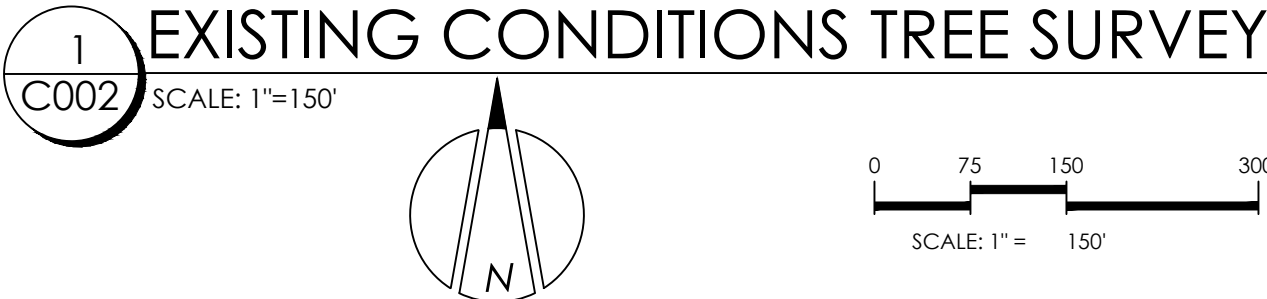
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ALL LARGE TREES ON-SITE HAVE BEEN INCLUDED FOR REFERENCE ONLY. FUTURE PRESERVATION AND AVOIDANCE OF EXISTING VEGETATION TO BE COORDINATED WITH STAFF.

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY

ADJACENT PROPERTIES (LAKE CASTLEBERRY)

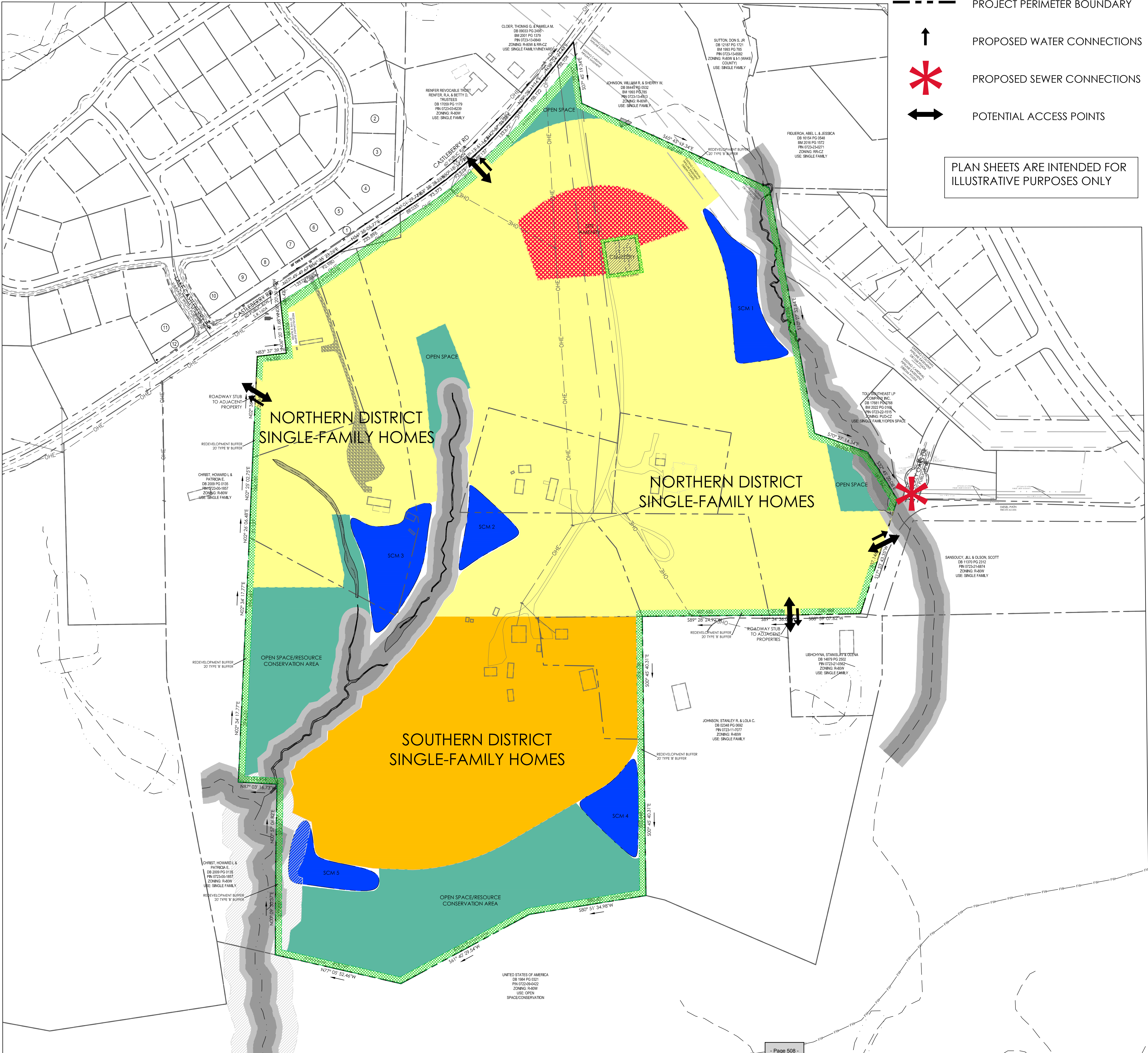
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NO.	DATE	REVISION	BY
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS	
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS	

title:
EXISTING CONDITIONS TREE SURVEY

proj #:
220602
date:
FEBRUARY 1, 2023
dwg by: chkd by:
FS JR
scale:
As Noted
sheet:



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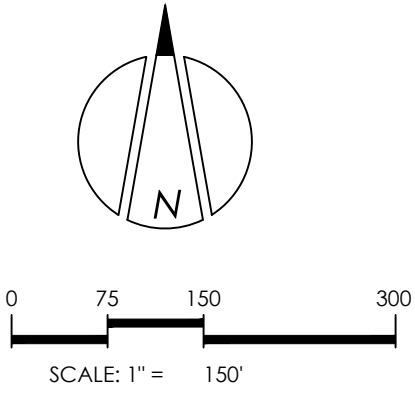
- PROJECT PERIMETER BOUNDARY**
- PROPOSED WATER CONNECTIONS**
- PROPOSED SEWER CONNECTIONS**
- POTENTIAL ACCESS POINTS**
- POSSIBLE SITE AMENITY**
- BUFFERS/ RCA**
- SINGLE FAMILY 6,000 SF MINIMUM**
- SINGLE FAMILY 10,000 SF MINIMUM**
- EX CEMETERY**
(~ 0.30 ACRES & 59 GRAVESITES)

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11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. TREE PROTECTION FENCING MUST BE PLACED:
 - a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
 - b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
 - c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS A, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
13. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

POTENTIAL ACCESS POINTS:

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



**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**

1
C100

SCALE: 1"=150'

NC License #P-0673

project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523

seal:
PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	REVISION	BY
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS	JR
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS	JR

title:
**CONCEPTUAL
SITE PLAN/
CONCEPTUAL
UTILITY PLAN**

proj #:
220602

date:
FEBRUARY 1, 2023

dwg by: chkd by:
FS JR

scale:
As Noted

sheet:
C100
(PUD PLAN)

Traffic Impact Analysis

Castleberry Trails Apex, NC

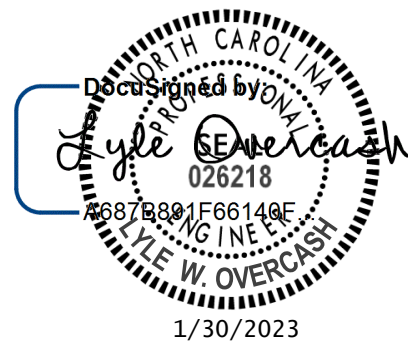
Prepared for:
Inspire Commercial, LLC

**Traffic Impact Analysis
for
Castleberry Trails
Apex, North Carolina**

**Prepared for:
Inspire Commercial, LLC
Cary, NC**

**Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000**

**January 2023
016070000**



This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Executive Summary

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis for the Castleberry Trails development, a proposed single-family project located south of Castleberry Road and west of Wimberly Road in Apex, North Carolina. The property is currently vacant, and as currently envisioned will consist of approximately 170 single-family homes. The development is proposed to be accessed via one driveway on Castleberry Road and one connection to Wimberly Oaks Drive, and build-out of the project is anticipated in the year 2026.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the development. The traffic conditions studied include the existing (2022) traffic condition as well as the projected (2026) background and build-out traffic conditions.

As shown in Table ES-1, the proposed development has the potential to generate 1,644 new trips during a typical weekday with 121 new trips during the AM peak hour and 164 new trips during the PM peak hour.

Table ES-1 ITE Traffic Generation (Vehicles)												
Land Use Code	Land Use	Intensity		Daily			AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
210	Single-Family Detached Housing	170	d.u.	822	822	1,644	31	90	121	103	61	164

Capacity analyses were performed using Synchro Version 11 software. Table ES-2 summarizes the operation of the study intersections for the AM and PM peak hour traffic conditions.

Table ES-2 - Level of Service Summary							
Intersection and Approach/Movement	Traffic Control	Existing (2022) Traffic		Background (2026) Traffic		Build-out (2026) Traffic	
		AM	PM	AM	PM	AM	PM
Green Level West Road at Wimberly Road	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Northbound		A (9.7)	B (10.1)	B (12.3)	B (13.4)	B (13.1)	C (15.0)
Westbound Left		A (7.6)	A (7.7)	A (8.3)	A (8.3)	A (8.3)	A (8.5)
Wimberly Road at Castleberry Road	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (9.4)	A (9.9)	B (10.1)	B (10.9)	B (10.9)	B (12.2)
Northbound Left		A (7.4)	A (7.5)	A (7.6)	A (7.6)	A (7.6)	A (7.8)
Wimberly Road at Wimberly Oaks Drive	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (9.2)	A (9.4)	A (9.9)	B (10.3)	B (10.1)	B (10.6)
Northbound Left		A (7.4)	A (7.4)	A (7.6)	A (7.6)	A (7.6)	A (7.7)
Green Level Church Road at Green Level West Road	Signalized	B (16.3)	B (19.2)	E (57.4)	E (69.0)	E (63.6)	E (74.4)
Eastbound		C (24.3)	C (25.2)	F (99.8)	F (82.5)	F (120.2)	F (90.6)
Westbound		C (28.8)	C (33.7)	E (57.2)	E (79.7)	E (57.3)	F (90.8)
Northbound		A (9.6)	A (8.0)	C (31.8)	D (39.8)	C (32.0)	D (41.9)
Southbound		B (16.7)	B (18.7)	E (56.4)	F (80.0)	E (56.3)	E (76.3)
Castleberry Road at Site Driveway	Unsignalized	N/A				- (-)	- (-)
Northbound						A (8.8)	A (8.8)
Westbound Left						A (7.4)	A (7.4)

Committed Improvements

The following roadway improvements are committed to be performed by the Duke Health – Travis Staten (18-TAR-430A) development:

Green Level West Road at Green Level Church Road

- Provide a northbound right-turn lane with 100 feet of storage
- Provide a westbound right-turn lane with 150 feet of storage
- Extend the storage length of the existing southbound left-turn lane to 150 feet
- Adjust signal timings

The following roadway improvements are committed to be performed by the Freedom Square development:

Green Level West Road at Green Level Church Road

- Extend the storage length of the existing eastbound left-turn lane into the Two-Way Left-Turn Lane

Proposed Improvements

The following improvements are proposed to be performed in conjunction with the proposed development:

Castleberry Road at Site Driveway

- Construct a southern leg with stop control and one ingress lane and one egress lane

Conclusions

All study intersections, with exception of Green Level West Road at Green Level Church Road are expected to operate at an acceptable LOS in all traffic conditions analyzed with only minor increases in delays and queues due to site traffic.

The intersection of Green Level West Road at Green Level Church Road is expected to operate at an overall LOS E under future traffic conditions during both peak hours; however, the proposed development is expected to have a minimal impact at this intersection. There is expected to be a significant increase of traffic in the future conditions due to the approved developments. The approved developments are expected to have a 38.2% overall impact on this intersection during the AM peak hour and a 40.2% impact during the PM peak hour.

Per the Town of Apex Unified Development Ordinance (UDO), intersection that are projected to operate worse than an overall LOS D shall propose geometric or traffic control improvements to minimize the increase in average overall intersection delay when traffic generated by the proposed development is at least 10% of the projected AM or PM peak hour traffic at the intersection. The proposed Castleberry Trails residential development is expected to have a 2% overall impact in the AM peak hour and a 2.5% overall impact in the PM peak hour at the

intersection of Green Level West Road at Green Level Church Road. Therefore, no improvements by the proposed development are recommended at this intersection.

The build-out roadway laneage is shown on **Figure ES-1**.

LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- EXISTING TRAFFIC SIGNAL
- RECOMMENDED LANE
- RECOMMENDED STOP SIGN
- APPROVED DEVELOPMENT LANE IMPROVEMENTS
- APPROVED DEVELOPMENT SIGNAL MODIFICATIONS
- POSTED SPEED LIMIT
- STORAGE LENGTH
- INTERSECTION SPACING

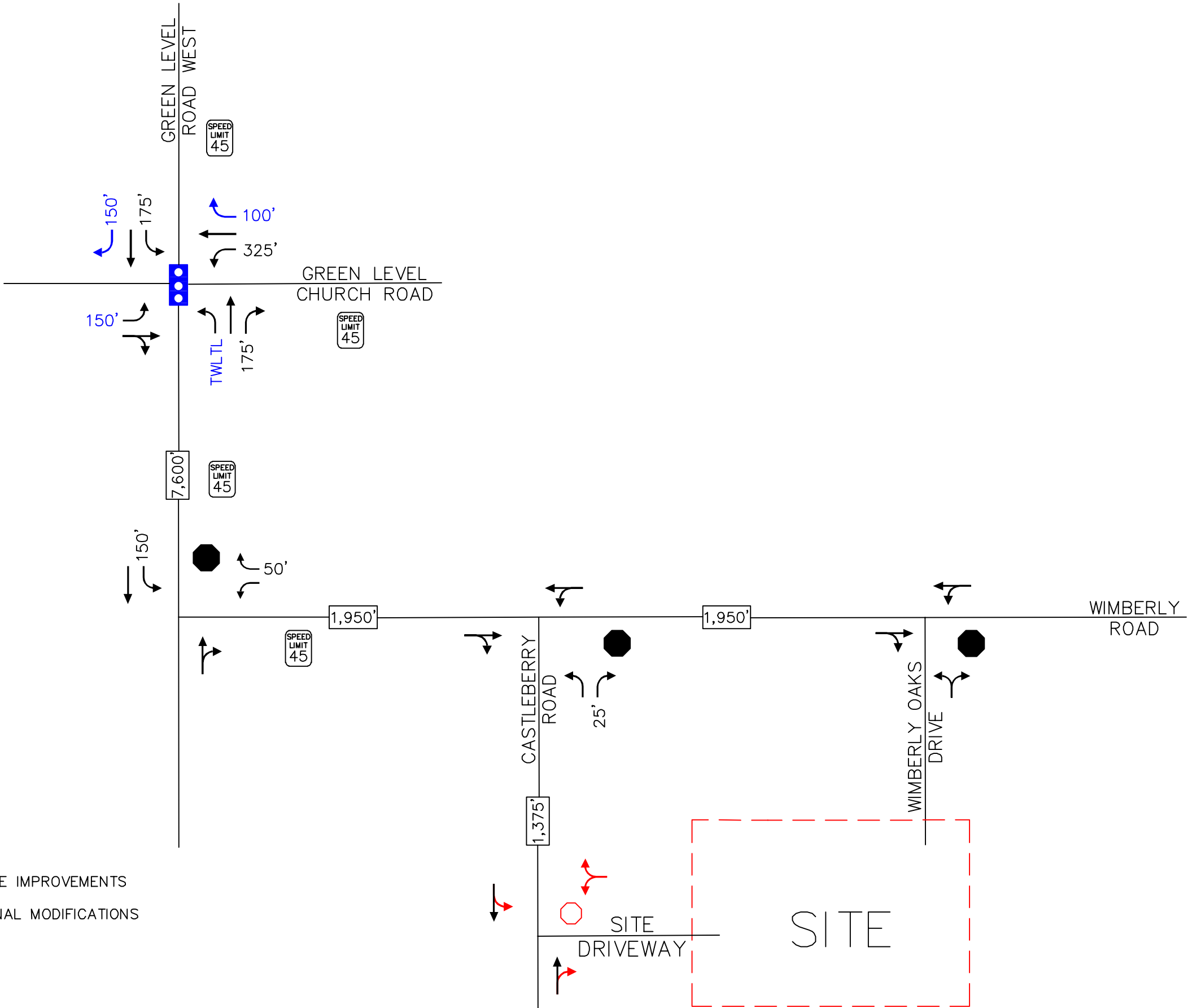
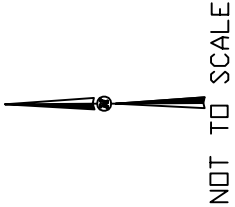


TABLE OF CONTENTS

	<u>Page No.</u>
1.0 INTRODUCTION.....	1
2.0 INVENTORY	2
2.1 <i>STUDY AREA</i>	<i>2</i>
2.2 <i>EXISTING CONDITIONS</i>	<i>2</i>
3.0 TRAFFIC GENERATION.....	6
4.0 SITE TRAFFIC DISTRIBUTION.....	7
5.0 PROJECTED TRAFFIC VOLUMES	9
5.1 <i>EXISTING TRAFFIC</i>	<i>9</i>
5.2 <i>APPROVED DEVELOPMENT TRAFFIC</i>	<i>9</i>
5.3 <i>HISTORIC TRAFFIC GROWTH.....</i>	<i>13</i>
5.4 <i>SITE TRAFFIC.....</i>	<i>13</i>
5.5 <i>BUILD-OUT TRAFFIC.....</i>	<i>13</i>
6.0 CAPACITY ANALYSIS	19
6.1 <i>GREEN LEVEL WEST ROAD AT WIMBERLY ROAD.....</i>	<i>21</i>
6.2 <i>WIMBERLY ROAD AT CASTLEBERRY ROAD.....</i>	<i>22</i>
6.3 <i>WIMBERLY ROAD AT WIMBERLY OAKS DRIVE.....</i>	<i>23</i>
6.4 <i>GREEN LEVEL WEST ROAD AT GREEN LEVEL CHURCH ROAD.....</i>	<i>24</i>
6.5 <i>CASTLEBERRY ROAD AT SITE DRIVEWAY</i>	<i>26</i>
7.0 RECOMMENDATIONS.....	27

APPENDICES

- A. MEMORANDUM OF UNDERSTANDING
- B. TRIP GENERATION
- C. TRAFFIC COUNT DATA
- D. APPROVED DEVELOPMENTS
- E. SIGNAL PLANS
- F. INTERSECTION SPREADSHEETS
- G. SYNCHRO OUTPUT: EXISTING (2022)
- H. SYNCHRO OUTPUT: BACKGROUND (2026)
- I. SYNCHRO OUTPUT: BUILD-OUT (2026)

LIST OF TABLES

<u>Table No.</u>	<u>Title</u>	<u>Page No.</u>
Table 3.0	ITE Traffic Generation (Vehicles).....	6
Table 6.0	Level-of-Service Control Delay Thresholds.....	19
Table 6.1	Level-of-Service: Green Level West Road at Wimberly Road	21
Table 6.2	Level-of-Service: Wimberly Road at Castleberry Road	22
Table 6.3	Level-of-Service: Wimberly Road at Wimberly Oaks Drive	23
Table 6.4	Level-of-Service: Green Level West Road at Green Level Church Road	24
Table 6.5	Level-of-Service: Castleberry Road at Site Driveway	26

LIST OF FIGURES

<u>Figure No.</u>	<u>Title</u>	<u>Page No.</u>
Figure 2.1 – Site Location		3
Figure 2.2 – Conceptual Site Plan		4
Figure 2.3 – Existing Roadway Laneage.....		5
Figure 4.1 – Site Traffic Distribution and Percent Assignment.....		8
Figure 5.1 – Existing (2022) AM & PM Peak Hour Traffic Volumes.....		14
Figure 5.2 – Projected Approved Development Peak Hour Traffic Volumes		15
Figure 5.3 – Projected (2026) Background AM & PM Peak Hour Traffic Volumes.....		16
Figure 5.4 – Projected AM & PM Peak Hour Site Traffic Volumes		17
Figure 5.5 – Projected (2026) Build-out AM & PM Peak Hour Traffic Volumes		18
Figure 7.1 – Build-out Roadway Laneage.....		29

1.0 Introduction

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis for the Castleberry Trails development, a proposed single-family project located south of Castleberry Road and west of Wimberly Road in Apex, North Carolina. The property is currently vacant, and as currently envisioned will consist of approximately 170 single family homes. The development is proposed to be accessed via one driveway on Castleberry Road and one connection to Wimberly Oaks Drive, and build-out of the project is anticipated in the year 2026.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the development. The traffic conditions studied include the existing (2022) traffic condition as well as the projected (2026) background and build-out traffic conditions.

Town of Apex (Town), Town of Cary, and North Carolina Department of Transportation (NCDOT) transportation staff were consulted regarding the elements to be covered in this analysis.

2.0 Inventory

2.1 Study Area

The study area for this development includes the following intersections:

- Wimberly Road at Green Level West Road
- Wimberly Road at Castleberry Road
- Wimberly Road at Wimberly Oaks Drive
- Green Level West Road at Green Level Church Road
- Castleberry Road at Site Driveway

Figure 2.1 shows the site location. The conceptual site plan is shown on **Figure 2.2**.

2.2 Existing Conditions

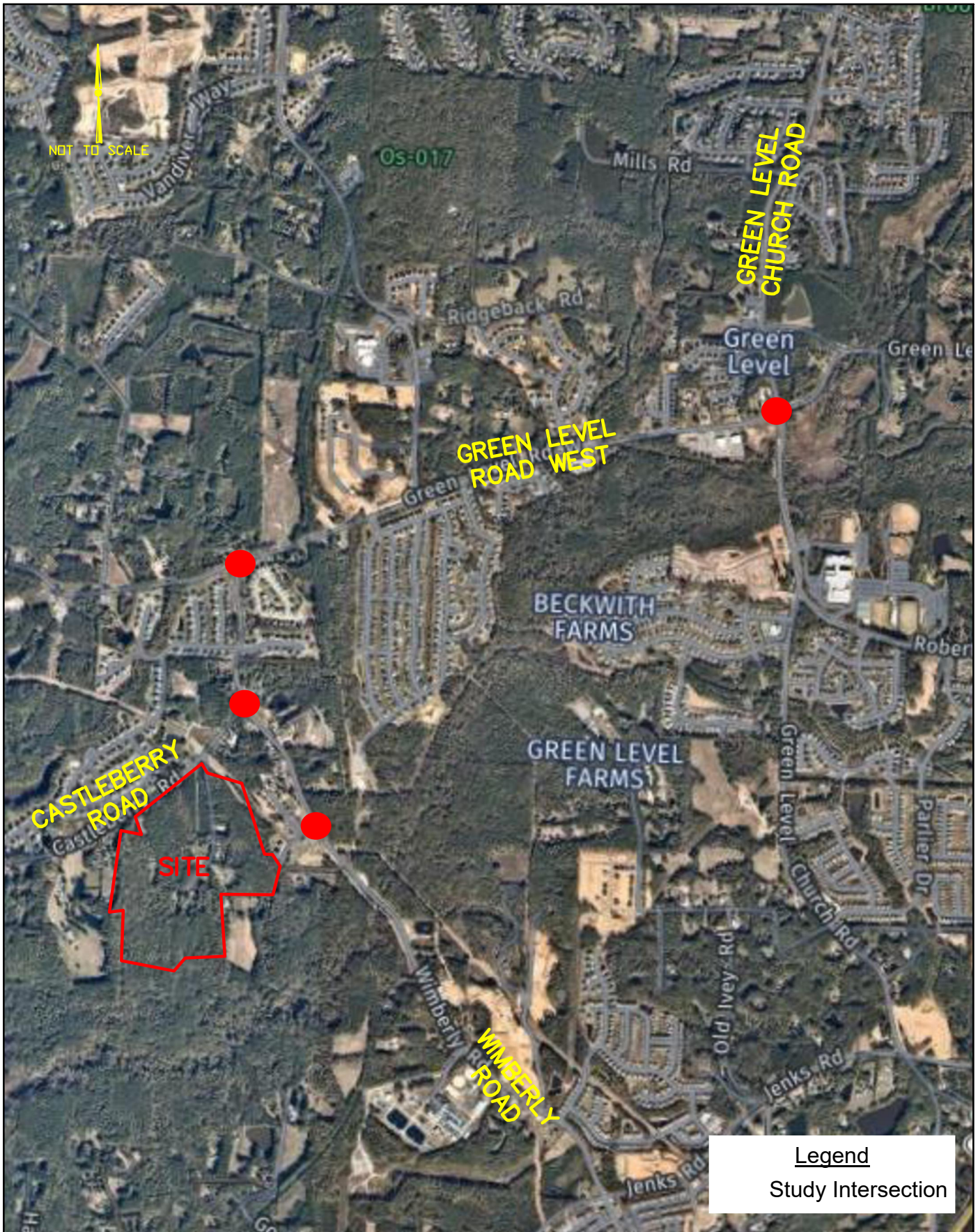
The Castleberry Trails residential development is proposed to be located south of Castleberry Road and west of Wimberly Road in Apex, North Carolina. Roadways in the study area include Wimberly Road, Green Level West Road, Castleberry Road, and Green Level Church Road. The existing roadway laneage is shown in **Figure 2.3**.

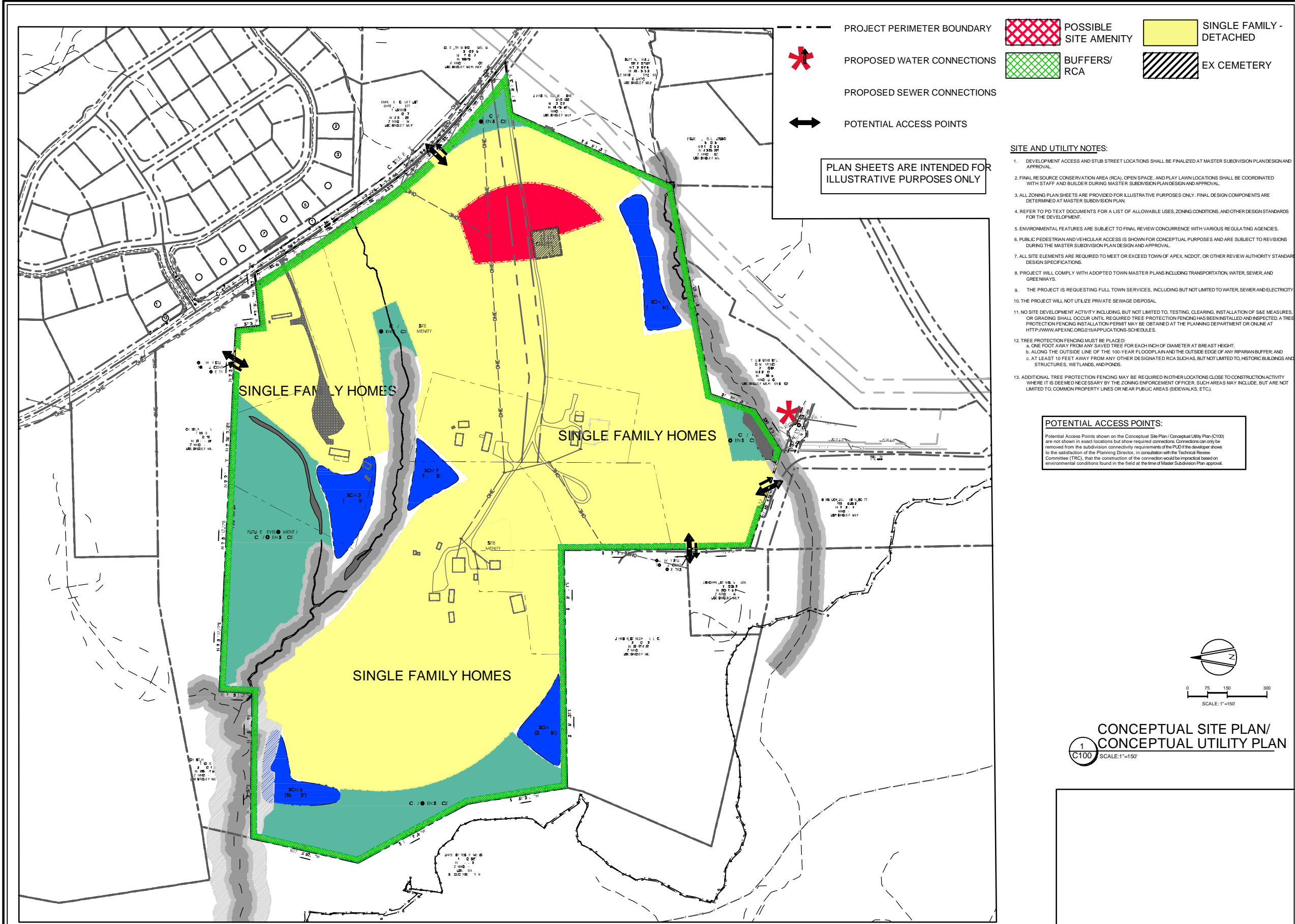
Wimberly Road is a 2-lane undivided roadway with a posted speed limit of 45 miles per hour (mph). The estimated 2015 annual average daily traffic (AADT) volume from NCDOT is 900 vehicles per day (vpd) south of Green level West Road. Wimberly Road is designated to be a 2-lane section per the Town of Apex Thoroughfare and Collector Street Plan.

Green Level West Road is a 2-lane undivided roadway with a posted speed limit of 45 mph. The estimated 2019 ADT volume from NCDOT is 2,500 vpd west of Wimberly Road. Green Level West Road is designated to be widened to a 4-lane roadway with a median on the Town of Apex Thoroughfare and Collector Street Plan.

Castleberry Road is a 2-lane undivided roadway with an assumed speed limit of 25 mph. The estimated 2022 AADT volume is approximately 800 vpd west of Wimberly Road.

Green Level Church Road is a 2-lane undivided roadway with a posted speed limit of 45 mph. The estimated 2017 ADT volume from NCDOT is 8,400 vpd north of Green Level West Road. South of Green Level West Road, Green Level Church Road is designated to be widened to a 4-lane roadway with a median on the Town of Apex Thoroughfare and Collector Street Plan.





- SITE AND UTILITY NOTES:**
1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
 4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
 6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
 8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
 10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
 11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
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a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
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**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**

1
C100
SCALE: 1"=150'

PEAK
Engineering & Design
1185 Apex Parkway | Apex, NC 27602
ph 919.438.0100
www.peakengineering.com

NC License #P-0673

Project:
CASTLEBERRY ASSEMBLAGE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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title:
**CONCEPTUAL
SITE PLAN/
UTILITY PLAN**

proj #:
220602

date:
FEBRUARY 1, 2023

dwg by: **FS** chkd by: **JR**

scale:
As Noted

sheet:
C100
(PUD PLAN)

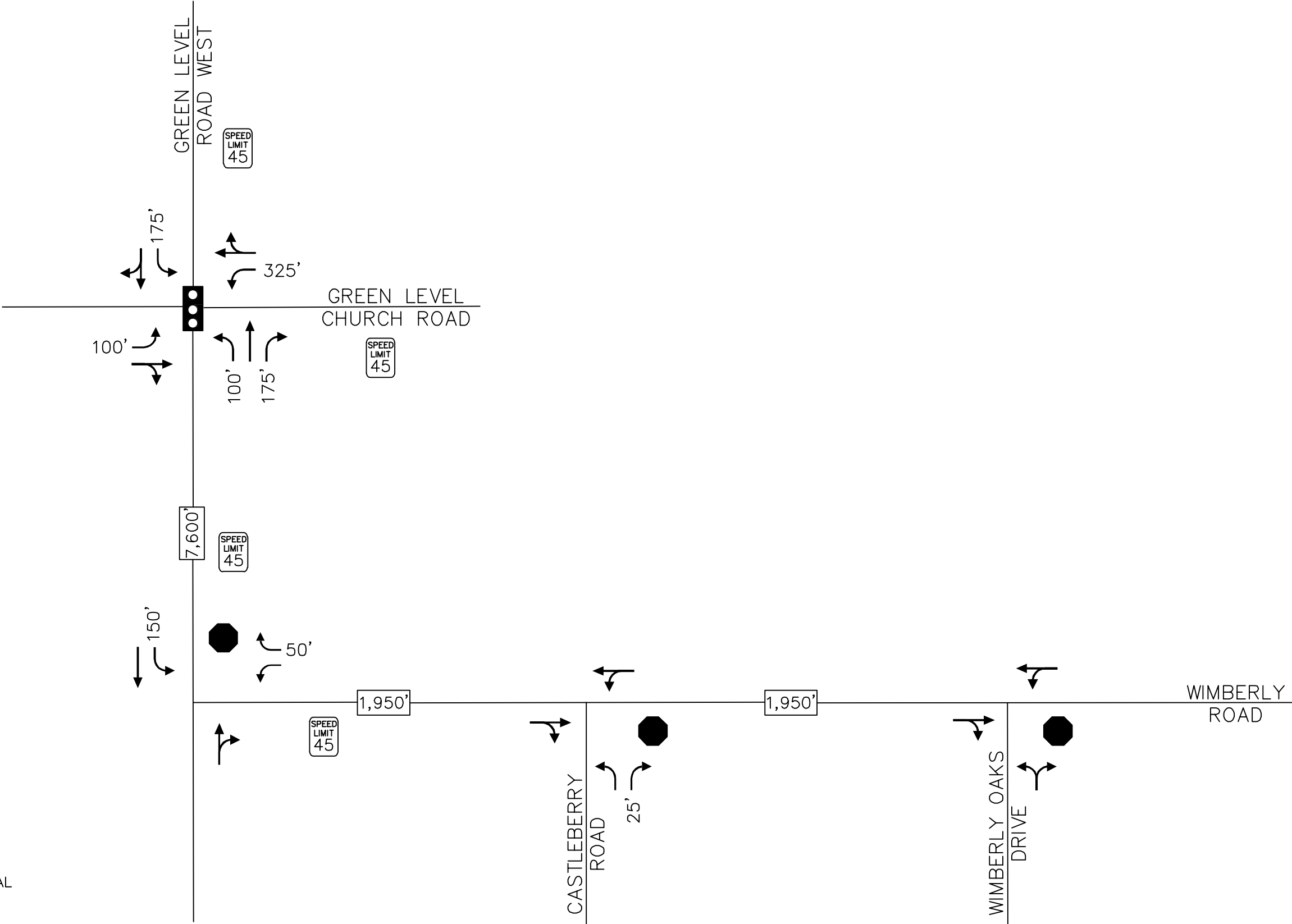
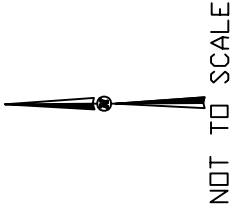
CASTLEBERRY TRAILS
APEX, NC
TRAFFIC IMPACT ANALYSIS



CONCEPTUAL SITE PLAN

FIGURE
2.2

- LEGEND
- EXISTING LANE
 - EXISTING STOP SIGN
 - EXISTING TRAFFIC SIGNAL
 - POSTED SPEED LIMIT
 - STORAGE LENGTH
 - INTERSECTION SPACING



3.0 Traffic Generation

The traffic generation potential of the proposed development was determined using the traffic generation rates published in *Trip Generation* (Institute of Transportation Engineers, Eleventh Edition, 2021). As currently envisioned the development will consist of approximately 170 single-family homes. Table 3.0 summarizes the estimated traffic generation for the proposed development.

Table 3.0 ITE Traffic Generation (Vehicles)												
Land Use Code	Land Use	Intensity		Daily			AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total	In	Out	Total
210	Single-Family Detached Housing	170	d.u.	822	822	1,644	31	90	121	103	61	164

Table 3.0 shows the proposed development has the potential to generate 1,644 new trips during a typical weekday with 121 new trips during the AM peak hour and 164 new trips during the PM peak hour.

Detailed trip generation calculations are included in the Appendix of this report.

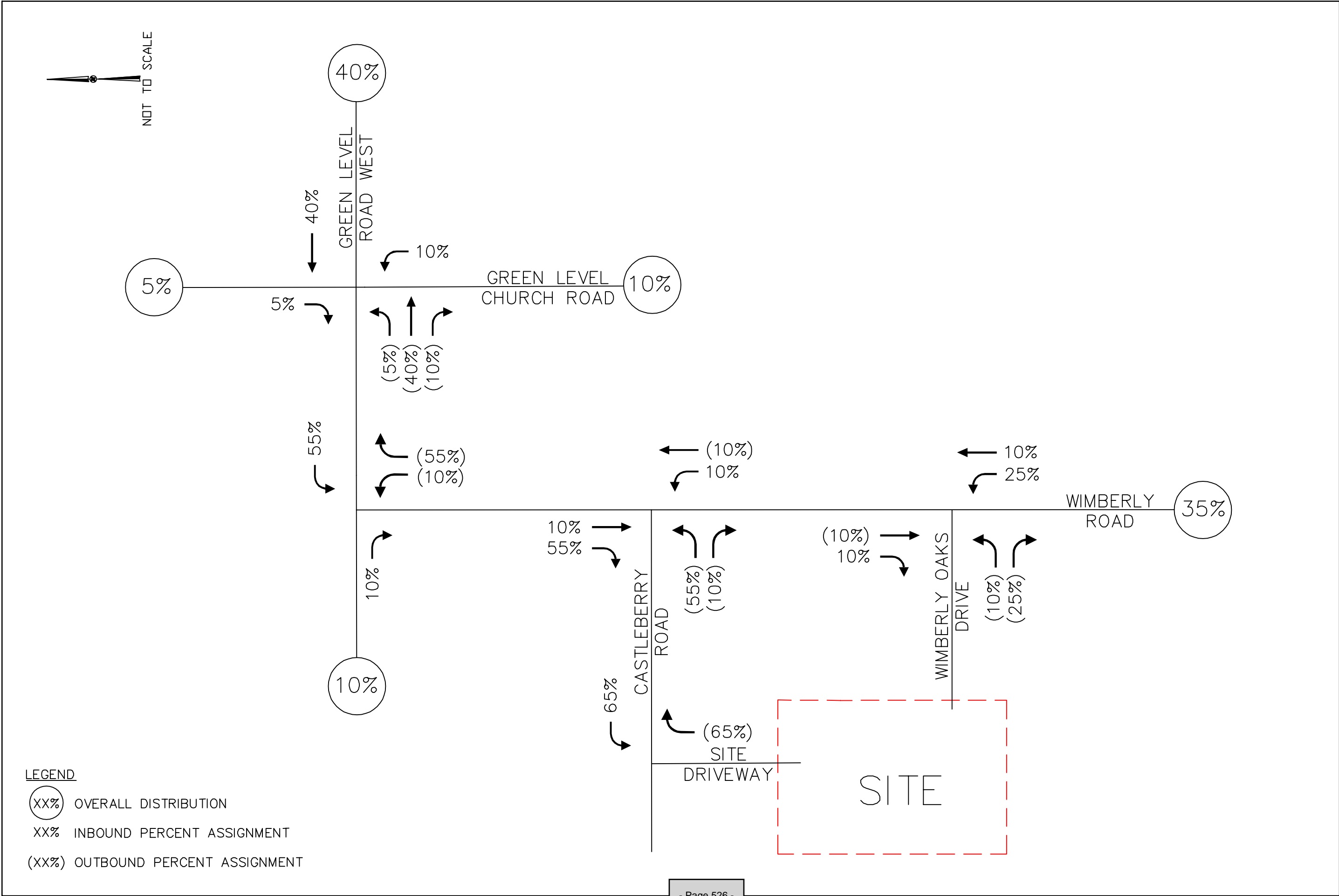
4.0 Site Traffic Distribution

The projected site-generated trips were assigned to the surrounding roadway network. The directional distribution and assignment for this development were based on a review of surrounding land uses and traffic patterns in the study area.

The site traffic distribution used for the site was:

- 40% from the east on Green Level West Road
- 35% from the south on Wimberly Road
- 10% from the south on Green Level Church Road
- 10% from the west on Green Level West Road
- 5% from the north on Green Level Church Road

The site traffic distribution and percent assignment for site are shown on **Figure 4.1**.



5.0 Projected Traffic Volumes

5.1 Existing Traffic

AM peak hour (7:00 to 9:00 AM) and PM peak hour (4:00 to 6:00 PM) turning movement counts were performed at the following intersections:

- | | |
|--|-------------------|
| • Wimberly Road at Green Level West Road | December 8, 2022 |
| • Wimberly Road at Castleberry Road | December 8, 2022 |
| • Wimberly Road at Wimberly Oaks Drive | December 8, 2022 |
| • Green Level West Road at Green Level Church Road | December 14, 2022 |

The existing AM and PM peak hour traffic volumes are shown on **Figure 5.1**, and the traffic count data are included in the Appendix.

5.2 Approved Development Traffic

Approved development traffic is generated by approved but not yet constructed projects in the vicinity of the proposed project. Based on discussions with the Town of Apex, Town of Cary, and NCDOT, the total approved background figure from the Duke Health Green Level West (22-TAR-463A) performed by VHB was used as a conservative source of background data. This study included the following approved developments:

- Halle Green Level West Apartment and Office (21-TAR-457)
- Twyla Road South (19-TAR-438A)
- Twyla Road North (19-TAR-437)
- Duke Health – Travis Staten (18-TAR-430A)
- Parkway Green Level Residential (18-TAR-429)
- Batchelor Road Residential (17-TAR-423)*
- White Oak Foundation (17-TAR-417)
- Wolfe Properties (also known as Parks at Wimberly)
- Green Level Church Daycare
- Ellsworth Residential
- Apex Commercial – Freedom Square

*Per coordination with the Town of Cary, site traffic volumes from the Batchelor Road Residential (17-TAR-423) development were removed from the total approved background volumes taken from the Duke Health Green Level West study as the Batchelor Road Residential development's rezoning application has been withdrawn.

Site trips from Duke Health Green Level West (22-TAR-463A) and Bel Canto Green Level West (22-TAR-461) were included as part of the background traffic for this project.

Additionally, Williams Grove, Castleberry Estates, and Alderwood are approved developments in the study area that were identified for inclusion as background traffic.

Halle Green Level West Apartment and Office (21-TAR-457)

- Location: South of Green Level West Road, west of the NC 540/Green Level West Road interchange
- Land Uses: 1,500 Multi-Family Dwelling Units (Mid-Rise), 225,000 SF General Office, and 20,000 SF of ground floor commercial/retail
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Twyla Road South (19-TAR-438A)

- Location: Along Twyla Road southeast of the NC 540 and Morrisville Parkway interchange
- Land Uses: 200 Multi-Family Dwelling Units, 17,000 SF Medical Office, and 12,500 SF of general retail
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Twyla Road North (19-TAR-437)

- Location: Along Twyla Road northeast of the NC 540 and Morrisville Parkway interchange
- Land Uses: 420 Multi-Family Dwelling Units, 15,000 SF of general retail, and a 200-room hotel
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Duke Health – Travis Staten (18-TAR-430A)

- Location: Along Green level West Road just west of the NC 540/Green Level West Road interchange
- Land Uses: 100-bed hospital, 200,000 SF of general office, 200,000 SF of medical office, 30,000 SF of retail, and one 125-room hotel in Area 1 north of Green Level West Road, and 250 multi-family dwelling units, 350,000 SF of general office, 25,000 SF of retail, and another 125-room hotel in Area 2 south of Green Level West Road
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Parkway Green Level Residential (17-TAR-429)

- Location: On the north side of Green Level West Road across from Wimberly Road
- Land Uses: 228 single family homes
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

White Oak Foundation (17-TAR-417)

- Location: Along White Oak Road
- Land Uses: 60 apartments in the northern parcel, and a 10,000-square foot daycare and 30 townhomes in the southwestern parcel
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Wolfe Properties

- Location: Along Wimberly Road
- Land Uses: 70 single-family homes and 50 townhomes
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Green Level Church Daycare

- Location: On the west side of Green Level Church Road across from Green Level High School
- Land Uses: 11,500 SF daycare
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Ellsworth Subdivision

- Location: On the west side of Green Level Church Road, across from Roberts Road
- Land Uses: 37-lot residential development
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Apex Commercial Development (Freedom Square)

- Location: Southwest quadrant of the Green-level West Road and Green Level Church Road intersection
- Land Uses: 2,412-square foot convenience store with 12 fueling stations, a 4,804-square foot subdivided lease space and three outparcels (5,304 square feet, 3,448 square feet, and 7,626 square feet)
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Duke Health Green Level West (22-TAR-463A)

- Location: On both sides of Green Level West Road, west of the NC 540 interchange
- Land Uses:
 - North of Green Level West Road
 - 125-Key Hotel
 - 500-Bed Hospital (approximately 1,114,000 SF)
 - 500,000 square feet (SF) General Office
 - 550,000 SF Medical Office (100,000 of which was approved in Phase 1A)
 - 95-Student Daycare (7,000 SF)
 - 30,000 SF Support Retail

- South of Green Level West Road
 - 750 Mid-Rise Multifamily Units
 - 125-Key Hotel
 - 350,000 SF General Office
 - 25,000 SF Retail
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Bel Canto Green Level West (22-TAR-461)

- Location: North of Green Level West Road, west of the North Tract of Duke Health Green Level West
- Land Uses: 700 Multi-Family Dwelling Units (Mid-Rise), 100,000 SF General Office,
- Data Source: *Duke Health Green Level West (22-TAR-463A)* (VHB, December 2021)

Williams Grove

- Location: South of Green Level West Road and West of Batchelor Road
- Land Uses: 170 single-family homes
- Data Source: *Williams Property* (RKA, March 2021)

Castleberry Estates

- Location: West of Wimberly Road and South of Castleberry Road
- Land Uses: 19 single-family homes
- Data Source: *No TIA or site plan available*

Alderwood

- Location: Northeast of the Jenks Road – Wimberly Road intersection
- Land Uses: 170 single-family homes
- Data Source: *The Retreat at the Preserve at White Oak* (Kimley-Horn, March 2021)

No TIA was performed for Castleberry Estates. Trips for this development were generated and assigned to the network using the same assignment as the proposed site traffic.

Approved development traffic is expected to account for a significant increase in background traffic and account for a large percent of the build-out traffic throughout the roadway network. On Wimberly Road south of Green Level West Road, approved development traffic is expected to account for 22.4% of the projected build-out (2026) traffic volumes during the AM peak hour and 23.4% during the PM peak hour. On Green Level West Road west of Green Level Church Road, approved development traffic is expected to account for 42.2% of the projected build-out (2026) traffic volumes during the AM peak hour and 41.9% during the PM peak hour. On Green Level Church Road south of Green Level West Road, approved development traffic is expected to account for 44.8% of the projected build-out (2026) traffic volumes during the AM peak hour and 29.2% during the PM peak hour.

Approved development traffic volumes are shown on **Figure 5.2** for the AM and PM peak hours and detailed intersection spreadsheets are included in the Appendix of this report. Approved development information is also included in the Appendix.

5.3 *Historic Traffic Growth*

Historic growth traffic is the increase in traffic due to usage increases and non-specific growth throughout the area. In addition to the approved development traffic, an annual growth rate of 3% was applied to the existing volumes up to the studied horizon year of 2026. Projected future year (2026) background AM and PM peak hour traffic volumes are shown on **Figure 5.3**. Background growth calculations are detailed on intersection spreadsheets in the Appendix of this report.

5.4 *Site Traffic*

The proposed site traffic was generated and assigned to the adjacent roadway network according to the distributions discussed previously in Section 4.0. The projected AM and PM peak hour site traffic volumes are shown on **Figure 5.4**.

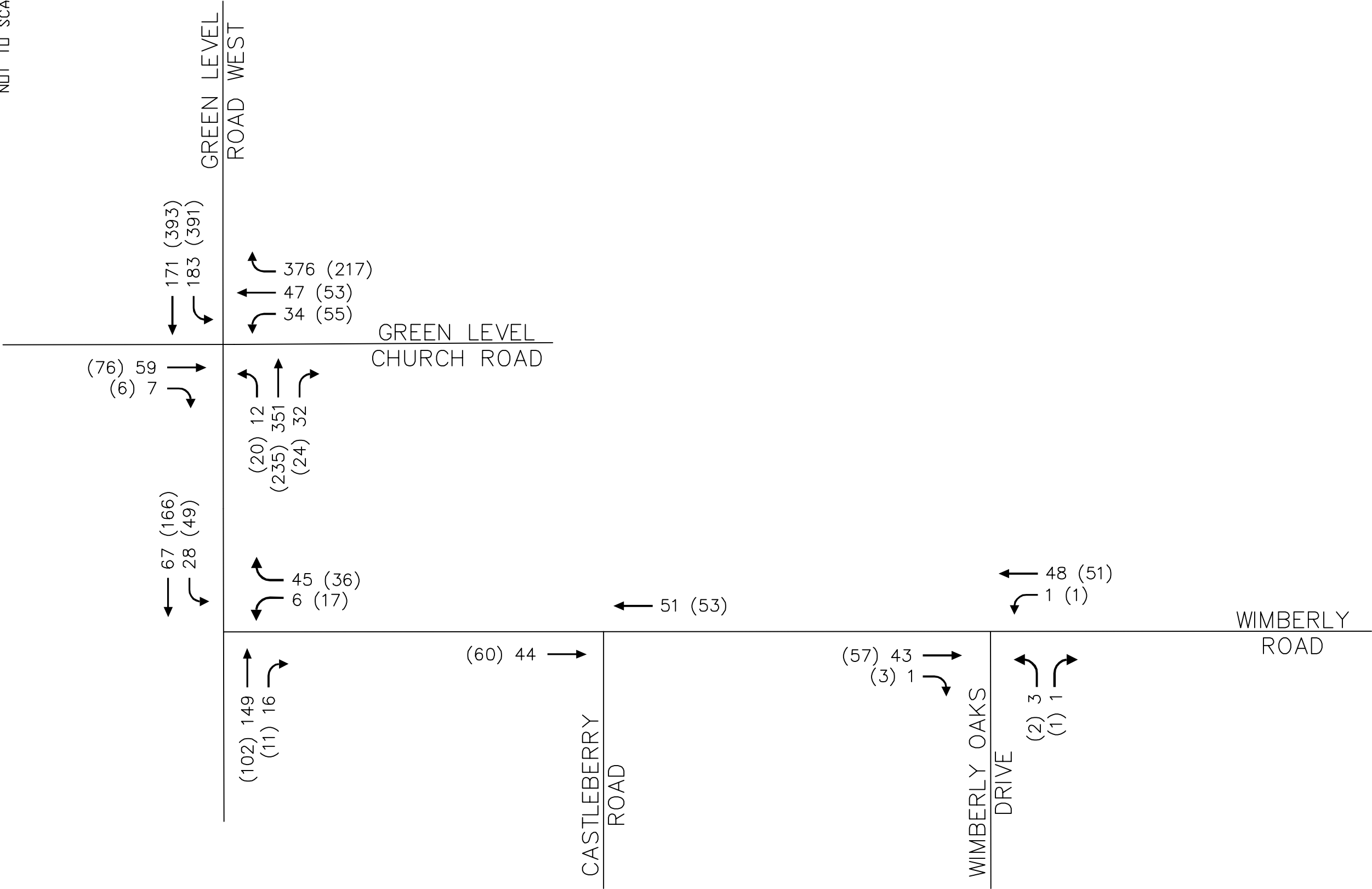
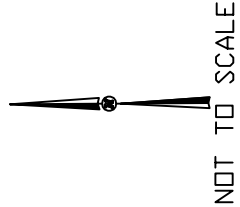
5.5 *Build-Out Traffic*

To obtain the projected (2026) build-out traffic volumes, the projected site traffic volumes were added to the projected (2026) background traffic. Traffic volume calculations are detailed in intersection spreadsheets in the Appendix of this report. **Figure 5.5** shows the projected (2026) AM and PM peak hour build-out traffic volumes.

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LEGEND

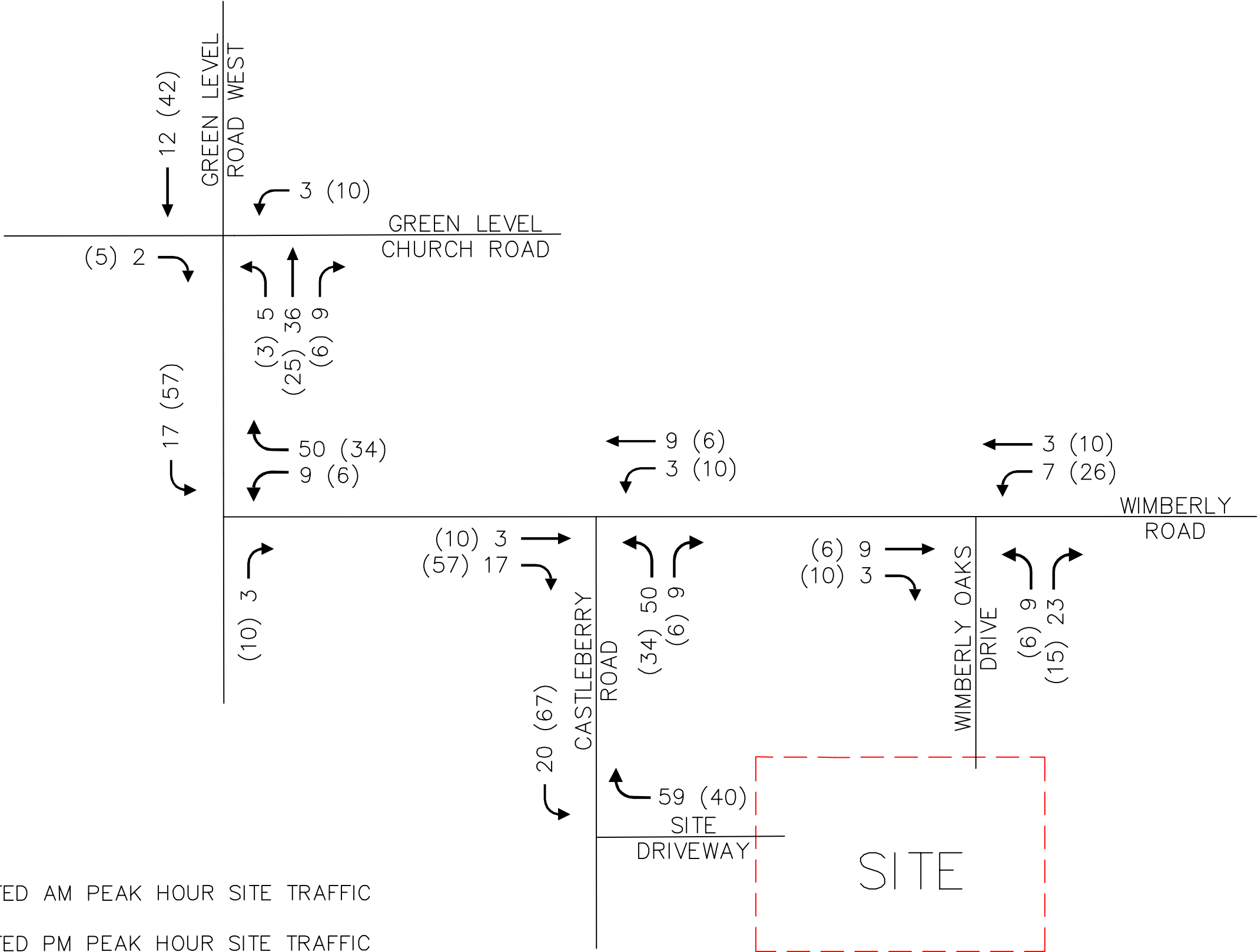
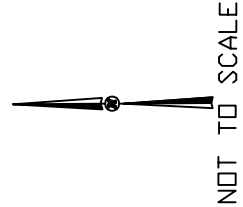
- XX PROJECTED AM PEAK HOUR APPROVED DEVELOPMENT TRAFFIC
- (XX) PROJECTED PM PEAK HOUR APPROVED DEVELOPMENT TRAFFIC

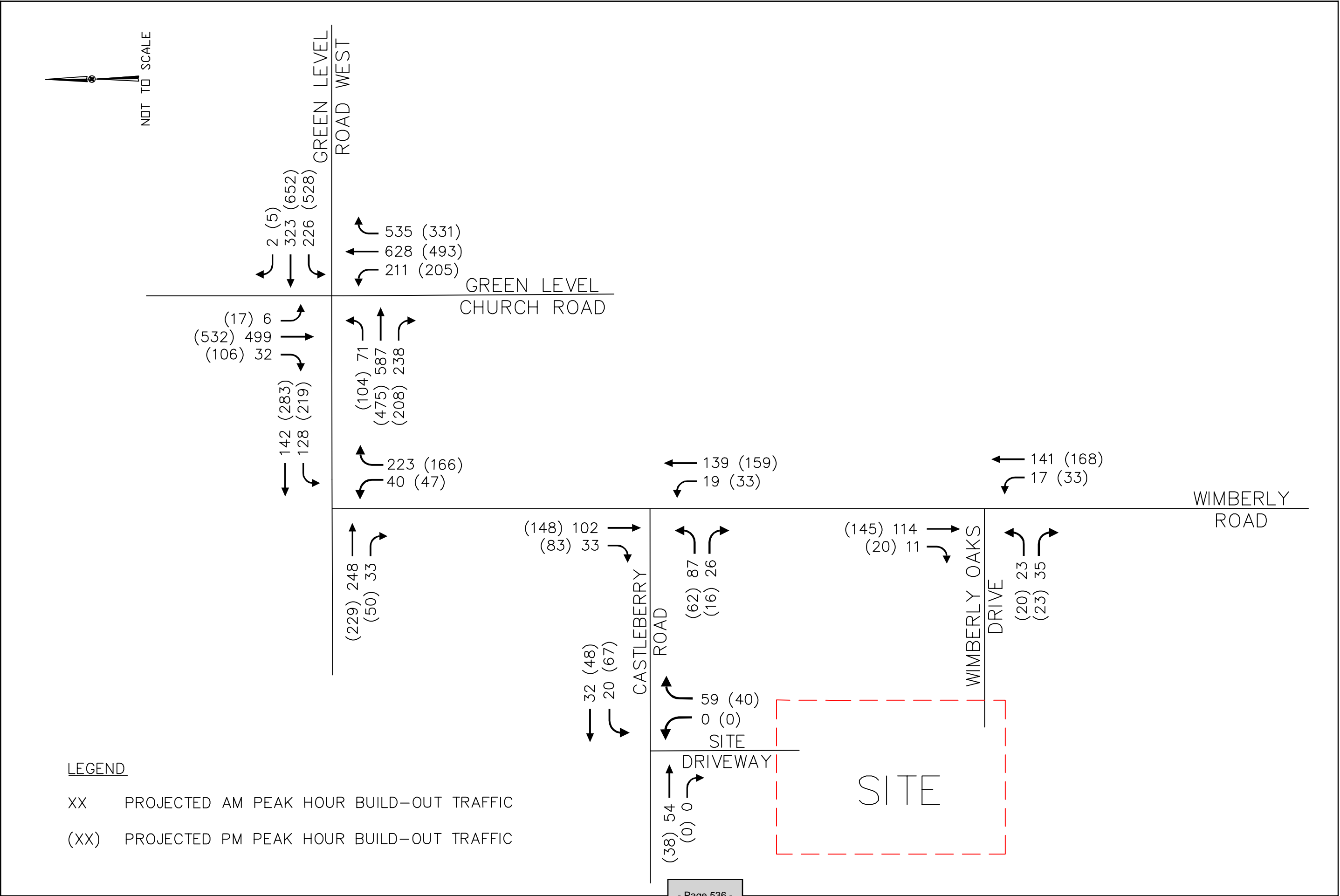


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LEGEND

- XX PROJECTED AM PEAK HOUR SITE TRAFFIC
- (XX) PROJECTED PM PEAK HOUR SITE TRAFFIC





6.0 Capacity Analysis

Capacity analyses (see Appendix) were performed for the AM and PM peak hours for the existing traffic condition and the projected (2026) background and build-out traffic conditions using Synchro Version 11 software to determine the operating characteristics of the adjacent road network and the impacts of the proposed project.

Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection within a set time duration. Capacity is combined with Level-of-Service (LOS) to describe the operating characteristics of a road segment or intersection. LOS is a qualitative measure that describes operational conditions and motorist perceptions within a traffic stream. The *Highway Capacity Manual* defines six levels of service, LOS A through LOS F, with A representing the shortest average delays and F representing the longest average delays. LOS D is the typically accepted standard for signalized intersections in urbanized areas. For signalized intersections, LOS is defined for the overall intersection operation.

For unsignalized intersections, only the movements that must yield right-of-way experience control delay. Therefore, LOS criteria for the overall intersection is not reported by Synchro Version 11 or computable using methodology published in the *Highway Capacity Manual*. It is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. Table 6.0-A lists the LOS control delay thresholds published in the *Highway Capacity Manual* for signalized and unsignalized intersections.

Table 6.0-A Level-of-Service Control Delay Thresholds			
Level-of-Service	Signalized Intersections – Control Delay Per Vehicle [sec/veh]	Unsignalized Intersections – Average Control Delay [sec/veh] & Qualitative Operational Description	
A	≤ 10	≤ 10	Short Delays
B	> 10 – 20	> 10 – 15	
C	> 20 – 35	> 15 – 25	
D	> 35 – 55	> 25 – 35	Moderate Delays
E	> 55 – 80	> 35 – 50	
F	> 80	> 50	Long Delays

Capacity analyses were performed for the existing (2022) traffic condition and the projected (2026) background and build-out traffic conditions for the following intersections:

- Wimberly Road at Green Level West Road
- Wimberly Road at Castleberry Road
- Wimberly Road at Wimberly Oaks Drive
- Green Level West Road at Green Level Church Road
- Castleberry Road at Site Driveway

All capacity analyses are included in the Appendix and are briefly summarized in the following sub-sections.

6.1 Green Level West Road at Wimberly Road

Analyses indicate that the unsignalized intersection of Green Level West Road at Wimberly Road currently operates with short delays on the minor street approach (Wimberly Road) in both the AM and PM peak hours. The intersection is expected to continue to operate with short delays and queues in the year 2026 with or without the proposed project in place, and no roadway improvements are recommended to accommodate projected site traffic.

The Parkway Green Level Residential (18-TAR-429) development (also known as Green Level West Tract) is proposing to build a portion of Yates Store Road from Green Level West Road, which will add a fourth leg to the existing intersection of Green Level West Road at Wimberly Road. However, as this development plan is still under review and this connection was not included in the original study, this proposed connection was not analyzed as part of this study.

Table 6.1 summarizes the operation of the intersection of Green Level West Road at Wimberly Road for the existing (2022), projected (2026) background, and projected (2026) build-out traffic conditions.

Table 6.1 Green Level West Road at Wimberly Road (Unsignalized)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Existing (2022) Traffic	NB - A (9.7) WBL - A (7.6)	NB - B (10.1) WBL - A (7.7)
Background (2026) Traffic	NB - B (12.3) WBL - A (8.3)	NB - B (13.4) WBL - A (8.3)
Build-out (2026) Traffic	NB - B (13.1) WBL - A (8.3)	NB - C (15.0) WBL - A (8.5)

6.2 Wimberly Road at Castleberry Road

Analyses indicate that the unsignalized intersection of Wimberly Road at Castleberry Road currently operates with short delays on the minor street approach (Castleberry Road) in both the AM and PM peak hours. The intersection is expected to continue to operate with short delays and queues in the year 2026 with or without the proposed project in place, and no roadway improvements are recommended to accommodate projected site traffic.

Table 6.2 summarizes the operation of the intersection of Wimberly Road at Castleberry Road for the existing (2022), projected (2026) background, and projected (2026) build-out traffic conditions.

Table 6.2 Wimberly Road at Castleberry Road (Unsignalized)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Existing (2022) Traffic	EB - A (9.4) NBL - A (7.4)	EB - A (9.9) NBL - A (7.5)
Background (2026) Traffic	EB - B (10.1) NBL - A (7.6)	EB - B (10.9) NBL - A (7.6)
Build-out (2026) Traffic	EB - B (10.9) NBL - A (7.6)	EB - B (12.2) NBL - A (7.8)

6.3 Wimberly Road at Wimberly Oaks Drive

Analyses indicate that the unsignalized intersection of Wimberly Road at Wimberly Oaks Drive currently operates with short delays on the minor street approach (Wimberly Oaks Drive) in both the AM and PM peak hours. The intersection is expected to continue to operate with short delays and queues in the year 2026 with or without the proposed project in place, and no roadway improvements are recommended to accommodate projected site traffic.

Table 6.3 summarizes the operation of the intersection of Wimberly Road at Wimberly Oaks Drive for the existing (2022), projected (2026) background, and projected (2026) build-out traffic conditions.

Table 6.3		
Wimberly Road at Wimberly Oaks Drive (Unsignalized)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Existing (2022) Traffic	EB - A (9.2) NBL - A (7.4)	EB - A (9.4) NBL - A (7.4)
Background (2026) Traffic	EB - A (9.9) NBL - A (7.6)	EB - B (10.3) NBL - A (7.6)
Build-out (2026) Traffic	EB - B (10.1) NBL - A (7.6)	EB - B (10.6) NBL - A (7.7)

6.4 Green Level West Road at Green Level Church Road

Analyses indicate that the signalized intersection of Green Level West Road at Green Level Church Road currently operates at LOS B in the AM and PM peak hours.

The Duke Health – Travis Staten (18-TAR-430A) approved development is expected to provide a new northbound right-turn lane, a new westbound right-turn lane, and a storage length extension of the southbound left-turn lane, with signal improvements at the intersection of Green Level West Road at Green Level Church Road. These improvements were analyzed at this intersection under future traffic conditions. Under projected (2026) background and build-out traffic conditions, the intersection is expected to operate at LOS E during the AM and PM peak hours. There is expected to be a significant increase of traffic in the future conditions due to the approved developments. The approved developments are expected to have a 38.2% overall impact on this intersection during the AM peak hour and a 40.2% impact during the PM peak hour.

Per the Town of Apex Unified Development Ordinance (UDO), intersection that are projected to operate worse than an overall LOS D shall propose geometric or traffic control improvements to minimize the increase in average overall intersection delay when traffic generated by the proposed development is at least 10% of the projected AM or PM peak hour traffic at the intersection. The proposed Castleberry Trails residential development is expected to have a 2% overall impact in the AM peak hour and a 2.5% overall impact in the PM peak hour at the intersection of Green Level West Road at Green Level Church Road. Therefore, no improvements by the proposed development are recommended at this intersection.

Table 6.4, located on the following page summarizes the operation of the intersection of Green Level West Road at Green Level Church Road for the existing (2022), projected (2026) background, and projected (2026) build-out traffic conditions.

Table 6.4 Green Level Church Road at Green Level West Road (Signalized)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Existing (2022) Traffic	Overall - B (16.3) EB - C (24.3) WB - C (28.8) NB - A (9.6) SB - B (16.7)	Overall - B (19.2) EB - C (25.2) WB - C (33.7) NB - A (8.0) SB - B (18.7)
Background (2026) Traffic	Overall - E (57.4) EB - F (99.8) WB - E (57.2) NB - C (31.8) SB - E (56.4)	Overall - E (69.0) EB - F (82.5) WB - E (79.7) NB - D (39.8) SB - F (80.0)
Build-out (2026) Traffic	Overall - E (63.6) EB - F (120.2) WB - E (57.3) NB - C (32.0) SB - E (56.3)	Overall - E (74.4) EB - F (90.6) WB - F (90.8) NB - D (41.9) SB - E (76.3)

6.5 Castleberry Road at Site Driveway

A full-movement site driveway is proposed to be constructed on Castleberry Road approximately 1,400 feet west of Wimberly Road. Analyses indicate that the intersection is expected to operate with short delays and queues on the minor street approach (Site Driveway) at project build-out. No roadway improvements are recommended to be performed as part of this development.

Table 6.5 summarizes the operation of the intersection of Castleberry Road at Site Driveway for the projected (2026) build-out traffic condition.

Table 6.5 Castleberry Road at Site Driveway (Unsignalized)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Build-out (2026) Traffic	NB - A (8.8) WBL - A (7.4)	NB - A (8.8) WBL - A (7.4)

7.0 Recommendations

Committed Improvements

The following roadway improvements are committed to be performed by the Duke Health – Travis Staten (18-TAR-430A) development:

Green Level West Road at Green Level Church Road

- Provide a northbound right-turn lane with 100 feet of storage
- Provide a westbound right-turn lane with 150 feet of storage
- Extend the storage length of the existing southbound left-turn lane to 150 feet
- Adjust signal timings

The following roadway improvements are committed to be performed by the Freedom Square development:

Green Level West Road at Green Level Church Road

- Extend the storage length of the existing eastbound left-turn lane into the Two-Way Left-Turn Lane

Proposed Improvements

The following improvements are proposed to be performed in conjunction with the proposed development:

Castleberry Road at Site Driveway

- Construct a southern leg with stop control and one ingress lane and one egress lane

Conclusions

All study intersections, with exception of Green Level West Road at Green Level Church Road are expected to operate at an acceptable LOS in all traffic conditions analyzed with only minor increases in delays and queues due to site traffic.

The intersection of Green Level West Road at Green Level Church Road is expected to operate at an overall LOS E under future traffic conditions during both peak hours; however, the proposed development is expected to have a minimal impact at this intersection. There is expected to be a significant increase of traffic in the future conditions due to the approved developments. The approved developments are expected to have a 38.2% overall impact on this intersection during the AM peak hour and a 40.2% impact during the PM peak hour.

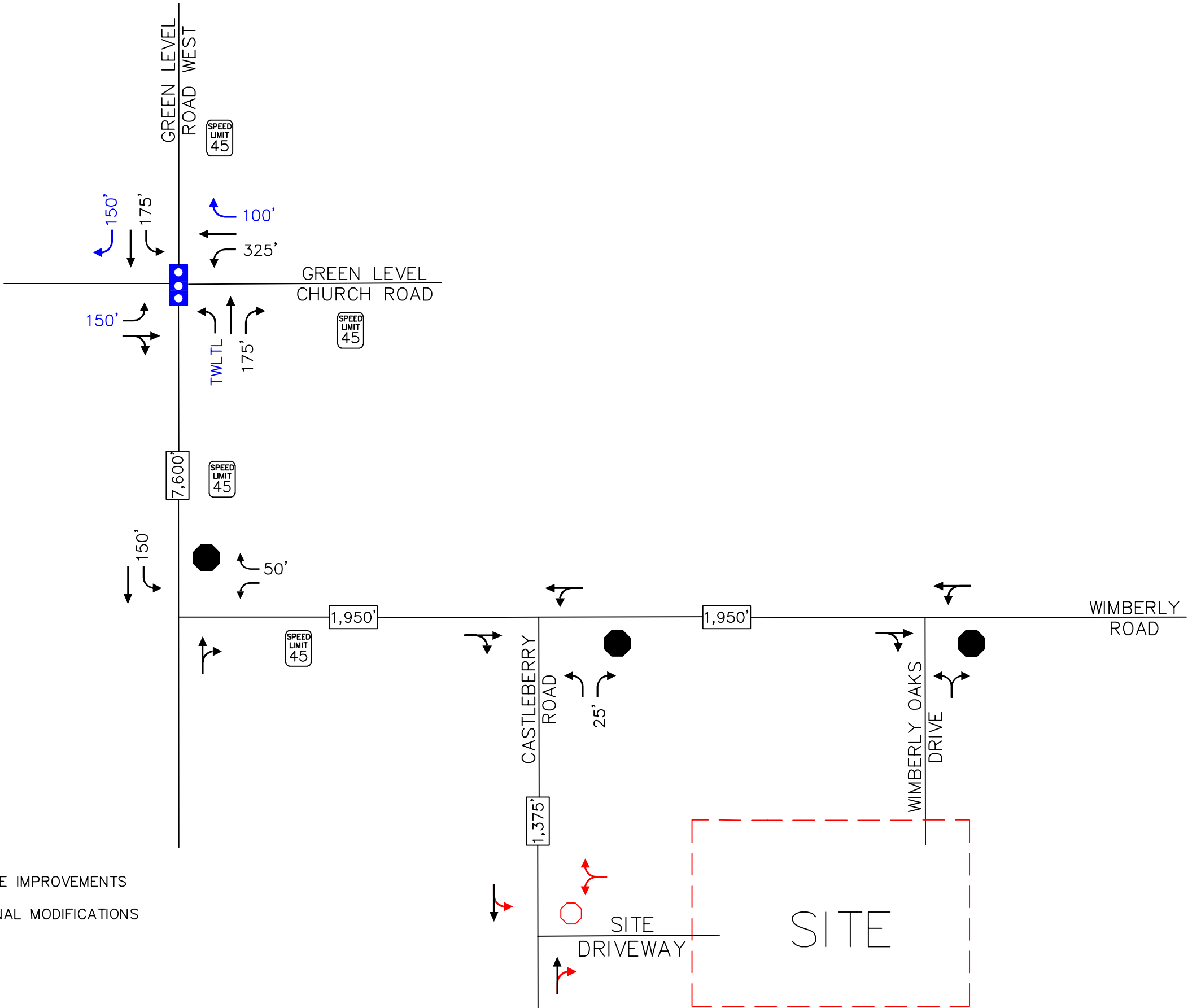
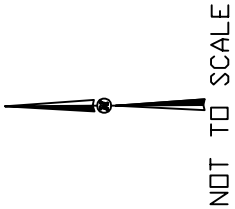
Per the Town of Apex Unified Development Ordinance (UDO), intersection that are projected to operate worse than an overall LOS D shall propose geometric or traffic control improvements to minimize the increase in average overall intersection delay when traffic generated by the proposed development is at least 10% of the projected AM or PM peak hour traffic at the intersection. The proposed Castleberry Trails residential development is expected to have a 2%

overall impact in the AM peak hour and a 2.5% overall impact in the PM peak hour at the intersection of Green Level West Road at Green Level Church Road. Therefore, no improvements by the proposed development are recommended at this intersection.

The build-out roadway laneage is shown on **Figure 7.1**.

LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- EXISTING TRAFFIC SIGNAL
- RECOMMENDED LANE
- RECOMMENDED STOP SIGN
- APPROVED DEVELOPMENT LANE IMPROVEMENTS
- APPROVED DEVELOPMENT SIGNAL MODIFICATIONS
- POSTED SPEED LIMIT
- STORAGE LENGTH
- INTERSECTION SPACING



Appendix

Appendix A:

Memorandum of Understanding

**Preliminary Assumptions
Castleberry Assembly - Traffic Impact Analysis
Apex, North Carolina**

KHA will perform analyses for Castleberry Assembly development, a proposed single-family project located south of Castleberry Road and west of Wimberly Road in Apex, North Carolina. The following assumptions will be used in the analysis of the site:

The study area will consist of the following intersections:

- Wimberly Road at Green Level West Road
- Wimberly Road at Castleberry Road
- Wimberly Road at Wimberly Oaks Drive*
- Green Level West Road at Green Level Church Road
- Castleberry Road at Site Driveway

*Site traffic will use this intersection to access the proposed development. The development is proposed to connect to Castleberry Estates via only Wimberly Oaks Drive.

The study scenarios will consist of:

- Existing (2022)
- Background (2026)
- Build-out (2026)

Based on the Town of Apex Interactive Development Map, the Duke Health Green Level West (22-TAR-463A) development was identified for inclusion in this analysis as background traffic. For a conservative background analysis, the total approved background trips, Duke Health Green Level West site trips, and Bel Canto Green Level West (22-TAR-461) site trips are proposed to be included as background traffic for this study. Per coordination with the Town of Cary, site trips associated with the Batchelor Road Residential (17-TAR-423) that were previously analyzed in the Duke Health Green Level West TAR will not be included in this analysis. Additionally, the 22-TAR-463A is currently being updated (22-TAR-463B) to reflect a decrease in multifamily units.

The following developments were also identified for inclusion in this analysis as background traffic:

- Williams Grove
- Castleberry Estates – *19 single-family homes total, 6 unoccupied*
- Alderwood

No TIA was performed for Castleberry Estates; therefore, trips will be generated for the unoccupied/under construction dwellings for the 6 unoccupied single-family-units for the Castleberry Estates development using ITE Trip Generation 11th Edition rates. Site traffic for the Castleberry Estates development is expected to enter/exit the site via the intersection of Wimberly Road at Wimberly Oaks Drive. It should be noted that several of these developments are currently under construction and/or occupied. Traffic for these approved developments will be obtained or developed from either site plans or traffic studies attained from the Town of Apex.

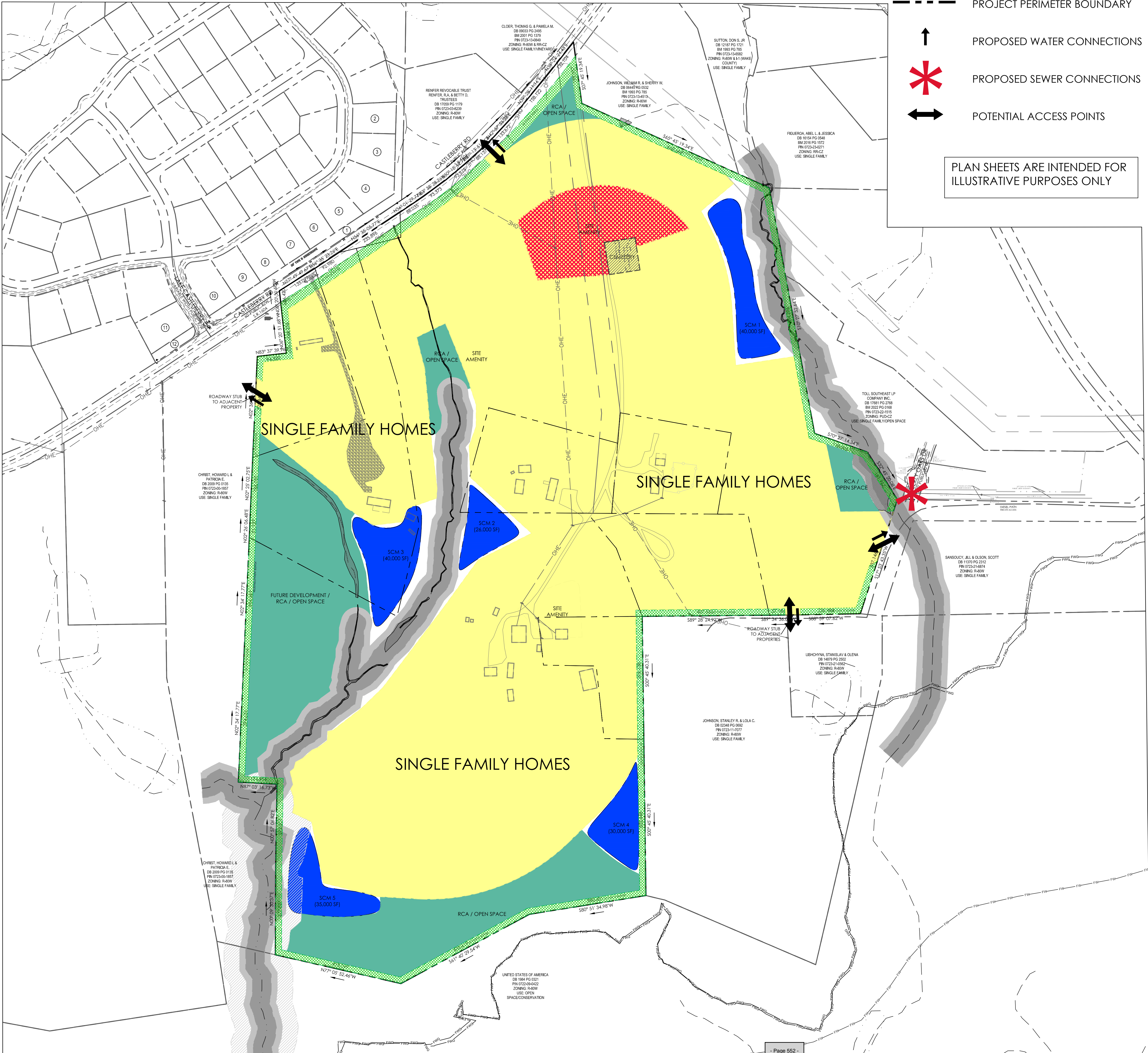
In addition to the approved development traffic, an annual growth rate of 3% will also be applied to the existing traffic volumes up to the year 2026.

Separate entering and existing directional distributions will be used for the site based on a review of surrounding land uses and the existing roadway network. The following overall distribution will be used for entering and exiting traffic:

- 40% from the east on Green Level West Road
- 35% from the south on Wimberly Road

- 10% from the south on Green Level Church Road
- 10% from the west on Green Level West Road
- 5% from the north on Green Level Church Road

The property is currently vacant, and as currently envisioned the development will consist of approximately 170 single-family homes. Trips will be generated using ITE Trip Generation 11th Edition rates. See attached trip generation table.



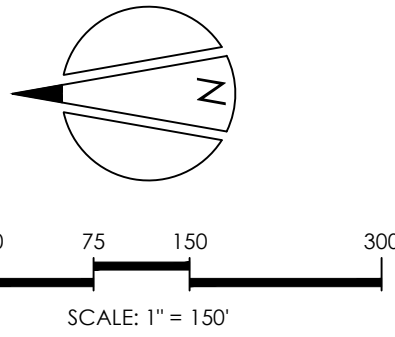
- PROJECT PERIMETER BOUNDARY
- PROPOSED WATER CONNECTIONS
- PROPOSED SEWER CONNECTIONS
- POTENTIAL ACCESS POINTS
- POSSIBLE SITE AMENITY
- BUFFERS/RCA
- SINGLE FAMILY - DETACHED
- EX CEMETERY

SITE AND UTILITY NOTES:

1. DEVELOPMENT ACCESS AND SUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. TREE PROTECTION FENCING MUST BE PLACED:
 - a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
 - b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
 - c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
13. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

POTENTIAL ACCESS POINTS:

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



1
C100
SCALE: 1"=150'

CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN

Trip Generation Analysis (11th Edition) Castleberry Assembly Apex, NC											
Land Use	Density		Daily Trips			AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out	Total	In	Out
Proposed Project Trips											
210 Single-Family Detached Housing	170 dwelling units	1,644	822	822	121	31	90	164	103	61	
Gross Project Trips		1,644	822	822	121	31	90	164	103	61	

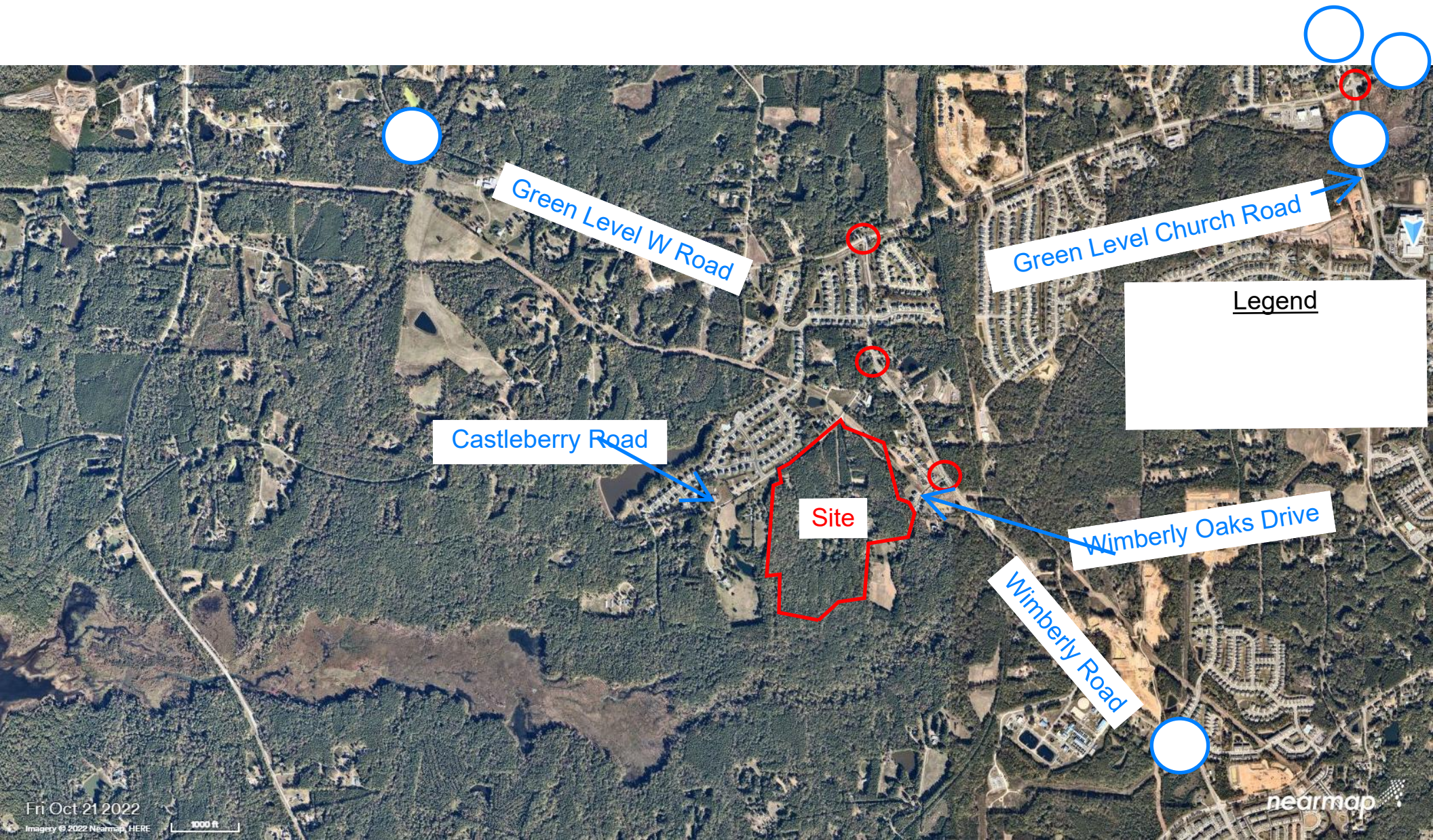


Figure 1: Site Vicinity and Preliminary Site Traffic Distribution

Appendix B:

Trip Generation

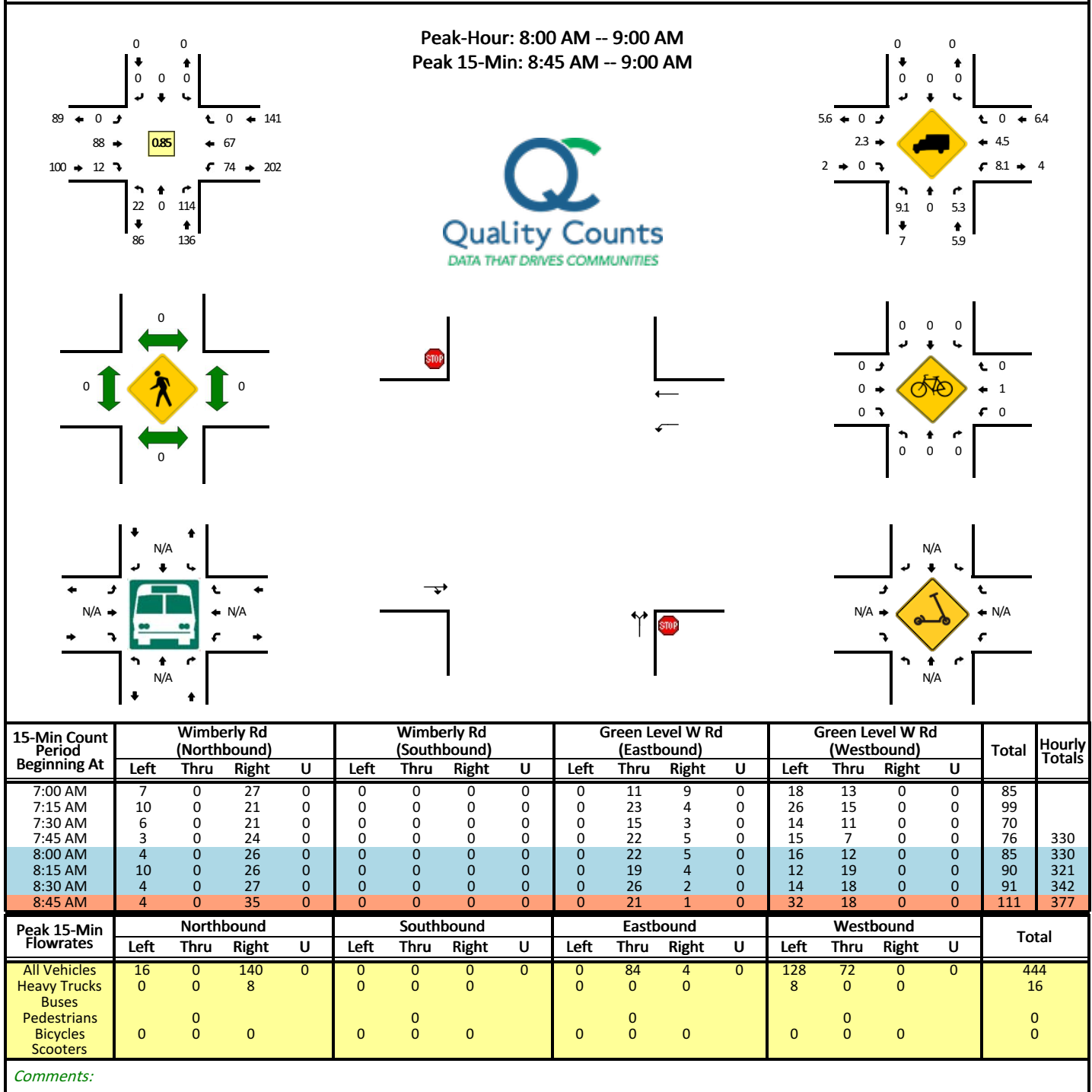
Trip Generation Analysis (11th Edition) Castleberry Assembly Apex, NC											
Land Use	Density		Daily Trips			AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out	Total	In	Out
Proposed Project Trips											
210 Single-Family Detached Housing	170 dwelling units		1,644	822	822	121	31	90	164	103	61
Gross Project Trips			1,644	822	822	121	31	90	164	103	61

Appendix C:

Traffic Count Data

LOCATION: Wimberly Rd -- Green Level W Rd
CITY/STATE: Apex, NC

QC JOB #: 16033901
DATE: Thu, Dec 8 2022

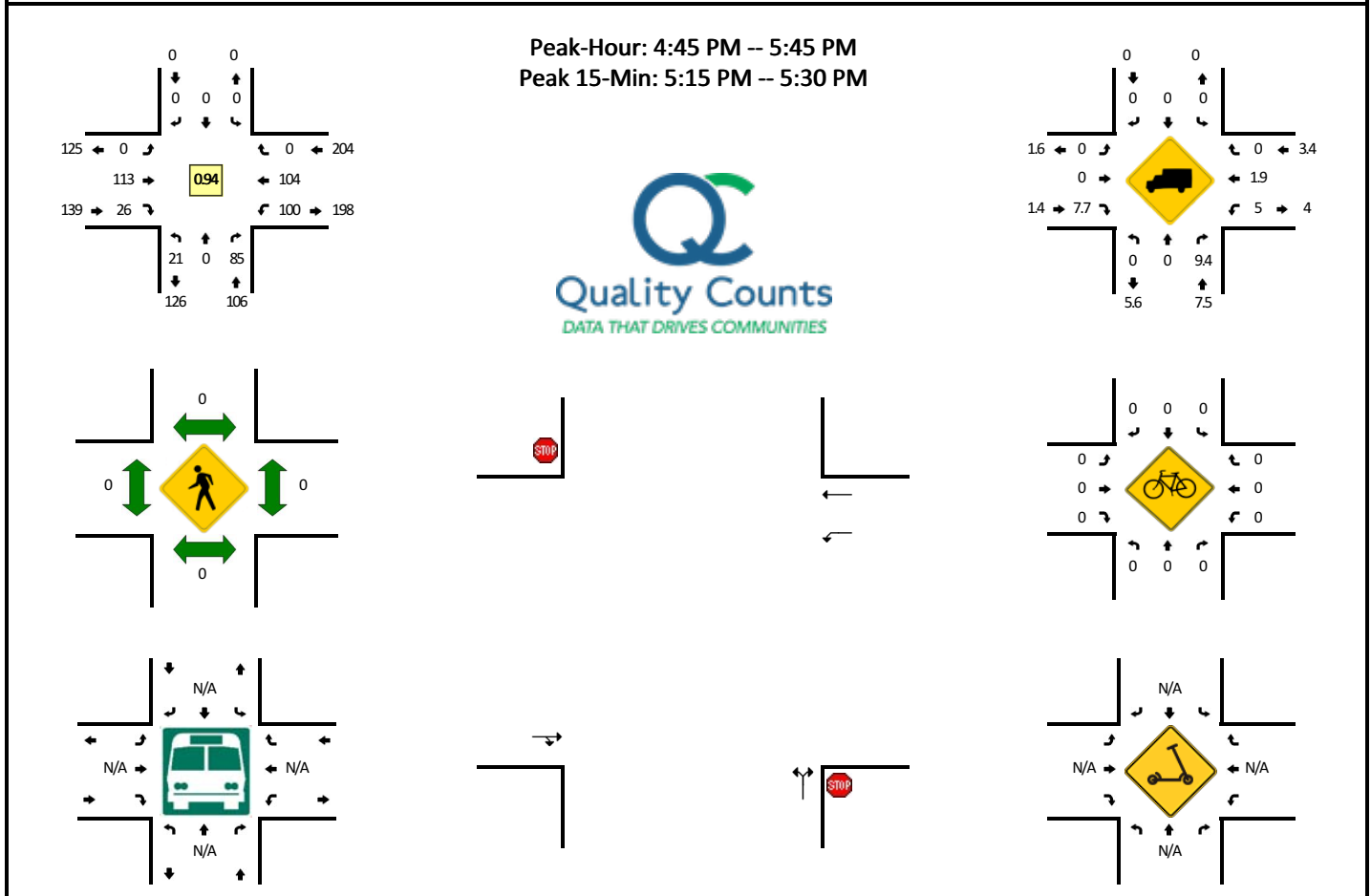


Report generated on 12/13/2022 12:21 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Wimberly Rd -- Green Level W Rd
CITY/STATE: Apex, NC

QC JOB #: 16033902
DATE: Thu, Dec 8 2022



15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Green Level W Rd (Eastbound)				Green Level W Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	8	0	27	0	0	0	0	0	0	18	8	0	30	26	0	0	117	
4:15 PM	13	0	19	0	0	0	0	0	0	24	3	0	24	22	0	0	105	
4:30 PM	4	0	35	0	0	0	0	0	0	14	8	0	18	24	0	0	103	
4:45 PM	7	0	23	0	0	0	0	0	0	22	4	0	22	26	0	0	104	429
5:00 PM	5	0	23	0	0	0	0	0	0	25	9	0	26	25	0	0	113	425
5:15 PM	5	0	18	0	0	0	0	0	0	30	8	0	27	32	0	0	120	440
5:30 PM	4	0	21	0	0	0	0	0	0	36	5	0	25	21	0	0	112	449
5:45 PM	5	0	26	0	0	0	0	0	0	24	4	0	22	21	0	1	103	448
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	20	0	72	0	0	0	0	0	0	120	32	0	108	128	0	0	480	
Heavy Trucks	0	0	4	0	0	0	0	0	0	0	4	0	4	8	0	0	20	
Buses																		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Scoters																		

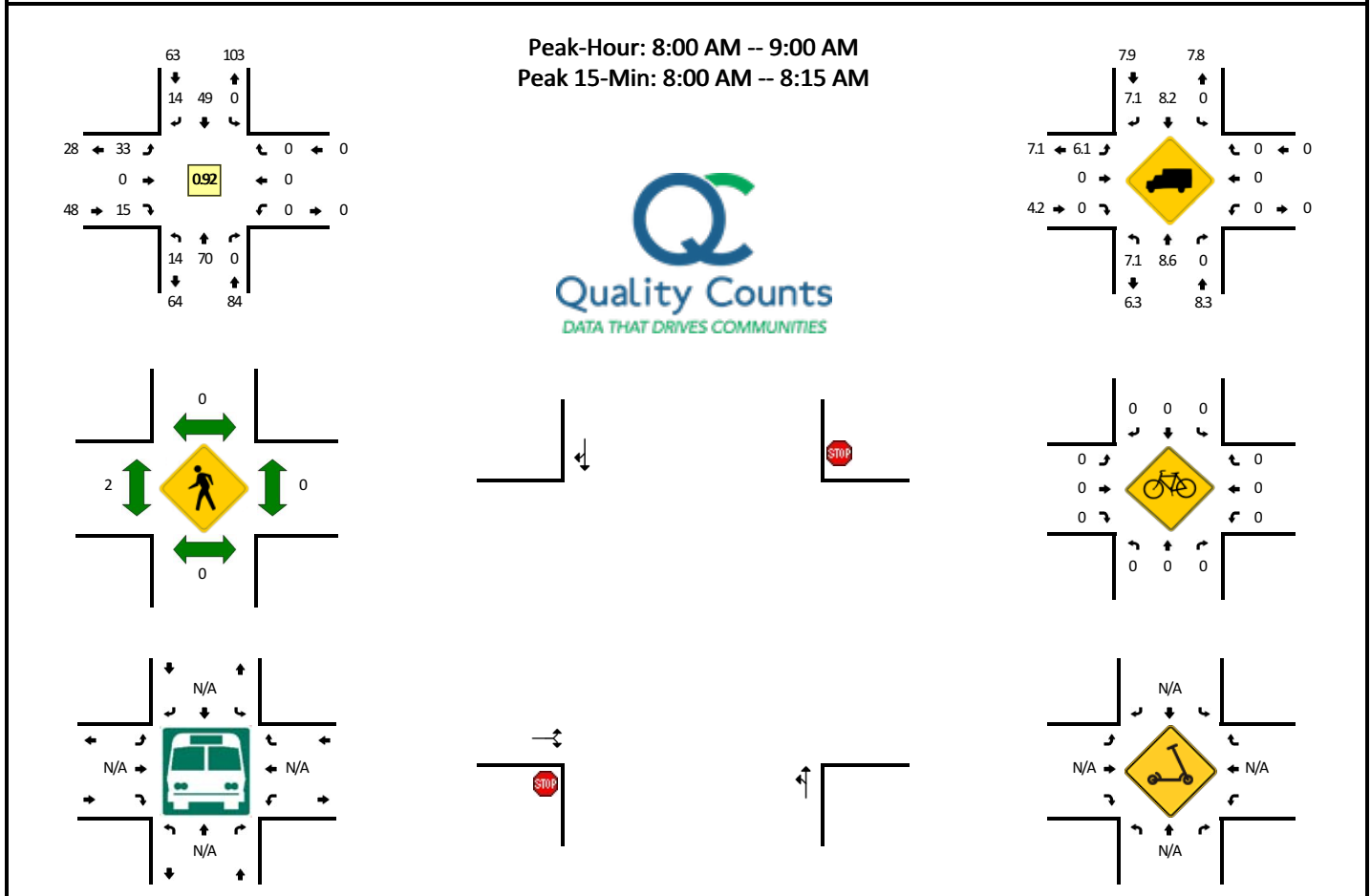
Comments:

Report generated on 12/13/2022 12:21 PM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Wimberly Rd -- Castleberry Rd
CITY/STATE: Wake, NC

QC JOB #: 16033903
DATE: Thu, Dec 8 2022

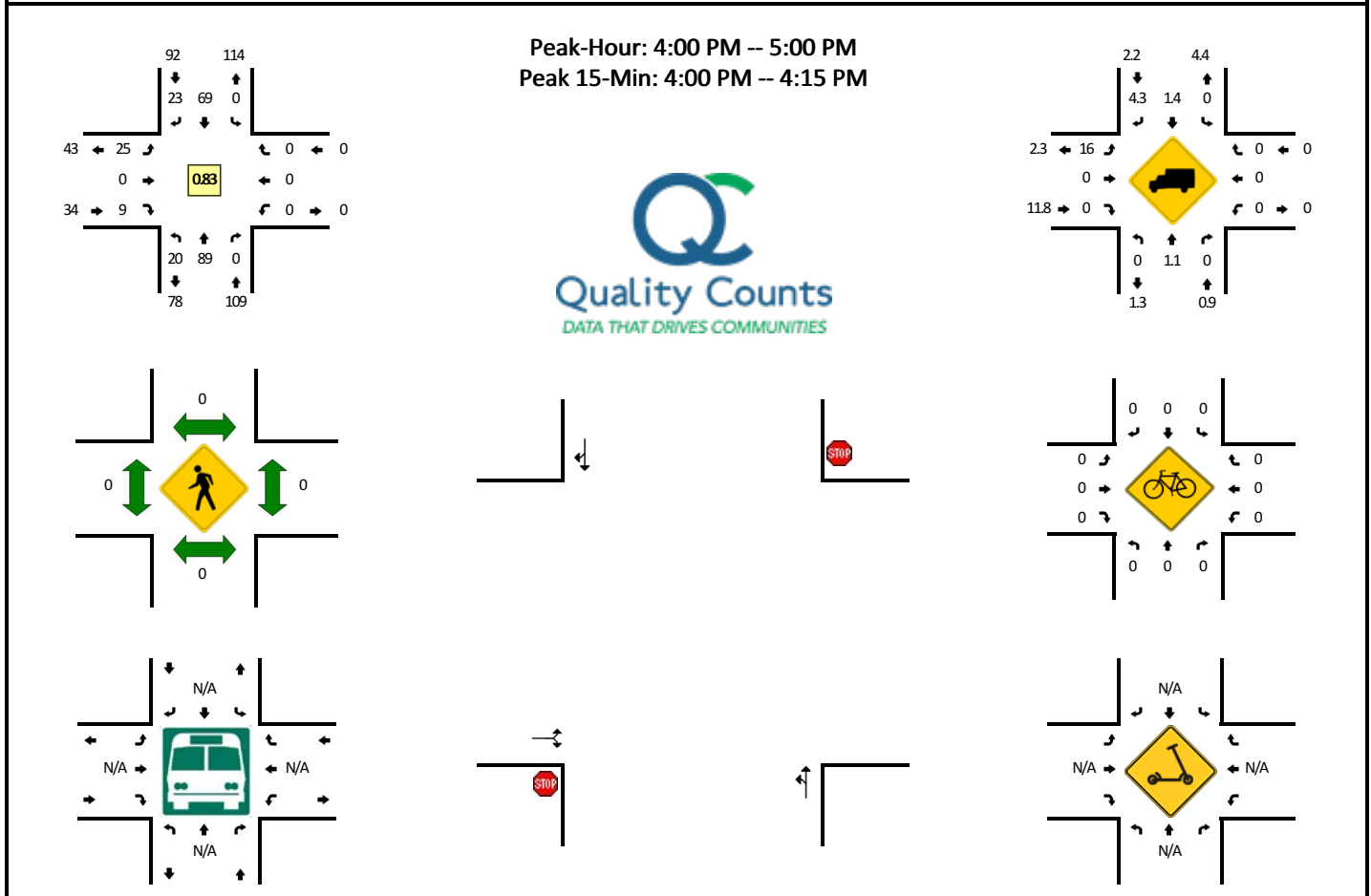


15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Castleberry Rd (Eastbound)				Castleberry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	1	10	0	0	0	26	3	0	6	0	4	0	0	0	0	0	50	
7:15 AM	1	18	0	0	0	16	5	0	4	0	5	0	0	0	0	0	49	
7:30 AM	2	14	0	0	0	12	3	0	8	0	4	0	0	0	0	0	43	
7:45 AM	10	10	0	0	0	10	5	0	5	0	4	0	0	0	0	0	44	186
8:00 AM	3	25	0	0	0	11	4	0	8	0	2	0	0	0	0	0	53	189
8:15 AM	4	12	0	0	0	16	0	0	11	0	4	0	0	0	0	0	47	187
8:30 AM	1	20	0	0	0	9	4	0	6	0	3	0	0	0	0	0	43	187
8:45 AM	6	13	0	0	0	13	6	0	8	0	6	0	0	0	0	0	52	195
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	12	100	0	0	0	44	16	0	32	0	8	0	0	0	0	0	212	
Heavy Trucks	4	8	0	0	0	8	0	0	4	0	0	0	0	0	0	0	24	
Buses																		
Pedestrians		0				0				8				0			8	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

LOCATION: Wimberly Rd -- Castleberry Rd
CITY/STATE: Wake, NC

QC JOB #: 16033904
DATE: Thu, Dec 8 2022

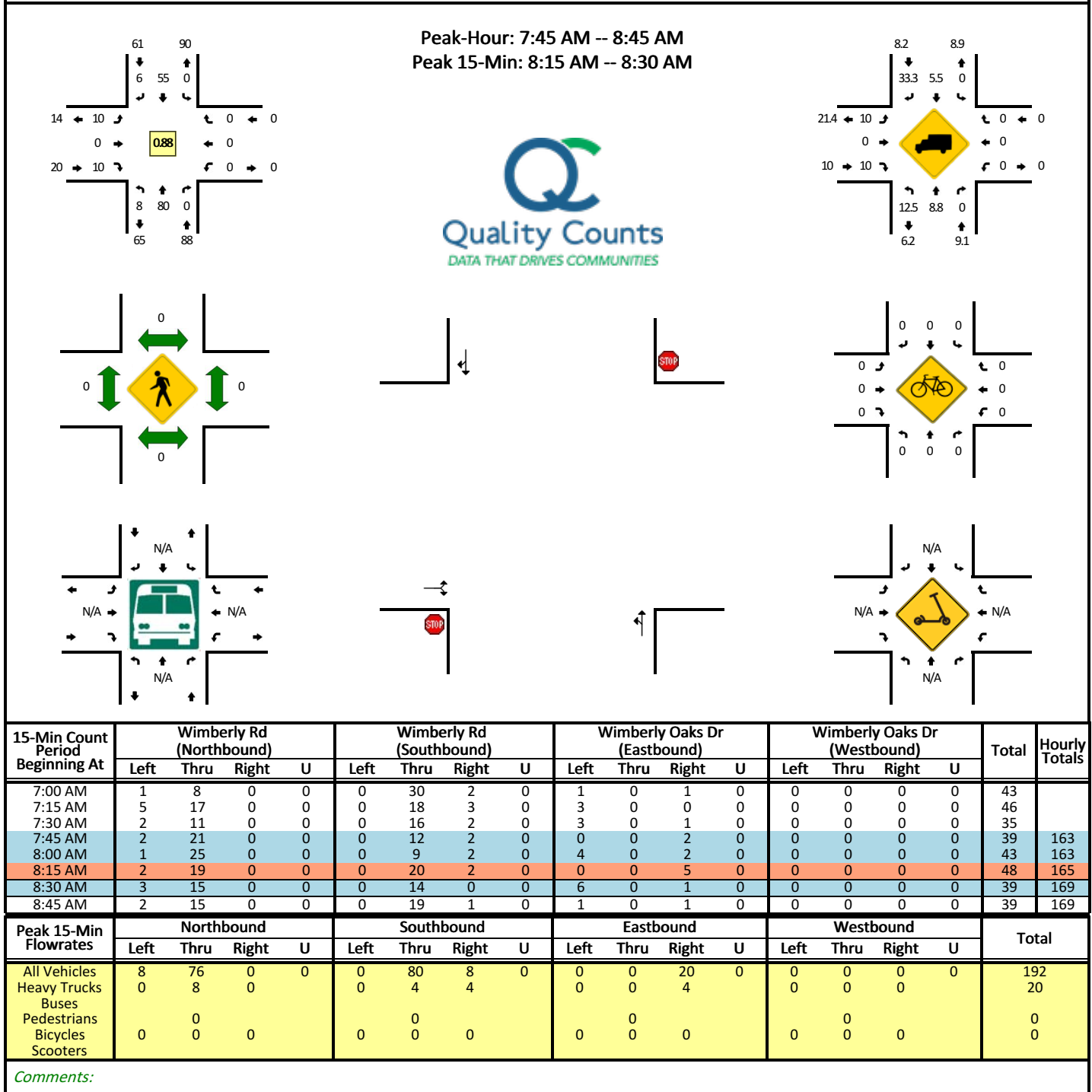


15-Min Count Period Beginning At	Wimberly Rd (Northbound)				Wimberly Rd (Southbound)				Castleberry Rd (Eastbound)				Castleberry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	7	24	0	0	0	22	8	0	5	0	5	0	0	0	0	0	71	
4:15 PM	3	25	0	0	0	18	3	0	3	0	1	0	0	0	0	0	53	
4:30 PM	4	22	0	0	0	15	4	0	11	0	0	0	0	0	0	0	56	
4:45 PM	6	18	0	0	0	14	8	0	6	0	3	0	0	0	0	0	55	235
5:00 PM	3	11	0	0	0	19	8	0	6	0	3	0	0	0	0	0	50	214
5:15 PM	2	12	0	0	0	14	7	0	5	0	2	0	0	0	0	0	42	203
5:30 PM	7	11	0	0	0	19	2	0	7	0	7	0	0	0	0	0	53	200
5:45 PM	2	16	0	0	0	16	9	0	8	0	9	0	0	0	0	0	60	205
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	28	96	0	0	0	88	32	0	20	0	20	0	0	0	0	0	284	
Heavy Trucks	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	4	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

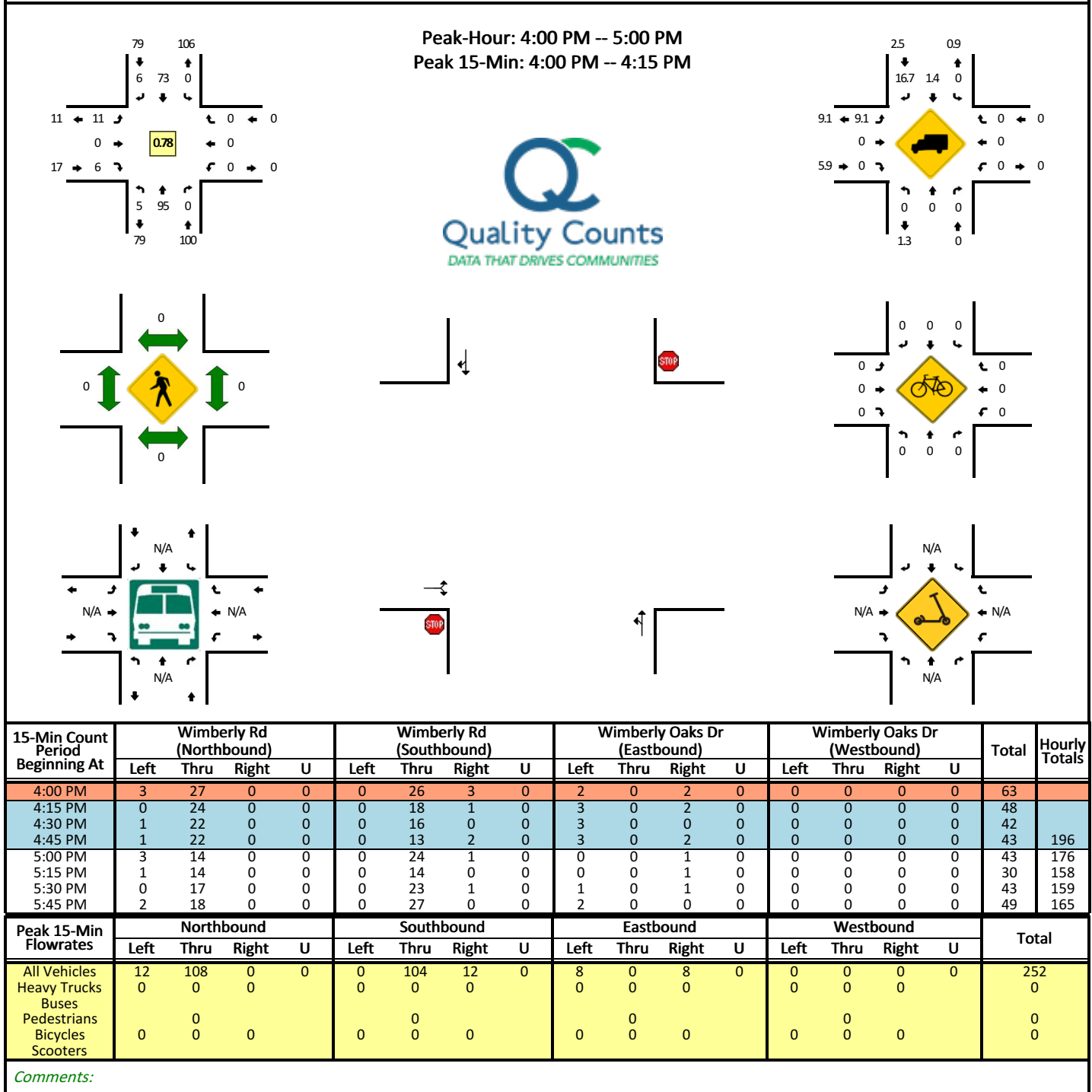
LOCATION: Wimberly Rd -- Wimberly Oaks Dr
CITY/STATE: Apex, NC

QC JOB #: 16033905
DATE: Thu, Dec 8 2022



LOCATION: Wimberly Rd -- Wimberly Oaks Dr
CITY/STATE: Apex, NC

QC JOB #: 16033906
DATE: Thu, Dec 8 2022



Appendix D:

Approved Developments

Duke Health Green Level West (22-TAR-463A)

Cary, North Carolina

PREPARED FOR

Town of Cary
c/o Priyatham Konda, PE
316 N Academy Street
PO Box 8005
Cary, NC 27512-8005

PREPARED BY



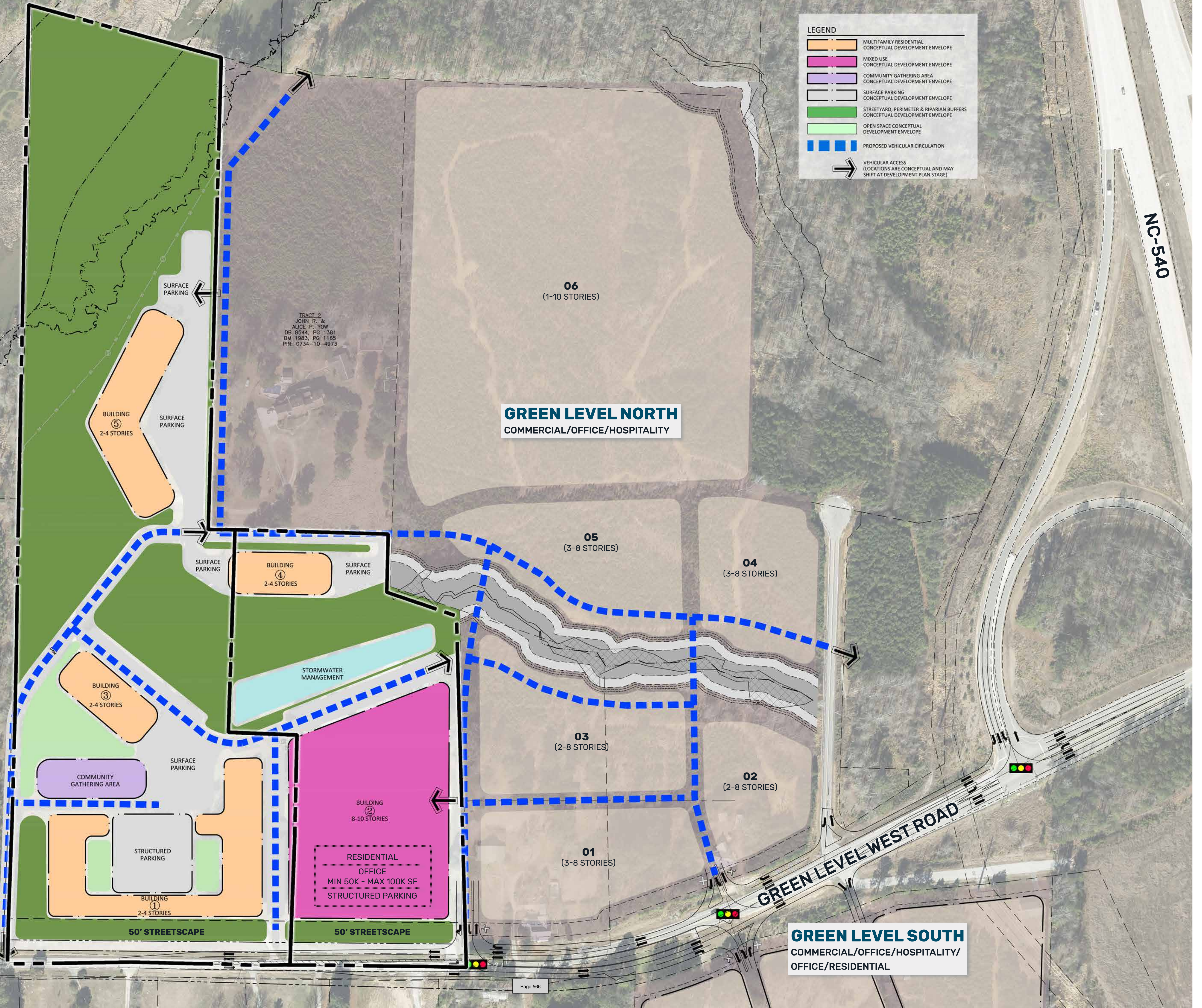
VHB Engineering NC, P.C. (C-3075)
940 Main Campus Drive, Suite 500
Raleigh, NC 27606
919.829.0328

5/4/2022

OPEN SPACE
 SOUTHERLYN
 HOMEOWNERS
 ASSOCIATION, INC.
 DB 165776, PG. 1432
 BM 2016, PG. 1654
 PIN: 0734-01-5240

TRACT 2
 JOHN R. &
 ALICE P. YOW
 DB 8544, PG. 1381
 BM 1983, PG. 1165
 PIN: 0734-10-4973

GREENLEVEL
 BEAVER DAM, LLC
 DB 12635, PG. 68
 PIN: 0723-99-3883



GREEN LEVEL NORTH
 COMMERCIAL/OFFICE/HOSPITALITY

GREEN LEVEL SOUTH
 COMMERCIAL/OFFICE/HOSPITALITY/
 OFFICE/RESIDENTIAL

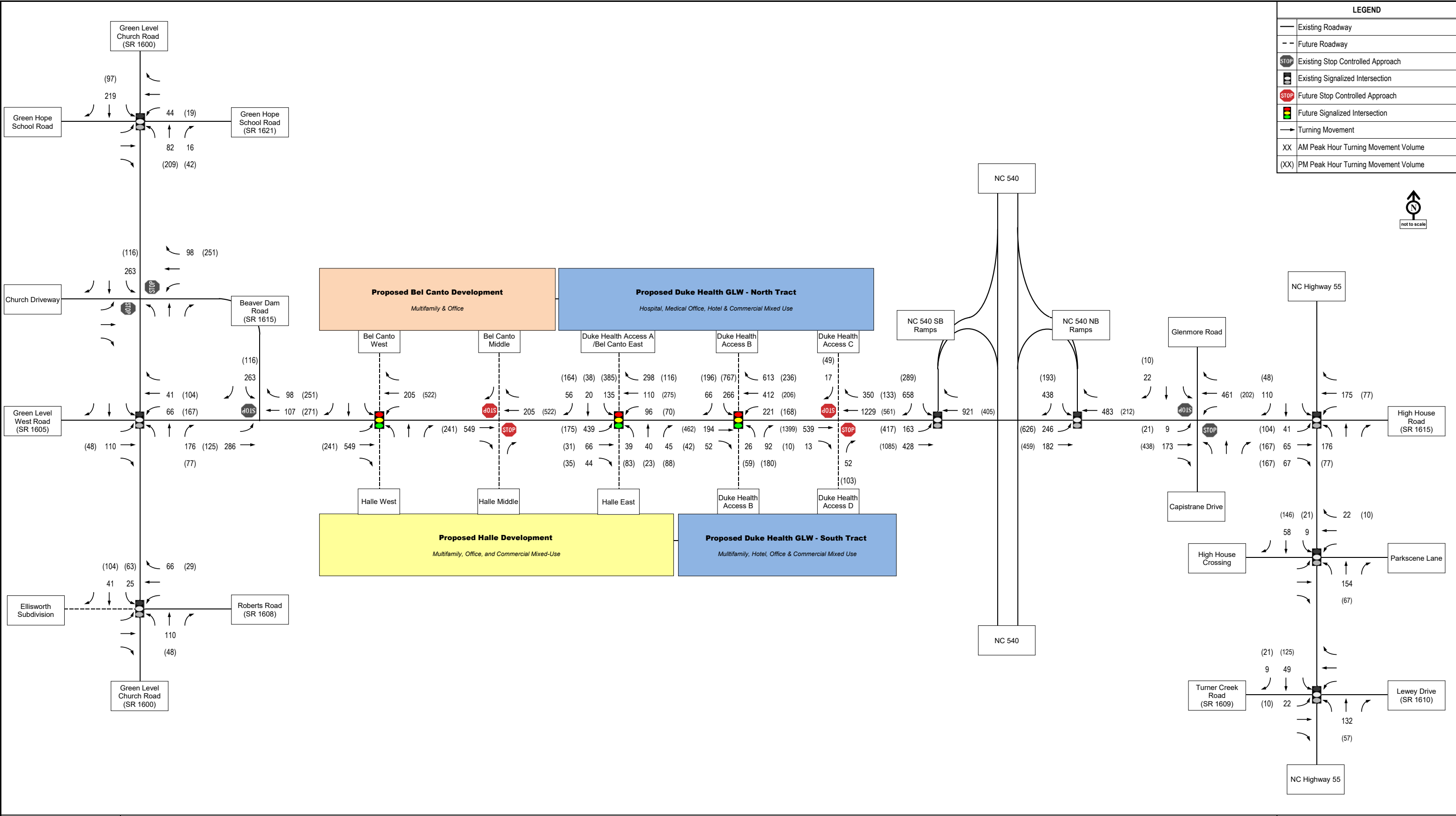


Figure 11
AM and PM Peak Hour Total Site Trips (Duke Health North + South Total)

Duke Health Green Level
West
(22-TAR-463A)
Town of Cary, NC



**TRAFFIC IMPACT
ANALYSIS**

FOR

WILLIAMS PROPERTY

LOCATED

IN

APEX, NORTH CAROLINA

Prepared For:
Stanley Martin
11710 Plaza America Drive, Suite 1100
Reston, VA 20190

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

March 2021



RKA Project No. 21025

Prepared By: MLS

Reviewed By: JTR

WILLIAMS PROPERTY CONCEPT PLAN

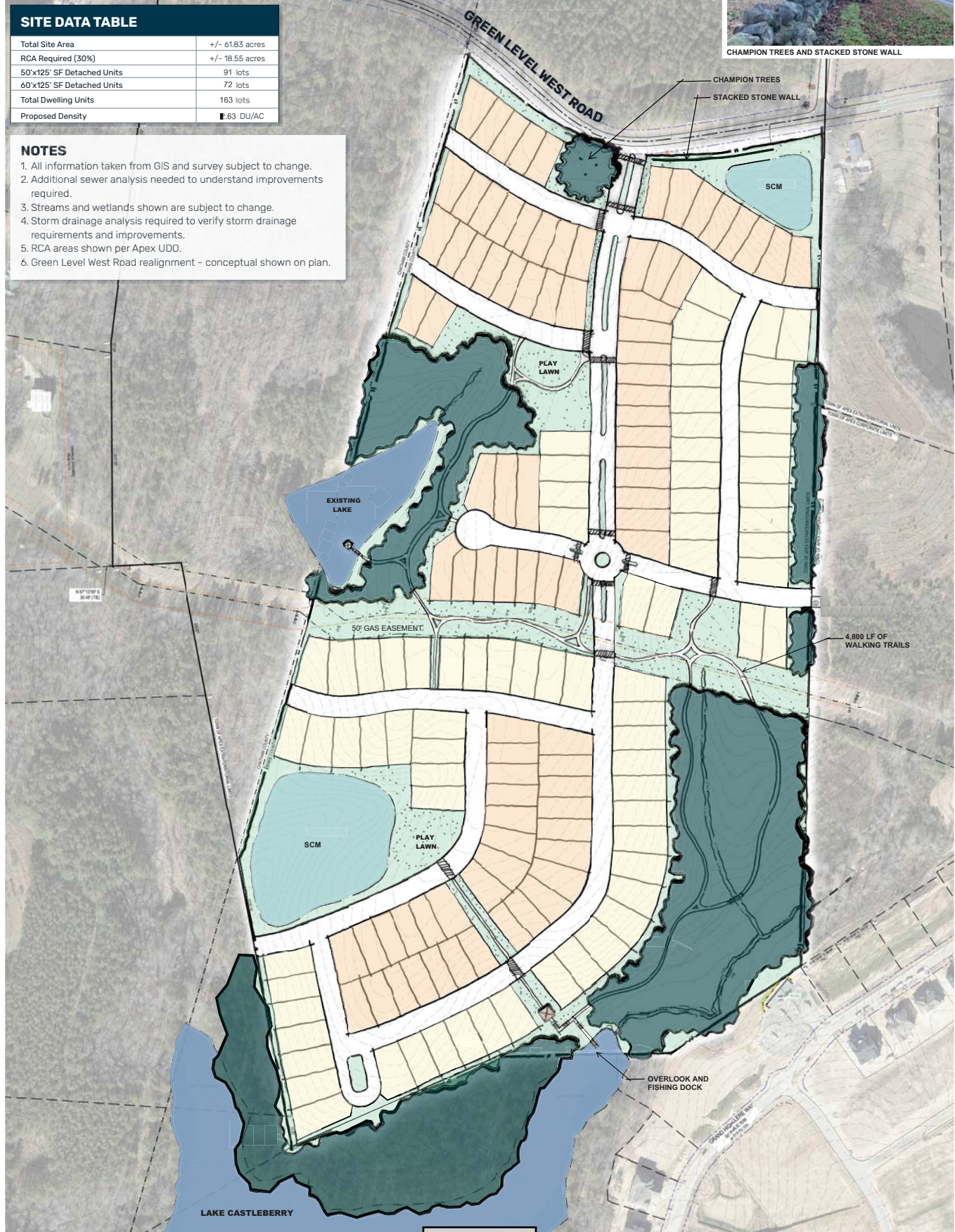
SITE DATA TABLE

Total Site Area	+/- 61.83 acres
RCA Required (30%)	+/- 18.55 acres
50'x125' SF Detached Units	91 lots
60'x125' SF Detached Units	72 lots
Total Dwelling Units	163 lots
Proposed Density	2.63 DU/AC

NOTES

1. All information taken from GIS and survey subject to change.
2. Additional sewer analysis needed to understand improvements required.
3. Streams and wetlands shown are subject to change.
4. Storm drainage analysis required to verify storm drainage requirements and improvements.
5. RCA areas shown per Apex UDO.
6. Green Level West Road realignment - conceptual shown on plan.

CHAMPION TREES AND STACKED STONE WALL



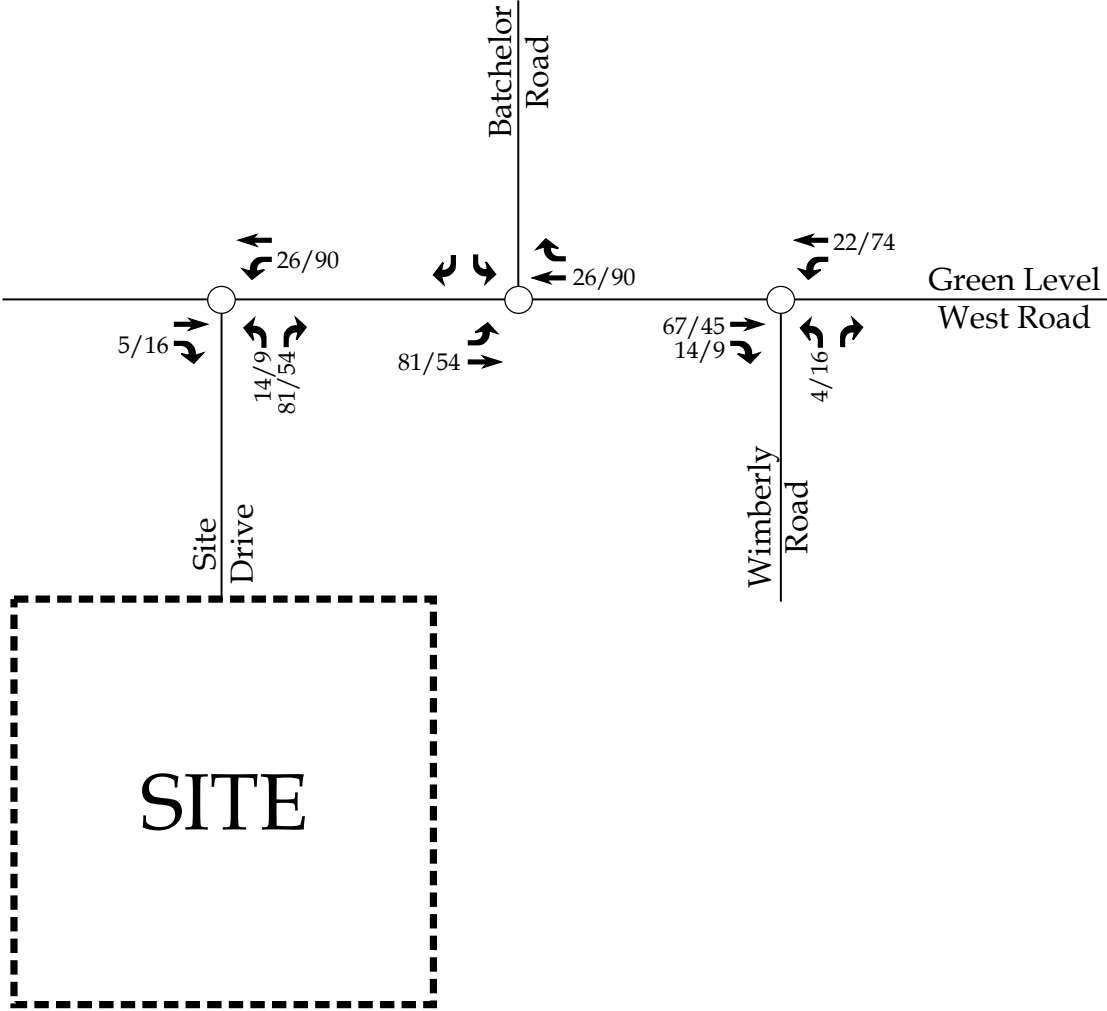
LEGEND

○

Unsignalized Intersection

X / Y →

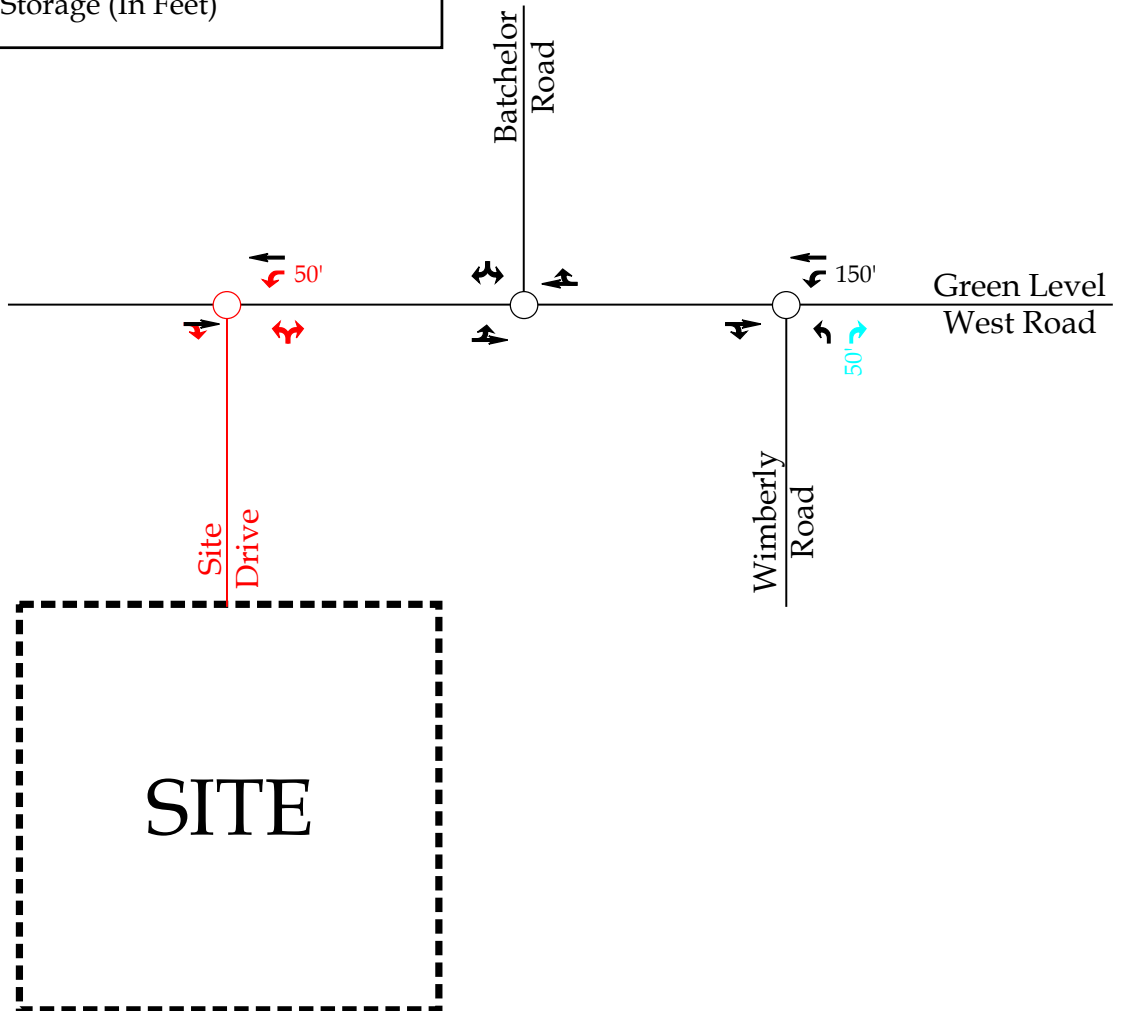
Weekday AM / PM Peak Hour Site Trips



<div>Moving forward.</div> <div>RKA</div> <div>RAMEY KEMP ASSOCIATES</div>	<div>Williams Property</div> <div>Apex, NC</div>	Site Trip Assignment	
		Scale: Not to Scale	Figure 9

LEGEND

- Unsignalized Intersection
- ➡ Existing Lane
- ➡ Improvement by Developer
- ➡ Wolfe Properties Improvement
- x' Storage (In Feet)



Moving forward.



Williams Property
Apex, NC

Recommended Lane
Configurations

Scale: Not to Scale Figure 11

Traffic Impact Analysis for
The Retreat at the Preserve at White Oak
Apex, North Carolina

Prepared for:
Taylor Morrison
Cary, North Carolina

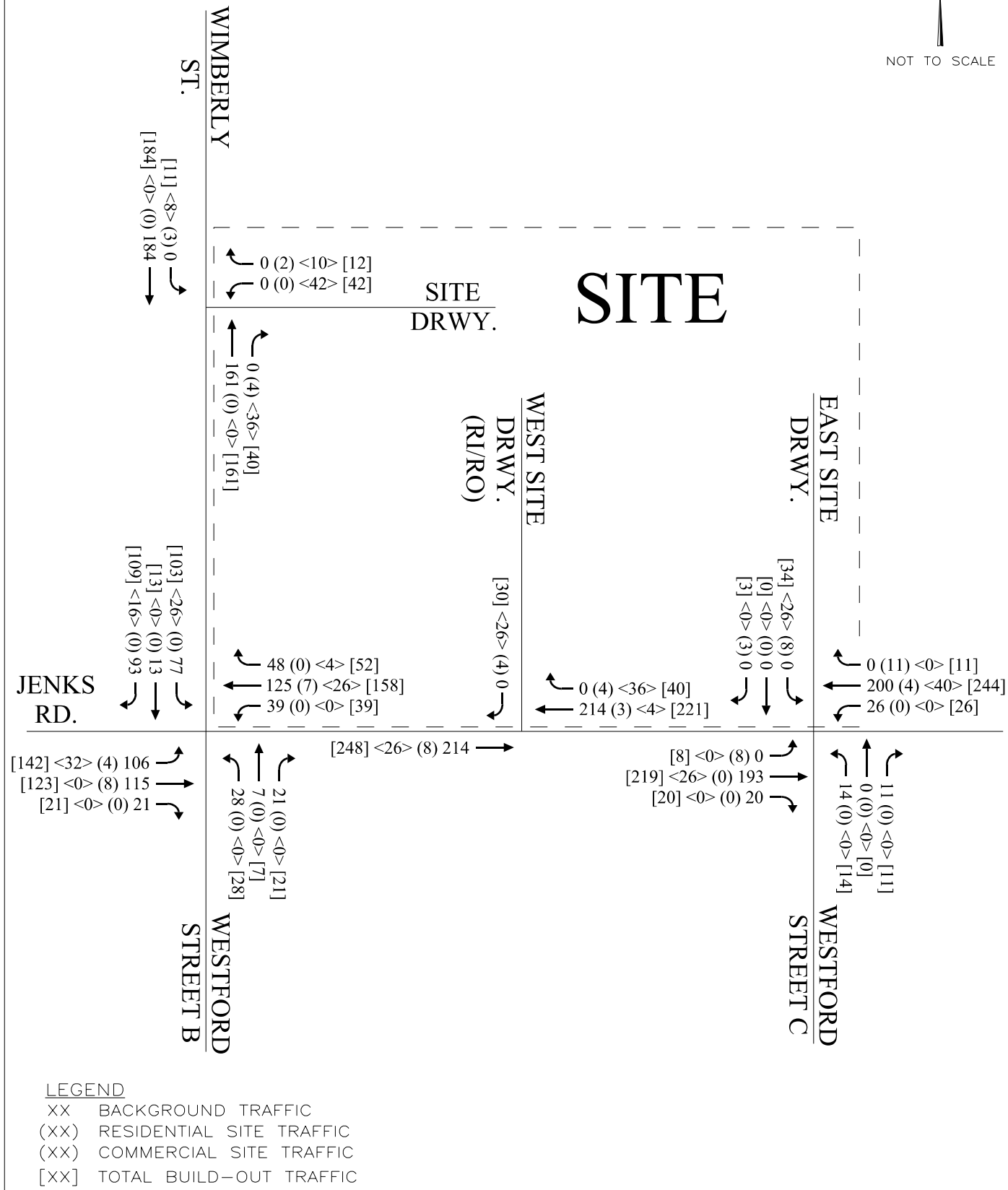
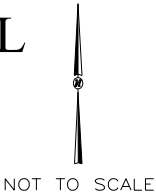
Prepared by:
Kimley-Horn and Associates, Inc.
NC License #F-0102
300 West Morgan Street, Suite 1500
Durham, NC 27701
(919) 682-3583

March 2021
017270007

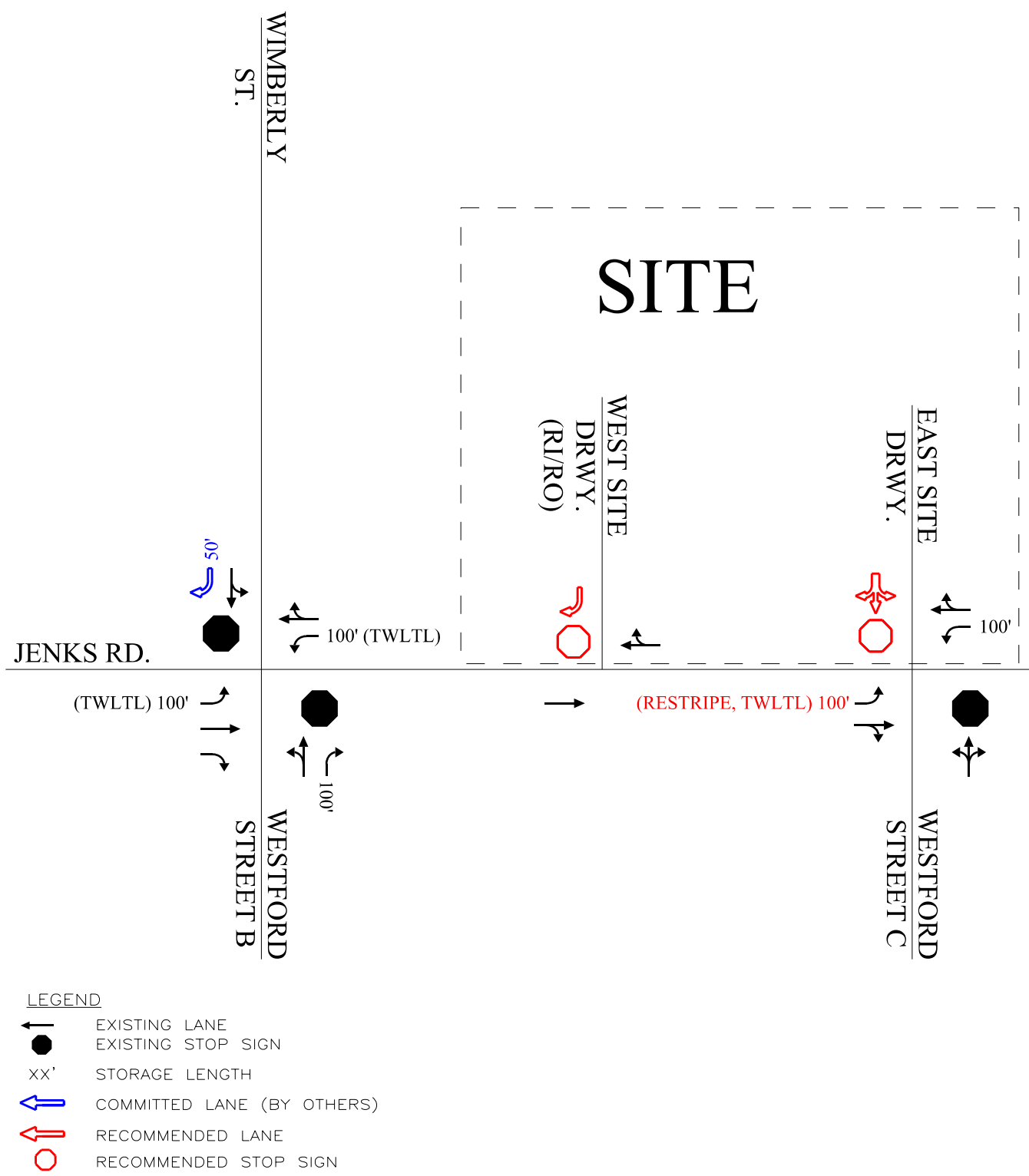


3/26/2021

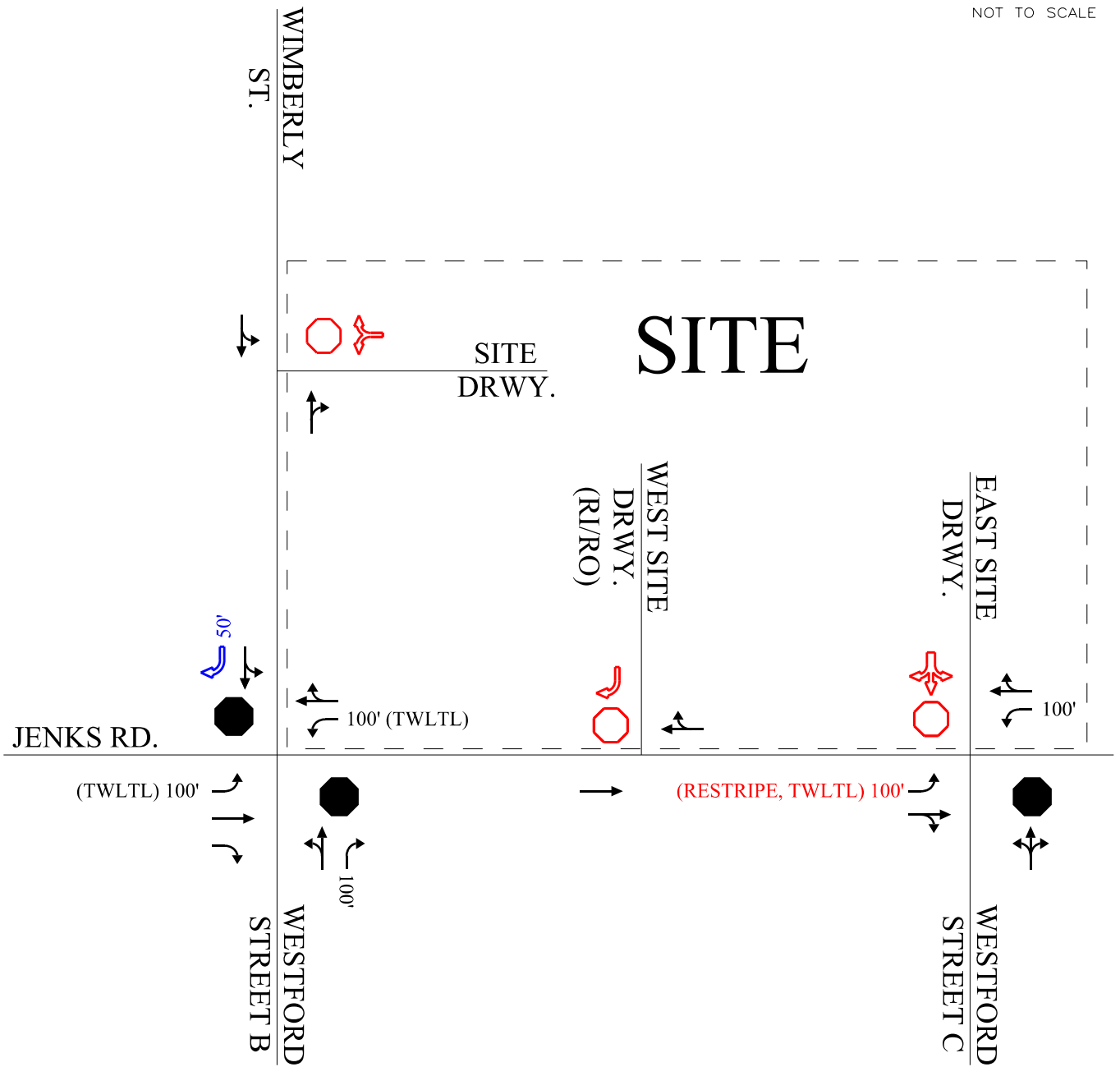
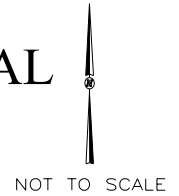
SCENARIO #2: COMMERCIAL + RESIDENTIAL



SCENARIO #1: RESIDENTIAL ONLY



SCENARIO #2: COMMERCIAL + RESIDENTIAL



LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- STORAGE LENGTH
- COMMITTED LANE (BY OTHERS)
- RECOMMENDED LANE
- RECOMMENDED STOP SIGN

Kimley»Horn

THE RETREAT AT THE PRESERVE
AT WHITE OAK
APEX, NC
TRAFFIC IMPACT ANALYSIS

COMMITTED AND RECOMMENDED
ROADWAY LANEAGE –
SCENARIO #2
(COMMERCIAL + RESIDENTIAL)

FIGURE
7.2

Trip Generation Analysis (11th Edition) Castleberry Assembly Apex, NC										
Land Use	Density	Daily Trips			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
Proposed Project Trips										
210 Single-Family Detached Housing	6 dwelling units	76	38	38	6	2	4	7	4	3
Gross Project Trips		76	38	38	6	2	4	7	4	3

Intersection Analysis Sheet

Project:	Castleberry Assembly
Location:	Apex, North Carolina
Ct. Date	12/8/2022
N/S Street:	Wimberly Road
E/W Street:	Green Level West Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	2	4	4	3
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%
Growth Factor:	0.125509

Existing Year:	2022
Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Wimberly Road Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0
Total Project Traffic	0	0	0	0	0	1	0	0	0	0	0	3	0	0	0	0

Overall Percent Impact 100.0%

PM PEAK HOUR PM PHF = 0.94

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Wimberly Road Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Total Project Traffic	0	0	0	0	0	3	0	0	0	0	0	2	0	0	0	0

Overall Percent Impact 100.0%

k:\val_tpio_traffic\016070000 castleberry - apex\13 - background data\approved development\castleberry estates\castleberry estates - tia data.xls\int1

1/19/23

Intersection Analysis Sheet

Project:	Castleberry Assembly
Location:	Apex, North Carolina
Ct. Date:	12/8/2022
N/S Street:	Wimberly Road
E/W Street:	Castleberry Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	2	4	4	3
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.92

Description	Castleberry Road Eastbound				Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0
Total Project Traffic	0	0	0	0	0	0	0	0	0	0	3	0	0	0	1	0
Overall Percent Impact	100.0%															

PM PEAK HOUR PM PHF = 0.9

Description	Castleberry Road Eastbound				Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0
Total Project Traffic	0	0	0	0	0	0	0	0	0	0	2	0	0	0	3	0
Overall Percent Impact	100.0%															

k:\ral_tpt0_traffic\016070000 castleberry - apex\l3 - background data\approved development\castleberry estates\castleberry estates - tia data.xls\int2

1/19/23

Intersection Analysis Sheet

Project:	Castleberry Assembly
Location:	Apex, North Carolina
Ct. Date	12/8/2022
N/S Street:	Wimberly Road
E/W Street:	Wimberly Oaks Drive

	AM In	AM Out	PM In	PM Out
Net New Trips:	2	4	4	3
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Wimberly Oaks Drive Eastbound				Wimberly Oaks Drive Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	35%	0%	0%	0%	0%	0%	65%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Percent Assignment Outbound	0%	65%	0%	35%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	3	0	1	0	0	0	0	0	1	0	0	0	0	0	1
Overall Percent Impact 100.0%																

PM PEAK HOUR PM PHF = 0.9

Description	Wimberly Oaks Drive Eastbound				Wimberly Oaks Drive Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	35%	0%	0%	0%	0%	0%	65%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3
Percent Assignment Outbound	0%	65%	0%	35%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	2	0	1	0	0	0	0	0	1	0	0	0	0	0	3
Overall Percent Impact 100.0%																

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1/19/23

Intersection Analysis Sheet

Project:	Castleberry Assembly
Location:	Apex, North Carolina
Ct. Date	12/14/2022
N/S Street:	Green Level Church Road
E/W Street:	Green Level West Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	2	4	4	3
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Green Level Church Road Northbound				Green Level Church Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	40%	0%	0%	10%	0%	0%	0%	0%	0%	5%
Inbound Project Traffic	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	5%	40%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	0	3	0	0	0	1	0	0	0	0	0	0	0	0	0
Overall Percent Impact	100.0%															

PM PEAK HOUR PM PHF = 0.96

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Green Level Church Road Northbound				Green Level Church Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	40%	0%	0%	10%	0%	0%	0%	0%	0%	5%
Inbound Project Traffic	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	5%	40%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0
Overall Percent Impact	100.0%															

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1/19/23

Intersection Analysis Sheet

Project:	Castleberry Assembly
Location:	Apex, North Carolina
Ct. Date	Balanced with Wimberly Road at Castleberry Road
N/S Street:	Site Driveway
E/W Street:	Castleberry Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	2	4	4	3
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%
Growth Factor:	0.125509

Existing Year:	2022
Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Castleberry Road Eastbound				Castleberry Road Westbound				Site Driveway Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Overall Percent Impact -

PM PEAK HOUR PM PHF = 0.9

Description	Castleberry Road Eastbound				Castleberry Road Westbound				Site Driveway Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Overall Percent Impact -

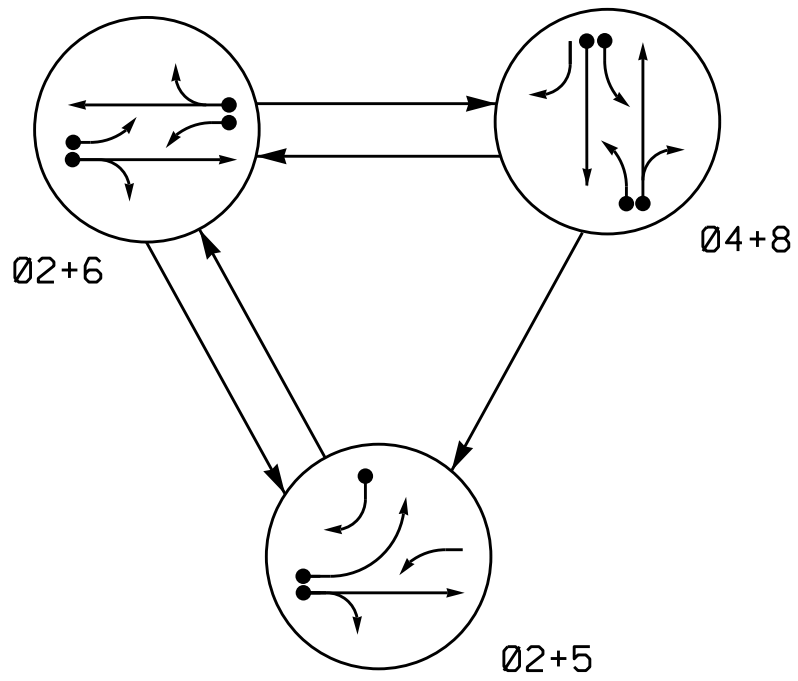
k:\val_tpio_traffic\016070000 castleberry - apex\13 - background data\approved development\castleberry estates\castleberry estates - tia data.xls\int5

1/19/23

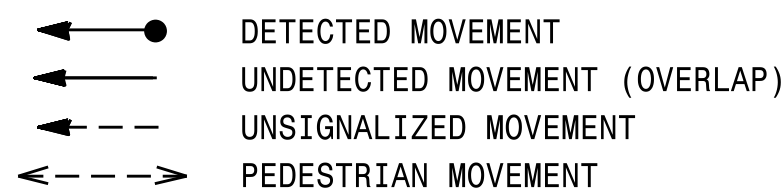
Appendix E:

Signal Plans

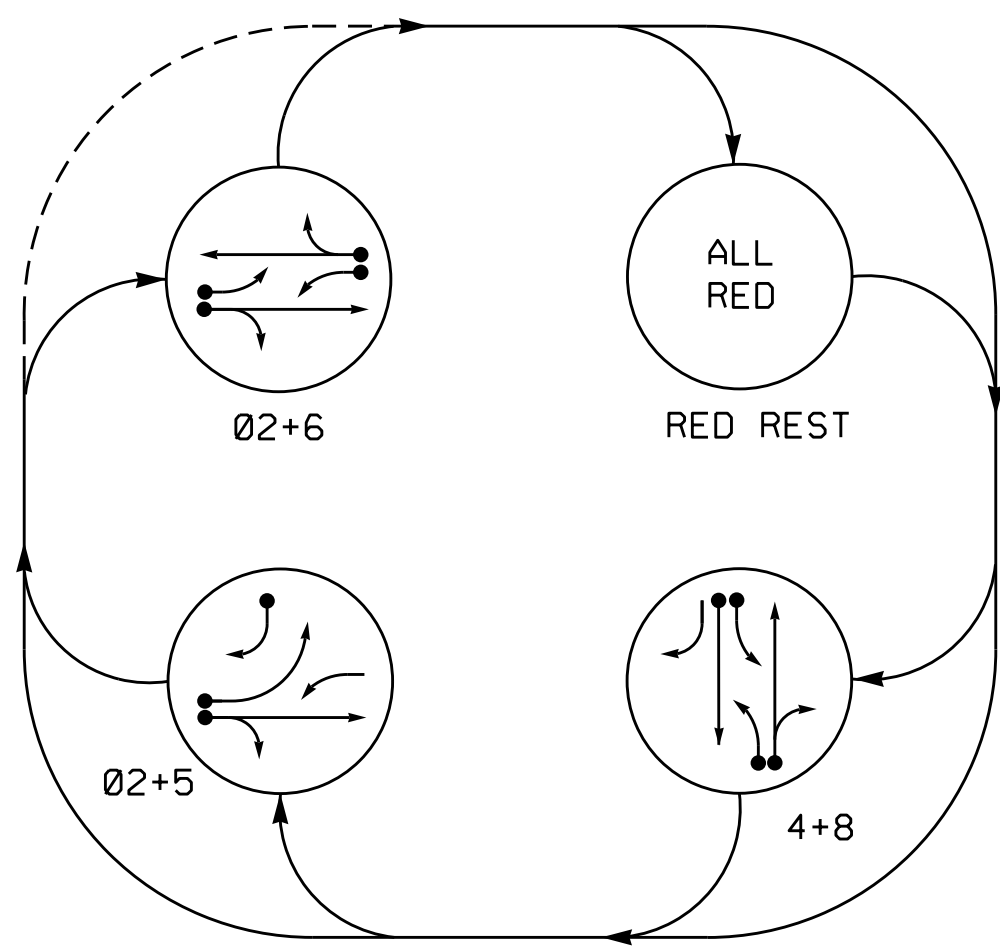
DEFAULT PHASING DIAGRAM



PHASING DIAGRAM DETECTION LEGEND



ALTERNATE PHASING DIAGRAM



DEFAULT PHASING TABLE OF OPERATION					
SIGNAL FACE	PHASE				
	0 2 5	0 2 6	0 4 8	0 4 8	FLASH
21,22	G	G	R	Y	
41	R	R	F	R	
42	R	R	G	R	
43	R	R	G	R	
51	F	F	R	Y	
61	F	F	R	Y	
62,63	R	G	R	Y	
81	R	R	F	R	
82,83	R	R	G	R	

ALTERNATE PHASING TABLE OF OPERATION					
SIGNAL FACE	PHASE				
	0 2 5	0 2 6	0 4 8	0 4 8	FLASH
21,22	G	G	R	Y	
41	R	R	F	R	
42	R	R	G	R	
43	R	R	G	R	
51	F	F	R	Y	
61	F	F	R	Y	
62,63	R	G	R	Y	
81	R	R	F	R	
82,83	R	R	G	R	

3 Phase
Fully Actuated
(Isolated)

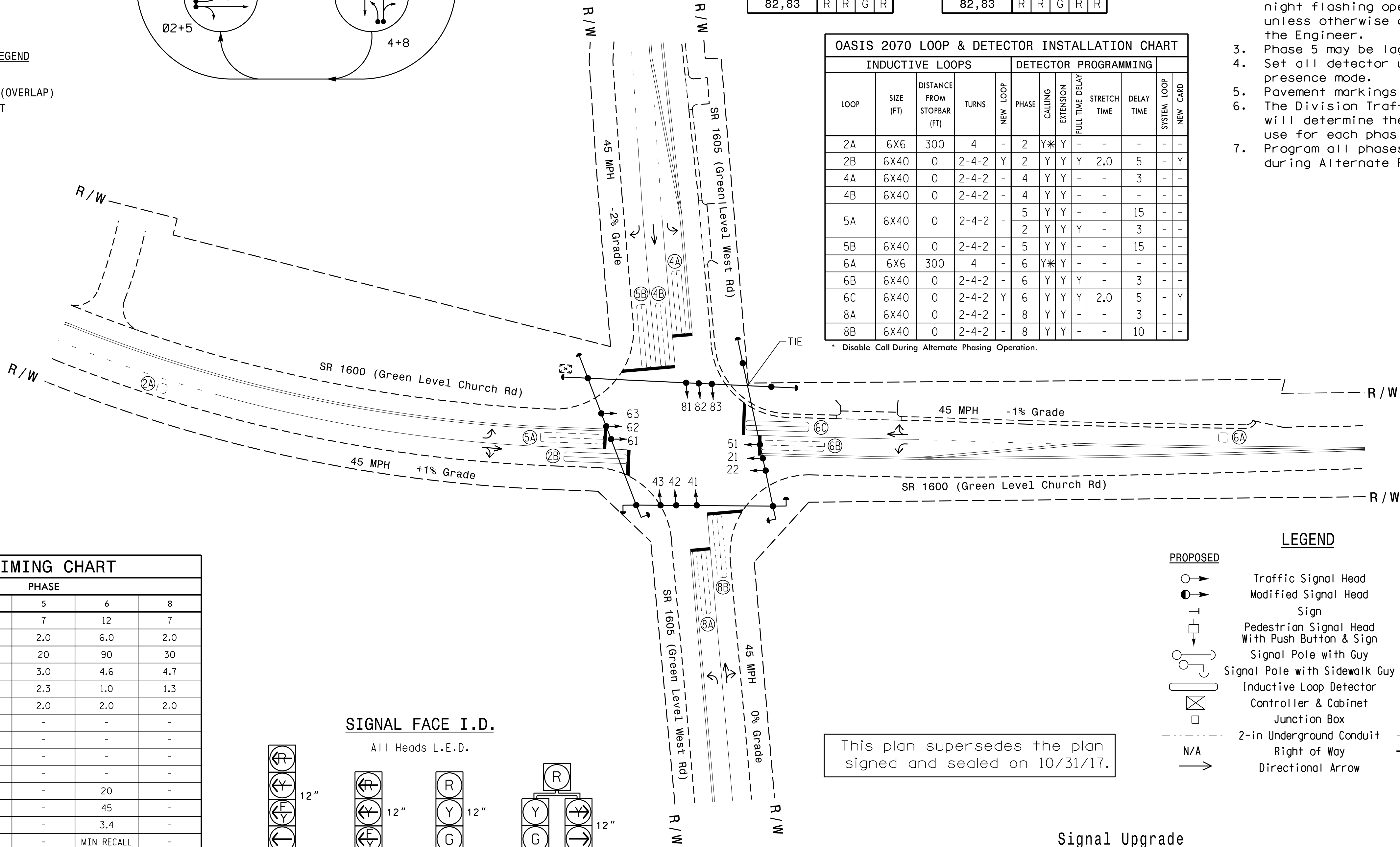
NOTES

- Refer to "Roadway Standard Drawings NCDOT" dated January 2012 and "Standard Specifications for Roads and Structures" dated January 2012.
- Do not program signal for late night flashing operation unless otherwise directed by the Engineer.
- Phase 5 may be lagged.
- Set all detector units to presence mode.
- Pavement markings are existing.
- The Division Traffic Engineer will determine the hours of use for each phasing plan.
- Program all phases for Red Rest during Alternate Phasing operation.

OASIS 2070 LOOP & DETECTOR INSTALLATION CHART

INDUCTIVE LOOPS				DETECTOR PROGRAMMING							
LOOP	SIZE (FT)	DISTANCE FROM STOPBAR (FT)	TURN	NEW LOOP	PHASE	CALLING	EXTENSION	FULL TIME DELAY	STRETCH TIME	DELAY TIME	SYSTEM LOOP
2A	6X6	300	4	-	2	Y*	Y	-	-	-	-
2B	6X40	0	2-4-2	Y	2	Y	Y	Y	2.0	5	-
4A	6X40	0	2-4-2	-	4	Y	Y	-	-	3	-
4B	6X40	0	2-4-2	-	4	Y	Y	-	-	-	-
5A	6X40	0	2-4-2	-	5	Y	Y	-	-	15	-
5B	6X40	0	2-4-2	-	5	Y	Y	Y	-	3	-
6A	6X6	300	4	-	6	Y*	Y	-	-	-	-
6B	6X40	0	2-4-2	-	6	Y	Y	Y	-	3	-
6C	6X40	0	2-4-2	Y	6	Y	Y	Y	2.0	5	-
8A	6X40	0	2-4-2	-	8	Y	Y	-	-	3	-
8B	6X40	0	2-4-2	-	8	Y	Y	-	-	10	-

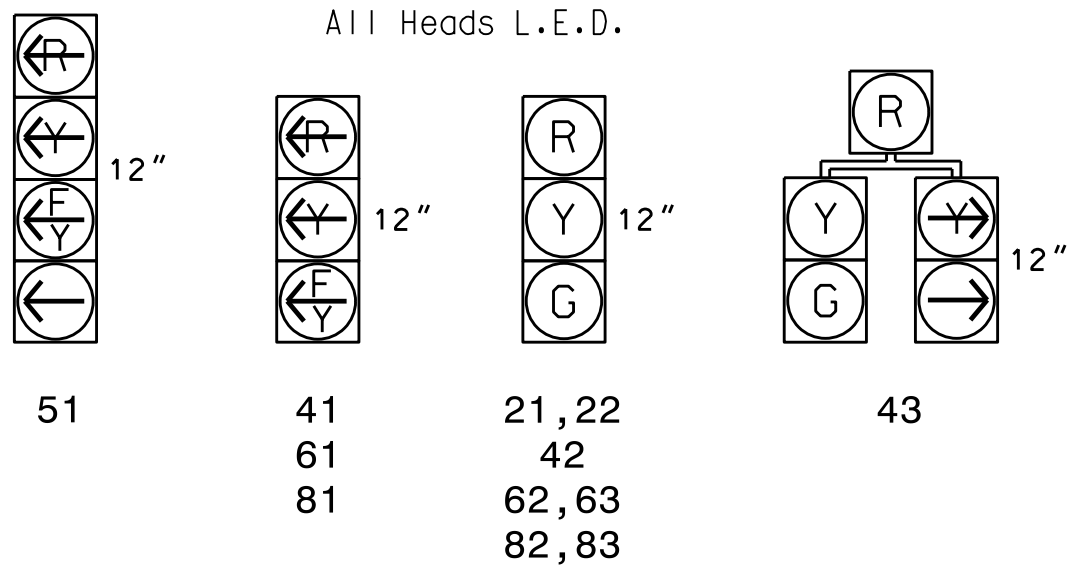
* Disable Call During Alternate Phasing Operation.



OASIS 2070L TIMING CHART					
FEATURE	PHASE				
	2	4	5	6	8
Min Green 1 *	12	7	7	12	7
Extension 1 *	6.0	2.0	2.0	6.0	2.0
Max Green 1 *	90	30	20	90	30
Yellow Clearance	4.6	4.7	3.0	4.6	4.7
Red Clearance	1.0	1.3	2.3	1.0	1.3
Red Revert	2.0	2.0	2.0	2.0	2.0
Walk 1 *	-	-	-	-	-
Don't Walk 1	-	-	-	-	-
Seconds Per Actuation *	-	-	-	-	-
Max Variable Initial *	-	-	-	-	-
Time Before Reduction *	20	-	-	20	-
Time To Reduce *	45	-	-	45	-
Minimum Gap	3.4	-	-	3.4	-
Recall Mode ***	MIN RECALL	-	-	MIN RECALL	-
Vehicle Call Memory	-	-	-	-	-
Dual Entry	ON **	ON	-	ON **	ON
Simultaneous Gap	ON	ON	ON	ON	ON
Red Rest **	ON	ON	ON	ON	ON

* These values may be field adjusted. Do not adjust Min Green and Extension times for phases 2 and 6 lower than what is shown. Min Green for all other phases should not be lower than 4 seconds.
** Program for Alternate Phasing Operation.
*** Disable During Alternate Phasing Operation.

SIGNAL FACE I.D.



LEGEND	
PROPOSED	EXISTING

Signal Upgrade

Prepared In the Offices of:

750 N. Greenfield Pkwy, Garner, NC 27529

SR 1600 (Green Level Ch. Rd.)
at
SR 1605 (Green Level West Rd.)

Division 5 Wake County Cary

PLAN DATE: November 2017 REVIEWED BY:

PREPARED BY: R.J. Ziembka REVIEWED BY:

REVISIONS INIT. DATE

SEAL

SEAL 026486

ENGINEER

ROBERT J. ZIEMBA

11/27/2017

SIG. INVENTORY NO. 05-1887

Appendix F:

Intersection Spreadsheets

Intersection Analysis Sheet

Project: Castleberry Trails
Location: Apex, North Carolina
Ct. Date: 12/8/2022
N/S Street: Wimberly Road
E/W Street: Green Level West Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	30	91	103	61
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Wimberly Road Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	0	88	12	0	74	67	0	0	22	0	114	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	0	88	12	0	74	67	0	0	22	0	114	0	0	0	0
Existing Traffic % of Buildout Traffic	0%	0%	35%	36%	0%	58%	47%	0%	0%	55%	0%	51%	0%	0%	0%	0%
		36%				52%				52%				0%		
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	0	11	2	0	9	8	0	0	3	0	14	0	0	0	0
Committed Projects																
Williams Grove	0	0	67	14	0	0	22	0	0	4	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	1	0	0	0	0	0	3	0	0	0	0
Alderwood	0	0	0	2	0	9	0	0	0	2	0	9	0	0	0	0
Duke Health Green Level West (22-TAR-463A)																
Approved Developments (Figure E-13)	0	0	50	0	0	12	31	0	0	0	0	20	0	0	0	0
Duke Health Green Level West (22-TAR-463A)																
Site Traffic Volumes (Figure 11)	0	0	28	0	0	4	10	0	0	0	0	11	0	0	0	0
Bel Canto Green Level West (22-TAR-461)	0	0	4	0	0	2	4	0	0	0	0	2	0	0	0	0
Total Committed Traffic	0	0	149	16	0	28	67	0	0	6	0	45	0	0	0	0
2026 Background Traffic	0	0	248	30	0	111	142	0	0	31	0	173	0	0	0	0
Background Growth % of Buildout Traffic	0%	0%	65%	55%	0%	29%	53%	0%	0%	23%	0%	27%	0%	0%	0%	0%
		63%				41%				26%				0%		
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	3	0	17	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	9	0	50	0	0	0	0
Total Project Traffic	0	0	0	3	0	17	0	0	0	9	0	50	0	0	0	0
Project Trips % of Buildout Traffic	0%	0%	0%	9%	0%	13%	0%	0%	0%	22%	0%	22%	0%	0%	0%	0%
2026 Buildout Total	0	0	248	33	0	128	142	0	0	40	0	223	0	0	0	0
Percent Impact (Approach)			1.1%			6.3%				22.4%				-		
Overall Percent Impact	9.7%															

PM PEAK HOUR PM PHF = 0.94

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Wimberly Road Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	0	113	26	0	100	104	0	0	21	0	85	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	0	113	26	0	100	104	0	0	21	0	85	0	0	0	0
Existing Traffic % of Buildout Traffic	0%	0%	49%	52%	0%	46%	37%	0%	0%	44%	0%	51%	0%	0%	0%	0%
		50%				41%				50%				0%		
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	0	14	3	0	13	13	0	0	3	0	11	0	0	0	0
Committed Projects																
Williams Grove	0	0	45	9	0	0	74	0	0	16	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	3	0	0	0	0	0	2	0	0	0	0
Alderwood	0	0	0	2	0	9	0	0	0	2	0	10	0	0	0	0
Duke Health Green Level West (22-TAR-463)																
Approved Developments (Figure E-13)	0	0	39	0	0	24	61	0	0	0	0	16	0	0	0	0
Duke Health Green Level West (22-TAR-463)																
Site Traffic Volumes (Figure 11)	0	0	12	0	0	10	26	0	0	0	0	5	0	0	0	0
Bel Canto Green Level West (22-TAR-461)	0	0	5	0	0	2	5	0	0	0	0	2	0	0	0	0
Total Committed Traffic	0	0	102	11	0	49	166	0	0	17	0	36	0	0	0	0
2026 Background Traffic	0	0	229	40	0	162	283	0	0	41	0	132	0	0	0	0
Background Growth % of Buildout Traffic	0%	0%	51%	28%	0%	28%	63%	0%	0%	43%	0%	28%	0%	0%	0%	0%
		47%				48%				32%				0%		
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	10	0	57	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	55%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	6	0	34	0	0	0	0
Total Project Traffic	0	0	0	10	0	57	0	0	0	6	0	34	0	0	0	0
Project Trips % of Buildout Traffic	0%	0%	0%	20%	0%	26%	0%	0%	0%	13%	0%	21%	0%	0%	0%	0%
2026 Buildout Total	0	0	229	50	0	219	283	0	0	47	0	166	0	0	0	0
Percent Impact (Approach)			3.6%			11.4%				18.8%				-		
Overall Percent Impact	10.8%															

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1/19/23

Intersection Analysis Sheet

Project:	Castleberry Trails
Location:	Apex, North Carolina
Ct. Date:	12/8/2022
N/S Street:	Wimberly Road
E/W Street:	Castleberry Road

AM In	AM Out	PM In	PM Out
Net New Trips:	30	91	103
Pass-By Trips:	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.92

Description	Castleberry Road Eastbound				Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	33	0	15	0	0	0	0	0	14	70	0	0	0	49	14
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	33	0	15	0	0	0	0	0	14	70	0	0	0	49	14
Existing Traffic % of Buildout Traffic	0%	38%	0%	58%	0%	0%	0%	0%	0%	74%	51%	0%	0%	0%	48%	42%
			42%				0%				53%				47%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	4	0	2	0	0	0	0	0	2	9	0	0	0	6	2
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	4	0	0	0	14	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	0	0	0	0	0	3	0	0	0	1	0
Alderwood	0	0	0	0	0	0	0	0	0	0	11	0	0	0	11	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	20	0	0	0	12	0
Approved Developments (Figure E-13)																
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	11	0	0	0	4	0
Site Traffic Volumes (Figure 11)																
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0
Total Committed Traffic	0	0	0	0	0	0	0	0	0	0	51	0	0	0	44	0
2026 Background Traffic	0	37	0	17	0	0	0	0	0	16	130	0	0	0	99	16
Background Growth % of Buildout Traffic	0%	5%	0%	8%	0%	0%	0%	0%	0%	11%	43%	0%	0%	0%	49%	6%
			5%				0%				39%				39%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%	0%	10%	55%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	3	0	0	0	0	3	17
Percent Assignment Outbound	0%	55%	0%	10%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	50	0	9	0	0	0	0	0	0	9	0	0	0	0	0
Total Project Traffic	0	50	0	9	0	0	0	0	0	3	9	0	0	0	3	17
Project Trips % of Buildout Traffic	0%	57%	0%	35%	0%	0%	0%	0%	0%	16%	6%	0%	0%	0%	3%	52%
2026 Buildout Total	0	87	0	26	0	0	0	0	0	19	139	0	0	0	102	33
Percent Impact (Approach)			52.2%				-			7.6%					14.8%	
Overall Percent Impact	22.4%															

PM PEAK HOUR PM PHF = 0.9

Description	Castleberry Road Eastbound				Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	25	0	9	0	0	0	0	0	20	89	0	0	0	69	23
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	25	0	9	0	0	0	0	0	20	89	0	0	0	69	23
Existing Traffic % of Buildout Traffic	0%	40%	0%	56%	0%	0%	0%	0%	0%	61%	56%	0%	0%	0%	47%	28%
			44%				0%				57%				40%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	3	0	1	0	0	0	0	0	3	11	0	0	0	9	3
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	16	0	0	0	9	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	0	0	0	0	0	2	0	0	0	3	0
Alderwood	0	0	0	0	0	0	0	0	0	0	12	0	0	0	11	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	16	0	0	0	24	0
Approved Developments (Figure E-13)																
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	5	0	0	0	10	0
Site Traffic Volumes (Figure 11)																
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0
Total Committed Traffic	0	0	0	0	0	0	0	0	0	0	53	0	0	0	60	0
2026 Background Traffic	0	28	0	10	0	0	0	0	0	23	153	0	0	0	138	26
Background Growth % of Buildout Traffic	0%	5%	0%	6%	0%	0%	0%	0%	0%	9%	40%	0%	0%	0%	47%	4%
			5%				0%				35%				31%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%	0%	10%	55%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	10	0	0	0	0	10	57
Percent Assignment Outbound	0%	55%	0%	10%	0%	0%	0%	0%	0%	0%	10%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	34	0	6	0	0	0	0	0	0	6	0	0	0	0	0
Total Project Traffic	0	34	0	6	0	0	0	0	0	10	6	0	0	0	10	57
Project Trips % of Buildout Traffic	0%	55%	0%	38%	0%	0%	0%	0%	0%	30%	4%	0%	0%	0%	7%	69%
2026 Buildout Total	0	62	0	16	0	0	0	0	0	33	159	0	0	0	148	83
Percent Impact (Approach)			51.3%				-			8.3%					29.0%	
Overall Percent Impact	24.6%															

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1/19/23

Intersection Analysis Sheet

Project:	Castleberry Trails
Location:	Apex, North Carolina
Ct. Date	12/8/2022
N/S Street:	Wimberly Road
E/W Street:	Wimberly Oaks Drive

	AM In	AM Out	PM In	PM Out
Net New Trips:	30	91	103	61
Pass-By Trips:	0	0	0	0
Annual Growth Rate:	3.0%		Existing Year: 2022	
Growth Factor:	0.125509		Buildout Year: 2026	

AM PEAK HOUR AM PHF = 0.9

	Wimberly Oaks Drive Eastbound				Westbound				Wimberly Road Northbound				Wimberly Road Southbound			
Description	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	10	0	10	0	0	0	0	0	8	80	0	0	0	55	6
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	10	0	10	0	0	0	0	0	8	80	0	0	0	55	6
Existing Traffic % of Buildout Traffic	0%	43%	0%	29%	0%	0%	0%	0%	0%	47%	57%	0%	0%	0%	48%	55%
	34%				0%				56%				49%			
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	1	0	1	0	0	0	0	0	1	10	0	0	0	7	1
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	4	0	0	0	14	0
Castleberry Estates - 6 single-family units	0	3	0	1	0	0	0	0	0	1	0	0	0	0	0	1
Alderwood	0	0	0	0	0	0	0	0	0	0	11	0	0	0	11	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	20	0	0	0	12	0
Approved Developments (Figure E-13)	0	0	0	0	0	0	0	0	0	0	20	0	0	0	12	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	11	0	0	0	4	0
Site Traffic Volumes (Figure 11)	0	0	0	0	0	0	0	0	0	0	11	0	0	0	4	0
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0
Total Committed Traffic	0	3	0	1	0	0	0	0	0	1	48	0	0	0	43	1
2026 Background Traffic	0	14	0	12	0	0	0	0	0	10	138	0	0	0	105	8
Background Growth % of Buildout Traffic	0%	17%	0%	6%	0%	0%	0%	0%	0%	12%	41%	0%	0%	0%	44%	18%
	10%				0%				38%				42%			
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	25%	10%	0%	0%	0%	0%	10%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	7	3	0	0	0	0	3
Percent Assignment Outbound	0%	10%	0%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%
Outbound Project Traffic	0	9	0	23	0	0	0	0	0	0	0	0	0	0	9	0
Total Project Traffic	0	9	0	23	0	0	0	0	0	7	3	0	0	0	9	3
Project Trips % of Buildout Traffic	0%	39%	0%	66%	0%	0%	0%	0%	0%	41%	2%	0%	0%	0%	8%	27%
2026 Buildout Total	0	23	0	35	0	0	0	0	0	17	141	0	0	0	114	11
Percent Impact (Approach)	55.2%				-				6.3%				9.6%			

PM PEAK HOUR PM PHF = 0.9

	Wimberly Oaks Drive				-				Wimberly Road				Wimberly Road			
	Eastbound				Westbound				Northbound				Southbound			
Description	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	11	0	6	0	0	0	0	0	5	95	0	0	0	73	6
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	11	0	6	0	0	0	0	0	5	95	0	0	0	73	6
Existing Traffic % of Buildout Traffic	0%	55%	0%	26%	0%	0%	0%	0%	0%	15%	56%	0%	0%	0%	50%	30%
	40%				0%				50%				48%			
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	1	0	1	0	0	0	0	0	1	12	0	0	0	9	1
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	16	0	0	0	9	0
Castleberry Estates - 6 single-family units	0	2	0	1	0	0	0	0	0	1	0	0	0	0	0	3
Alderwood	0	0	0	0	0	0	0	0	0	0	12	0	0	0	11	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	16	0	0	0	24	0
Approved Developments (Figure E-13)	0	0	0	0	0	0	0	0	0	0	16	0	0	0	24	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	5	0	0	0	10	0
Site Traffic Volumes (Figure I1)	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0
Total Committed Traffic	0	2	0	1	0	0	0	0	0	1	51	0	0	0	57	3
2026 Background Traffic	0	14	0	8	0	0	0	0	0	7	158	0	0	0	139	10
Background Growth % of Buildout Traffic	0%	15%	0%	9%	0%	0%	0%	0%	0%	6%	38%	0%	0%	0%	45%	20%
	12%				0%				32%				42%			
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	25%	10%	0%	0%	0%	0%	10%
Inbound Project Traffic	0	0	0	0	0	0	0	0	0	26	10	0	0	0	0	10
Percent Assignment Outbound	0%	10%	0%	25%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	10%	0%
Outbound Project Traffic	0	6	0	15	0	0	0	0	0	0	0	0	0	0	6	0
Total Project Traffic	0	6	0	15	0	0	0	0	0	26	10	0	0	0	6	10
Project Trips % of Buildout Traffic	0%	30%	0%	65%	0%	0%	0%	0%	0%	79%	6%	0%	0%	0%	4%	50%
2026 Buildout Total	0	20	0	23	0	0	0	0	0	33	168	0	0	0	145	20
Percent Impact (Approach)	48.8%				-				17.9%				9.7%			

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1/19/23

Intersection Analysis Sheet

Project:	Castleberry Trails
Location:	Apex, North Carolina
Ct. Date	12/14/2022
N/S Street:	Green Level Church Road
E/W Street:	Green Level West Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	30	91	103	61
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Green Level Church Road Northbound				Green Level Church Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	48	169	175	0	38	124	2	0	155	516	141	0	5	391	20
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	48	169	175	0	38	124	2	0	155	516	141	0	5	391	20
Existing Traffic % of Buildout Traffic	0%	68%	29%	74%	0%	17%	38%	100%	0%	73%	82%	26%	0%	83%	78%	63%
			44%				30%				59%				77%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	6	21	22	0	5	16	0	0	19	65	18	0	1	49	3
Committed Projects																
Williams Grove	0	0	67	0	0	0	22	0	0	0	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	3	0	0	0	1	0	0	0	0	0	0	0	0	0
Alderwood	0	0	9	0	0	0	9	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463A)	0	12	154	32	0	96	81	0	0	34	47	179	0	0	59	7
Approved Developments (Figure E-13)																
Duke Health Green Level West (22-TAR-463A)	0	0	110	0	0	66	41	0	0	0	0	176	0	0	0	0
Site Traffic Volumes (Figure 11)																
Bel Canto Green Level West (22-TAR-461)	0	0	17	0	0	21	17	0	0	0	0	21	0	0	0	0
Total Committed Traffic	0	12	361	32	0	183	171	0	0	34	47	376	0	0	59	7
2026 Background Traffic	0	66	551	229	0	226	311	2	0	208	628	535	0	6	499	30
Background Growth % of Buildout Traffic	0%	25%	65%	23%	0%	83%	58%	0%	0%	25%	18%	74%	0%	17%	22%	31%
			51%				68%				41%				22%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	40%	0%	0%	10%	0%	0%	0%	0%	0%	5%
Inbound Project Traffic	0	0	0	0	0	0	12	0	0	3	0	0	0	0	0	2
Percent Assignment Outbound	0%	5%	40%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	5	36	9	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	5	36	9	0	0	12	0	0	3	0	0	0	0	0	2
Project Trips % of Buildout Traffic	0%	7%	6%	4%	0%	0%	4%	0%	0%	1%	0%	0%	0%	0%	0%	6%
2026 Buildout Total	0	71	587	238	0	226	323	2	0	211	628	535	0	6	499	32
Percent Impact (Approach)			5.6%				2.2%				0.2%				0.4%	
Overall Percent Impact	2.0%															
Approved Development Impact	38.2%															

PM PEAK HOUR PM PHF = 0.96

Description	Green Level West Road Eastbound				Green Level West Road Westbound				Green Level Church Road Northbound				Green Level Church Road Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	72	191	158	0	122	193	4	0	124	391	101	0	15	405	84
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	72	191	158	0	122	193	4	0	124	391	101	0	15	405	84
Existing Traffic % of Buildout Traffic	0%	69%	40%	76%	0%	23%	30%	80%	0%	60%	79%	31%	0%	88%	76%	79%
			54%				27%				60%				77%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	9	24	20	0	15	24	1	0	16	49	13	0	2	51	11
Committed Projects																
Williams Grove	0	0	45	0	0	0	74	0	0	0	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0
Alderwood	0	0	10	0	0	0	9	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463A)	0	20	112	24	0	200	182	0	0	55	53	117	0	0	76	6
Approved Developments (Figure E-13)																
Duke Health Green Level West (22-TAR-463A)	0	0	48	0	0	167	104	0	0	0	0	77	0	0	0	0
Site Traffic Volumes (Figure 11)																
Bel Canto Green Level West (22-TAR-461)	0	0	18	0	0	24	20	0	0	0	0	23	0	0	0	0
Total Committed Traffic	0	20	235	24	0	391	393	0	0	55	53	217	0	0	76	6
2026 Background Traffic	0	101	450	202	0	528	610	5	0	195	493	331	0	17	532	101
Background Growth % of Buildout Traffic	0%	28%	54%	21%	0%	77%	64%	20%	0%	35%	21%	69%	0%	12%	24%	16%
			42%				70%				39%				22%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	40%	0%	0%	10%	0%	0%	0%	0%	0%	5%
Inbound Project Traffic	0	0	0	0	0	0	42	0	0	10	0	0	0	0	0	5
Percent Assignment Outbound	0%	5%	40%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	0	3	25	6	0	0	0	0	0	0	0	0	0	0	0	0
Total Project Traffic	0	3	25	6	0	0	42	0	0	10	0	0	0	0	0	5
Project Trips % of Buildout Traffic	0%	3%	5%	3%	0%	0%	6%	0%	0%	5%	0%	0%	0%	0%	0%	5%
2026 Buildout Total	0	104	475	208	0	528	652	5	0	205	493	331	0	17	532	106
Percent Impact (Approach)			4.3%				3.5%				1.0%				0.8%	
Overall Percent Impact	2.5%															
% Increase Existing to Background	40.2%															

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1/19/23

Intersection Analysis Sheet

Project: Castleberry Trails
Location: Apex, North Carolina
Ct. Date: Balanced with Wimberly Road at Castleberry Road
N/S Street: Site Driveway
E/W Street: Castleberry Road

	AM In	AM Out	PM In	PM Out
Net New Trips:	30	91	103	61
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2022
Growth Factor:	0.125509	Buildout Year:	2026

AM PEAK HOUR AM PHF = 0.9

Description	Castleberry Road Eastbound				Castleberry Road Westbound				Site Driveway Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	48	0	0	0	28	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	0	48	0	0	0	28	0	0	0	0	0	0	0	0	0
Existing Traffic % of Buildout Traffic	0%	0%	89%	0%	0%	0%	88%	0%	0%	0%	0%	0%	0%	0%	0%	0%
			89%				54%				0%				0%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	0	6	0	0	0	4	0	0	0	0	0	0	0	0	0
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alderwood	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Approved Developments (Figure E-13)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site Traffic Volumes (Figure 11)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Committed Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2026 Background Traffic	0	0	54	0	0	0	32	0	0	0	0	0	0	0	0	0
Background Growth % of Buildout Traffic	0%	0%	11%	0%	0%	0%	13%	0%	0%	0%	0%	0%	0%	0%	0%	0%
			11%				8%				0%				0%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	59	0	0	0	0
Total Project Traffic	0	0	0	0	0	20	0	0	0	0	0	59	0	0	0	0
Project Trips % of Buildout Traffic	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%
2026 Buildout Total	0	0	54	0	0	20	32	0	0	0	0	59	0	0	0	0
Percent Impact (Approach)			0.0%				38.5%				100.0%				-	
Overall Percent Impact	47.9%															

PM PEAK HOUR PM PHF = 0.9

Description	Castleberry Road Eastbound				Castleberry Road Westbound				Site Driveway Northbound				-- Southbound			
	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right	U-Turn	Left	Through	Right
2022 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	34	0	0	0	43	0	0	0	0	0	0	0	0	0
2022 Existing Traffic	0	0	34	0	0	0	43	0	0	0	0	0	0	0	0	0
Existing Traffic % of Buildout Traffic	0%	0%	89%	0%	0%	0%	90%	0%	0%	0%	0%	0%	0%	0%	0%	0%
			89%				37%				0%				0%	
Growth Factor 3.0% per year	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126	0.126
2026 Background Growth	0	0	4	0	0	0	5	0	0	0	0	0	0	0	0	0
Committed Projects																
Williams Grove	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Castleberry Estates - 6 single-family units	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alderwood	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Approved Developments (Figure E-13)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Duke Health Green Level West (22-TAR-463)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Site Traffic Volumes (Figure 11)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bel Canto Green Level West (22-TAR-461)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Committed Traffic	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2026 Background Traffic	0	0	38	0	0	0	48	0	0	0	0	0	0	0	0	0
Background Growth % of Buildout Traffic	0%	0%	11%	0%	0%	0%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%
			11%				4%				0%				0%	
Project Traffic																
Percent Assignment Inbound	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	67	0	0	0	0	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	65%	0%	0%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	0	40	0	0	0	0
Total Project Traffic	0	0	0	0	0	67	0	0	0	0	0	40	0	0	0	0
Project Trips % of Buildout Traffic	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%
2026 Buildout Total	0	0	38	0	0	67	48	0	0	0	0	40	0	0	0	0
Percent Impact (Approach)			0.0%				58.3%				100.0%				-	
Overall Percent Impact	55.4%															

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1/19/23






Appendix G:
Synchro Output:
Existing (2022)

Castleberry Trails
1: Wimberly Road & Green Level West Road

Existing (2022) AM
01/10/2023

Intersection

Int Delay, s/veh 5

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	88	12	74	67	22	114
Future Vol, veh/h	88	12	74	67	22	114
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	6	6
Mvmt Flow	98	13	82	74	24	127

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	111
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.254
Pot Cap-1 Maneuver	-	-	1454
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1454
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-





Approach	EB	WB	NB
HCM Control Delay, s	0	4	9.7
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	609	939	-	-	1454	-
HCM Lane V/C Ratio	0.04	0.135	-	-	0.057	-
HCM Control Delay (s)	11.2	9.4	-	-	7.6	-
HCM Lane LOS	B	A	-	-	A	-
HCM 95th %tile Q(veh)	0.1	0.5	-	-	0.2	-

Castleberry Trails
2: Wimberly Road & Castleberry Road




Existing (2022) AM

01/10/2023

Intersection						
Int Delay, s/veh	2.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	33	15	14	70	49	14
Future Vol, veh/h	33	15	14	70	49	14
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	4	4	8	8	8	8
Mvmt Flow	36	16	15	76	53	15
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	169	63	70	0	-	0
Stage 1	63	-	-	-	-	-
Stage 2	106	-	-	-	-	-
Critical Hdwy	6.44	6.24	4.18	-	-	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	3.536	3.336	2.272	-	-	-
Pot Cap-1 Maneuver	817	996	1493	-	-	-
Stage 1	955	-	-	-	-	-
Stage 2	913	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	805	994	1490	-	-	-
Mov Cap-2 Maneuver	805	-	-	-	-	-
Stage 1	943	-	-	-	-	-
Stage 2	911	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	9.4	1.2		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1490	-	805	994	-	-
HCM Lane V/C Ratio	0.01	-	0.045	0.016	-	-
HCM Control Delay (s)	7.4	0	9.7	8.7	-	-
HCM Lane LOS	A	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	0.1	-	-

Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive























Existing (2022) AM
01/10/2023

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	10	10	8	80	55	6
Future Vol, veh/h	10	10	8	80	55	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	10	10	9	9	8	8
Mvmt Flow	11	11	9	89	61	7
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	172	65	68	0	-	0
Stage 1	65	-	-	-	-	-
Stage 2	107	-	-	-	-	-
Critical Hdwy	6.5	6.3	4.19	-	-	-
Critical Hdwy Stg 1	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.5	-	-	-	-	-
Follow-up Hdwy	3.59	3.39	2.281	-	-	-
Pot Cap-1 Maneuver	800	977	1490	-	-	-
Stage 1	938	-	-	-	-	-
Stage 2	898	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	795	977	1490	-	-	-
Mov Cap-2 Maneuver	795	-	-	-	-	-
Stage 1	932	-	-	-	-	-
Stage 2	898	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	9.2	0.7		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1490	-	877	-	-	
HCM Lane V/C Ratio	0.006	-	0.025	-	-	
HCM Control Delay (s)	7.4	0	9.2	-	-	
HCM Lane LOS	A	A	A	-	-	
HCM 95th %tile Q(veh)	0	-	0.1	-	-	

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Existing (2022) AM

01/10/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	48	169	175	38	124	4	155	516	141	5	391	20
Future Volume (vph)	48	169	175	38	124	4	155	516	141	5	391	20
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	100		175	175		0	325		0	100		0
Storage Lanes	1		1	1		0	1		0	1		0
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1703	1785	0	1744	1777	0	1778	1859	0
Flt Permitted	0.666			0.589			0.372			0.292		
Satd. Flow (perm)	1241	1863	1584	1056	1785	0	683	1777	0	547	1859	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		2938			897			996			717	
Travel Time (s)		44.5			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	6%	6%	6%	3%	3%	3%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	53	188	194	42	142	0	172	730	0	6	456	0
Turn Type	D.Pm	NA	pm+ov	D.Pm	NA		D.P+P	NA		D.Pm	NA	
Protected Phases		4	5		8		5	2			6	
Permitted Phases	8		4	4			6			2		
Detector Phase	8	4	5	4	8		5	2		2	6	
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0		7.0	12.0		12.0	12.0	
Minimum Split (s)	24.0	24.0	12.3	24.0	24.0		12.3	23.6		23.6	23.6	
Total Split (s)	26.0	26.0	17.0	26.0	26.0		17.0	64.0		64.0	47.0	
Total Split (%)	28.9%	28.9%	18.9%	28.9%	28.9%		18.9%	71.1%		71.1%	52.2%	
Yellow Time (s)	4.7	4.7	3.0	4.7	4.7		3.0	4.6		4.6	4.6	
All-Red Time (s)	1.3	1.3	2.3	1.3	1.3		2.3	1.0		1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0	0.0	-1.0	-1.0		-0.3	-0.6		-0.6	-0.6	
Total Lost Time (s)	5.0	5.0	5.3	5.0	5.0		5.0	5.0		5.0	5.0	
Lead/Lag			Lead				Lead				Lag	
Lead-Lag Optimize?			Yes				Yes				Yes	
Recall Mode	None	None	None	None	None		None	Min		Min	Min	
Act Effect Green (s)	12.4	12.4	25.6	12.4	12.4		36.0	41.2		41.2	27.7	
Actuated g/C Ratio	0.19	0.19	0.40	0.19	0.19		0.56	0.64		0.64	0.43	
v/c Ratio	0.22	0.52	0.31	0.21	0.41		0.33	0.64		0.02	0.57	
Control Delay	27.4	31.2	16.9	27.7	29.1		6.8	10.2		4.8	16.9	
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	27.4	31.2	16.9	27.7	29.1		6.8	10.2		4.8	16.9	













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Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Existing (2022) AM

01/10/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	C	B	C	C		A	B		A	B	
Approach Delay		24.3			28.8			9.6			16.7	
Approach LOS		C			C			A			B	
Queue Length 50th (ft)	17	63	49	13	47		21	136		1	118	
Queue Length 95th (ft)	56	155	125	47	120		54	305		5	245	
Internal Link Dist (ft)		2858			817			916			637	
Turn Bay Length (ft)	100		175	175			325			100		
Base Capacity (vph)	426	640	739	362	613		637	1586		488	1282	
Starvation Cap Reductn	0	0	0	0	0		0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0		0	0		0	0	
Storage Cap Reductn	0	0	0	0	0		0	0		0	0	
Reduced v/c Ratio	0.12	0.29	0.26	0.12	0.23		0.27	0.46		0.01	0.36	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 64.1

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.64

Intersection Signal Delay: 16.3

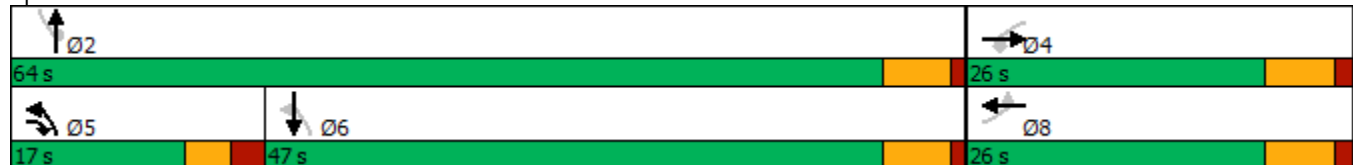
Intersection LOS: B

Intersection Capacity Utilization 77.1%

ICU Level of Service D

Analysis Period (min) 15

Splits and Phases: 4: Green Level Church Road & Green Level West Road







Castleberry Trails
1: Wimberly Road & Green Level West Road

Existing (2022) PM
01/10/2023

Intersection						
Int Delay, s/veh	4.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↱		↲	↱	↲	↲
Traffic Vol, veh/h	113	26	100	104	21	85
Future Vol, veh/h	113	26	100	104	21	85
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	3	3	8	8
Mvmt Flow	120	28	106	111	22	90
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	148	0	457	134
Stage 1	-	-	-	-	134	-
Stage 2	-	-	-	-	323	-
Critical Hdwy	-	-	4.13	-	6.48	6.28
Critical Hdwy Stg 1	-	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	-	5.48	-
Follow-up Hdwy	-	-	2.227	-	3.572	3.372
Pot Cap-1 Maneuver	-	-	1427	-	551	899
Stage 1	-	-	-	-	878	-
Stage 2	-	-	-	-	720	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1427	-	510	899
Mov Cap-2 Maneuver	-	-	-	-	510	-
Stage 1	-	-	-	-	878	-
Stage 2	-	-	-	-	667	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		3.8		10.1	
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	510	899	-	-	1427	-
HCM Lane V/C Ratio	0.044	0.101	-	-	0.075	-
HCM Control Delay (s)	12.4	9.5	-	-	7.7	-
HCM Lane LOS	B	A	-	-	A	-
HCM 95th %tile Q(veh)	0.1	0.3	-	-	0.2	-




Castleberry Trails
2: Wimberly Road & Castleberry Road

Existing (2022) PM
01/10/2023

Intersection						
Int Delay, s/veh	2.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	25	9	20	89	69	23
Future Vol, veh/h	25	9	20	89	69	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	11	11	2	2	2	2
Mvmt Flow	28	10	22	99	77	26
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	233	90	103	0	-	0
Stage 1	90	-	-	-	-	-
Stage 2	143	-	-	-	-	-
Critical Hdwy	6.51	6.31	4.12	-	-	-
Critical Hdwy Stg 1	5.51	-	-	-	-	-
Critical Hdwy Stg 2	5.51	-	-	-	-	-
Follow-up Hdwy	3.599	3.399	2.218	-	-	-
Pot Cap-1 Maneuver	736	944	1489	-	-	-
Stage 1	911	-	-	-	-	-
Stage 2	862	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	724	944	1489	-	-	-
Mov Cap-2 Maneuver	724	-	-	-	-	-
Stage 1	896	-	-	-	-	-
Stage 2	862	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	9.9	1.4		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1489	-	724	944	-	-
HCM Lane V/C Ratio	0.015	-	0.038	0.011	-	-
HCM Control Delay (s)	7.5	0	10.2	8.9	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	0	-	-

Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive























Existing (2022) PM
01/10/2023

Intersection						
Int Delay, s/veh	1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	11	6	5	95	73	6
Future Vol, veh/h	11	6	5	95	73	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	6	6	2	2	3	3
Mvmt Flow	12	7	6	106	81	7
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	203	85	88	0	-	0
Stage 1	85	-	-	-	-	-
Stage 2	118	-	-	-	-	-
Critical Hdwy	6.46	6.26	4.12	-	-	-
Critical Hdwy Stg 1	5.46	-	-	-	-	-
Critical Hdwy Stg 2	5.46	-	-	-	-	-
Follow-up Hdwy	3.554	3.354	2.218	-	-	-
Pot Cap-1 Maneuver	777	963	1508	-	-	-
Stage 1	928	-	-	-	-	-
Stage 2	897	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	774	963	1508	-	-	-
Mov Cap-2 Maneuver	774	-	-	-	-	-
Stage 1	924	-	-	-	-	-
Stage 2	897	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	9.4	0.4		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1508	-	832	-	-	
HCM Lane V/C Ratio	0.004	-	0.023	-	-	
HCM Control Delay (s)	7.4	0	9.4	-	-	
HCM Lane LOS	A	A	A	-	-	
HCM 95th %tile Q(veh)	0	-	0.1	-	-	

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Existing (2022) PM

01/10/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	72	191	158	122	193	4	124	391	101	15	405	84
Future Volume (vph)	72	191	158	122	193	4	124	391	101	15	405	84
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	100		175	175		0	325		0	100		0
Storage Lanes	1		1	1		0	1		0	1		0
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1752	1839	0	1761	1796	0	1778	1823	0
Flt Permitted	0.548			0.561			0.321			0.424		
Satd. Flow (perm)	1021	1863	1584	1035	1839	0	595	1796	0	794	1823	0
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		2938			897			996			717	
Travel Time (s)		44.5			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	75	199	165	127	205	0	129	512	0	16	510	0
Turn Type	D.Pm	NA	pm+ov	D.Pm	NA		D.P+P	NA		D.Pm	NA	
Protected Phases		4	5		8		5	2			6	
Permitted Phases	8		4	4			6			2		
Detector Phase	8	4	5	4	8		5	2		2	6	
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0		7.0	12.0		12.0	12.0	
Minimum Split (s)	24.0	24.0	12.3	24.0	24.0		12.3	23.6		23.6	23.6	
Total Split (s)	26.0	26.0	17.0	26.0	26.0		17.0	64.0		64.0	47.0	
Total Split (%)	28.9%	28.9%	18.9%	28.9%	28.9%		18.9%	71.1%		71.1%	52.2%	
Yellow Time (s)	4.7	4.7	3.0	4.7	4.7		3.0	4.6		4.6	4.6	
All-Red Time (s)	1.3	1.3	2.3	1.3	1.3		2.3	1.0		1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0	0.0	-1.0	-1.0		-0.3	-0.6		-0.6	-0.6	
Total Lost Time (s)	5.0	5.0	5.3	5.0	5.0		5.0	5.0		5.0	5.0	
Lead/Lag			Lead				Lead				Lag	
Lead-Lag Optimize?			Yes				Yes				Yes	
Recall Mode	None	None	None	None	None		None	Min		Min	Min	
Act Effect Green (s)	14.3	14.3	27.2	14.3	14.3		38.1	43.4		43.4	30.1	
Actuated g/C Ratio	0.21	0.21	0.40	0.21	0.21		0.56	0.64		0.64	0.44	
v/c Ratio	0.35	0.51	0.26	0.59	0.53		0.27	0.45		0.03	0.63	
Control Delay	30.2	30.3	16.7	38.2	31.0		7.2	8.2		5.7	19.1	
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0	0.0		0.0	0.0	
Total Delay	30.2	30.3	16.7	38.2	31.0		7.2	8.2		5.7	19.1	













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Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Existing (2022) PM

01/10/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	C	B	D	C		A	A		A	B	
Approach Delay		25.2			33.7			8.0			18.7	
Approach LOS		C			C			A			B	
Queue Length 50th (ft)	26	72	44	47	75		18	92		2	151	
Queue Length 95th (ft)	74	157	105	118	162		45	189		10	291	
Internal Link Dist (ft)		2858			817			916			637	
Turn Bay Length (ft)	100		175	175			325			100		
Base Capacity (vph)	328	599	738	333	591		586	1546		684	1173	
Starvation Cap Reductn	0	0	0	0	0		0	0		0	0	
Spillback Cap Reductn	0	0	0	0	0		0	0		0	0	
Storage Cap Reductn	0	0	0	0	0		0	0		0	0	
Reduced v/c Ratio	0.23	0.33	0.22	0.38	0.35		0.22	0.33		0.02	0.43	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 68.1

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 19.2

Intersection LOS: B

Intersection Capacity Utilization 70.2%

ICU Level of Service C

Analysis Period (min) 15






Splits and Phases: 4: Green Level Church Road & Green Level West Road



Appendix H:
Synchro Output:
Background (2026)

Castleberry Trails
1: Wimberly Road & Green Level West Road





Background (2026) AM
01/17/2023

Intersection						
Int Delay, s/veh	4.7					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	248	30	111	142	31	173
Future Vol, veh/h	248	30	111	142	31	173
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	6	6
Mvmt Flow	276	33	123	158	34	192
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	309	0	697	293
Stage 1	-	-	-	-	293	-
Stage 2	-	-	-	-	404	-
Critical Hdwy	-	-	4.16	-	6.46	6.26
Critical Hdwy Stg 1	-	-	-	-	5.46	-
Critical Hdwy Stg 2	-	-	-	-	5.46	-
Follow-up Hdwy	-	-	2.254	-	3.554	3.354
Pot Cap-1 Maneuver	-	-	1229	-	401	737
Stage 1	-	-	-	-	748	-
Stage 2	-	-	-	-	666	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1229	-	361	737
Mov Cap-2 Maneuver	-	-	-	-	361	-
Stage 1	-	-	-	-	748	-
Stage 2	-	-	-	-	599	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	3.6		12.3		
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	361	737	-	-	1229	-
HCM Lane V/C Ratio	0.095	0.261	-	-	0.1	-
HCM Control Delay (s)	16	11.6	-	-	8.3	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	1	-	-	0.3	-

Castleberry Trails
2: Wimberly Road & Castleberry Road




Background (2026) AM

01/17/2023

Intersection						
Int Delay, s/veh	2.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	37	17	16	130	99	16
Future Vol, veh/h	37	17	16	130	99	16
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	4	4	8	8	8	8
Mvmt Flow	40	18	17	141	108	17
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	294	119	127	0	-	0
Stage 1	119	-	-	-	-	-
Stage 2	175	-	-	-	-	-
Critical Hdwy	6.44	6.24	4.18	-	-	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	3.536	3.336	2.272	-	-	-
Pot Cap-1 Maneuver	693	927	1423	-	-	-
Stage 1	901	-	-	-	-	-
Stage 2	851	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	681	925	1420	-	-	-
Mov Cap-2 Maneuver	681	-	-	-	-	-
Stage 1	887	-	-	-	-	-
Stage 2	849	-	-	-	-	-
Approach	EB		NB		SB	
HCM Control Delay, s	10.1		0.8		0	
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1420	-	681	925	-	-
HCM Lane V/C Ratio	0.012	-	0.059	0.02	-	-
HCM Control Delay (s)	7.6	0	10.6	9	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0	-	0.2	0.1	-	-

Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive

























Background (2026) AM
01/17/2023

Intersection						
Int Delay, s/veh	1.2					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	12	10	138	105	8
Future Vol, veh/h	14	12	10	138	105	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	10	10	9	9	8	8
Mvmt Flow	16	13	11	153	117	9
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	297	122	126	0	-	0
Stage 1	122	-	-	-	-	-
Stage 2	175	-	-	-	-	-
Critical Hdwy	6.5	6.3	4.19	-	-	-
Critical Hdwy Stg 1	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.5	-	-	-	-	-
Follow-up Hdwy	3.59	3.39	2.281	-	-	-
Pot Cap-1 Maneuver	678	908	1418	-	-	-
Stage 1	884	-	-	-	-	-
Stage 2	836	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	673	908	1418	-	-	-
Mov Cap-2 Maneuver	673	-	-	-	-	-
Stage 1	877	-	-	-	-	-
Stage 2	836	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	9.9	0.5		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1418	-	764	-	-	
HCM Lane V/C Ratio	0.008	-	0.038	-	-	
HCM Control Delay (s)	7.6	0	9.9	-	-	
HCM Lane LOS	A	A	A	-	-	
HCM 95th %tile Q(veh)	0	-	0.1	-	-	

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Background (2026) AM

01/17/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	66	551	229	226	311	4	208	628	535	6	499	30
Future Volume (vph)	66	551	229	226	311	4	208	628	535	6	499	30
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1703	1792	1524	1744	1835	1560	1778	1872	1591
Flt Permitted	0.369			0.113			0.104			0.152		
Satd. Flow (perm)	687	1863	1584	203	1792	1524	191	1835	1560	285	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		949			897			996			717	
Travel Time (s)		14.4			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	6%	6%	6%	3%	3%	3%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	73	612	254	251	346	4	231	698	594	7	554	33
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	38.0	18.5	19.0	43.0	43.0	18.5	63.0	19.0	63.0	44.5	14.0
Total Split (%)	11.7%	31.7%	15.4%	15.8%	35.8%	35.8%	15.4%	52.5%	15.8%	52.5%	37.1%	11.7%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	-0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	48.1	33.0	51.3	47.0	40.9	40.9	52.0	57.0	76.0	57.0	38.7	52.7
Actuated g/C Ratio	0.40	0.28	0.43	0.39	0.34	0.34	0.44	0.48	0.64	0.48	0.33	0.44
v/c Ratio	0.20	1.18	0.37	0.98	0.56	0.01	0.90	0.80	0.60	0.05	0.91	0.05
Control Delay	21.7	140.1	25.1	84.6	37.6	28.2	66.2	34.2	15.6	18.0	59.2	19.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	21.7	140.1	25.1	84.6	37.6	28.2	66.2	34.2	15.6	18.0	59.2	19.2













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Kimley-Horn

Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Background (2026) AM

01/17/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	D	C	E	C	B	B	E	B
Approach Delay		99.8			57.2			31.8			56.4	
Approach LOS		F			E			C			E	
Queue Length 50th (ft)	33	~574	131	150	226	2	125	438	246	3	407	14
Queue Length 95th (ft)	63	#799	201	#323	329	11	#274	606	356	12	#614	34
Internal Link Dist (ft)		869			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	359	517	685	256	616	524	260	894	996	138	622	705
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.20	1.18	0.37	0.98	0.56	0.01	0.89	0.78	0.60	0.05	0.89	0.05

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 119

Natural Cycle: 110

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.18

Intersection Signal Delay: 57.4

Intersection LOS: E

Intersection Capacity Utilization 101.2%

ICU Level of Service G

Analysis Period (min) 15

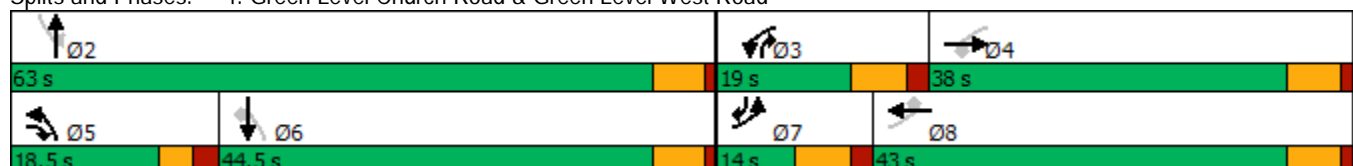
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 4: Green Level Church Road & Green Level West Road



Castleberry Trails
1: Wimberly Road & Green Level West Road

Background (2026) PM





01/16/2023

Intersection						
Int Delay, s/veh	4.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↶		↶	↶	↶	↶
Traffic Vol, veh/h	229	40	162	283	41	132
Future Vol, veh/h	229	40	162	283	41	132
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	3	3	8	8
Mvmt Flow	244	43	172	301	44	140
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	287	0	911	266
Stage 1	-	-	-	-	266	-
Stage 2	-	-	-	-	645	-
Critical Hdwy	-	-	4.13	-	6.48	6.28
Critical Hdwy Stg 1	-	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	-	5.48	-
Follow-up Hdwy	-	-	2.227	-	3.572	3.372
Pot Cap-1 Maneuver	-	-	1269	-	297	758
Stage 1	-	-	-	-	765	-
Stage 2	-	-	-	-	511	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1269	-	257	758
Mov Cap-2 Maneuver	-	-	-	-	257	-
Stage 1	-	-	-	-	765	-
Stage 2	-	-	-	-	442	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	3		13.4		
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	257	758	-	-	1269	-
HCM Lane V/C Ratio	0.17	0.185	-	-	0.136	-
HCM Control Delay (s)	21.8	10.8	-	-	8.3	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.6	0.7	-	-	0.5	-

Castleberry Trails
2: Wimberly Road & Castleberry Road

Background (2026) PM




01/16/2023

Intersection						
Int Delay, s/veh	1.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	28	10	23	153	138	26
Future Vol, veh/h	28	10	23	153	138	26
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	12	12	2	2	2	2
Mvmt Flow	31	11	26	170	153	29
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	390	168	182	0	-	0
Stage 1	168	-	-	-	-	-
Stage 2	222	-	-	-	-	-
Critical Hdwy	6.52	6.32	4.12	-	-	-
Critical Hdwy Stg 1	5.52	-	-	-	-	-
Critical Hdwy Stg 2	5.52	-	-	-	-	-
Follow-up Hdwy	3.608	3.408	2.218	-	-	-
Pot Cap-1 Maneuver	595	851	1393	-	-	-
Stage 1	838	-	-	-	-	-
Stage 2	792	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	583	851	1393	-	-	-
Mov Cap-2 Maneuver	583	-	-	-	-	-
Stage 1	820	-	-	-	-	-
Stage 2	792	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	10.9	1		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1393	-	583	851	-	-
HCM Lane V/C Ratio	0.018	-	0.053	0.013	-	-
HCM Control Delay (s)	7.6	0	11.5	9.3	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	0	-	-

Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive

Background (2026) PM

01/16/2023

Intersection						
Int Delay, s/veh	0.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	14	8	7	158	139	10
Future Vol, veh/h	14	8	7	158	139	10
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	6	6	2	2	3	3
Mvmt Flow	16	9	8	176	154	11

Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	352	160	165	0	-	0
Stage 1	160	-	-	-	-	-
Stage 2	192	-	-	-	-	-
Critical Hdwy	6.46	6.26	4.12	-	-	-
Critical Hdwy Stg 1	5.46	-	-	-	-	-
Critical Hdwy Stg 2	5.46	-	-	-	-	-
Follow-up Hdwy	3.554	3.354	2.218	-	-	-
Pot Cap-1 Maneuver	638	875	1413	-	-	-
Stage 1	859	-	-	-	-	-
Stage 2	831	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	634	875	1413	-	-	-
Mov Cap-2 Maneuver	634	-	-	-	-	-
Stage 1	854	-	-	-	-	-
Stage 2	831	-	-	-	-	-

























Approach	EB	NB	SB
HCM Control Delay, s	10.3	0.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1413	-	705	-	-
HCM Lane V/C Ratio	0.006	-	0.035	-	-
HCM Control Delay (s)	7.6	0	10.3	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Background (2026) PM

01/16/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	101	450	202	528	610	5	195	493	331	17	532	101
Future Volume (vph)	101	450	202	528	610	5	195	493	331	17	532	101
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1752	1845	1568	1761	1853	1575	1778	1872	1591
Flt Permitted	0.134			0.129			0.108			0.243		
Satd. Flow (perm)	250	1863	1584	238	1845	1568	200	1853	1575	455	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		949			897			996			717	
Travel Time (s)		14.4			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	105	469	210	550	635	5	203	514	345	18	554	105
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	35.0	15.6	37.0	58.0	58.0	15.6	58.0	37.0	58.0	42.4	14.0
Total Split (%)	10.8%	26.9%	12.0%	28.5%	44.6%	44.6%	12.0%	44.6%	28.5%	44.6%	32.6%	10.8%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	-0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	62.0	30.0	45.6	62.0	53.0	53.0	48.0	53.0	90.0	53.0	37.4	51.4
Actuated g/C Ratio	0.48	0.23	0.35	0.48	0.41	0.41	0.37	0.41	0.69	0.41	0.29	0.40
v/c Ratio	0.47	1.09	0.38	1.13	0.84	0.01	1.01	0.68	0.32	0.10	1.03	0.17
Control Delay	23.5	117.5	34.1	118.3	46.8	23.0	99.1	37.2	8.8	25.7	92.0	26.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	23.5	117.5	34.1	118.3	46.8	23.0	99.1	37.2	8.8	25.7	92.0	26.4













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Kimley-Horn

Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Background (2026) PM

01/16/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	D	C	F	D	A	C	F	C
Approach Delay		82.5			79.7			39.8			80.0	
Approach LOS		F			E			D			F	
Queue Length 50th (ft)	44	~445	132	~489	478	3	~124	351	104	9	~499	57
Queue Length 95th (ft)	77	#657	203	#717	#686	11	#288	481	151	28	#723	99
Internal Link Dist (ft)		869			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	224	429	555	486	752	639	201	755	1090	185	538	629
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.47	1.09	0.38	1.13	0.84	0.01	1.01	0.68	0.32	0.10	1.03	0.17

Intersection Summary

Area Type: Other

Cycle Length: 130

Actuated Cycle Length: 130

Natural Cycle: 130

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.13

Intersection Signal Delay: 69.0

Intersection LOS: E

Intersection Capacity Utilization 108.4%

ICU Level of Service G

Analysis Period (min) 15

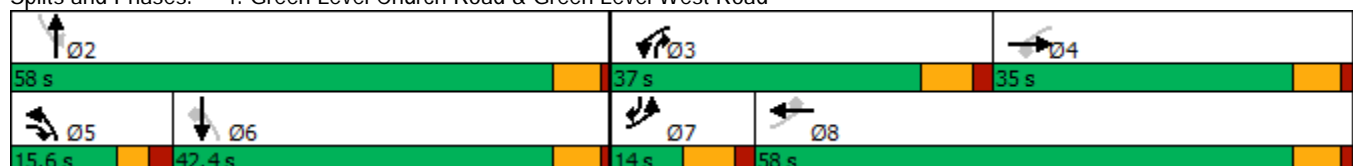
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 4: Green Level Church Road & Green Level West Road








Appendix I:
Synchro Output:
Build-out (2026)

Castleberry Trails
1: Wimberly Road & Green Level West Road

Build-out (2026) AM
01/17/2023

Intersection

Int Delay, s/veh 5.5

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	248	33	128	142	40	223
Future Vol, veh/h	248	33	128	142	40	223
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	6	6
Mvmt Flow	276	37	142	158	44	248

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	313
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.254
Pot Cap-1 Maneuver	-	-	1225
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1225
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-





Approach	EB	WB	NB
HCM Control Delay, s	0	3.9	13.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	336	735	-	-	1225	-
HCM Lane V/C Ratio	0.132	0.337	-	-	0.116	-
HCM Control Delay (s)	17.3	12.4	-	-	8.3	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	1.5	-	-	0.4	-

Castleberry Trails
2: Wimberly Road & Castleberry Road




Build-out (2026) AM

01/17/2023

Intersection						
Int Delay, s/veh	3.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	87	26	19	139	102	33
Future Vol, veh/h	87	26	19	139	102	33
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	4	4	8	8	8	8
Mvmt Flow	95	28	21	151	111	36
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	324	131	149	0	-	0
Stage 1	131	-	-	-	-	-
Stage 2	193	-	-	-	-	-
Critical Hdwy	6.44	6.24	4.18	-	-	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	3.536	3.336	2.272	-	-	-
Pot Cap-1 Maneuver	666	913	1396	-	-	-
Stage 1	890	-	-	-	-	-
Stage 2	835	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	653	911	1393	-	-	-
Mov Cap-2 Maneuver	653	-	-	-	-	-
Stage 1	874	-	-	-	-	-
Stage 2	833	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	10.9	0.9		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1393	-	653	911	-	-
HCM Lane V/C Ratio	0.015	-	0.145	0.031	-	-
HCM Control Delay (s)	7.6	0	11.4	9.1	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0	-	0.5	0.1	-	-

























Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive

Build-out (2026) AM
01/17/2023

Intersection						
Int Delay, s/veh	2.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	23	35	17	141	114	11
Future Vol, veh/h	23	35	17	141	114	11
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	10	10	9	9	8	8
Mvmt Flow	26	39	19	157	127	12
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	328	133	139	0	-	0
Stage 1	133	-	-	-	-	-
Stage 2	195	-	-	-	-	-
Critical Hdwy	6.5	6.3	4.19	-	-	-
Critical Hdwy Stg 1	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.5	-	-	-	-	-
Follow-up Hdwy	3.59	3.39	2.281	-	-	-
Pot Cap-1 Maneuver	650	895	1402	-	-	-
Stage 1	874	-	-	-	-	-
Stage 2	819	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	640	895	1402	-	-	-
Mov Cap-2 Maneuver	640	-	-	-	-	-
Stage 1	861	-	-	-	-	-
Stage 2	819	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	10.1	0.8		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1402	-	773	-	-	
HCM Lane V/C Ratio	0.013	-	0.083	-	-	
HCM Control Delay (s)	7.6	0	10.1	-	-	
HCM Lane LOS	A	A	B	-	-	
HCM 95th %tile Q(veh)	0	-	0.3	-	-	

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Build-out (2026) AM
01/17/2023













												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	71	587	238	226	323	4	211	628	535	6	499	32
Future Volume (vph)	71	587	238	226	323	4	211	628	535	6	499	32
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1703	1792	1524	1744	1835	1560	1778	1872	1591
Flt Permitted	0.353			0.113			0.104			0.153		
Satd. Flow (perm)	658	1863	1584	203	1792	1524	191	1835	1560	286	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		1489			897			996			717	
Travel Time (s)		22.6			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	6%	6%	6%	3%	3%	3%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	79	652	264	251	359	4	234	698	594	7	554	36
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	38.0	18.5	19.0	43.0	43.0	18.5	63.0	19.0	63.0	44.5	14.0
Total Split (%)	11.7%	31.7%	15.4%	15.8%	35.8%	35.8%	15.4%	52.5%	15.8%	52.5%	37.1%	11.7%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.6	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	48.1	33.0	50.8	47.0	40.9	40.9	52.1	57.1	76.1	57.1	38.7	52.7
Actuated g/C Ratio	0.40	0.28	0.43	0.39	0.34	0.34	0.44	0.48	0.64	0.48	0.32	0.44
v/c Ratio	0.23	1.26	0.39	0.98	0.58	0.01	0.91	0.79	0.60	0.05	0.91	0.05
Control Delay	22.0	170.4	25.9	85.1	38.2	28.2	67.5	34.2	15.6	18.0	59.2	19.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	22.0	170.4	25.9	85.1	38.2	28.2	67.5	34.2	15.6	18.0	59.2	19.2

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Kimley-Horn

Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Build-out (2026) AM
01/17/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	D	C	E	C	B	B	E	B
Approach Delay		120.2			57.3			32.0			56.3	
Approach LOS		F			E			C			E	
Queue Length 50th (ft)	36	~638	139	150	237	2	128	438	246	3	407	16
Queue Length 95th (ft)	67	#867	211	#323	343	11	#281	606	356	12	#614	36
Internal Link Dist (ft)		1409			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	349	516	676	256	615	523	260	893	996	139	621	704
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.23	1.26	0.39	0.98	0.58	0.01	0.90	0.78	0.60	0.05	0.89	0.05

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 119.1

Natural Cycle: 110

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.26

Intersection Signal Delay: 63.6

Intersection LOS: E

Intersection Capacity Utilization 103.1%

ICU Level of Service G

Analysis Period (min) 15

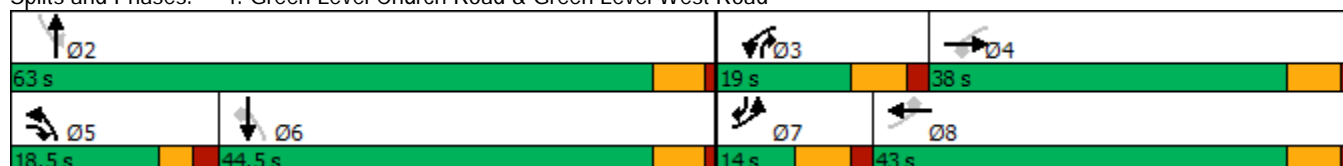
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.





Queue shown is maximum after two cycles.

Splits and Phases: 4: Green Level Church Road & Green Level West Road



Castleberry Trails
5: Site Driveway & Castleberry Road






Build-out (2026) AM
01/17/2023

Intersection						
Int Delay, s/veh	4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations				 		
Traffic Vol, veh/h	54	0	20	32	0	59
Future Vol, veh/h	54	0	20	32	0	59
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	60	0	22	36	0	66
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	60	0	140	60
Stage 1	-	-	-	-	60	-
Stage 2	-	-	-	-	80	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1544	-	853	1005
Stage 1	-	-	-	-	963	-
Stage 2	-	-	-	-	943	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1544	-	840	1005
Mov Cap-2 Maneuver	-	-	-	-	840	-
Stage 1	-	-	-	-	963	-
Stage 2	-	-	-	-	929	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	2.8		8.8		
HCM LOS	A					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	1005	-	-	1544	-	
HCM Lane V/C Ratio	0.065	-	-	0.014	-	
HCM Control Delay (s)	8.8	-	-	7.4	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0.2	-	-	0	-	

Castleberry Trails
1: Wimberly Road & Green Level West Road

Build-out (2026) PM





01/16/2023

Intersection						
Int Delay, s/veh	5.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	229	50	219	283	47	166
Future Vol, veh/h	229	50	219	283	47	166
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	3	3	8	8
Mvmt Flow	244	53	233	301	50	177
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	297	0	1038	271
Stage 1	-	-	-	-	271	-
Stage 2	-	-	-	-	767	-
Critical Hdwy	-	-	4.13	-	6.48	6.28
Critical Hdwy Stg 1	-	-	-	-	5.48	-
Critical Hdwy Stg 2	-	-	-	-	5.48	-
Follow-up Hdwy	-	-	2.227	-	3.572	3.372
Pot Cap-1 Maneuver	-	-	1259	-	249	753
Stage 1	-	-	-	-	761	-
Stage 2	-	-	-	-	448	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1259	-	203	753
Mov Cap-2 Maneuver	-	-	-	-	203	-
Stage 1	-	-	-	-	761	-
Stage 2	-	-	-	-	365	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		3.7		15	
HCM LOS					C	
Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	203	753	-	-	1259	-
HCM Lane V/C Ratio	0.246	0.235	-	-	0.185	-
HCM Control Delay (s)	28.4	11.2	-	-	8.5	-
HCM Lane LOS	D	B	-	-	A	-
HCM 95th %tile Q(veh)	0.9	0.9	-	-	0.7	-

Castleberry Trails
2: Wimberly Road & Castleberry Road

Build-out (2026) PM




01/16/2023

Intersection						
Int Delay, s/veh	2.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	62	16	33	159	148	83
Future Vol, veh/h	62	16	33	159	148	83
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	12	12	2	2	2	2
Mvmt Flow	69	18	37	177	164	92
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	461	210	256	0	-	0
Stage 1	210	-	-	-	-	-
Stage 2	251	-	-	-	-	-
Critical Hdwy	6.52	6.32	4.12	-	-	-
Critical Hdwy Stg 1	5.52	-	-	-	-	-
Critical Hdwy Stg 2	5.52	-	-	-	-	-
Follow-up Hdwy	3.608	3.408	2.218	-	-	-
Pot Cap-1 Maneuver	541	806	1309	-	-	-
Stage 1	802	-	-	-	-	-
Stage 2	768	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	524	806	1309	-	-	-
Mov Cap-2 Maneuver	524	-	-	-	-	-
Stage 1	777	-	-	-	-	-
Stage 2	768	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	12.2	1.3	0			
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1309	-	524	806	-	-
HCM Lane V/C Ratio	0.028	-	0.131	0.022	-	-
HCM Control Delay (s)	7.8	0	12.9	9.6	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.5	0.1	-	-

Castleberry Trails
3: Wimberly Road & Wimberly Oaks Drive

Build-out (2026) PM

01/16/2023

Intersection						
Int Delay, s/veh	1.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	20	23	33	168	145	20
Future Vol, veh/h	20	23	33	168	145	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	6	6	2	2	3	3
Mvmt Flow	22	26	37	187	161	22

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	433	172	183
Stage 1	172	-	-
Stage 2	261	-	-
Critical Hdwy	6.46	6.26	4.12
Critical Hdwy Stg 1	5.46	-	-
Critical Hdwy Stg 2	5.46	-	-
Follow-up Hdwy	3.554	3.354	2.218
Pot Cap-1 Maneuver	572	861	1392
Stage 1	848	-	-
Stage 2	773	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	555	861	1392
Mov Cap-2 Maneuver	555	-	-
Stage 1	823	-	-
Stage 2	773	-	-

























Approach	EB	NB	SB
HCM Control Delay, s	10.6	1.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1392	-	685	-	-
HCM Lane V/C Ratio	0.026	-	0.07	-	-
HCM Control Delay (s)	7.7	0	10.6	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Build-out (2026) PM

01/16/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	104	475	208	528	652	5	205	493	331	17	532	106
Future Volume (vph)	104	475	208	528	652	5	205	493	331	17	532	106
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1752	1845	1568	1761	1853	1575	1778	1872	1591
Flt Permitted	0.083			0.138			0.117			0.248		
Satd. Flow (perm)	155	1863	1584	255	1845	1568	217	1853	1575	464	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		1489			897			996			717	
Travel Time (s)		22.6			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	108	495	217	550	679	5	214	514	345	18	554	110
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	33.0	14.4	33.0	52.0	52.0	14.4	54.0	33.0	54.0	39.6	14.0
Total Split (%)	11.7%	27.5%	12.0%	27.5%	43.3%	43.3%	12.0%	45.0%	27.5%	45.0%	33.0%	11.7%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	-0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	56.0	28.0	42.4	56.0	47.0	47.0	44.0	49.0	82.0	49.0	34.6	48.6
Actuated g/C Ratio	0.47	0.23	0.35	0.47	0.39	0.39	0.37	0.41	0.68	0.41	0.29	0.40
v/c Ratio	0.56	1.14	0.39	1.18	0.94	0.01	1.07	0.68	0.32	0.10	1.03	0.17
Control Delay	30.5	129.5	31.7	132.3	57.6	22.4	112.7	34.6	8.7	23.7	88.4	23.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	30.5	129.5	31.7	132.3	57.6	22.4	112.7	34.6	8.7	23.7	88.4	23.8













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Kimley-Horn

Synchro 11 Report

Castleberry Trails
4: Green Level Church Road & Green Level West Road

Build-out (2026) PM

01/16/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	E	C	F	C	A	C	F	C
Approach Delay		90.6			90.8			41.9			76.3	
Approach LOS		F			F			D			E	
Queue Length 50th (ft)	42	~448	125	~462	500	2	~131	321	98	8	~458	54
Queue Length 95th (ft)	92	#659	196	#683	#744	11	#291	448	145	25	#676	94
Internal Link Dist (ft)		1409			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	193	434	559	468	722	614	200	756	1076	189	539	644
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.56	1.14	0.39	1.18	0.94	0.01	1.07	0.68	0.32	0.10	1.03	0.17

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 120

Natural Cycle: 120

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.18

Intersection Signal Delay: 74.4

Intersection LOS: E

Intersection Capacity Utilization 110.3%

ICU Level of Service H

Analysis Period (min) 15

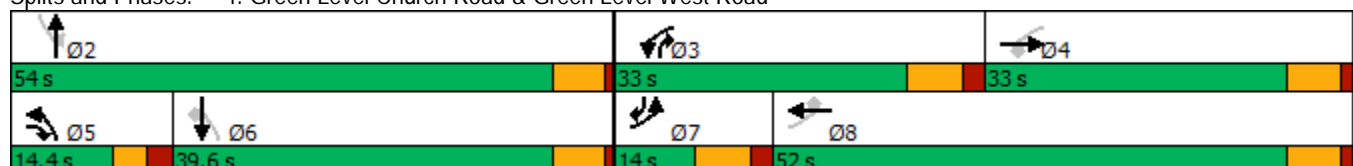
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.




Splits and Phases: 4: Green Level Church Road & Green Level West Road



Castleberry Trails
5: Site Driveway & Castleberry Road

Build-out (2026) PM

01/16/2023

Intersection						
Int Delay, s/veh	4.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	38	4	67	48	4	40
Future Vol, veh/h	38	4	67	48	4	40
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	42	4	74	53	4	44
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	46	0	245	44
Stage 1	-	-	-	-	44	-
Stage 2	-	-	-	-	201	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1562	-	743	1026
Stage 1	-	-	-	-	978	-
Stage 2	-	-	-	-	833	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1562	-	707	1026
Mov Cap-2 Maneuver	-	-	-	-	707	-
Stage 1	-	-	-	-	978	-
Stage 2	-	-	-	-	792	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	4.3		8.8		
HCM LOS	A					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	986	-	-	1562	-	
HCM Lane V/C Ratio	0.05	-	-	0.048	-	
HCM Control Delay (s)	8.8	-	-	7.4	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-	

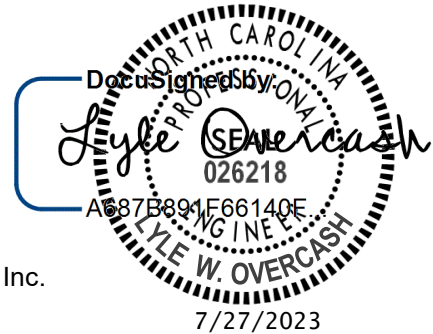
MEMORANDUM

To: Russell Dalton, PE, Town of Apex
Daniel Boulware, PE, NCDOT

From: Lyle Overcash, P.E. – Kimley-Horn and Associates, Inc.

Date: July 27, 2023

Subject: **Castleberry Trails Traffic Impact Analysis Addendum**



The *Castleberry Trails TIA* (Kimley-Horn, January 2023) analyzed the traffic impacts of constructing up to 170 single-family homes on 90 acres in Apex, North Carolina. The proposed Planned Unit Development (PUD) zoning would allow for 2 units/acre, which would equate to a maximum of 180 single-family dwelling units. Therefore, this memorandum provides an update to the TIA to determine the likely impacts of the 10 additional single-family units. There are no other changes to the TIA assumptions - the development is still proposed to be accessed via one driveway on Castleberry Road and one connection to Wimberly Oaks Drive, and build-out of the project is anticipated in the year 2026. See **Figure 1** for the latest concept plan for the Castleberry Trails development.

Trip Generation and Distribution

No changes to existing or background traffic volumes are proposed. Build volumes were updated to reflect the 10 additional single-family units. The traffic generation the proposed project was calculated using the data published in the *11th Edition of the ITE Trip Generation Manual*. Table 1 summarizes the results of these calculations.

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
210	Single Family Detached Housing	180	d.u.	867	867	32	95	109	64

As shown in Table 1, the proposed development has the potential to generate 1,734 new trips during a typical weekday with 127 new trips during the AM peak hour and 173 new trips during the PM peak hour.

Table 2, located on the following page, shows the comparison of trips from the original TIA and the maximum units for the PUD. As shown in Table 2, daily trips are only forecasted to increase by 90 vehicles per day, while AM peak hour trips only increase by 6 vehicles and PM peak hour trips by 9 vehicles.

Table 2 Trip Generation Comparison								
Scenario	Intensity		Daily		AM Peak Hour		PM Peak Hour	
			In	Out	In	Out	In	Out
Castleberry Trails TIA – January 2023	170	d.u.	822	822	31	90	103	61
Maximum Units Allowed by PUD	180	d.u.	867	867	32	95	109	64
Increase in Site Traffic			45	45	1	5	6	3

The generated trips were assigned to the external roadway network according to the directional distribution and percent assignment assumed in the TIA, which were based on existing travel patterns, land uses in the area, and a review of origins and destinations. The projected AM and PM peak hour site traffic volumes are shown on **Figure 2**.

Capacity Analysis

The assigned site traffic volumes were added to projected (2026) background volumes to obtain the projected build-out (2026) traffic volumes, which are shown in **Figure 3**. Peak hour capacity analyses for the build-out condition were performed at the study intersections using Synchro Version 11 software. Note that only 2026 build year results are included in this memorandum, results from existing and background analyses remain unchanged from the original TIA.

Table 3 summarizes the results of these capacity analyses.

Table 3 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Green Level West Road at Wimberly Road (Unsignalized)		
Build-Out (2026) Traffic	NB – B (13.2) WBL – A (8.3)	NB – C (15.1) WBL – A (8.5)
Wimberly Road at Castleberry Road (Unsignalized)		
Build-Out (2026) Traffic	EB – B (10.9) NBL – A (7.6)	EB – B (12.3) NBL – A (7.8)
Wimberly Road at Wimberly Oaks Drive (Unsignalized)		
Build-Out (2026) Traffic	EB – B (10.1) NBL – A (7.6)	EB – B (10.7) NBL – A (7.7)

Table 3 Level-of-Service Summary (cont'd)		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Green Level Church Road at Green Level West Road (Signalized)		
Build-Out (2026) Traffic	Overall – E (63.8)	Overall – E (74.6)
	EB – F (120.6)	EB – F (91.1)
	WB – E (57.3)	WB – F (91.0)
	NB – C (32.0)	NB – D (42.2)
	SB – E (56.3)	SB – E (76.3)
Castleberry Road at Site Driveway (Signalized)		
Build-Out (2026) Traffic	NB – A (8.9)	NB – A (8.9)
	WBL – A (7.4)	WBL – A (7.4)

Summary & Recommendations

When comparing the capacity analysis results to the original TIA, no changes in level of service were observed with the additional 10 dwelling units. Therefore, there are no changes to the committed elements for the project as summarized below. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

Castleberry Road at Site Driveway

- Construct the northbound Site Driveway approach as a stop-controlled two-lane public street access with one ingress lane and one egress lane to Castleberry Road approximately 1,400 feet west of Wimberly Road
- Provide sidewalks along both sides of the Site Driveway and internal streets to the residential development

Wimberly Road at Castleberry Road

- Construct a southbound right-turn taper on Wimberly Road
- Install a stop bar on the eastbound Castleberry Road approach
- Install centerline pavement markings extending a minimum of 50 feet from the stop bar on the eastbound Castleberry Road approach

Castleberry Road

- Improve the south side of Castleberry Road for the length of the Property's frontage, consistent with the Town's Rural Residential Street section, and construct a 5-foot sidewalk south of the future grassed swale.

Wimberly Road

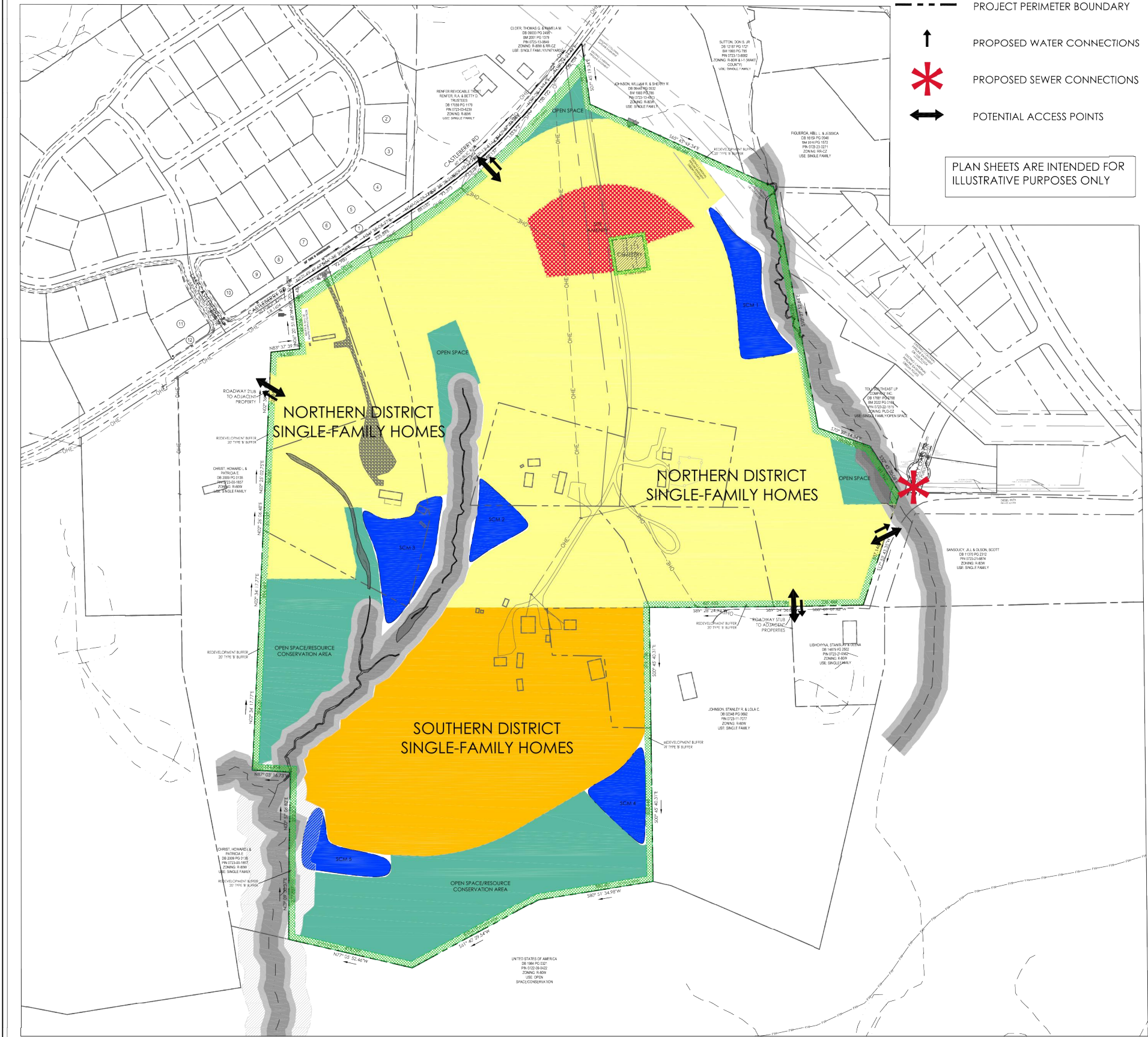
- Upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signage, and install a Rectangular Rapid-Flashing Beacon (RRFB) system according to NCDOT and Town of Apex standards

- Extend the existing sidewalk along the southwest side of Wimberly Road to the south to connect to the American Tobacco Trail, with roadway shoulder widening and gutter typical roadway section (the “ATT Connection”). Coordinate with and obtain an encroachment agreement from NCDOT Rail Division and obtain other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Work with NCDOT and Town staff to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.

Figure 4 shows the committed and recommended laneage.

Should you have any questions or comments, please do not hesitate to contact me at (919) 678-4131 or lyle.overcash@kimley-horn.com.

Attachments: Figures 1-4, Synchro LOS Reports



- PROJECT PERIMETER BOUNDARY
- PROPOSED WATER CONNECTIONS
- PROPOSED SEWER CONNECTIONS
- POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY

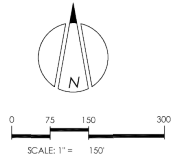
- POSSIBLE SITE AMENITY
- BUFFERS/RCA
- SINGLE FAMILY 6,000 SF MINIMUM
- SINGLE FAMILY 10,000 SF MINIMUM
- EX CEMETERY (~0.30 ACRES & 59 GRAVESTONES)

SITE AND UTILITY NOTES:

- DEVELOPMENT ACCESS AND STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY/LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
- REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
- ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
- PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
- ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
- PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
- THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
- THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
- NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPICATIONS-SCHEDULES](http://www.apexnc.org/215/APPICATIONS-SCHEDULES).
- TREE PROTECTION FENCING MUST BE PLACED:
 - ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST 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 RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
- ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

POTENTIAL ACCESS POINTS:

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



CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN
SCALE: 1"=150'



NC License #P-0673

project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



NO.	DATE	REVISION	BY
1	APRIL 1, 2023	TOWN OF APEX - 10 ZONING COMMENTS	JR
2	APRIL 1, 2023	TOWN OF APEX - 20 ZONING COMMENTS	JR

title:
CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN

proj #:
220602

date:
FEBRUARY 1, 2023

dwg by: FS
chkd by: JR

scale:
As Noted

sheet:
C100

(PUD PLAN)

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CASTLEBERRY TRAILS
APEX, NC
TRAFFIC IMPACT ANALYSIS ADDENDUM

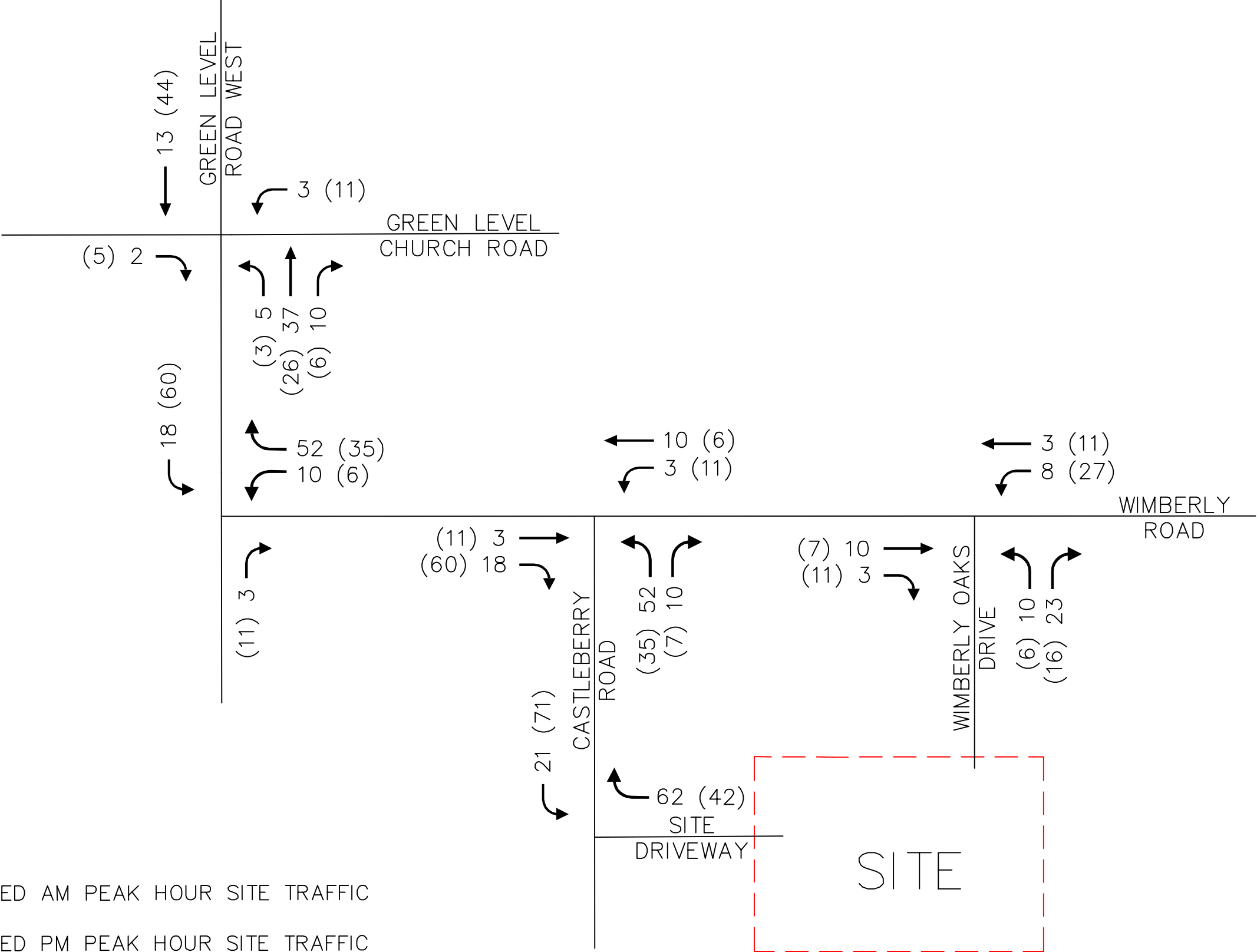
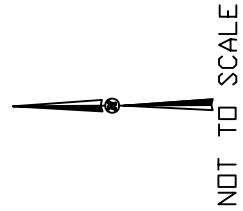


CONCEPTUAL SITE PLAN

FIGURE
1

LEGEND

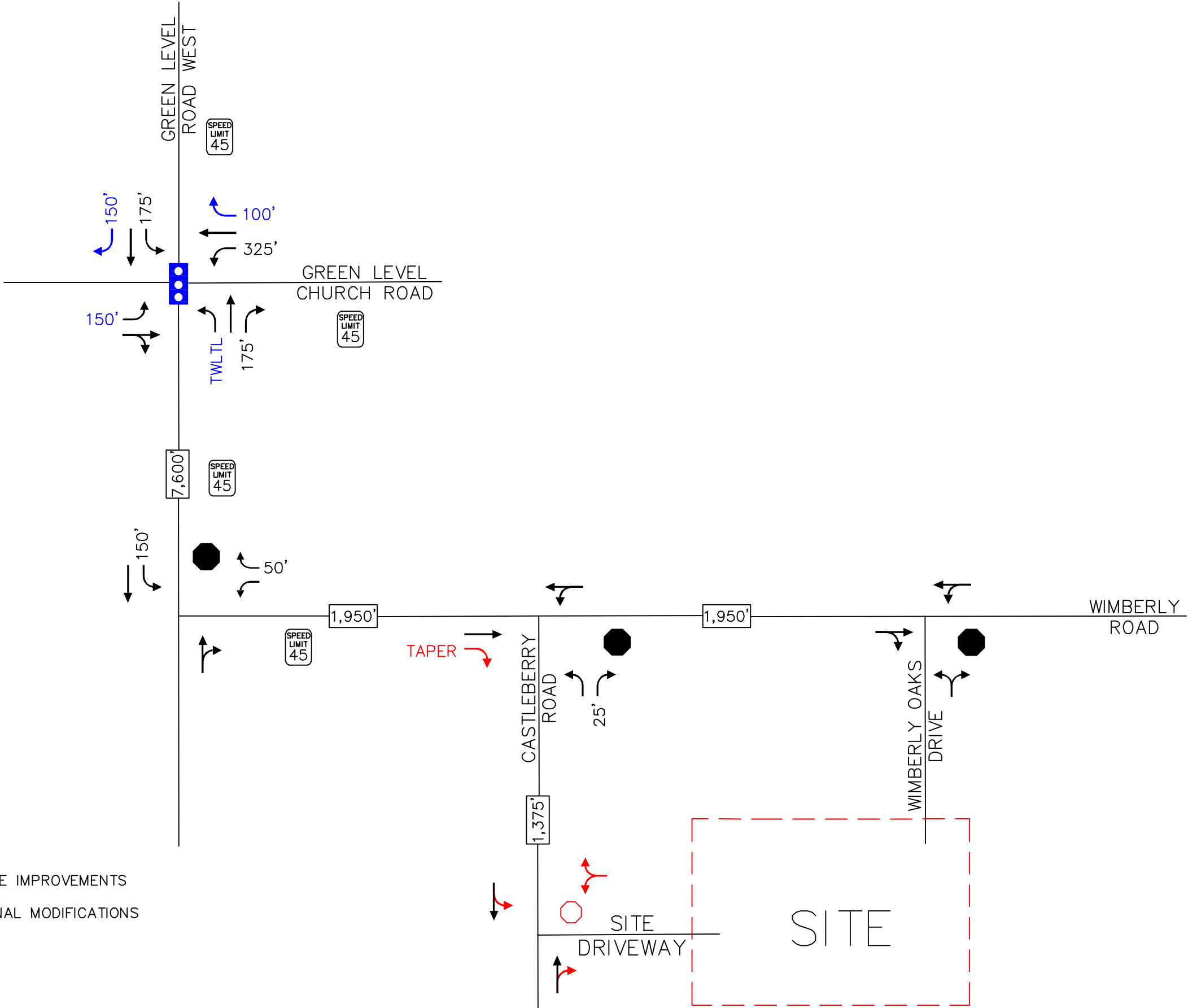
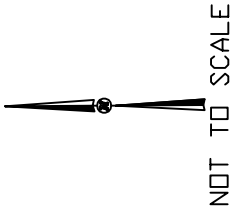
- XX PROJECTED AM PEAK HOUR SITE TRAFFIC
- (XX) PROJECTED PM PEAK HOUR SITE TRAFFIC



THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

LEGEND

- EXISTING LANE
- EXISTING STOP SIGN
- EXISTING TRAFFIC SIGNAL
- RECOMMENDED LANE
- RECOMMENDED STOP SIGN
- APPROVED DEVELOPMENT LANE IMPROVEMENTS
- APPROVED DEVELOPMENT SIGNAL MODIFICATIONS
- POSTED SPEED LIMIT
- STORAGE LENGTH
- INTERSECTION SPACING



CASTLEBERRY TRAILS
APEX, NC
TRAFFIC IMPACT ANALYSIS ADDENDUM

BUILD-OUT ROADWAY LANEAGE

FIGURE
4






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Castleberry Trails TIA Addendum
1: Wimberly Road & Green Level West Road

Build-out (2026) AM
07/27/2023

Intersection

Int Delay, s/veh 5.6

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	248	33	129	142	41	225
Future Vol, veh/h	248	33	129	142	41	225
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	6	6	6	6
Mvmt Flow	276	37	143	158	46	250





Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	313
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.254
Pot Cap-1 Maneuver	-	-	1225
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1225
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	4	13.2
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	335	735	-	-	1225	-
HCM Lane V/C Ratio	0.136	0.34	-	-	0.117	-
HCM Control Delay (s)	17.4	12.4	-	-	8.3	-
HCM Lane LOS	C	B	-	-	A	-
HCM 95th %tile Q(veh)	0.5	1.5	-	-	0.4	-

Castleberry Trails TIA Addendum
2: Wimberly Road & Castleberry Road

Build-out (2026) AM
07/27/2023

Intersection						
Int Delay, s/veh	3.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	89	27	19	140	102	34
Future Vol, veh/h	89	27	19	140	102	34
Conflicting Peds, #/hr	0	0	2	0	0	2
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	4	4	8	8	8	8
Mvmt Flow	97	29	21	152	111	37

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	326	132	150	0	-	0
Stage 1	132	-	-	-	-	-
Stage 2	194	-	-	-	-	-
Critical Hdwy	6.44	6.24	4.18	-	-	-
Critical Hdwy Stg 1	5.44	-	-	-	-	-
Critical Hdwy Stg 2	5.44	-	-	-	-	-
Follow-up Hdwy	3.536	3.336	2.272	-	-	-
Pot Cap-1 Maneuver	664	912	1395	-	-	-
Stage 1	889	-	-	-	-	-
Stage 2	834	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	651	910	1392	-	-	-
Mov Cap-2 Maneuver	651	-	-	-	-	-
Stage 1	873	-	-	-	-	-
Stage 2	832	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.9	0.9	0
HCM LOS	B		




Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1392	-	651	910	-	-
HCM Lane V/C Ratio	0.015	-	0.149	0.032	-	-
HCM Control Delay (s)	7.6	0	11.5	9.1	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0	-	0.5	0.1	-	-

Castleberry Trails TIA Addendum
3: Wimberly Road & Wimberly Oaks Drive

Build-out (2026) AM
07/27/2023

Intersection

Int Delay, s/veh 2.1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	24	35	18	141	115	11
Future Vol, veh/h	24	35	18	141	115	11
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	10	10	9	9	8	8
Mvmt Flow	27	39	20	157	128	12

























Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	331	134	140
Stage 1	134	-	-
Stage 2	197	-	-
Critical Hdwy	6.5	6.3	4.19
Critical Hdwy Stg 1	5.5	-	-
Critical Hdwy Stg 2	5.5	-	-
Follow-up Hdwy	3.59	3.39	2.281
Pot Cap-1 Maneuver	648	894	1401
Stage 1	873	-	-
Stage 2	817	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	638	894	1401
Mov Cap-2 Maneuver	638	-	-
Stage 1	859	-	-
Stage 2	817	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.1	0.9	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1401	-	769	-	-
HCM Lane V/C Ratio	0.014	-	0.085	-	-
HCM Control Delay (s)	7.6	0	10.1	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.3	-	-













4: Green Level Church Road & Green Level West Road

07/27/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	71	588	239	226	324	4	211	628	535	6	499	32
Future Volume (vph)	71	588	239	226	324	4	211	628	535	6	499	32
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1703	1792	1524	1744	1835	1560	1778	1872	1591
Flt Permitted	0.352			0.113			0.104			0.153		
Satd. Flow (perm)	656	1863	1584	203	1792	1524	191	1835	1560	286	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		1489			897			996			717	
Travel Time (s)		22.6			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	6%	6%	6%	3%	3%	3%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	79	653	266	251	360	4	234	698	594	7	554	36
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	38.0	18.5	19.0	43.0	43.0	18.5	63.0	19.0	63.0	44.5	14.0
Total Split (%)	11.7%	31.7%	15.4%	15.8%	35.8%	35.8%	15.4%	52.5%	15.8%	52.5%	37.1%	11.7%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.6	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	48.1	33.0	50.8	47.0	40.9	40.9	52.1	57.1	76.1	57.1	38.7	52.7
Actuated g/C Ratio	0.40	0.28	0.43	0.39	0.34	0.34	0.44	0.48	0.64	0.48	0.32	0.44
v/c Ratio	0.23	1.27	0.39	0.98	0.59	0.01	0.91	0.79	0.60	0.05	0.91	0.05
Control Delay	22.0	171.1	26.0	85.1	38.3	28.2	67.5	34.2	15.6	18.0	59.2	19.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	22.0	171.1	26.0	85.1	38.3	28.2	67.5	34.2	15.6	18.0	59.2	19.2

4: Green Level Church Road & Green Level West Road

07/27/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	D	C	E	C	B	B	E	B
Approach Delay		120.6			57.3			32.0			56.3	
Approach LOS		F			E			C			E	
Queue Length 50th (ft)	36	~640	140	150	238	2	128	438	246	3	407	16
Queue Length 95th (ft)	67	#869	213	#323	344	11	#281	606	356	12	#614	36
Internal Link Dist (ft)		1409			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	348	516	676	256	615	523	260	893	996	139	621	704
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.23	1.27	0.39	0.98	0.59	0.01	0.90	0.78	0.60	0.05	0.89	0.05

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 119.1

Natural Cycle: 110

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.27

Intersection Signal Delay: 63.8

Intersection LOS: E

Intersection Capacity Utilization 103.2%

ICU Level of Service G

Analysis Period (min) 15

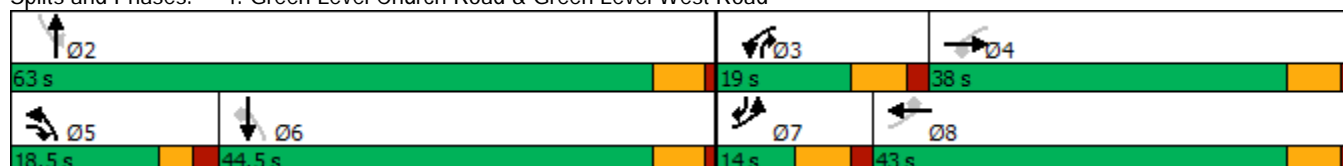
~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.




Queue shown is maximum after two cycles.

Splits and Phases: 4: Green Level Church Road & Green Level West Road



Castleberry Trails TIA Addendum
5: Site Driveway & Castleberry Road

Build-out (2026) AM
07/27/2023






Intersection						
Int Delay, s/veh	4.2					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	54	4	21	32	4	62
Future Vol, veh/h	54	4	21	32	4	62
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	60	4	23	36	4	69
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	64	0	144	62
Stage 1	-	-	-	-	62	-
Stage 2	-	-	-	-	82	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1538	-	849	1003
Stage 1	-	-	-	-	961	-
Stage 2	-	-	-	-	941	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1538	-	836	1003
Mov Cap-2 Maneuver	-	-	-	-	836	-
Stage 1	-	-	-	-	961	-
Stage 2	-	-	-	-	927	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	2.9		8.9		
HCM LOS	A					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	991	-	-	1538	-	
HCM Lane V/C Ratio	0.074	-	-	0.015	-	
HCM Control Delay (s)	8.9	-	-	7.4	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0.2	-	-	0	-	

Castleberry Trails TIA Addendum
1: Wimberly Road & Green Level West Road

Build-out (2026) PM
07/27/2023

Intersection

Int Delay, s/veh 5.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	229	51	222	283	47	167
Future Vol, veh/h	229	51	222	283	47	167
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	150	-	0	50
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	1	-	-	0	0	-
Peak Hour Factor	94	94	94	94	94	94
Heavy Vehicles, %	2	2	3	3	8	8
Mvmt Flow	244	54	236	301	50	178





Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	298
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.13
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.227
Pot Cap-1 Maneuver	-	-	1258
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	1258
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	3.7	15.1
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	201	753	-	-	1258	-
HCM Lane V/C Ratio	0.249	0.236	-	-	0.188	-
HCM Control Delay (s)	28.7	11.3	-	-	8.5	-
HCM Lane LOS	D	B	-	-	A	-
HCM 95th %tile Q(veh)	0.9	0.9	-	-	0.7	-




Castleberry Trails TIA Addendum
2: Wimberly Road & Castleberry Road

Build-out (2026) PM
07/27/2023

Intersection						
Int Delay, s/veh	2.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	63	17	34	159	149	86
Future Vol, veh/h	63	17	34	159	149	86
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	25	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	1	-1	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	12	12	2	2	2	2
Mvmt Flow	70	19	38	177	166	96
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	467	214	262	0	-	0
Stage 1	214	-	-	-	-	-
Stage 2	253	-	-	-	-	-
Critical Hdwy	6.52	6.32	4.12	-	-	-
Critical Hdwy Stg 1	5.52	-	-	-	-	-
Critical Hdwy Stg 2	5.52	-	-	-	-	-
Follow-up Hdwy	3.608	3.408	2.218	-	-	-
Pot Cap-1 Maneuver	536	801	1302	-	-	-
Stage 1	798	-	-	-	-	-
Stage 2	766	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	519	801	1302	-	-	-
Mov Cap-2 Maneuver	519	-	-	-	-	-
Stage 1	772	-	-	-	-	-
Stage 2	766	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	12.3	1.4		0		
HCM LOS	B					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1302	-	519	801	-	-
HCM Lane V/C Ratio	0.029	-	0.135	0.024	-	-
HCM Control Delay (s)	7.8	0	13	9.6	-	-
HCM Lane LOS	A	A	B	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.5	0.1	-	-

Castleberry Trails TIA Addendum
3: Wimberly Road & Wimberly Oaks Drive

Build-out (2026) PM
07/27/2023

Intersection						
Int Delay, s/veh	1.8					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	20	24	34	169	146	21
Future Vol, veh/h	20	24	34	169	146	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	4	-4	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	6	6	2	2	3	3
Mvmt Flow	22	27	38	188	162	23

























Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	438	174	185
Stage 1	174	-	-
Stage 2	264	-	-
Critical Hdwy	6.46	6.26	4.12
Critical Hdwy Stg 1	5.46	-	-
Critical Hdwy Stg 2	5.46	-	-
Follow-up Hdwy	3.554	3.354	2.218
Pot Cap-1 Maneuver	569	859	1390
Stage 1	847	-	-
Stage 2	771	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	551	859	1390
Mov Cap-2 Maneuver	551	-	-
Stage 1	821	-	-
Stage 2	771	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.7	1.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1390	-	685	-	-
HCM Lane V/C Ratio	0.027	-	0.071	-	-
HCM Control Delay (s)	7.7	0	10.7	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-

4: Green Level Church Road & Green Level West Road

07/27/2023

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	104	476	208	528	654	5	206	493	331	17	532	106
Future Volume (vph)	104	476	208	528	654	5	206	493	331	17	532	106
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	12	12	12	12	12	12
Grade (%)		-2%			0%			1%			-1%	
Storage Length (ft)	200		175	600		150	325		100	150		100
Storage Lanes	1		1	1		1	1		1	1		1
Taper Length (ft)	100			100			100			100		
Satd. Flow (prot)	1770	1863	1584	1752	1845	1568	1761	1853	1575	1778	1872	1591
Flt Permitted	0.083			0.138			0.117			0.248		
Satd. Flow (perm)	155	1863	1584	255	1845	1568	217	1853	1575	464	1872	1591
Right Turn on Red			No			No			No			No
Satd. Flow (RTOR)												
Link Speed (mph)		45			45			45			45	
Link Distance (ft)		1489			897			996			717	
Travel Time (s)		22.6			13.6			15.1			10.9	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Shared Lane Traffic (%)												
Lane Group Flow (vph)	108	496	217	550	681	5	215	514	345	18	554	110
Turn Type	D.P+P	NA	pm+ov	D.P+P	NA	Perm	D.P+P	NA	pm+ov	D.Pm	NA	pm+ov
Protected Phases	7	4	5	3	8		5	2	3		6	7
Permitted Phases	8		4	4		8	6		2	2		6
Detector Phase	7	4	5	3	8	8	5	2	3	2	6	7
Switch Phase												
Minimum Initial (s)	7.0	7.0	7.0	7.0	7.0	7.0	7.0	12.0	7.0	12.0	12.0	7.0
Minimum Split (s)	14.0	24.0	12.3	14.0	24.0	24.0	12.3	23.6	14.0	23.6	23.6	14.0
Total Split (s)	14.0	33.0	14.4	33.0	52.0	52.0	14.4	54.0	33.0	54.0	39.6	14.0
Total Split (%)	11.7%	27.5%	12.0%	27.5%	43.3%	43.3%	12.0%	45.0%	27.5%	45.0%	33.0%	11.7%
Yellow Time (s)	5.0	4.7	3.0	5.0	4.7	4.7	3.0	4.6	5.0	4.6	4.6	5.0
All-Red Time (s)	2.0	1.3	2.3	2.0	1.3	1.3	2.3	1.0	2.0	1.0	1.0	2.0
Lost Time Adjust (s)	-2.0	-1.0	-0.3	-2.0	-1.0	-1.0	-0.3	-0.6	-2.0	-0.6	-0.6	-2.0
Total Lost Time (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Lead/Lag	Lead	Lag	Lead	Lead	Lag	Lag	Lead		Lead		Lag	Lead
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes
Recall Mode	None	None	None	None	None	None	None	Min	None	Min	Min	None
Act Effect Green (s)	56.0	28.0	42.4	56.0	47.0	47.0	44.0	49.0	82.0	49.0	34.6	48.6
Actuated g/C Ratio	0.47	0.23	0.35	0.47	0.39	0.39	0.37	0.41	0.68	0.41	0.29	0.40
v/c Ratio	0.56	1.14	0.39	1.18	0.94	0.01	1.07	0.68	0.32	0.10	1.03	0.17
Control Delay	30.5	130.3	31.7	132.3	58.1	22.4	114.2	34.6	8.7	23.7	88.4	23.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	30.5	130.3	31.7	132.3	58.1	22.4	114.2	34.6	8.7	23.7	88.4	23.8

4: Green Level Church Road & Green Level West Road

07/27/2023



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS	C	F	C	F	E	C	F	C	A	C	F	C
Approach Delay		91.1			91.0			42.2			76.3	
Approach LOS		F			F			D			E	
Queue Length 50th (ft)	42	~449	125	~462	503	2	~132	321	98	8	~458	54
Queue Length 95th (ft)	92	#660	196	#683	#746	11	#292	448	145	25	#676	94
Internal Link Dist (ft)		1409			817			916			637	
Turn Bay Length (ft)	200		175	600		150	325		100	150		100
Base Capacity (vph)	193	434	559	468	722	614	200	756	1076	189	539	644
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.56	1.14	0.39	1.18	0.94	0.01	1.07	0.68	0.32	0.10	1.03	0.17

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 120

Natural Cycle: 120

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 1.18

Intersection Signal Delay: 74.6

Intersection LOS: E

Intersection Capacity Utilization 110.4%

ICU Level of Service H

Analysis Period (min) 15

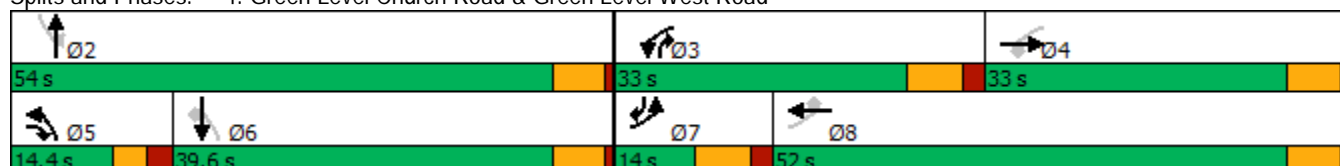
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95th percentile volume exceeds capacity, queue may be longer.




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Splits and Phases: 4: Green Level Church Road & Green Level West Road



Castleberry Trails TIA Addendum
5: Site Driveway & Castleberry Road

Build-out (2026) PM
07/27/2023

Intersection						
Int Delay, s/veh	4.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	38	4	71	48	4	42
Future Vol, veh/h	38	4	71	48	4	42
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	42	4	79	53	4	47
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	46	0	255	44
Stage 1	-	-	-	-	44	-
Stage 2	-	-	-	-	211	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1562	-	734	1026
Stage 1	-	-	-	-	978	-
Stage 2	-	-	-	-	824	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1562	-	696	1026
Mov Cap-2 Maneuver	-	-	-	-	696	-
Stage 1	-	-	-	-	978	-
Stage 2	-	-	-	-	781	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		4.4		8.9	
HCM LOS					A	
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	985	-	-	1562	-	
HCM Lane V/C Ratio	0.052	-	-	0.051	-	
HCM Control Delay (s)	8.9	-	-	7.4	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0.2	-	-	0.2	-	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



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: ±89.90 acres
PIN(s): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951
Current Zoning: Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Outside Town 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: If rezoning is approved, the
2045 Land Use Map will automatically be amended.

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



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: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval of the rezoning with added condition

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith 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:

Condition to be worked out with staff to provide to Council to address the rural context section of Castleberry Road.

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

With 5 Planning Board Member(s) voting "aye"

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached from Reginald Skinner, Tina Sherman, and Sarah Soh.

This report reflects the recommendation of the Planning Board, this the 10th day of July 2023.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 18:45:21
-04'00'

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 7/10/2023

☐ Rezoning # 23CZ04

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

My reasons are aligned with the Township staff analysis, and additional listed below:

- neighboring new construction community homes are on larger size lots ranging from 1/3 acre to 1/2 acre plus with 4,000 to 6,000 sf size homes. Both areas "northern" and "southern" sites should be low density.

- additional new developments will need to be thoughtfully designed with the neighboring Jordan Lake environmental conditions and possible effects of water quality.

- larger buffers for at open space areas, esp. game lands area. This is a very active hunting area. Trucks park at American Tobacco Trail parking lot specifically for hunting. Hunting is part of the county/state culture, we are chipping at this open space area, hence taking a piece of culture away.

- insufficient space in schools. White Oak Elementary school was capped in February 2020. Children are bused to Davis Dr. which is heavily maximized as well. This is a huge concern for everyone in the catchment.

- traffic on Castleberry Road, which is currently a busy road. The proposed would add more traffic on this local "no outlet" road.

PLANNING BOARD REPORT TO TOWN COUNCIL

Dissenting Member Comments



Planning Board Member Name: _____

Reginald Skinner

Meeting Date: _____

7/10/2023

☐ Rezoning # _____

23C204

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote: _____

*It was not consistent with the 2045
Land use Plan.*

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 7/10/23

☐ Rezoning # #23CZ04 Castleberry Reserve PUD

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

For all of the reasons why staff denied.



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ04
Castleberry Reserve PUD

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

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering.

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

Acreage: ±89.90 acres

Property Identification Numbers (PINs): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Wake County Residential-80W (R-80W)

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

Public Hearing Location: Apex Town Hall

Council Chamber, 2nd Floor

73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: July 10, 2023 4:30 PM

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

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

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

Vicinity Map:



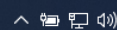
Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Planning Director

Published Dates: June 23-July 10, 2023



74°F Mostly cloudy



11:17 AM
6/23/2023



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ04
Castleberry Reserve PUD
(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

Superficie: ±89.90 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W (R-80W)

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

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de julio de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las Inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de junio - 10 de julio de 2023



74°F Mostly cloudy



11:17 AM
6/23/2023



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ04
Castleberry Reserve PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Inspire Commercial, LLC
- Authorized Agent:** Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering.
- Property Addresses:** 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
- Acreage:** ±89.90 acres
- Property Identification Numbers (PINs):** 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951
- Current 2045 Land Use Map Designation:** Rural Density Residential
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Low Density Residential
- Existing Zoning of Properties:** Wake County Residential-80W (R-80W)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

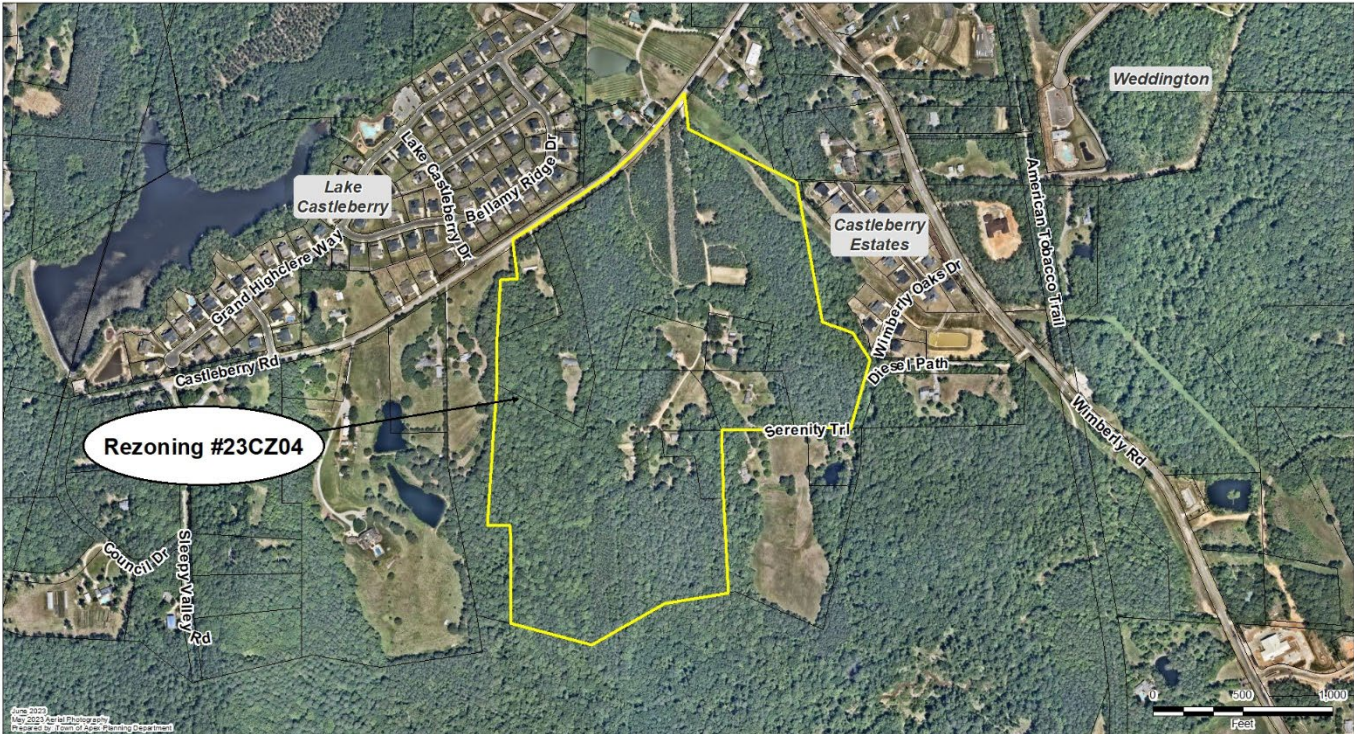
Public Hearing Location: Apex Town Hall
Council Chamber, 2nd Floor
73 Hunter Street, Apex, North Carolina

Planning Board Public Hearing Date and Time: **July 10, 2023 4:30 PM**
You may attend the meeting in person or view the meeting through the Town’s YouTube livestream at:
<https://www.youtube.com/c/townofapexgov>.

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42045>.



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ04
Castleberry Reserve PUD
(Desarrollo de Unidad Planificada)

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

Solicitante: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

Superficie: ±89.90 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W (R-80W)

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

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

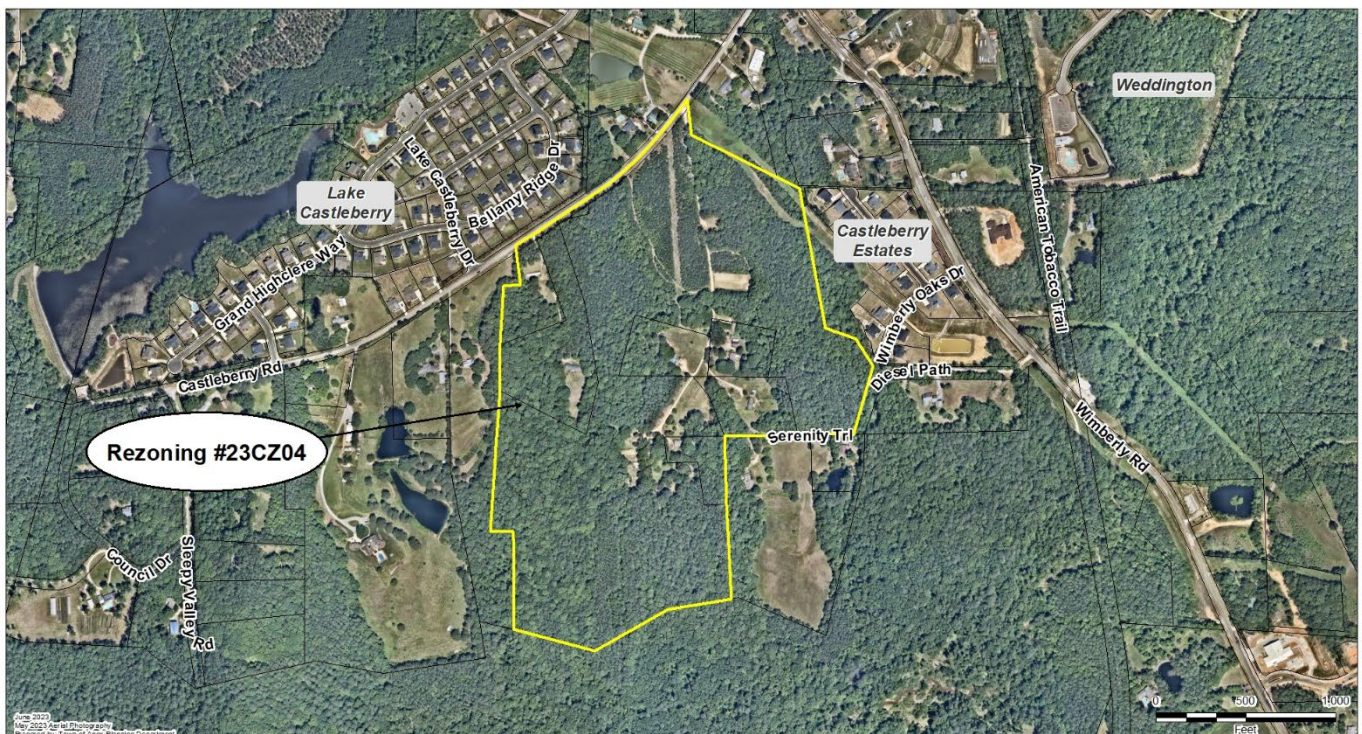
Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de julio de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Directora de Planificación



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 #23CZ04 Castleberry Reserve PUD
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
Applicant or Authorized Agent: Matthew Carpenter and Jeff Roach
Firm: Parker Poe and Peak Engineering
Planning Board
Public Hearing Date: July 10, 2023
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on June 23, 2023, 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.

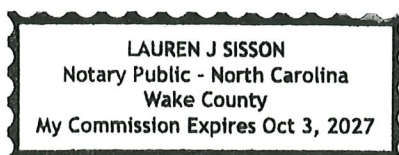
6/26/2023
Date

Shirre F. Klein
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 26th day of June, 2023.



SEAL

[Signature]
Notary Public

My Commission Expires: 10 / 3 / 27



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #23C204
Castleberry Reserve PUD**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering
Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
Acreage: ±89.90 acres

Property Identification Numbers (PINs): 0723125145, 0723115802, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

Current 2045 Land Use Map Designation: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Existing Zoning of Properties: Wake County Residential-BOW (R-BOW)

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: August 8, 2023 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/townofapexov>

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.zoningmap.com/maps>. The 2045 Land Use Map may be viewed online at <https://apexnc.org/DocumentCenter/View/42045>. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Planning Director

Published Date: July 14-August 8, 2023

90°F Mostly sunny

1:39 PM
7/14/2023



TOWN OF APEX
APEX, NORTH CAROLINA 27502
TELEPHONE: 919-249-3426

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23C204
Castleberry Reserve 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 (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: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering
Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
Superficie: ±89.90 acres

Números de identificación de las propiedades: 0723125145, 0723115802, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-BOW (R-BOW)

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 o continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 8 de agosto de 2023 a las 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/watch?v=42045>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que quede en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.zoningmap.com/maps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://apexnc.org/DocumentCenter/View/42045>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Directora de Planificación

Fecha de publicación: 14 de julio - 8 de agosto de 2023

90°F Mostly sunny

1:46 PM
7/14/2023



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ04 Castleberry Reserve PUD

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Inspire Commercial, LLC

Authorized Agent: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering

Property Addresses: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

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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

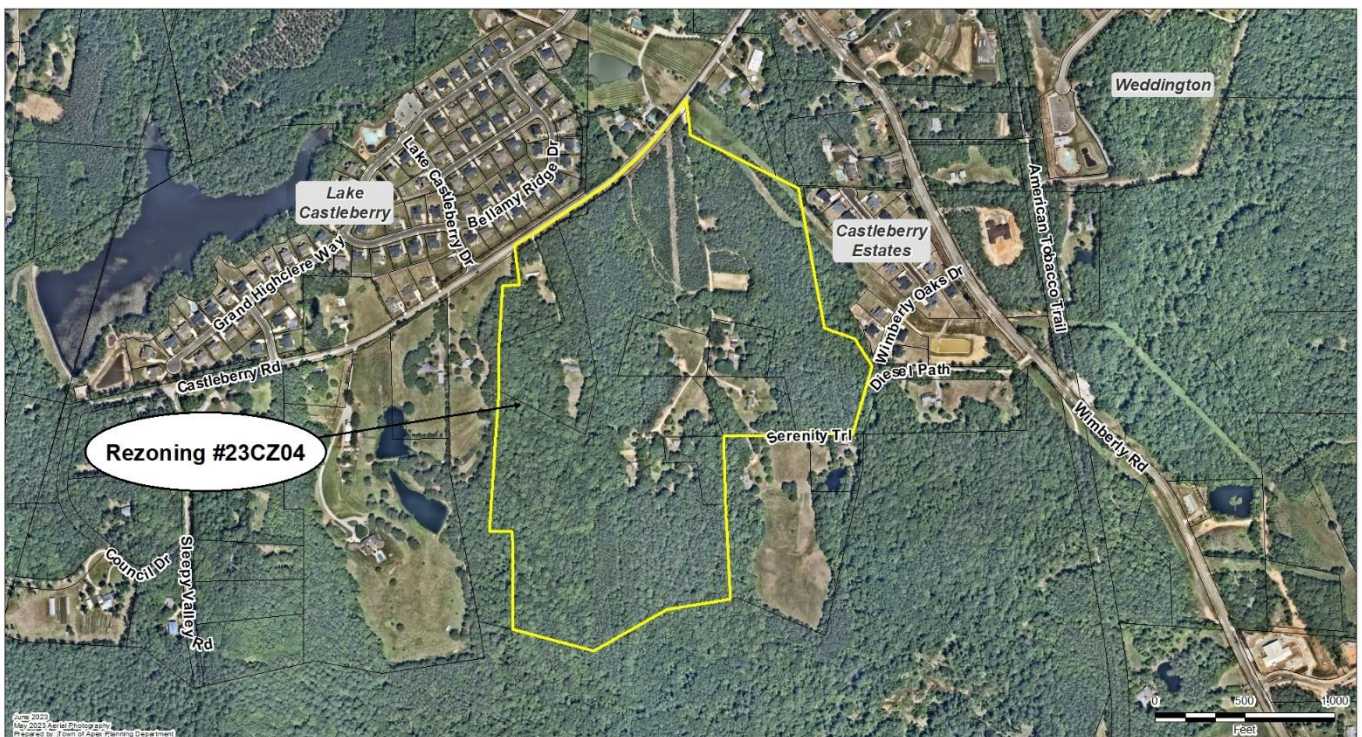
***Comments received prior to the Planning Board public hearing will not be provided to the Town Council.
Separate comments for the Town Council public hearing must be provided by the deadline specified below.***

Town Council Public Hearing Date and Time: August 8, 2023 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ04

Castleberry Reserve 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: Inspire Commercial, LLC

Agente autorizado: Matthew Carpenter, Parker Poe and Jeff Roach, Peak Engineering

Dirección de las propiedades: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road

Superficie: ±89.90 acres

Números de identificación de las propiedades: 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Low Density Residential

Ordenamiento territorial existente de las propiedades: Wake County Residential-80W (R-80W)

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

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

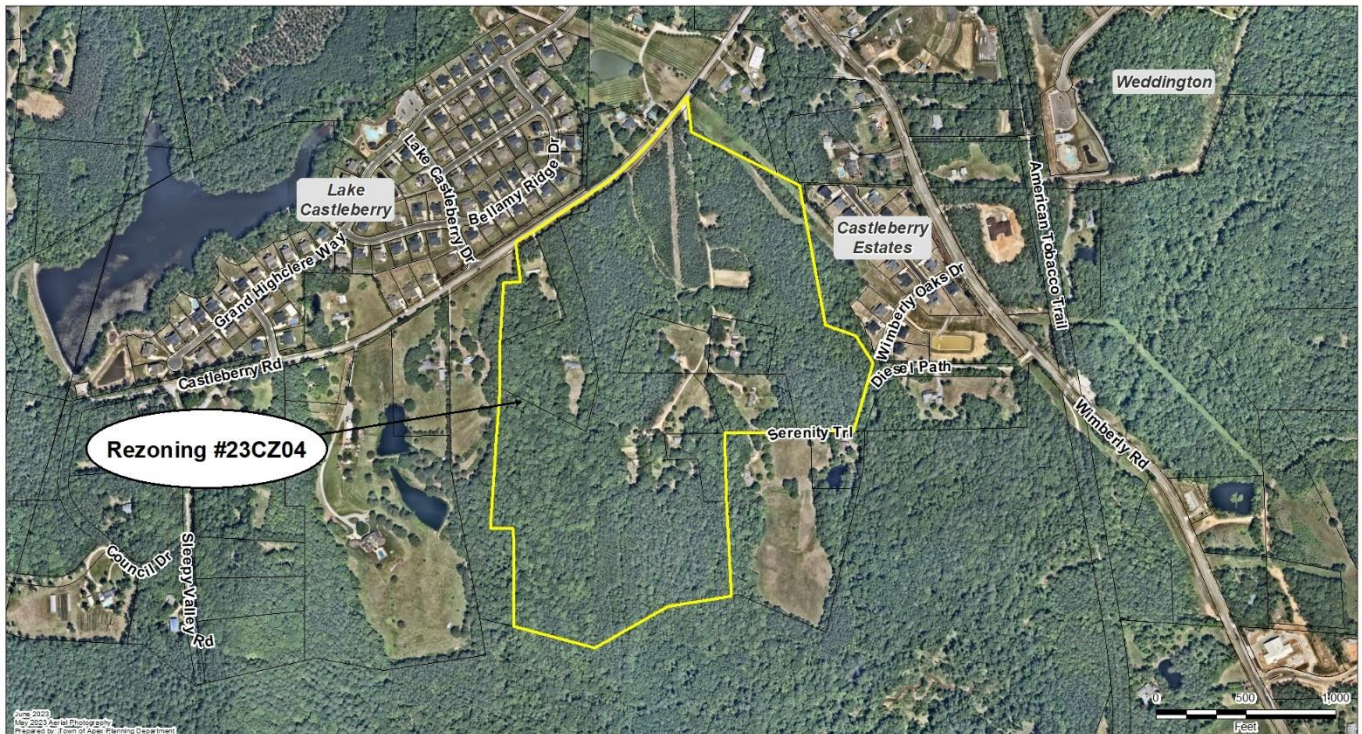
Los comentarios recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 8 de agosto de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/42045>.

Dianne F. Khin, AICP
Directora de Planificación



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 #23CZ04 Castleberry Reserve PUD
Project Location: 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road
Applicant or Authorized Agent: Matthew Carpenter and Jeff Roach
Firm: Parker Poe and Peak Engineering
Town Council Public Hearing Date: August 8, 2023
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on July 14, 2023, 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.

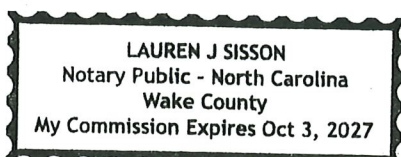
7/18/2023
Date

Shanne F. Khan
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J. Sisson, a Notary Public for the above

State and County, this the 18th day of July, 2023.



[Signature]
Notary Public

My Commission Expires: 10 / 3 / 2027

Prepared by: Town of Apex Planning Department
February 2023
October 2022 Aerial Photography

Williams Grove

Lake
Castleberry

Castleberry Rd

Belmont Ridge Dr

Wimberly Rd

Weddington

American Tobacco Trail

Castleberry
Estates

Rezoning #23CZ04



Public Hearing Sign Posted By

[Signature] 2-17-23
Signature Date

[Date] *June 30, 2023*

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: February 1, 2023
- Name of development: 23CZo4 Castleberry Assemblage PUD
- Address of rezoning: 8633, 8635, 8637, 8639, 8649, 8709, 8717, & 8705 Castleberry Rd
- Total number of proposed residential units: 179
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

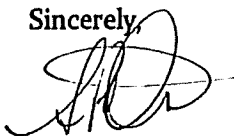
- ☐ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☒ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
- ☒ Elementary ☒ Middle ☒ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☒ School expansion or construction within the next five years may address concerns at these grade levels:
- ☒ Elementary ☒ Middle ☒ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,





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 #:	23CZ04	Submittal Date:	1/31/2023
Fee Paid	\$	Check #	

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Castleberry Reserve
Address(es): See attached application Exhibit A
PIN(s) See attached application Exhibit A

Acreage: 89.90
Current Zoning: R-80W (Wake County) Proposed Zoning: Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 LUM Designation: Rural Density Residential

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

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

Area classified as mixed use:	Acreage:	<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: Inspire Commercial, LLC c/o Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com

Owner Information

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

Agent Information

Name: Matthew Carpenter
Address: 301 Fayetteville Street, Suite 1400
City: Raleigh State: NC Zip: 27601
Phone: 919-835-4032 E-mail: matthewcarpenter@parkerpoe.com
Other contacts: Jeff Roach, Peak Engineering
jroach@peakengineering.com

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 23CZ04

Submittal Date: 1/31/2023

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

Although the proposed development contemplates greater density than recommended by the property's Rural Density Residential Land Use Map ("LUM") designation, it is generally consistent with the purposes, goals, objectives, and policies of the Apex Comprehensive Plan (the "Comp Plan"). The proposed rezoning will facilitate the development of a low density single-family detached residential community, consistent with existing neighborhoods in the area. Castleberry Estates to the east has an overall density of 1 unit/acre with large lot custom homes selling for over \$1.5 million. Lake Castleberry to the north has a maximum overall density of 1.28 units/acre with homes on lots as small as 10,000 sf selling for over \$1 million. The project proposes an overall density of 2 units/acre (which the LUM considers Low Density) with a variety of lot sizes, configured to respect the site's environmental features and add to the mix of housing types in the area.

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 single-family homes and overall density of 2 units/acre are compatible with existing residential neighborhoods along Castleberry Road and Wimberly Road. Additionally, proposed buffers and architectural standards in the PUD Text will ensure the neighborhood is compatible with the character of existing homes in the area.

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

The proposed PUD-CZ will comply with any applicable standards in UDO Section 4.4.

PETITION PROCESS INFORMATION

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

Buffers and RCAs have been located to help minimize adverse effects on adjacent properties, including the Army Corp property adjacent to the south. A Traffic Impact Analysis has been completed to analyze the project's impact on transportation infrastructure.

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

As shown in the Concept Plan, there will be no construction within the riparian buffers throughout the site. Additionally, RCAs will be located to preserve sensitive environmental areas. Stormwater ponds will be designed to meet the 25-year storm standard. Other environmental commitments include:

- Commitment to treat stormwater quality in addition to stormwater quantity;
- Max built-upon area of 45% (70% required);
- A minimum of 5 units will be pre-configured with solar;
- Larger minimum lot sizes closest to the Army Corps property;
- Preservation of a historic cemetery.

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 project will not have adverse impacts on public facilities or services. Rather, the project will add to the Town's housing stock and improve vehicular and pedestrian infrastructure in the area. The project will include:

- Construction of 2 access points providing greater emergency access;
- Construct sidewalks throughout the project and along Castleberry Road where no sidewalks currently exist;
- Construct a pedestrian connection along Wimberly Road to connect the existing sidewalk to the American Tobacco Trail.

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

The proposed zoning will facilitate the construction of additional housing supply for the Town as housing prices in Apex continue to rise. Streets and sidewalks proposed by the project will improve vehicular and pedestrian connectivity in the area.

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

The proposed single-family detached homes will be of similar size, scale, and quality to existing homes in nearby neighborhoods. Uses that could be harmful to adjacent properties will be prohibited by the PUD Text. Other conditions in the PUD Text - including buffers, setbacks, and minimum architectural requirements - will ensure that the project is not detrimental to adjacent properties. Additionally, RCA has been placed along the southern boundary of the property to mitigate any effects to the adjacent Army Corps property.

PETITION PROCESS INFORMATION

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

The proposed project will not create a nuisance or hazard, but rather will be similar in size, scale, and quality to existing homes in the area. A TIA is being conducted to identify and mitigate increases in traffic congestion caused by the project.

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

The proposed district will comply with all standards imposed by the UDO and additional standards set forth in the PUD Text which exceed the base requirements of the UDO.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 23CZ04

Submittal Date: 1/31/2023

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 23CZ04Submittal Date: 1/31/2023**Proposed Subdivision/Development Information**Description of location: South side of Castleberry RoadNearest intersecting roads: Castleberry Rd./Wimberly Rd.Wake County PIN(s): See attachedTownship: White Oak**Contact Information (as appropriate)**Contact person: Matthew CarpenterPhone number: 919-835-4032Fax number: N/AAddress: 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601E-mail address: matthewcarpenter@parkerpoe.comOwner: See attached

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Castleberry Reserve2nd Choice (*Optional*): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

Exhibit A to Affidavit of Ownership

Legal Description of the Property

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°34'36"W A DISTANCE OF 57.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°28'25"W A DISTANCE OF 409.63 FEET TO AN AXLE FOUND; THENCE, S00°45'40"E A DISTANCE OF 396.14 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°45'40"E A DISTANCE OF 503.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.42 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE,

N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 3,916,211 SQUARE FEET OR 89.90 ACRES, MORE OR LESS.

CASTLEBERRY RESERVE

Planned Unit Development

Apex, North Carolina

Submittal Dates

First Submittal: February 1, 2023

Second Submittal: April 6, 2023

Third Submittal: May 5, 2023

Fourth Submittal: June 2, 2023

Fifth Submittal: June 28, 2023

Sixth Submittal: July 26, 2023

Seventh Submittal: July 31, 2023

Developer

Inspire Commercial, LLC

1124 Grogans Mill Drive

Cary, NC 27519

Civil Engineer

Peak Engineering & Design, PLLC

1125 Apex Peakway

Apex, NC 27502

Land Use Attorneys

Parker Poe Adams & Bernstein LLP

301 Fayetteville Street, Suite 1400

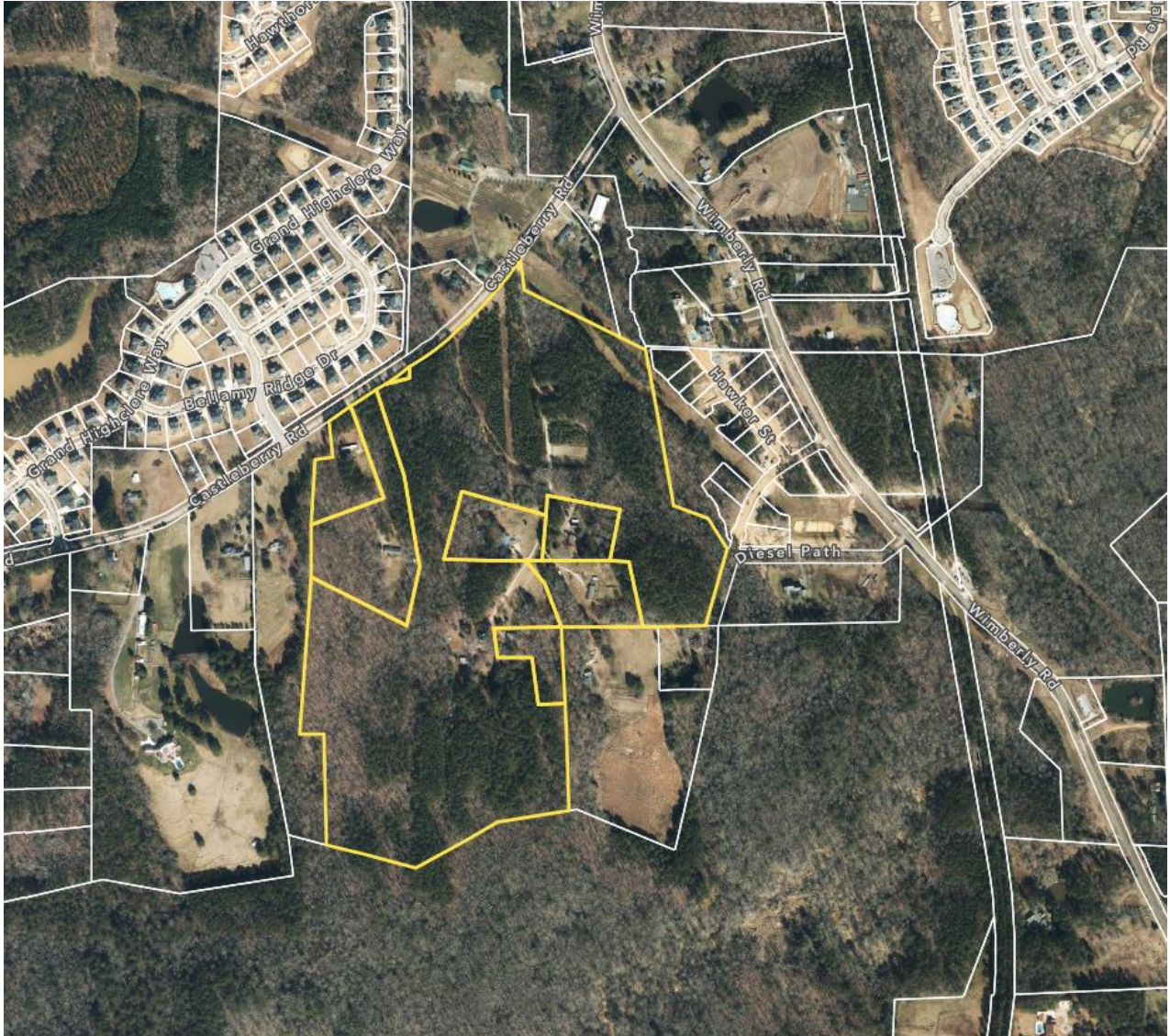
Raleigh, NC 27602



TABLE OF CONTENTS

VICINITY MAP.....	3
PROJECT DATA	4
PURPOSE STATEMENT	5
PERMITTED USES	8
DESIGN CONTROLS	9
AFFORDABLE HOUSING.....	11
ARCHITECTURAL STANDARDS	12
PARKING AND LOADING	15
SIGNAGE	15
NATURAL RESOURCES AND ENVIRONMENTAL DATA	15
STORMWATER MANAGEMENT	16
PARKS AND RECREATION	17
PUBLIC FACILITIES	17
PHASING	19
CONSISTENCY WITH LAND USE PLAN	19
COMPLIANCE WITH UDO	20

VICINITY MAP



PROJECT DATA

Name of Project:	Castleberry Reserve PUD
Property Owners:	See attached <u>Exhibit B</u>
Developer:	Inspire Commercial, LLC 1124 Grogans Mill Drive Cary, NC 27519
Prepared by:	Parker Poe Adams & Bernstein LLP 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601 Peak Engineering & Design, PLLC 1125 Apex Peakway Apex, NC 27502
Current Zoning:	Residential-80W (R-80W)
Proposed Zoning:	Planned Unit Development Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map Designation:	Rural Residential
Proposed 2045 Land Use Map Designation	Low Density Residential
Site Address:	See attached <u>Exhibit B</u>
Property Identification Number:	See attached <u>Exhibit B</u>
Total Acreage:	89.90 acres
Area Designated as Mixed Use on LUM	None
Area Proposed as Non- Residential:	None

PURPOSE STATEMENT

This document and the accompanying exhibits submitted herewith (collectively, the “PUD”) are provided pursuant to the Town of Apex Unified Development Ordinance (“UDO”) Planned Unit Development provisions. This PUD addresses the development of approximately 89.90 acres on Castleberry Road, near the intersection of Castleberry and Wimberly Road. The Property is mostly undeveloped with the exception of several single-family homes. There is an existing private cemetery in the northern portion of the Property. There is an existing 50-foot Colonial Pipeline crossing the eastern Property line and public overhead electrical lines along Castleberry Road, all as more specifically set forth on the Existing Conditions sheet. The Property is currently zoned Residential 80-W (R-80W) under Wake County’s planning jurisdiction. Accordingly, the Property will be annexed into the Town limits concurrently with rezoning approval.

Castleberry Reserve PUD will be a single-family detached community, designed to respect environmental features and have a well-connected pedestrian network (the “Development”). The PUD is intended to create flexibility in design and land uses to deliver a high-quality residential development that fits the context of existing development in the area. Although the Development proposes greater density than envisioned by the Rural Residential Land Use Map (“LUM”) designation, it is generally consistent with the Apex Comprehensive Plan’s (“Peak Plan”) goals of accommodating a mix of housing types to serve the Town’s growing and increasingly diverse population, a well-connected pedestrian network, and protection of environmental and natural resources.

CONSISTENCY WITH PLANNED UNIT DEVELOPMENT STANDARDS

- (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***

RESPONSE: The uses permitted within The Castleberry Reserve PUD are permitted within this designation in UDO Section 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.***

RESPONSE: The Castleberry Reserve PUD is a residential single-family detached community.

- (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.***

RESPONSE: This PUD specifies intensity and dimensional standards for the project. The PUD's standards are consistent with the UDO's vision for Planned Unit Developments – to provide site specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. Except as specifically stated in this PUD, Castleberry Reserve will comply with all other requirements of the UDO and will comply with all applicable requirements of the North Carolina Building Code and the 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 Advance Apex: The 2045 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 Advance Apex: The 2045 Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.***

RESPONSE: Castleberry Reserve PUD will feature sidewalks throughout. Sidewalks will connect the project and the adjacent Castleberry Estates neighborhood to the east, improving pedestrian connectivity. The PUD will also place additional housing supply in close proximity to the American Tobacco Trail, improving recreation opportunities for residents.

- (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.***

RESPONSE: The proposed street layout will be designed to enhance pedestrian and vehicular connectivity while protecting sensitive environmental features and being mindful of existing residential development. Generally, the Development will have two primary access roads – one on Castleberry Road and a second connection to the existing Wimberly Oaks Drive street stub. The Development will also provide stub streets along the western property line and eastern property for future connectivity, with final stub street locations to be determined at the Subdivision Plan stage.

- (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.***

RESPONSE: The proposed development is compatible with the character of the existing and planned uses in the surrounding area. This area of the Town is characterized by low density single-family detached subdivisions and rural/agricultural uses in western Wake County. Nearby residential neighborhoods include Castleberry Estates to the east and Lake Castleberry to the north. Castleberry Estates is a 19 lot single family detached subdivision still under construction with an overall density of 1 unit/acre and lots ranging from 0.30 to 0.40 acres. Lake Castleberry is a large single-family subdivision with overall density of 1.28 units/acre. Adjacent to the south is permanently protected land owned by the U.S. Army Corps of Engineers. To the north of the property, on the north side of Castleberry Road, is the Cloer Family Vineyard.

Castleberry Reserve PUD will provide high quality housing supply to the Town and improve overall pedestrian connectivity in the area. The proposed overall maximum density of 2 units/acre, together with the offered architectural conditions, will ensure the project is compatible with existing neighborhoods and rural/agricultural uses in the area.

(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.

RESPONSE: Castleberry Reserve PUD will feature high quality and thoughtful design. Architectural standards, design controls, and conceptual elevations are included in this PUD.

CONSISTENCY WITH CONDITIONAL ZONING STANDARDS

Castleberry Reserve PUD is consistent with the conditional zoning standards set forth in UDO Section 2.3.3.F.1-10. See the accompanying PUD-CZ Application for the statements of consistency addressing each standard.

PERMITTED USES

The Property may be used for the uses listed 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.

RESIDENTIAL DISTRICT

The following uses shall be permitted in the Residential District:

Residential	
Single-family	Permitted
Accessory apartment*	Permitted
Recreational Uses	
Park, active	Permitted
Greenway	Permitted
Park, passive	Permitted
Recreation facility, private	Permitted
Utility, minor	Permitted
Public and Civic Uses	
Cemetery	Permitted

* Homeowners Association covenants shall not restrict the construction of accessory dwelling units.

DESIGN CONTROLS

Total Project Area	89.90 acres
Maximum Built-Upon Area	45% of gross site acreage
Maximum Residential Density	179 units
Maximum Residential Density	2.0 units/acre (includes RCA and rights-of-way)
Northern District Single-Family Detached	
Minimum Lot Size	6,000 square feet
Minimum Lot Width	50 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Southern District Single-Family Detached	
Minimum Lot Size	10,000 square feet
Minimum Lot Width	75 ft.
Minimum Setbacks	
Front	10 ft.
Front (garage)	20 ft.
Side	5 ft.
Rear	10 ft.
Corner Side	8 ft.
Maximum Building Height	3 stories; 45 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas
Recreation Facility, Private	
Minimum Setbacks	
Front	10 ft.
Side	10 ft.
Rear	10 ft.
Minimum Buffer/RCA Setbacks	10 ft. for buildings 5 ft. for parking areas

LANDSCAPING, BUFFERING, AND SCREENING

Perimeter buffers shall be built and planted to the following lot width and planting standards:

Along the Property's Castleberry Road frontage	30 ft. Type B
Along the Property's westernmost boundary adjacent to PIN 0723001857*	20 ft. Type B
Along the Property's southernmost boundary adjacent to PIN 0722090422	20 ft. Type B
Along the Property's shared property line with PIN 0723117077*	20 ft. Type B
Along the Property's shared property line with PIN 0723210562*	20 ft. Type B
Along the Property's shared property line with PIN 0723221515	20 ft. Type B
Along Diesel Path	20 ft. Type B
Along the Property's shared property line with PIN 0723136582	20 ft. Type B
Along the Property's shared property line with PIN 0723134513	20 ft. Type B
Along the Cemetery (as defined below) boundary	10 ft. Type B
Along the Cemetery's Road Frontage	0 ft.

*As shown on the Concept Plan, except where located adjacent to RCA, riparian buffers, or stormwater ponds, these buffers may be reconfigured and/or reduced if adjacent tracts are redeveloped.

AFFORDABLE HOUSING

- The Development shall include a minimum of two (2) residential restricted affordable housing detached single-family median-income ownership units (the “Affordable Units”).
- The Affordable Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable housing median-income ownership initial sales price (the “Initial Sales Price”).
- The Affordable Units shall be occupied by low or median-income households earning no more than one-hundred thirty five (135%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI), adjusted for family size as most recently published by HUD (the “Income Limit”). For purposes of calculating the Initial Sales Price for the Affordable Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership, which does not exceed thirty percent (30%) times (x’s) one-hundred thirty five percent (135%) times (x’s) the annual median-income limit (135% AMI Category), based on a family size that is equal to the actual number of bedrooms as the Affordable Units, applicable to the Raleigh, NC MSA as most recently published by the HUD.
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of thirty (30) years (the “Affordability Period”) shall be recorded in the Wake County Registry against each of the Affordable Units concurrently at the close of escrow upon the sale of the Affordable Units.
- A restrictive covenant (i.e. affordable housing agreement) between the Town and applicant shall be recorded in the Wake County Registry against each of the lots for the Affordable Units prior to the issuance of a building permit for such lots to memorialize the affordable housing terms and conditions of the approved zoning condition.
- The Affordable Units shall be designated on the Master Subdivision Final Plat, which may be amended from time to time.
- Final Affordable Housing Unit floor plan selection which includes the unit size and bedroom size will be at the discretion of the developer.
- The Affordable Units may be provided in multiple phases or in one single phase.
- Developer will work with the Town to identify qualifying buyers for the first sale of the Affordable Units (the “First Sale”).
- Following the First Sale of the Affordable Units, Developer shall not be responsible for managing the Affordable Units or performing marketing, applicant screening, and selection related to future sales of the Affordable Units.
- Town staff will assist with the administrative duties of the Affordable Units during the Affordable Period.

ARCHITECTURAL STANDARDS

Castleberry Reserve PUD offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are conceptual examples. Final elevations must comply with these architectural standards but may vary from the conceptual elevations. Further details may be provided at the time of Residential Master Subdivision Plan submittal.

RESIDENTIAL DISTRICT DESIGN GUIDELINES

Single-Family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. Street facing garages shall not protrude more than 5 feet out from the front façade and front porch.
6. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
9. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
10. Front porches shall be a minimum of 6 feet deep.

CONCEPTUAL BUILDING ELEVATIONS





PARKING AND LOADING

Parking shall comply with minimum parking standards set forth in UDO Section 8.3.

SIGNAGE

Signage shall comply with UDO Section 8.7.

In addition, the project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waster near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

RIVER BASINS AND WATERSHED PROTECTION OVERLAY DISTRICTS

The Property is within the Cape Fear River Basin, Jordan Lake Watershed, and Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Overlay Map 2019. This PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.8.

Resource Conservation Areas (RCA)

UDO Section 8.1.2.C.3 does not require Resource Conservation Area ("RCA") for low density developments 2 units/acre or less. However, the Development shall designate a minimum of twenty percent (20%) of the Property as RCA. If the Development is mass graded, it shall designate a minimum of 20% of the Property as RCA and shall not be required to provide the additional 5% RCA required for mass grading under UDO Section 7.2.5.B.8.

Floodplain

The project is not located in a designated current or future 100-year floodplain as shown on the Town of Apex's Flood Risk Information System (FRIS) or FEMA FIRM Panel 3720072300K with an effective date of July 19, 2022. Watershed & FEMA Map dated April 2015.

Historic Structures

There are no known historic structures present on the Property, however there is an existing cemetery as shown on the Existing Conditions Plan and Concept Plan (the "Cemetery"). The Cemetery shall be preserved in place. The Cemetery is approximately 0.30 acres and has approximately 59 grave sites. Prior to Master Subdivision Plan approval, a survey of the Cemetery shall be completed to establish its exact dimensions and the location of grave sites.

Environmental Commitments Summary

The following environmental conditions shall apply to the Development:

- All dwelling units shall be pre-configured with conduit for a solar energy system.
- A solar PV system of at least 4 kilowatts shall be installed on a minimum of 5 homes (the "Solar Lots"). The Solar Lots shall be identified on the Master Subdivision Plat.
- The project shall install at least one (1) sign per SCM discouraging the use of fertilizer and to reduce pet waste near SCM drainage areas. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to, but outside of public property and/or public easement(s), amenity centers, sidewalks, greenways, or side paths.
- The project shall install a minimum of four (4) pet waste stations.
- The project shall plant drought resistant warm season grasses throughout the development to minimize irrigation and chemical use.
- Stormwater control devices shall be designed and constructed so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events.
- Landscaping shall include at least four (4) native hardwood tree species throughout the Development.
- No clearing or land disturbance shall be permitted within the riparian buffer, except the minimum necessary to install required road and utility infrastructure and SCM outlets. The SCM water storage and treatment shall not be permitted within the riparian buffer. Sewer infrastructure shall be designed to minimize impacts to riparian buffers.
- Any outdoor lighting installed on private amenities, signs, landscaping, walls, or fences in common areas shall be full cutoff LED fixtures with a maximum color temperature of 3000k. This condition shall not apply to lighting on single-family homes, accessory buildings, or street lighting.
- At least 75% of plants shall be native species. Landscaping will be coordinated with and approved by the Planning Department at site or subdivision review.

STORMWATER MANAGEMENT

Stormwater control devices shall be designed and constructed to exceed UDO standards so that post development peak runoff does not exceed pre-development peak runoff conditions for the 24-hour, 1 year, 10 year, and 25 year storm events. Otherwise, the Development shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1 of the UDO.

The project shall provide additional water quality stormwater controls to reduce the overall nitrogen export for the site to less than 10 lbs/ac/yr through the installation of State approved Stormwater Control Measures (SCMs). The final selection of the SCMs used to reduce the nitrogen export from the site shall be selected by the design team and coordinated with staff during Subdivision and Construction Document design and review.

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

PARKS AND RECREATION

This project was reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission on April 26, 2023 and a fee-in-lieu of dedication was recommended.

Single-family detached Units: $\$ 4,016.66 \times 179 = \$ 718,982.14$

The final unit count and total fee-in-lieu will be calculated at Master Subdivision Plan and Construction Document review.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1)(f) and be designed to comply with the Town's Sewer and Water Master Plan and Standards and Specifications. Road and utility infrastructure shall be as follows:

GENERAL ROADWAY INFRASTRUCTURE

Except as set forth herein, all proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex Comprehensive Transportation Plan and Bicycle and Pedestrian System Plan in effect as of the submission date of this rezoning.

TRANSPORTATION IMPROVEMENTS

The following conditions regarding transportation improvements apply and shall be phased consistent with the Traffic Impact Analysis that has been performed for this rezoning, which is on file with the Town of Apex. Access and improvements proposed along NCDOT roadways are subject to NCDOT review and approval at the time of site and subdivision plans.

- Developer shall construct a stop-controlled two-lane public street access to Castleberry Road approximately 1,400 feet west of Wimberly Road.

- Developer shall provide right-of-way dedication and road widening along Castleberry Road a minimum of 30 feet from center line consistent with NCDOT requirements for a two-lane roadway. In keeping with the existing rural character of Castleberry Road, Developer shall improve the south side of Castleberry Road with a grassed swale in lieu of curb and gutter and a 5-foot sidewalk south of the grassed swale for the length of the Property's Castleberry Road frontage.
- Developer shall construct a southbound right turn taper on Wimberly Road at Castleberry Road according to the right turn lane warrants in the NCDOT Roadway Design Manual, install a stop bar at the intersection with Wimberly Road, and provide centerline pavement markings extending a minimum of 50 feet from the stop bar subject to NCDOT review and approval.

PEDESTRIAN AND BICYCLE IMPROVEMENTS

- Per UDO requirements for residential development with a PUD zoning designation, sidewalks shall be provided along both sides of all streets.
- Developer shall construct a 5-foot wide offsite sidewalk to connect the sidewalk along the frontage of PIN 0723023450 to the existing Lake Castleberry sidewalk stub at the northeast corner of the intersection of Castleberry Road and Lake Castleberry Drive (the "Lake Castleberry Sidewalk Connection"). The Lake Castleberry Sidewalk Connection will be constructed along the south side of Castleberry Road. If the Town and/or NCDOT will not approve the Lake Castleberry Sidewalk Connection or Developer is unable to acquire the necessary offsite rights of way and/or easements for the Lake Castleberry Sidewalk Connection, Developer shall pay a fee in lieu in the amount of the estimated cost of the Lake Castleberry Sidewalk Connection.
- Developer shall upgrade the existing crossing of the American Tobacco Trail at Wimberly Road with high visibility crosswalk markings and signs and install a push button rectangular rapid-flashing crosswalk beacon system according to Apex standards, subject to NCDOT review and approval.
- Developer shall extend the existing sidewalk along the southwest side of Wimberly Road, south to connect to the American Tobacco Trail, with roadway shoulder widening and gutter typical roadway section (the "ATT Connection"). Developer will need to coordinate with and obtain an encroachment agreement from NC Rail and obtain any other necessary approvals or agreements for construction and maintenance of the portion of the ATT Connection located on the American Tobacco Trail property leased by Wake County. Developer shall work with Town staff and NCDOT to finalize a design that places the ATT Connection within the existing Wimberly Road right of way. If the Town and NCDOT will not approve a design that places the ATT Connection in the existing Wimberly Road right of way, Developer shall pay a fee-in-lieu in the amount of the estimated cost of the ATT Connection.

WATER AND SANITARY SEWER

All lots within the Development will be served by Town of Apex water and sanitary sewer. The utility design will be finalized at the time of Master Subdivision Plan or Site Plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer. A conceptual utility plan is included in the PUD Concept Plan for reference.

OTHER UTILITIES

Electricity will be provided by Duke Energy Progress or Apex Electric, depending on whether Apex Electric is capable of serving the Property. Phone, cable, and gas will be provided by the Developer and shall meet Town of Apex standards as outlined in the UDO.

PHASING

The Development will be completed in phases. Final locations of phases will be determined at the time of Master Subdivision Review and Approval.

CONSISTENCY WITH LAND USE PLAN

Although the Development proposes greater density than recommended by the Rural Residential Land Use Map designation, it is generally consistent with the goals of Advance Apex 2045: The Apex Comprehensive Plan (the “Comp Plan”) and the 2045 Land Use Map. The Rural Residential designation recommends “single-family residential uses” that provide “a transition from the Protected Open Spaces around Jordan Lake...” The proposed maximum density of 2 units/acre is consistent with recommended density for Low Density Residential, as defined in the Comp Plan. The Development, together with conditions of this PUD, will add low density single-family housing while respecting the Protected Open Space adjacent to the south, providing pedestrian connections to recreational opportunities, and preserving the historic Cemetery, consistent with the following goals and policies of the Comp. Plan.

- Preservation of historic places and cultural resources;
- Protection of environmental and natural resources;
- A variety of housing types available to a range of incomes;
- Maintain low density residential uses as a transition to rural areas and protected open space areas.

COMPLIANCE WITH UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). This PUD shall be the primary governing document for the development of Castleberry Reserve. All standards and regulations in this PUD shall control over general standards of the UDO. Provided, however, that if a specific regulation is not addressed in this PUD, UDO regulations shall control.

EXHIBIT A
Legal Description
The Property

BEING THE OUTER BOUNDARY OF 8 PARCELS, NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), TEMPIE M MARCOM AS DESCRIBED IN DB 3676, PG 382 (PIN 0723111191) AND DB 5048, PG 325 (PIN 0723026951), THOMAS R MARCOM AND NANCY MARCOM AS DESCRIBED IN DB 16865, PG 2012 (PIN 0723024085), SONIA B MARCOM AS DESCRIBED IN DB 2392, PG 220 (PIN 0723120194), DEBORAH M K STRICKLAND AS DESCRIBED IN DB 2284, PG 124 (PIN 0723125145), BRIDGET COTRUFO & PAUL A COTRUFO AS DESCRIBED IN DB 9017, PG 1189 (PIN 0723115892), AND TEMPIE M MARCOM & DEBORAH M STRICKLAND AS DESCRIBED IN DB 18975, PG 1401 (PIN 0723113507) SAID PARCELS BEING LOCATED IN THE TOWN OF APEX, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON PIPE FOUND ON THE NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS R MARCOM AS DESCRIBED IN DB 3292, PG 222 (PIN 0723023450) AND THE SOUTHERN RIGHT OF WAY OF CASTLEBERRY ROAD, SAID IRON BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLAIN COORDINATES OF N= 732,695.45' AND E= 2,020,274.89'; THENCE, FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY, N06°20'52"W A DISTANCE OF 36.42 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF CASTLEBERRY ROAD; THENCE, WITH SAID CENTERLINE, N57°49'50"E A DISTANCE OF 135.10 FET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'23"E A DISTANCE OF 92.98 FEET TO A MAG NAIL FOUND; THENCE, CONTINUING WITH SAID CENTERLINE, N56°35'06"E A DISTANCE OF 235.90 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N56°01'30"E A DISTANCE OF 88.04 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N53°38'28"E A DISTANCE OF 93.37 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N50°18'13"E A DISTANCE OF 93.98 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N47°13'51"E A DISTANCE OF 88.14 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N42°57'56"E A DISTANCE OF 133.67 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N39°28'11"E A DISTANCE OF 158.12 FEET TO A MAG NAIL SET; THENCE, CONTINUING WITH SAID CENTERLINE, N38°24'24"E A DISTANCE OF 132.10 FEET TO A MAG NAIL SET; THENCE, LEAVING SAID CENTERLINE, S07°45'19"E A DISTANCE OF 199.36 FEET TO A BENT IRON PIPE FOUND; THENCE, S65°45'19"E A DISTANCE OF 662.66 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S10°27'53"E A DISTANCE OF 804.30 FEET TO AN AXLE FOUND; THENCE, S70°27'14"E A DISTANCE OF 178.50 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S32°45'20"E A DISTANCE OF 181.93 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S17°53'43"W A DISTANCE OF 387.15 FEET TO A 3/4" IRON PIPE SET; THENCE, S88°59'08"W A DISTANCE OF 236.49 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°34'36"W

A DISTANCE OF 57.19 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S89°28'25"W A DISTANCE OF 409.63 FEET TO AN AXLE FOUND; THENCE, S00°45'40"E A DISTANCE OF 396.14 FEET TO A 3/4" IRON PIPE SET; THENCE, S00°45'40"E A DISTANCE OF 503.45 FEET TO A 1/2" IRON PIPE FOUND; THENCE, S80°51'33"W A DISTANCE OF 380.41 FEET TO A CONCRETE MONUMENT FOUND; THENCE, S61°40'30"W A DISTANCE OF 470.42 FEET TO A CONCRETE MONUMENT FOUND; THENCE, N77°05'52"W A DISTANCE OF 415.10 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 457.27 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N00°33'05"E A DISTANCE OF 92.75 FEET TO A 3/4" IRON PIPE SET; THENCE, N87°03'17"W A DISTANCE OF 124.95 FEET TO A COMPUTED POINT AT A 40" POPLAR; THENCE, N02°34'18"E A DISTANCE OF 394.62 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°34'18"E A DISTANCE OF 394.37 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 71.14 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°25'20"E A DISTANCE OF 186.74 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N02°36'05"E A DISTANCE OF 325.84 FEET TO A 3/4" IRON PIPE SET; THENCE, N83°37'40"E A DISTANCE OF 94.32 FEET TO A 1/2" IRON PIPE FOUND; THENCE, N06°20'52"W A DISTANCE OF 166.26 FEET TO THE POINT OF BEGINNING.

SAID OUTER BOUNDARY CONTAINING 3,916,211 SQUARE FEET OR 89.90 ACRES, MORE OR LESS.

EXHIBIT B
Property Ownership

***Owner names and deed references below are accurate (and have been confirmed by a title attorney) but may differ from what is shown on Wake County GIS. Some property owner names have changed due to marriage.**

Parcel 1

Site Address: 8633 Castleberry Road

PIN: 0723125145

Deed Reference (book/page): 2284/124

Acreage: 2.38

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom) and spouse, Ronald M. Strickland (a/k/a Ronnie Strickland)

Owner Address: 8633 Castleberry Road, Apex, NC 27523-9695

Parcel 2

Site Address: 8635 Castleberry Road

PIN: 0723115892

Deed Reference (book/page): 9017/1189

Acreage: 3.37

Owner: Bridget Cotrufo and Paul Anthony Cotrufo

Owner Address: 8635 Castleberry Road, Apex, NC 27523-9695

Parcel 3

Site Address: 8637 Castleberry Road

PIN: 0723113507

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 1.94

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 4

Site Address: 8639 Castleberry Road

PIN: 0723111191

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 68.82

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)
Owner Address: 8637 Castleberry Road, Apex, NC 27523-9695

Parcel 5

Site Address: 8649 Castleberry Road

PIN: 0723120194

Deed Reference (book/page): 3292/220

Acreage: 3.0

Owner: Sonya Beth Marcom Ammons (a/k/a Sonya Beth Marcom, Sonya Ammons; Sonya Beth Marcom Biddy and Sonya Jones), and spouse, Steve Ammons

Owner Address: 8649 Castleberry Road, Apex, NC 27523-9695

Parcel 6

Site Address: 8709 Castleberry Road

PIN: 0723024085

Deed Reference (book/page): 16865/2012

Acreage: 7.29

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 7

Site Address: 8717 Castleberry Road

PIN: 0723023450

Deed Reference (book/page): 16865/2012

Acreage: 2.92

Owner: Thomas Russell Marcom (a/k/a Thomas R. Marcom); and spouse, Nancy Marcom (a/k/a Nancy L. Marcom)

Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

Parcel 8

Site Address: 8705 Castleberry Road

PIN: 0723026951

Deed Reference (book/page): Wake County Estate File Number 22-E-2448 for Tempie Grace Mills Marcom

Acreage: 0.19

Owner: Deborah Kay Marcom Strickland (a/k/a Deborah M. Strickland and Deborah Kay Marcom); Thomas Russell Marcom (a/k/a Thomas R. Marcom); and Sonya Beth Marcom Ammons (a/k/a Sonya Ammons and Sonya Jones)

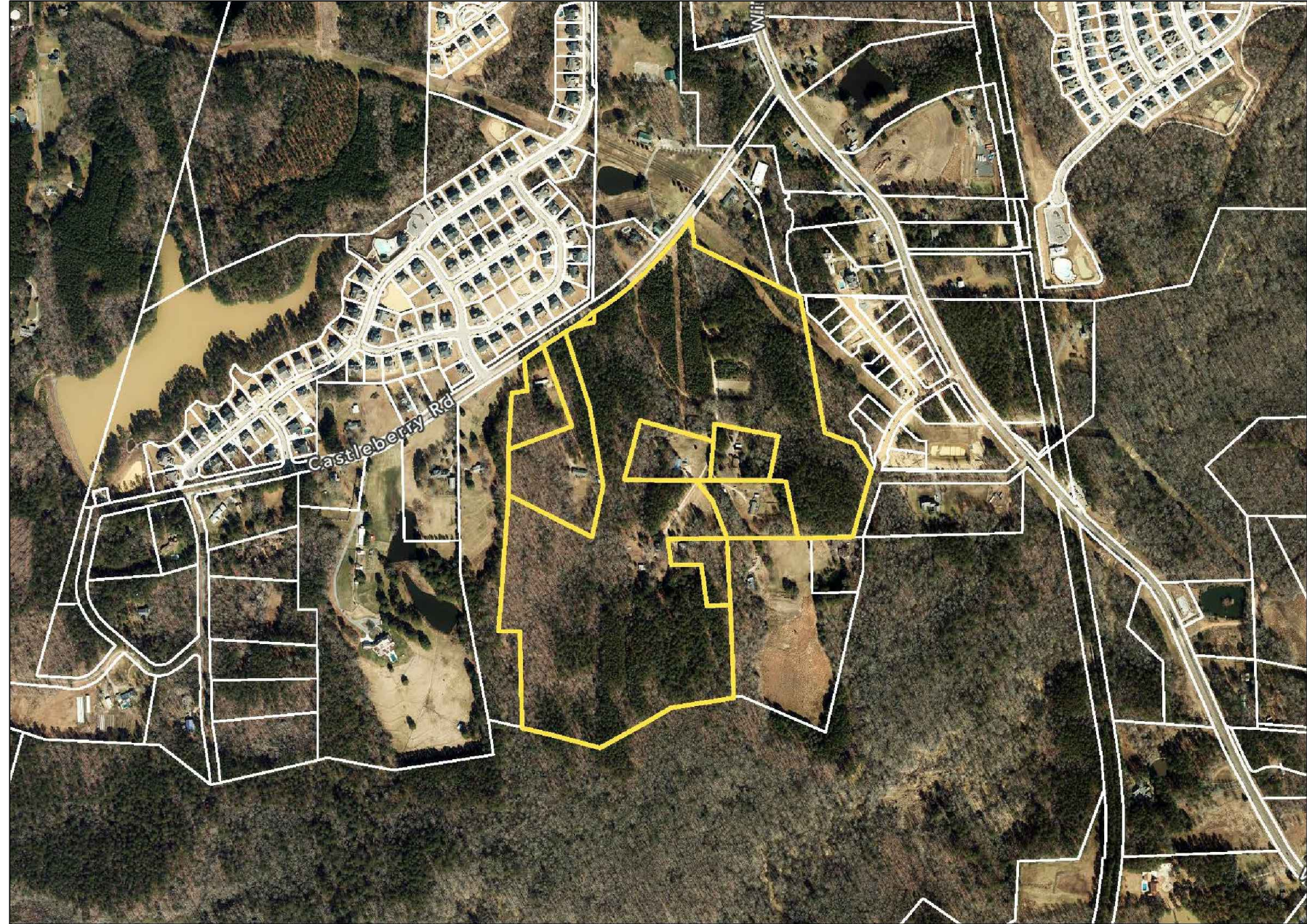
Owner Address: 2309 7 Lakes S., West End, NC 27376-9601

<PUD REZONING>
CASTLEBERRY RESERVE

APPLICANT
INSPIRE COMMERCIAL, LLC
MAC PATEL
1124 GROGANS MILL DRIVE
CARY, NC 27519
(919) 413-2120

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

ENVIRONMENTAL CONSULTANT
SOIL & ENVIRONMENTAL CONSULTANTS, PA
STEVEN BALL, RF, PWS
8412 FALLS OF NEUSE ROAD, SUITE 104
RALEIGH, NC 27615
(919) 846-5900
www.SandEC.com



PROJECT AERIAL SCALE: 1" = 800'



VICINITY MAP SCALE: 1" = 800'

LAND USE ATTORNEY
PARK, POE, ADAMS, & BERNSTEIN LLP
MATTHEW CARPENTER
301 FAYETTEVILLE STREET SUITE 1400
RALEIGH, NC 27601
(919) 835-4032
www.ParkerPoe.com

SURVEYOR
BATEMAN CIVIL SURVEY COMPANY
STEVEN CARSON
2524 RELIANCE AVENUE
APEX, NC 27502
(919) 577-1080
www.BatemanCivilSurvey.com

TRAFFIC ENGINEER
KIMLEY-HORN AND ASSOCIATES
LYLE OVERCASH, P.E.
421 FAYETTEVILLE STREET SUITE 600
RALEIGH, NC 27601
(919) 677-2000
www.Kimley-Horn.com

8639 CASTLEBERRY ROAD
APEX, NORTH CAROLINA 27523
PROJECT NUMBER: 220602

PROPERTY DATA

Parcel	Property Owner	Site Address	PIN	Deeded Acreage	Deed Book/Plat Book
Parcel 1	Slickland, Deborah & Ronnie 8633 Castleberry Road Apex, NC 27523-9695	8633 Castleberry Road	0723-12-5145	2.38 acres	DB2284 Pg124
Parcel 2	Cotrifo, Bridget & Paul Anthony 8635 Castleberry Road Apex, NC 27523-9695	8635 Castleberry Road	0723-11-5892	3.37 acres	DB9017 Pg1189
Parcel 3	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 8637 Castleberry Road Apex, NC 27523-9695	8637 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-11-3507	1.94 acres	DB18975 Pg1401
Parcel 4	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 8637 Castleberry Road Apex, NC 27523-9695	8639 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-11-1191	68.82 acres	DB19-E Pg0000
Parcel 5	Ammons, Sonya Beth Marcom Ammons, Steve (spouse) 8649 Castleberry Road Apex, NC 27523-9695	8649 Castleberry Road	0723-12-0194	3.00 acres	DB3292 Pg 220
Parcel 6	Marcom, Thomas Russell & Nancy 2309 7 Lakes S. West End, NC 27376-9601	8709 Castleberry Road	0723-02-4085	7.29 acres	DB16865 Pg2012
Parcel 7	Marcom, Thomas Russell & Nancy 2309 7 Lakes S. West End, NC 27376-9601	8717 Castleberry Road	0723-02-3450	2.92 acres	DB16865 Pg2012
Parcel 8	Strickland, Deborah Kay Marcom Ammons, Sony Beth Marcom Marcom, Thomas Russell 2309 7 Lakes S. West End, NC 27376-9601	8705 Castleberry Road Wake County Estate File Number 22-E-2448 for Temple Grace Mills Marcom	0723-02-6951	0.19 acres	DB005048 Pg 325
		Total Deeded Acreage:		89.90 acres	3,916,211 sf
		(survey data provided by Bateman Civil Survey Company)			

INDEX OF DRAWINGS:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C002	EXISTING CONDITIONS TREE SURVEY
C100	CONCEPTUAL SITE PLAN/ CONCEPTUAL UTILITY PLAN

REZONING CASE #23CZ04
SUBMITTED FEBRUARY 1, 2023

PARKS AND RECREATION DATA TABLE

DATE REVIEWED BY PRCR ADVISORY COMMISSION: April 26, 2023	
FEE-IN-LIEU: 2023 RATES	
SINGLE-FAMILY DETACHED UNITS	\$4,016.66 / DWELLING UNIT x 179 UNITS = \$718,982.14
SINGLE-FAMILY ATTACHED UNITS	\$0.00 / DWELLING UNIT
MULTI-FAMILY UNITS	\$0.00 / DWELLING UNIT

ACRES OF LAND DEDICATION: n/a ACRES
PUBLIC GREENWAY TRAIL CONSTRUCTION YES NO X

The PRCR Advisory Commission unanimously recommended a fee-in-lieu of dedication for 179 single family detached residential units at their April 26th, 2023 meeting. If approved by Town Council in 2023 the rate would be \$4,016.66 per single-family detached residential unit and would run the life of the project unless additional acreage or units were added to the project. The fee-in-lieu of dedication is paid at the time of final subdivision plat.

RIPARIAN BUFFERS AND WETLANDS:

RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.



Know what's below.
Call before you dig.

SITE DATA TABLE

Township:	White Oak Township		
Flood Zone Information:	Firm Panel 3720072300K effective July 19, 2022 does not show the presence of flood zones on the properties (flood zones are located within 100' of the assembly)		
Watershed Information:	Primary Watershed Protection Overlay District, White Oak Creek, Cape Fear River Basin		
Historical:	NC SHPO does not show any existing historical structures A cemetery does exist within the property assemblage (~0.30 acres and 59 gravesites)		
Annexation:	Annexation required as the property is located OUTSIDE of the Apex ETJ		
Existing Zoning:	R-80W (Wake County)		
Proposed Zoning:	PUD - CZ (Planned Unit Development - Conditional Zoning)		
Existing 2045 Land Use Map:	Rural Density Residential		
Proposed 2045 Land Use Map:	Low Density Residential		
Existing Use:	Single-family Residential and vacant		
Proposed Uses:	Single-family Park, active Park, passive Utility, minor	Accessory apartment * Greenway Recreation facility, private	
* Homeowners Association covenants shall not restrict the construction of Accessory apartments			
Maximum Number of Lots:	179 dwelling units		
Proposed Project Density:	2.00 dwelling units/acre or less		
Lots:	Min Lot Size	Min Lot Width	Max Building Height
Northern District Single-Family detached	6,000 SF	50 feet	45 feet (3 stories)
Southern District Single-Family detached	10,000 SF	75 feet	45 feet (3 stories)
Building Setbacks (minimum setbacks unless otherwise noted):			
	Residential	Private Recreation Facility	
Front:	10 feet	10 feet	
Front (garage):	20 feet from sidewalk or back-of-curb	N/A	
Rear:	10 feet	10 feet	
Side:	5 feet	10 feet	
Side (Corner Lot):	8 feet	10 feet	
From Buffer or RCA	10 feet	10 feet	
Parking setback from buffer or RCA	5 feet	5 feet	
Parking Requirements:			
Single Family Detached:	2 spaces/dwelling unit required Single Family parking provided by driveway and garage (min 2 spaces/lot)		
Private Recreation Facility:	Parking shall be based upon size and use within the recreation facility		
Maximum Built Upon Area:	40.45 acres or 45% (per zoning condition)		
RCA Required:	20% (per zoning condition)		
Mass Grading RCA Penalty:	Site to be "Mass Graded" (per zoning condition, 20% RCA provided shall satisfy additional 5% RCA required for Mass Grading) 50% (limited by Apex UDO to a maximum acreage for mass grading) maximum of 20 acres of clearing for single-family detached developments		
Grading:			
% of lots graded prior to first plat:			
% of pre-development drainage areas preserved within their natural basins:	90%		



NC License #P-0673

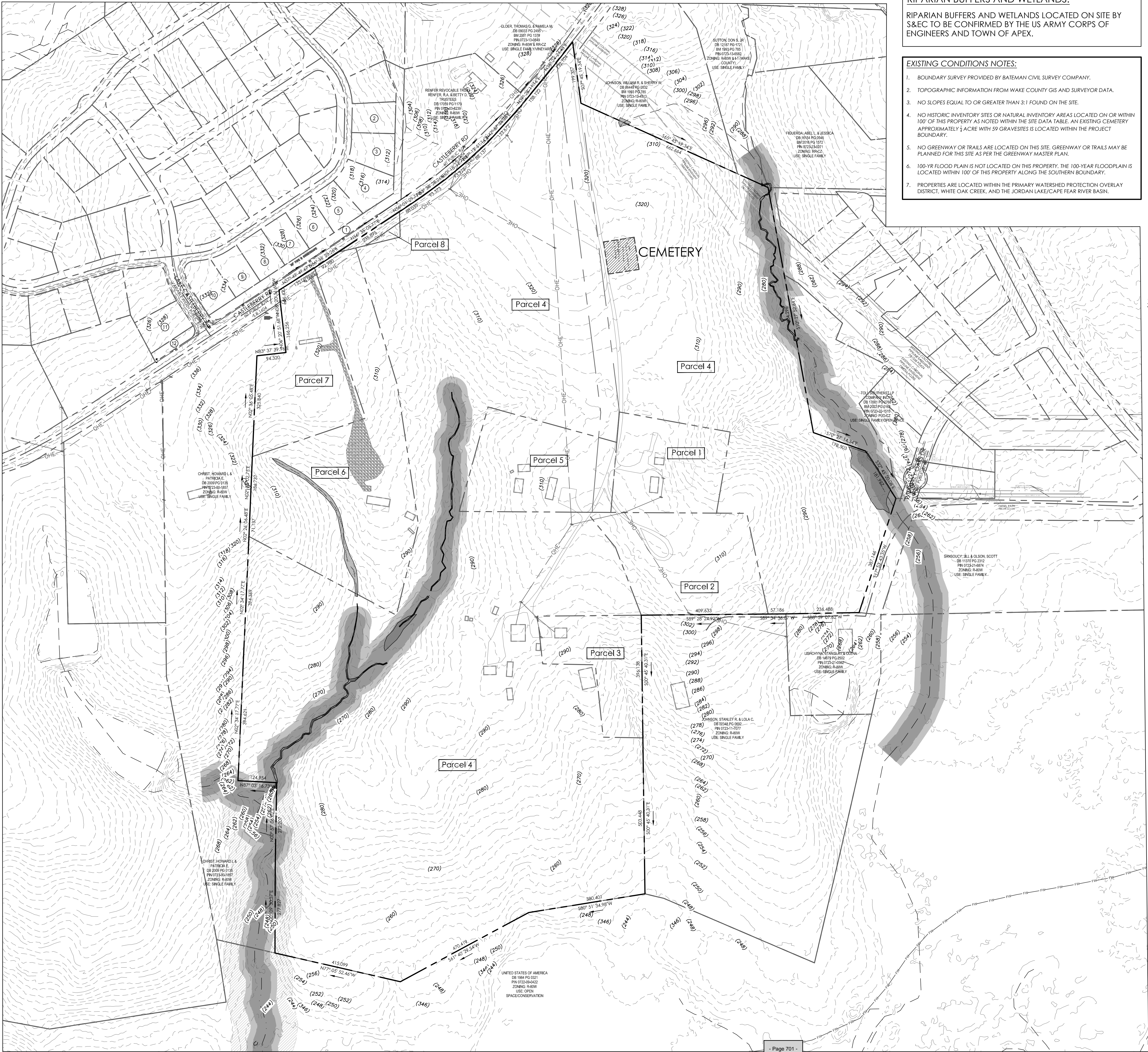
project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



NO.	DATE	REVISION
1	APRIL 2, 2023	TOWN OF APEX - 1st ZONING COMMENTS
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS

title:
PUD
COVER SHEET

proj #:
220602
date:
FEBRUARY 1, 2023
dwg by: chkd by:
FS JR
scale:
As Noted
sheet:
C000
(PUD PLAN)

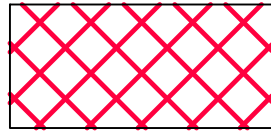


RIPARIAN BUFFERS AND WETLANDS:

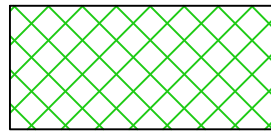
RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

EXISTING CONDITIONS NOTES:

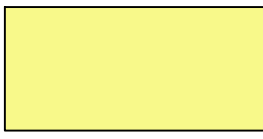
1. BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY.
2. TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.
3. NO SLOPES EQUAL TO OR GREATER THAN 3:1 FOUND ON THE SITE.
4. NO HISTORIC INVENTORY SITES OR NATURAL INVENTORY AREAS LOCATED ON OR WITHIN 100' OF THIS PROPERTY AS NOTED WITHIN THE SITE DATA TABLE. AN EXISTING CEMETERY APPROXIMATELY 1/4 ACRE WITH 59 GRAVESITES IS LOCATED WITHIN THE PROJECT BOUNDARY.
5. NO GREENWAY OR TRAILS ARE LOCATED ON THIS SITE. GREENWAY OR TRAILS MAY BE PLANNED FOR THIS SITE AS PER THE GREENWAY MASTER PLAN.
6. 100-YR FLOOD PLAIN IS NOT LOCATED ON THIS PROPERTY. THE 100-YEAR FLOODPLAIN IS LOCATED WITHIN 100' OF THIS PROPERTY ALONG THE SOUTHERN BOUNDARY.
7. PROPERTIES ARE LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT, WHITE OAK CREEK, AND THE JORDAN LAKE/CREEK/FAIR RIVER BASIN.



POSSIBLE
SITE AMENITY



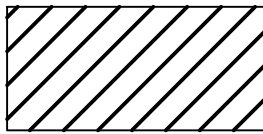
BUFFERS/
RCA



SINGLE FAMILY
6,000 SF MINIMUM



SINGLE FAMILY
10,000 SF MINIMUM



EX CEMETERY
(~ 0.30 ACRES & 59 GRAVESITES)



PROJECT PERIMETER BOUNDARY



PROPOSED WATER CONNECTIONS



PROPOSED SEWER CONNECTIONS



POTENTIAL ACCESS POINTS

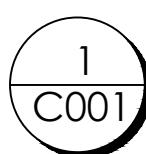
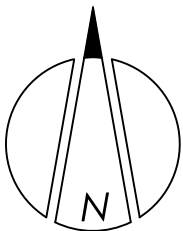
PLAN SHEETS ARE INTENDED FOR
ILLUSTRATIVE PURPOSES ONLY

SITE AND UTILITY NOTES:

1. DEVELOPMENT ACCESS AND STUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
2. FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
3. ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
4. REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
5. ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
6. PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
7. ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
8. PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
9. THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
10. THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
11. NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
12. TREE PROTECTION FENCING MUST BE PLACED:
a. ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST HEIGHT;
b. ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER; AND
c. AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
13. ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

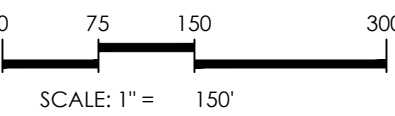
ADJACENT PROPERTIES (LAKE CASTLEBERRY)

1 LAKE CASTLEBERRY OWNER ASSOC. INC. DB 17554 PG 0545 BM 2017 PG 1573 PIN 0723-02-5914 ZONING: LD-CZ USE: SINGLE FAMILY OPEN SPACE	5 DABADE, PREETAM & JAVKHEDKAR, APURVA DB 18137 PG 2425 BM 2017 PG 1573 PIN 0723-03-4050 ZONING: LD-CZ USE: SINGLE FAMILY	9 JAISWAL, VISHAL S. & SHWETA V. APURVA DB 18514 PG 2029 BM 2017 PG 1572 PIN 0723-02-1759 ZONING: LD-CZ USE: SINGLE FAMILY
2 CARONE, MICHAEL & KRISTINA DB 17304 PG 0226 BM 2017 PG 1573 PIN 0723-03-5278 ZONING: LD-CZ USE: SINGLE FAMILY	6 LAMBE, MORGAN T. & MATTHEW T. DB 18199 PG 1629 BM 2017 PG 1573 PIN 0723-02-5974 ZONING: LD-CZ USE: SINGLE FAMILY	10 PALAKODETI, ANUPAMA & DINAVAH, VENKATA C. DB 19127 PG 24869 PIN 0723-02-0744 ZONING: LD-CZ USE: SINGLE FAMILY
3 WAHL, JAMES & LAURA DB 17331 PG 2483 BM 2017 PG 1573 PIN 0723-03-5178 ZONING: LD-CZ USE: SINGLE FAMILY	7 RAMAKRISHNAN, DINESHBABU & KOTHANDARAMAN, MOUSHMI DB 18624 PG 2542 BM 2017 PG 1572 PIN 0723-02-2899 ZONING: LD-CZ USE: SINGLE FAMILY	11 PATEL, VISHAL & KESHA DB 18352 PG 1565 BM 2016 PG 1289 PIN 0713-02-8691 ZONING: LD-CZ USE: SINGLE FAMILY
4 REYNOLDS, KATIE C. & ROBERT J. DB 17884 PG 0500 BM 2017 PG 1573 PIN 0723-03-5047 ZONING: LD-CZ USE: SINGLE FAMILY	8 LATORE, JOSEPH A. & ERIN M. DB 17554 PG 0501 BM 2017 PG 1572 PIN 0723-02-2814 ZONING: LD-CZ USE: SINGLE FAMILY	12 LAKE CASTLEBERRY OWNERS ASSOC INC. DB 17554 PG 0503 BM 2016 PG 1289 PIN 0713-02-9535 ZONING: LD-CZ USE: SINGLE FAMILY/OPEN SPACE



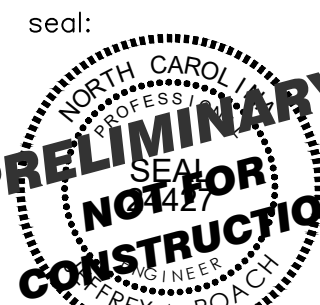
EXISTING CONDITIONS PLAN

SCALE: 1"=150'



NC License #P-0673

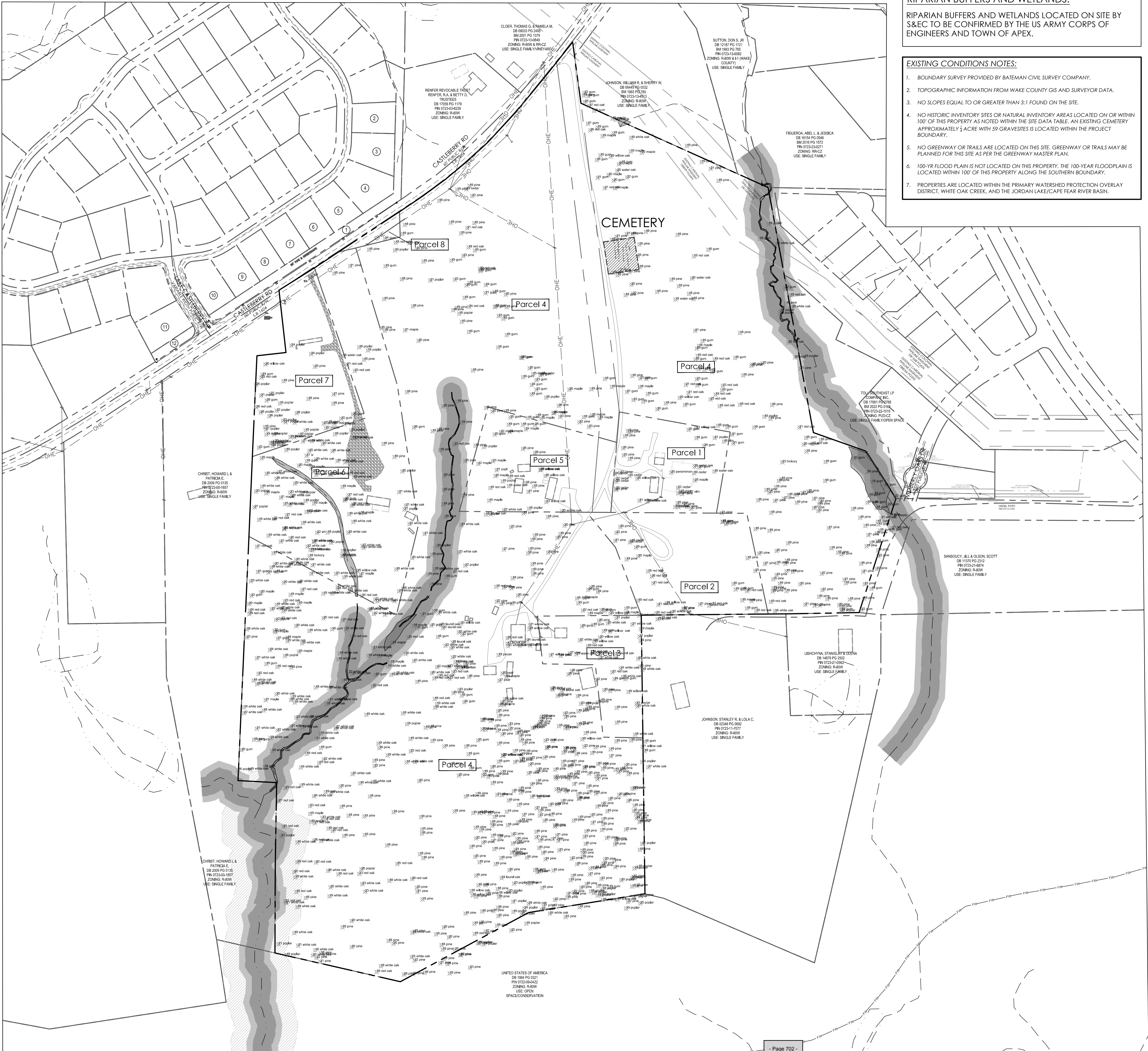
project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



NO.	DATE	REVISION	BY
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS	JR
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS	JR

title:
**EXISTING
CONDITIONS
PLAN**

proj #:
220602
date:
FEBRUARY 1, 2023
dwg by: chkd by:
FS JR
scale:
As Noted
sheet:
C001
(PUD PLAN)



RIPARIAN BUFFERS AND WETLANDS:

RIPARIAN BUFFERS AND WETLANDS LOCATED ON SITE BY S&EC TO BE CONFIRMED BY THE US ARMY CORPS OF ENGINEERS AND TOWN OF APEX.

- EXISTING CONDITIONS NOTES:**
- BOUNDARY SURVEY PROVIDED BY BATEMAN CIVIL SURVEY COMPANY.
 - TOPOGRAPHIC INFORMATION FROM WAKE COUNTY GIS AND SURVEYOR DATA.
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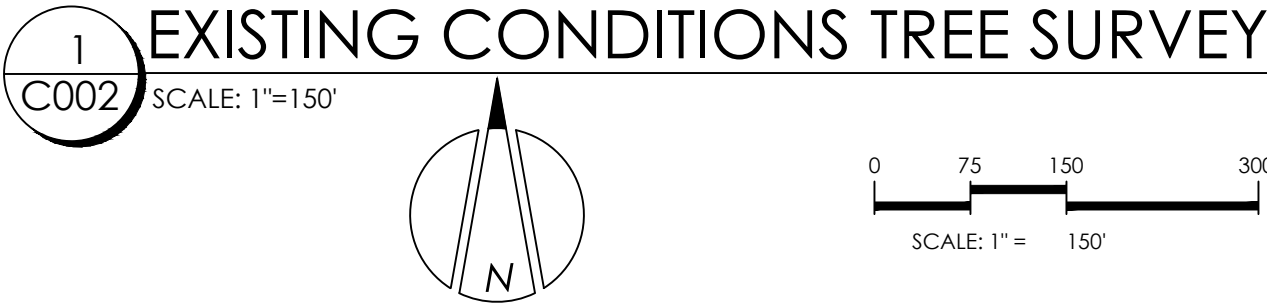
- REQUIRED PLAN NOTES:**
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 - ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

ALL LARGE TREES ON-SITE HAVE BEEN INCLUDED FOR REFERENCE ONLY. FUTURE PRESERVATION AND AVOIDANCE OF EXISTING VEGETATION TO BE COORDINATED WITH STAFF.

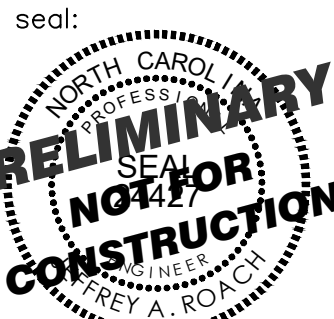
PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY

ADJACENT PROPERTIES (LAKE CASTLEBERRY)

1 LAKE CASTLEBERRY OWNER ASSOC. INC. DB 17554 PG 0540 BM 2017 PG 1573 PIN 0723-02-5914 ZONING: LD-CZ USE: SINGLE FAMILY OPEN SPACE	5 DABADE, PREETAM & JAVKHEDKAR, APURVA DB 18137 PG 2425 BM 2017 PG 1573 PIN 0723-03-4050 ZONING: LD-CZ USE: SINGLE FAMILY	9 JAISWAL, VISHAL S. & SHWETA V. DB 18514 PG 2029 BM 2017 PG 1572 PIN 0723-02-1739 ZONING: LD-CZ USE: SINGLE FAMILY
2 CARONE, MICHAEL & KRISTINA DB 17334 PG 0229 BM 2017 PG 1573 PIN 0723-03-5278 ZONING: LD-CZ USE: SINGLE FAMILY	6 LAMBE, MORGAN T. & MATTHEW T. DB 18199 PG 1629 BM 2017 PG 1572 PIN 0723-02-5974 ZONING: LD-CZ USE: SINGLE FAMILY	10 PALAKODETI, ANUPAMA & DINAVAH, VENKATA C. DB 19127 PG 24869 PIN 0723-02-0744 ZONING: LD-CZ USE: SINGLE FAMILY
3 WAHL, JAMES & LAURA DB 17331 PG 2483 BM 2017 PG 1573 PIN 0723-03-5178 ZONING: LD-CZ USE: SINGLE FAMILY	7 RAMAKRISHNAN, DINESHBABU & KOTHANDARAMAN, MOUSHMI DB 18624 PG 2542 BM 2017 PG 1572 PIN 0723-02-2899 ZONING: LD-CZ USE: SINGLE FAMILY	11 PATEL, VISHAL & KESHA DB 18382 PG 1565 BM 2016 PG 1289 PIN 0713-02-8691 ZONING: LD-CZ USE: SINGLE FAMILY
4 REYNOLDS, KATIE C. & ROBERT J. DB 17884 PG 2550 BM 2017 PG 1573 PIN 0723-03-5047 ZONING: LD-CZ USE: SINGLE FAMILY	8 LATORE, JOSEPH A. & ERIN M. DB 18155 PG 2001 BM 2017 PG 1572 PIN 0723-02-2814 ZONING: LD-CZ USE: SINGLE FAMILY	12 LAKE CASTLEBERRY OWNERS ASSOC INC. DB 17554 PG 0540 BM 2016 PG 1289 PIN 0713-02-9535 ZONING: LD-CZ USE: SINGLE FAMILY OPEN SPACE



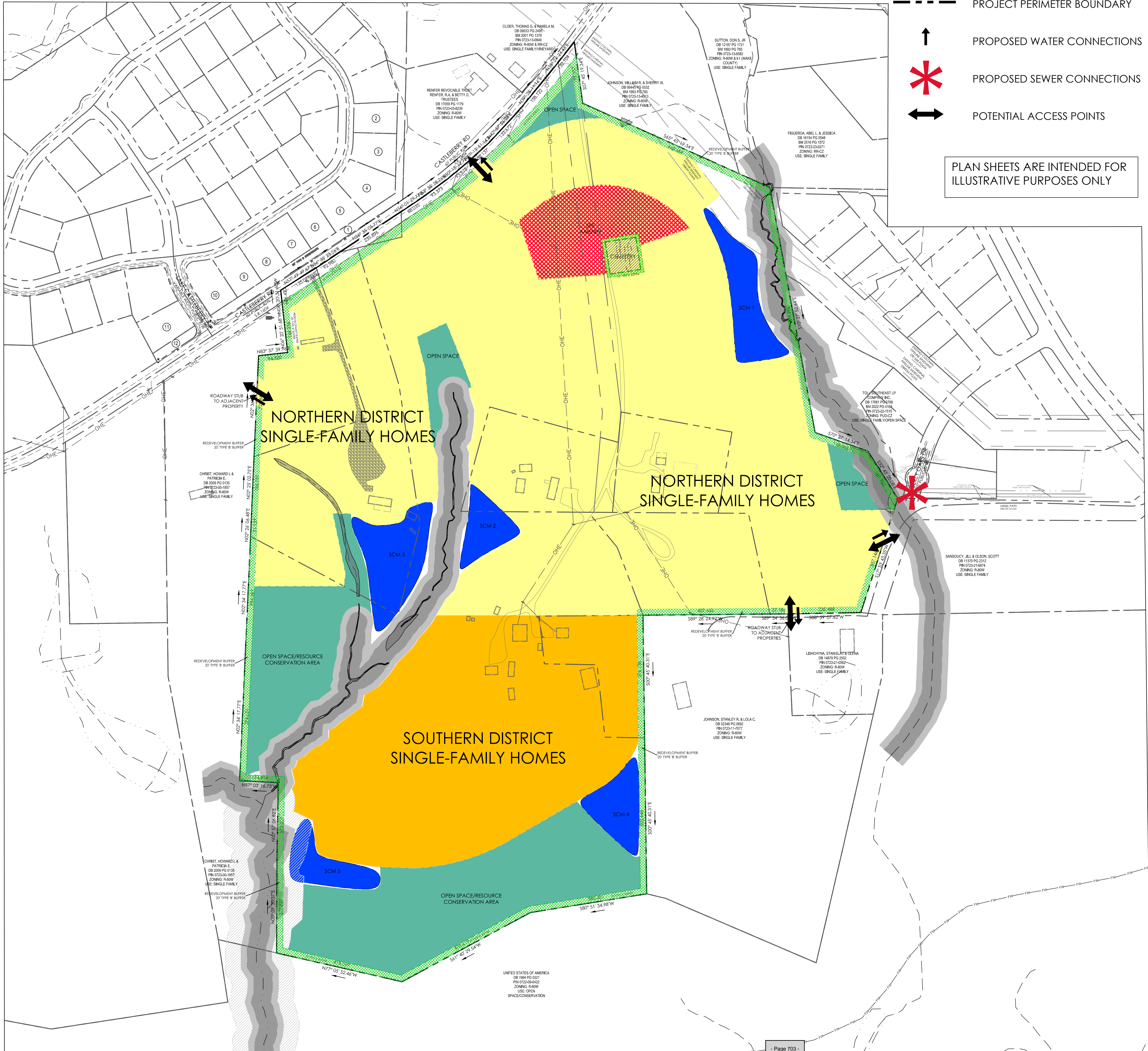
project:
CASTLEBERRY RESERVE
8639 CASTLEBERRY ROAD
WHITE OAK TOWNSHIP
APEX, NORTH CAROLINA 27523



NO.	DATE	REVISION	BY
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS	
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS	

title:
EXISTING CONDITIONS TREE SURVEY

proj #:
220602
date:
FEBRUARY 1, 2023
dwg by: chkd by:
FS JR
scale:
As Noted
sheet:



POSSIBLE SITE AMENITY

BUFFERS/ RCA

SINGLE FAMILY
6,000 SF MINIMUM

SINGLE FAMILY
10,000 SF MINIMUM

EX CEMETERY
(~ 0.30 ACRES & 59 GRAVESITES)

- SITE AND UTILITY NOTES:**
- DEVELOPMENT ACCESS AND SUB STREET LOCATIONS SHALL BE FINALIZED AT MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - FINAL RESOURCE CONSERVATION AREA (RCA), OPEN SPACE, AND PLAY LAWN LOCATIONS SHALL BE COORDINATED WITH STAFF AND BUILDER DURING MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL ZONING PLAN SHEETS ARE PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY. FINAL DESIGN COMPONENTS ARE DETERMINED AT MASTER SUBDIVISION PLAN.
 - REFER TO PD TEXT DOCUMENTS FOR A LIST OF ALLOWABLE USES, ZONING CONDITIONS, AND OTHER DESIGN STANDARDS FOR THE DEVELOPMENT.
 - ENVIRONMENTAL FEATURES ARE SUBJECT TO FINAL REVIEW CONCURRENCE WITH VARIOUS REGULATING AGENCIES.
 - PUBLIC PEDESTRIAN AND VEHICULAR ACCESS IS SHOWN FOR CONCEPTUAL PURPOSES AND ARE SUBJECT TO REVISIONS DURING THE MASTER SUBDIVISION PLAN DESIGN AND APPROVAL.
 - ALL SITE ELEMENTS ARE REQUIRED TO MEET OR EXCEED TOWN OF APEX, NCDOT, OR OTHER REVIEW AUTHORITY STANDARD DESIGN SPECIFICATIONS.
 - PROJECT WILL COMPLY WITH ADOPTED TOWN MASTER PLANS INCLUDING TRANSPORTATION, WATER, SEWER, AND GREENWAYS.
 - THE PROJECT IS REQUESTING FULL TOWN SERVICES, INCLUDING BUT NOT LIMITED TO WATER, SEWER AND ELECTRICITY.
 - THE PROJECT WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.
 - NO SITE DEVELOPMENT ACTIVITY INCLUDING, BUT NOT LIMITED TO, TESTING, CLEARING, INSTALLATION OF S&E MEASURES, OR GRADING SHALL OCCUR UNTIL REQUIRED TREE PROTECTION FENCING HAS BEEN INSTALLED AND INSPECTED. A TREE PROTECTION FENCING INSTALLATION PERMIT MAY BE OBTAINED AT THE PLANNING DEPARTMENT OR ONLINE AT [HTTP://WWW.APEXNC.ORG/215/APPLICATIONS-SCHEDULES](http://www.apexnc.org/215/APPLICATIONS-SCHEDULES).
 - TREE PROTECTION FENCING MUST BE PLACED:
 - ONE FOOT AWAY FROM ANY SAVED TREE FOR EACH INCH OF DIAMETER AT BREAST 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 RCA SUCH AS, BUT NOT LIMITED TO, HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS.
 - ADDITIONAL TREE PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER. SUCH AREAS MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.).

POTENTIAL ACCESS POINTS:

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

0

75

150

300

SCALE: 1" = 150'

N

SCALE: 1" = 150'

1

C100

SCALE: 1" = 150'

CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN

NO.	DATE	REVISION	BY
1	APRIL 3, 2023	TOWN OF APEX - 1st ZONING COMMENTS	JR
2	MAY 2, 2023	TOWN OF APEX - 2nd ZONING COMMENTS	JR

title:
**CONCEPTUAL SITE PLAN/
CONCEPTUAL UTILITY PLAN**

proj #:
220602

date:
FEBRUARY 1, 2023

dwg by: chkd by:
FS JR

scale:
As Noted

sheet:
C100
(PUD PLAN)

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



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: ±89.90 acres

PIN(s): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194,
0723024085, 0723023450, and 0723026951

Current Zoning: Wake County Residential-80W (R-80W)

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

Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Outside Town 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: If rezoning is approved, the

2045 Land Use Map will automatically be amended.

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



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: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval of the rezoning with added condition

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith 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:

Condition to be worked out with staff to provide to Council to address the rural context section of Castleberry Road.

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

With 5 Planning Board Member(s) voting "aye"

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached from Reginald Skinner, Tina Sherman, and Sarah Soh.

This report reflects the recommendation of the Planning Board, this the 10th day of July 2023.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 18:45:21
-04'00'

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 7/10/2023

☐ Rezoning # 23CZ04

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

My reasons are aligned with the Township staff analysis, and additional listed below:

- neighboring new construction community homes are on larger size lots ranging from 1/3 acre to 1/2 acre plus with 4,000 to 6,000 sf size homes. Both areas "northern" and "southern" sites should be low density.

- additional new developments will need to be thoughtfully designed with the neighboring Jordan Lake environmental conditions and possible effects of water quality.

- larger buffers for at open space areas, esp. game lands area. This is a very active hunting area. Trucks park at American Tobacco Trail parking lot specifically for hunting. Hunting is part of the county/state culture, we are chipping at this open space area, hence taking a piece of culture away.

- insufficient space in schools. White Oak Elementary school was capped in February 2020. Children are bused to Davis Dr. which is heavily maximized as well. This is a huge concern for everyone in the catchment.

- traffic on Castleberry Road, which is currently a busy road. The proposed would add more traffic on this local "no outlet" road.

PLANNING BOARD REPORT TO TOWN COUNCIL

Dissenting Member Comments



Planning Board Member Name: _____

Reginald Skinner

Meeting Date: _____

7/10/2023

☐ Rezoning # _____

23C204

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote: _____

*It was not consistent with the 2045
Land use Plan.*

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 7/10/23

☐ Rezoning # #23CZ04 Castleberry Reserve PUD

☐ Long Range Plan amendment(s) _____

☐ Other _____

Reason(s) for dissenting vote:

For all of the reasons why staff denied.

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 89.90 ACRES LOCATED AT 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 CASTLEBERRY ROAD FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) ZONING TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)
#23CZ04**

WHEREAS, Matthew Carpenter, Parker Poe/Inspire Commercial, LLC and Jeff Roach, Peak Engineering, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2ND day of February 2023 (the "Application"). The proposed conditional zoning is designated #23CZ04;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #23CZ04 before the Planning Board on the 10th day of July 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 10th day of July 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ04. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 5 to 3 for the application for #23CZ04;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #23CZ04 before the Apex Town Council on the 8th day of August 2023;

WHEREAS, the Apex Town Council held a public hearing on the 8th day of August 2023. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ04 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is not consistent with the 2045 Land Use Map, and other adopted plans in that: the 2045 Land Use Map designates this area as Rural Density Residential. This rezoning includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the general 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. With approval of this rezoning, the 2045 Land Use Map now designates this area as Low Density Residential;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning provides greater environmental benefits that that required by the Unified Development Ordinance, protects a historic cemetery, and sets aside two (2) lots for affordable housing. The rezoning will encourage development of the property that is generally compatible with the area and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of _to _approved Application #23CZ04 rezoning the subject properties located at 8633, 8635, 8637, 8639, 8649, 8705, 8709, and 8717 Castleberry Road from Wake County Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a ~~part of said~~ Ordinance, is hereby amended by changing the

Ordinance Amending the Official Zoning District Map #23CZ04

zoning classification of the "Rezoned Lands" from Wake County Residential -80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

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

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Castleberry Reserve PUD which are imposed as part of this rezoning.

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

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

Motion by Council Member _____

Seconded by Council Member _____

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

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

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): June Cowles, Senior Planner

Department(s): Planning

Requested Motion

Public hearing and possible motion to approve Rezoning Application No. 23CZ10 Salem Church Road Parcels. The applicant, Sundance of NC, LLC, seeks to rezone approximately 2.9 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1529, 1531, 1535 Salem Church Road.

Recommendation

The Planning Department recommends approval with the conditions as offered by the applicant only if the following condition is added:

- Developer shall provide roadway frontage improvements along Salem Church Road consistent with a 35-foot back-to-back typical section with 5-foot sidewalk on a 60-foot right-of-way.

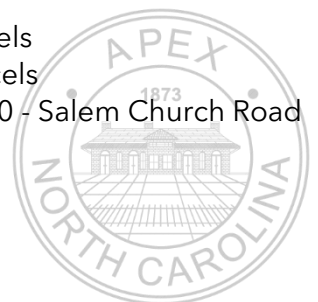
The Planning Board held a Public Hearing on July 10, 2023 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0743818238, 0743819289, and 0743911218

Attachments

- PH3-A1: Staff Report - Rezoning Case No. 23CZ10 - Salem Church Road Parcels
- PH3-A2: Vicinity Map - Rezoning Case No. 23CZ10 - Salem Church Road Parcels
- PH3-A3: Planning Board Report to Town Council - Rezoning Case No. 23CZ10 - Salem Church Road Parcels



STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 1529, 1531, 1535 Salem Church Road

Applicant/Owner: Sundance of NC, LLC/John Warwick

PROJECT DESCRIPTION:

Acreage: ±2.9 acres

PINs: 0743818238, 0743819289, 0743911218

Current Zoning: Residential Agricultural (RA)

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

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Town of Cary Residential 8-Conditional (R8-C)	Single-family residential (Glen at Westhigh and Olde Salem)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ13)	Salem Church Rd; Townhomes (Salem Pointe)
East:	Town of Cary Residential 8-Conditional (R8-C)	Vacant
West:	Medium Density Residential-Conditional Zoning (MD-CZ #15CZ15)	Single-family residential (Glen at Westhigh)

EXISTING CONDITIONS:

The subject properties are located east of the intersection of Salem Church Road and Tahoe Glen Place. The project includes three parcels totaling 2.9 acres, each with an existing house and several trees. Two of the parcels include additional accessory buildings (detached garage, barn, shed).

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 24, 2023. The meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) is consistent with that Land Use Map designation.

WCPSS COORDINATION:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

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 #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



Uses:

1. Single family
2. Accessory apartment
3. Utility, minor

Rezoning Conditions:

1. If there is a back roof that faces to the East, South and/or West, then there shall be a minimum 4-kilowatt (kW) solar PV system installed on one rooftop.
2. If a buffer is required along Salem Church Road, the buffer shall be a Type "B".
3. The project shall preserve a minimum of 40% of the existing tree canopy.
4. The project shall include drought tolerant plants, of which 100% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at subdivision review.
5. All homes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
6. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
7. The existing parcels are served by four driveways accessing Salem Church Road. Subdivision of the parcels shall not increase the total number of existing driveways.

Architectural Conditions:

8. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
9. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
10. Eaves shall project at least 12 inches from the wall of the structure.
11. Garage doors shall have windows, decorative details or carriage-style adornments on them.
12. The front facade or front porch shall extend a minimum of 6 feet in front of the garage door for front loaded garage facades.
13. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
14. House entrances for units with front-facing single car garages shall have a prominent covered porch/stoop area leading to the front door.
15. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
16. Front porches shall be a minimum of 6 feet deep.
17. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on March 16, 2023. The zoning condition recommendations by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Conditions	Applicant's Response
1. The project shall preserve a minimum of 40% of the existing tree canopy. Where the project abuts adjacent developments, special effort shall be taken to locate the preserved trees adjacent to areas of preserved open space, including but not to RCA, perimeter landscape buffers, riparian buffers, and/or HOA maintained open spaces.	Added
2. The project commits to planting only drought tolerant plants, of which 100% of the	Added

STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



EAB Suggested Conditions	Applicant's Response
plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.	
3. The project shall select and plant only warm season grasses.	Added
4. All homes shall be pre-configured with conduit for a solar energy system.	Added
5. If there is a back roof that faces along the arc from East to South to West, then there shall be a minimum 4-kilowatt (kW) solar PV system installed on one rooftop.	Added
6. If a buffer is required or considered, then the buffer shall be a "B" type buffer along Salem Church Road.	Added

TRANSPORTATION:

Transportation Recommendation

Given the location, size, and layout of the properties subject to this rezoning, it would be possible for the applicant to submit an Exempt Subdivision Plan which would not require road widening, curb & gutter, and sidewalk to be installed with this project.

In order to provide continuous infrastructure consistent with the Apex Transportation Plan along Salem Church Road, staff recommended that the applicant add a condition to install sidewalk, curb and gutter as follows:

- Developer shall provide roadway frontage improvements along Salem Church Road consistent with a 35-foot back-to-back typical section with 5-foot sidewalk on a 60-foot right-of-way.

At this time, the applicant has not agreed to the addition of this condition.

Transportation Analysis

The Apex Thoroughfare and Collector Street Plan designates Salem Church Road as a 2-lane Thoroughfare, 60-foot right-of-way with bike lanes (see Figure 1: 2-Lane Urban Thoroughfare) and sidewalk on both sides.

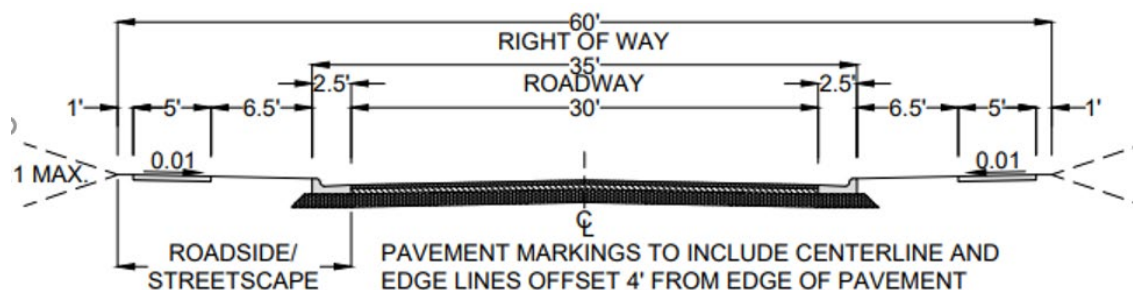


Figure 1: 2-Lane Urban Thoroughfare

The project frontage (outlined in red in Figure 2) along Salem Church Road is approximately 458 feet in length and does not include curb, gutter, or sidewalk (see Figure 2: Salem Church Road Aerial).

*The orange lines represent the Salem Pointe Townhome PUD portion that paid a fee in lieu in May 2017 for road widening, curb & gutter, and sidewalk.

STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



Figure 2: Salem Church Road Aerial

Transportation Infrastructure Fee in Lieu:

Currently, staff does not recommend collection of a fee in lieu for completion of road frontage improvements given the following:

- The fee is usually lower than the actual cost of construction;
- Residents will be disrupted when the Town makes future improvements;
- Residents will not benefit from the infrastructure until an unknown time with the Town moves the road frontage improvement project forward;
- Construction as a municipal project will be more costly and have a higher staff burden than construction with development.

The existing Salem Church Road infrastructure surrounding the project site area includes the following:

Location	Sidewalk	Curb and Gutter
West of the project site	Yes	At Tahoe Glen Place intersection
East of the project site	Sidewalk installed 400 feet from project site. The 400-foot gap (northern orange line in Figure 2) is part of the Salem Pointe Townhome PUD that paid a fee in lieu for road widening, curb & gutter, and sidewalk	At Dotson Way intersection
South side of Salem Church Rd	No. (Paid Fee in lieu for road widening, curb & gutter and sidewalk)	At Olde Salem Way intersection

The project site is located in close proximity to the following destinations:

Destination	Miles	Walking Time
Laurel Park Elementary School	0.4 to the east	6 to 8 minutes
Apex Community Park	0.7 to the east and south	10 to 14 minutes
Shopping Center	0.75 to the east	12 to 15 minutes
Westhigh Street	0.48 to the north	7 to 9 minutes

STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



*Yellow bold line represents existing continuous direct sidewalk location to destinations.

* Yellow minor lines represent existing sidewalk within the Town of Apex.



Figure 3: Existing Sidewalk and Destinations

- The sidewalk along the project site (along with what would be the remaining gap, northern orange line in Figure 2) is an identified Safe Routes to School need with a relatively-high priority. Staff has had multiple requests for the sidewalk completion by area residents and the Principal of Laurel Park Elementary School. This area is within the base assignment area for Laurel Park Elementary School.
- The project site is also closely adjacent to future all-day transit service along North Salem Street. GoCary plans to expand the existing Apex-Cary Express Route to all-day service between Downtown Apex and the Cary Depot in 2025. The route will be renamed "Route 12". Currently, GoCary is working to locate and design new bus stops. It is anticipated there will be a bus stop in close proximity to Salem Pointe Place on North Salem Street.
- During the Planning Board public hearing, the applicant cited a desire to build an affordable product as a reason not to offer a commitment for road frontage improvements along Salem Church Road. No affordable housing commitment is associated with this rezoning case, but even if there were such a commitment, the Town's adopted Affordable Housing Incentive Zoning Policy does not offer elimination of road frontage improvements along thoroughfares as a possible incentive for affordable

STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



units. (Note from Planning staff: It is feasible for this project area, which includes three lots of record and four existing driveways, to be divided into 8 or 9 lots, which could result in approximately 14,000-15,000 sq. ft. lots, much larger than staff would normally see for an affordable project given that large lot sizes typically increase the final cost of the homes.)

Parks, Recreation, and Cultural Resources Advisory Commission:

This project will have less than 30 single family detached units. Therefore, the project did not need to be reviewed by the PRCR Advisory Commission per the UDO, Sec. 14.1.2 *Exemptions*.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on July 10, 2023 meeting and unanimously recommended approval with the conditions as proposed by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ10 Salem Church Road with the conditions as offered by the applicant only if the following condition is added:

- Developer shall provide roadway frontage improvements along Salem Church Road consistent with a 35-foot back-to-back typical section with 5-foot sidewalk on a 60-foot right-of-way.

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 classifies the subject property as Medium Density Residential. The proposed rezoning to Medium Density Residential-Conditional Zoning is consistent with that land use classification.

With the additional condition recommended by staff, the proposed rezoning is reasonable and in the public interest because it will implement stricter environmental conditions than the UDO requires, provide sidewalk infrastructure identified along a Safe Routes to School priority route, and provide additional single-family homes that are compatible with those in the general vicinity.

CONDITIONAL ZONING STANDARDS:

Town Council shall find the Medium Density Residential-Conditional Zoning (MD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

- 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.

STAFF REPORT

Rezoning #23CZ10 Salem Church Road Parcels

August 8, 2023 Town Council Meeting



- 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.



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 #: 23CZ10 Submittal Date: 4/28/2023
Fee Paid: _____

Project Information

Project Name: Salem Church Road Parcels
Address(es): 1529, 1531 & 1535 Salem Church Rd
PIN(s): 0743-81-8238, 0743-81-9289 & 0743-91-1218
Acreage: 2.90
Current Zoning: RA Proposed Zoning: MD-CZ
Current 2045 LUM Classification(s): Medium Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒ No ☐

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

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

Applicant Information

Name: Sundance of NC, LLC
Address: 505. E Chatham St.
City: Apex State: NC Zip: 27502
Phone: 843-458-4353 E-mail: crhelton1@gmail.com

Owner Information

Name: John Warwick
Address: PO Box 63
City: Semora State: NC Zip: 27343
Phone: 843-458-4353 E-mail: crhelton1@gmail.com

Agent Information

Name: Jones & Cnossen Engineering, PLLC - Peter Cnossen
Address: 221 N. Salem St., Suite 001
City: Apex State: NC Zip: 27502
Phone: 919-387-1174 E-mail: peter@jonescnossen.com

Other contacts: _____

PETITION INFORMATION

Application #: 23CZ10 Submittal Date: 4/28/2023

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

PROPOSED USES:

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

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

PETITION INFORMATION

Application #: 23CZ10 Submittal Date: 4/28/2023

PROPOSED CONDITIONS:

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

1. If there is a back roof that faces to the East, South and/or West, then there shall be a minimum four-kilowatt (kW) solar PV system installed on one rooftop.
2. If a buffer is required along Salem Church Road, the buffer shall be a Type "B".
3. The project shall preserve a minimum of 40% of the existing tree canopy.
4. The project shall include drought tolerant plants, of which 100% of the plants selected shall be native. Landscaping shall be coordinated with and approved by the Planning Department at subdivision review.
5. All homes shall include solar conduit in the building design to facilitate future installation of roof-mounted solar PV panels.
6. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The Medium Density-Conditional Zoning is consistent with the 2045 Land Use map.

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

The limited uses and density for these parcels are compatible with the adjacent single-family homes to the north, east and west and townhomes to the south along Salem Church Road.

23CZ10 Salem Church Road Parcels
Proposed Conditions (continued from Page 5)

7. The existing parcels are currently served by four (4) driveways accessing Salem Church Road. Subdivision of the parcels shall not increase the total number of existing driveways.

Architectural Conditions
Single-Family Residential

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. Garage doors shall have windows, decorative details or carriage-style adornments on them.
5. The front façade or front porch shall extend a minimum of 6 feet in front of the garage door for front loaded garage facades.
6. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
9. Front porches shall be a minimum of 6 feet deep.
10. No more than 25% of lots may be accessed with J-driveways. There shall be no more than 3 such homes in a row on any single block. Any lots eligible for a J-driveway home shall be identified on the Final Plat.

PETITION INFORMATION

Application #: 23CZ10 Submittal Date: 4/28/2023

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

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

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

The three parcels to be rezoned front along Salem Church Road, so the planned single-family homes have direct access to minimize the impact to adjacent properties.

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.

Several environmentally-minded conditions have been added to this conditional zoning in order to minimize environmental impacts, including preserving 40% of existing tree canopy, planting only drought tolerant and native plants in the landscaping, and provision of solar conduit in all homes.

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 density of the project will minimize the impact on public facilities in the area.

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

The development of these parcels should not have a negative affect on the health, safety or welfare of Apex citizens.

PETITION INFORMATION

Application #: 23CZ10 Submittal Date: 4/28/2023

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

This rezoning is consistent with the adjacent single-family neighborhoods to the north and west of the properties so it should not be 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.

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

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

The planned single-family homes will be developed in accordance with the Town UDO.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, Cary Township, Wake County, North Carolina,
and described more fully as follows to wit:

BEGINNING at the northwest corner Lot A (B.M. 2005, Pg. 508), also being the southernmost corner Lots 32 & 33 (B.M. 2003, Pg. 1053); thence South $00^{\circ} 44' 07''$ East, 272.12 feet to a point; thence North $87^{\circ} 32' 00''$ West, 43.01 feet to a point; thence North $88^{\circ} 10' 26''$ West, 215.08 feet to a point; thence North $88^{\circ} 29' 23''$ West, 200.28 feet to a point; thence North $00^{\circ} 51' 23''$ East, 285.36 feet to a point; thence South $86^{\circ} 32' 31''$ East, 451.22 feet to the BEGINNING, containing 2.9013 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

PRELIMINARY

AGENT AUTHORIZATION FORMApplication #: 23CZ10Submittal Date: 4/28/2023John Warwick

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: 1529 & 1531 Salem Church Rd and 1535 Salem Church RdThe agent for this project is: Jones & Cnossen Engineering, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Peter CnossenAddress: 221 N. Salem St., Suite 001, Apex NC 27502Telephone Number: 919-387-1174E-Mail Address: peter@jonescnossen.com

Signature(s) of Owner(s)*

John Wesley Warwick II
John Wesley Warwick II

Type or print name

4/11/23
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 OWNERSHIPApplication #: 23CZ10Submittal Date: 4/28/2023

The undersigned, John Warwick (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 1529 & 1531 Salem Church Rd and 1535 Salem Church Rd and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 12/21/2017 and 05/07/2010, and recorded in the Wake County Register of Deeds Office on 12/21/2017 and 05/07/2010 in Book 017004 and 13935 Page 02354-02358 and 1043.
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 12/21/2017 and 05/07/2010, 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 12/21/2017 and 05/07/2010, 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 April, 2023.

John Wesley Warwick II (seal)
John Wesley Warwick II
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Person

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



Jade D Weaver
Notary Public
State of North Carolina
My Commission Expires: 01/18/2028

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 23CZ10

Submittal Date: 4/28/2023

Insert legal description below.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex ETJ, Cary Township, Wake County, North Carolina, and described more fully as follows to wit:

BEGINNING at the northwest corner Lot A (B.M. 2005, Pg. 508), also being the southernmost corner Lots 32 & 33 (B.M. 2003, Pg. 1053); thence South 00° 44' 07" East, 272.12 feet to a point; thence North 87° 32' 00" West, 43.01 feet to a point; thence North 88° 10' 26" West, 215.08 feet to a point; thence North 88° 29' 23" West, 200.28 feet to a point; thence North 00° 51' 23" East, 285.36 feet to a point; thence South 86° 32' 31" East, 451.22 feet to the BEGINNING, containing 2.9013 total acres more or less.

This description was prepared for the sole purpose of annexation of a municipal boundary and for no other use.

PRELIMINARY

NOTICE OF NEIGHBORHOOD MEETING

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

April 4, 2023

Date

Dear Neighbor:

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

1529, 1531 & 1535 Salem Church Rd

0743-81-8238, 0743-81-9289 & 0743-91-1218

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>.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The three (3) parcels are to be rezoned to Medium Density-Conditional Zoning (MD-CZ). The intention is to develop each parcel as an Exempt Subdivision for single-family homes. The maximum number of lots is expected to be no more than 8.

Estimated submittal date: April 28, 2023

MEETING INFORMATION:

Property Owner(s) name(s): John Warwick

Applicant(s): Sundance of NC, LLC and Jones & Cnossen Engineering, PLLC - Peter Cnossen

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

Meeting Address: Zoom - see enclosed details

Date/Time of meeting**: April 24, 2023

Welcome: 6:00 pm Project Presentation: 6:00 pm - 6:15 pm Question & Answer: 6:15 pm - 8:00 pm

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

Zoom Meeting Details – Salem Church Road Parcels Rezoning

When: April 24, 2023 - 6:00 PM Eastern Time (US and Canada)

Register using the QR code:

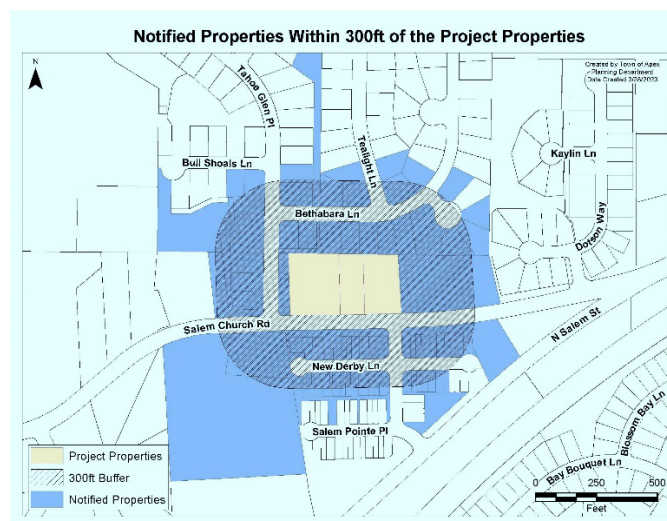


Or go to: www.zoom.com. Click on “JOIN”. Enter the Meeting ID: 833 7913 4929 and then the Passcode: 947188.

Provide your First & Last Name, Email address and Street address. This will help with attendance at the meeting and register you for the meeting. You will then receive an email confirmation with a link to join the meeting on April 24th.

Or join the meeting by phone: dial (929) 205-6099 or (301) 715-8592 and enter the Meeting ID 833 7913 4929 and the Passcode 947188. If there are any questions regarding the upcoming meeting or you experience any issues registering for the meeting, please contact our office for assistance.

Vicinity Exhibit



Current Zoning Exhibit



0 200 400 800 ft

1 inch equals 400 feet

Disclaimer

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

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: Salem Church Road Parcels Zoning: RA

Location: 1529, 1531 & 1535 Salem Church Rd

Property PIN(s): 0743-81-8238, 0743-81-9289 & 0743-91-1218 Acreage/Square Feet: 2.84

Property Owner: John Warwick

Address: PO Box 63

City: Semora State: NC Zip: 27343

Phone: _____ Email: _____

Developer: Sundance of NC, LLC

Address: 505 E. Chatham St.

City: Apex State: NC Zip: 27502

Phone: 843-458-4353 Fax: _____ Email: crhelton1@gmail.com

Engineer: Jones & Cnossen Engineering, PLLC - Peter Cnossen

Address: 221 N. Salem St., Suite 001

City: Apex State: NC Zip: 27502

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

Builder (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts	
Planning 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 Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
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
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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
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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
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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
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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
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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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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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
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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
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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
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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
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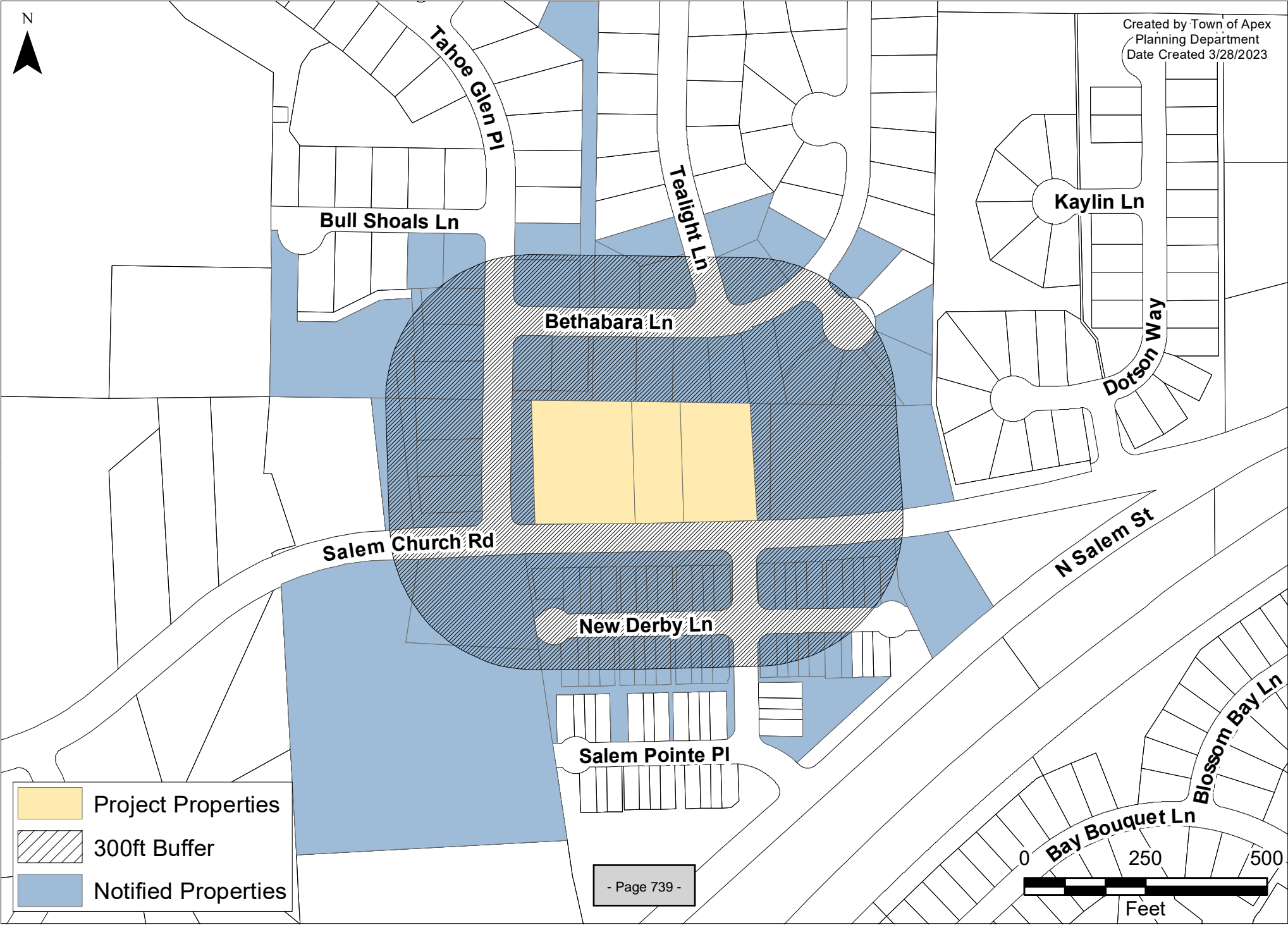
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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

SITE ADDRESS	PIN NUMBER	OWNER	MAILING ADDRESS	
846 NEW DERBY LN	0743819023	AGGARWAL, KAPISH KUMAR	846 NEW DERBY LN	APEX NC 27523-6409
205 BETHABARA LN	0743819408	AGRAWAL, PRAGYA	205 BETHABARA LN	CARY NC 27513-5784
802 NEW DERBY LN	0743914024	ALLEN, DONALD WAYNE JR ALLEN, AMELIA ANN	802 NEW DERBY LN	APEX NC 27523-6409
1020 TAHOE GLEN PL	0743817429	AMIRJOHN, DOWLATH BEE SHEIK JAWAHAR, FARUK HUSAIN	213 BETHABARA LN	CARY NC 27513-5784
850 NEW DERBY LN	0743818082	ARYAL, SANAT SHARMA, SHRISTI	850 NEW DERBY LN	APEX NC 27523-6409
209 BETHABARA LN	0743818409	BANSAL, AMIT HETRAM BANSAL, SHWETA	209 BETHABARA LN	CARY NC 27513-5784
830 NEW DERBY LN	0743911013	BARBA, PALOMA NATHALY MARQUEZ	830 NEW DERBY LN	APEX NC 27523-6409
1013 TAHOE GLEN PL	0743815358	CANNADAY, ROBERT BRUCE CANNADAY, SARAH TUYEN	1013 TAHOE GLEN PL	CARY NC 27513-5811
842 NEW DERBY LN	0743819073	CASSAS, CHRISTY M	842 NEW DERBY LN	APEX NC 27523-6409
101 TEALIGHT LN	0743911747	CHILUKURI, RAVIK K CHILUKURI, POOJA J	102 TEALIGHT LN	CARY NC 27513-5784
809 NEW DERBY LN	0743903849	CHOI, UNG DANIEL CHOI, HEEEUN	809 NEW DERBY LN	APEX NC 27523-6409
817 NEW DERBY LN	0743902869	COHEN, ANNA	1602 SHEPHERDS GLADE DR	APEX NC 27523-6949
852 NEW DERBY LN	0743818052	CULOTTA, OLIVIA M	852 NEW DERBY LN	APEX NC 27523-6409
856 NEW DERBY LN	0743818002	DAXINI, MONAL MALAVIYA, SWATI	760 SHASTA FIR DR	SUNNYVALE CA 94086-8231
1017 TAHOE GLEN PL	0743815456	DHANAPNEI, ABHINAY KUMAR MATTAPALLI, HARITHA	1017 TAHOE GLEN PL	CARY NC 27513-5811
405 LEINBACH CT	0743915508	EILERS, CHRISTOPHER J EILERS, DANELLE J	405 LEINBACH CT	CARY NC 27513-5759
832 NEW DERBY LN	0743910093	ENCARNACION, ANTHONY M	832 NEW DERBY LN	APEX NC 27523-6409
844 NEW DERBY LN	0743819053	FINDIK, KASIM FINDIK, GAMZE	844 NEW DERBY LN	APEX NC 27523-6409
820 NEW DERBY LN	0743912013	FRANKLIN, BERLIN RAJESH	820 NEW DERBY LN	APEX NC 27523-6409
0 SALEM CHURCH RD	0743814248	GARBETT, ASHLEY W WAPLES, ASHLEY LYNN	1521 SALEM CHURCH RD	APEX NC 27523-7564
1201 BULL SHOALS LN	0743900868	GAWANDE, NILAM GAWANDE, RAJESH RAVINDRA	835 NEW DERBY LN	APEX NC 27523-6409
0 TAHOE GLEN PL	0743815790	GHIMIRE, SHIRSHAK RAJ SAKOTA, ASMITA	1201 BULL SHOALS LN	CARY NC 27513-5808
855 NEW DERBY LN	0743817208	GLEN AT WESTHIGH OWNERS ASSOCIATION INC	CHARLESTON MANAGEMENT	812 SALEM WOODS DR
407 LEINBACH CT	0743808838	HARTMAN, JOANN M	855 NEW DERBY LN	APEX NC 27523-6409
1512 SALEM CHURCH RD	0743914479	HAYES, ROBERT E HAYES, YUMIKO O	407 LEINBACH CT	CARY NC 27513-5759
853 NEW DERBY LN	0743805704	HESTER, EDWARD L III HESTER, PATSY P	1512 SALEM CHURCH RD	APEX NC 27523-7563
841 NEW DERBY LN	0743808858	HU, JACK WEIYU	853 NEW DERBY LN	APEX NC 27523-6409
812 NEW DERBY LN	0743809898	HUANG, CHARLES SHOU SHEN	841 NEW DERBY LN	APEX NC 27523-6409
815 NEW DERBY LN	0743913013	INAVOLU, JYOTSNA	812 NEW DERBY LN	APEX NC 27523-6409
1205 BULL SHOALS LN	0743902889	KADIYALA, VINOD DARUR, LALITHA ARCHANA	815 NEW DERBY LN	APEX NC 27523-6409
0 SALEM CHURCH RD	0743815700	KIM, IL HOON KIM, HYUN JOUNG	1205 BULL SHOALS LN	CARY NC 27513-5808
834 NEW DERBY LN	0743913289	KING, TOMMY CURTIS KING, NANCY COUNCIL	1608 SALEM CHURCH RD	APEX NC 27523-7566
400 LEINBACH CT	0743910063	KOMMIREDDY, SUNEEL KUMAR PUNURU, VANI	113 DURSLEY WAY	CARY NC 27519-7555
807 NEW DERBY LN	0743912576	KUMAR, SURESH S KUMAR, SUDHA SURESH	400 LEINBACH CT	CARY NC 27513-5759
833 NEW DERBY LN	0743903879	LIN, QI FAN, PERRY A	2A BROWNING DR	LIVINGSTON NJ 07039-4606
806 NEW DERBY LN	0743900888	MAITRA, RAJATAVO MAITRA, RUPA	833 NEW DERBY LN	APEX NC 27523-6409
402 LEINBACH CT	0743913074	MANJORIN, DONNA M MANJORIN, QUINTUS P	806 NEW DERBY LN	APEX NC 27523-6409
1009 TAHOE GLEN PL	0743901818	MEENON, ASHWIN MEENON, HARITA	FRESHOLD NJ 07728-4657	
804 NEW DERBY LN	0743913417	MOHEBBI, BEHROOZ MOTAVALLA, MINOO	402 LEINBACH CT	CARY NC 27513-5759
843 NEW DERBY LN	0743815350	MUDIGONDA, SARATH CHANDRA KARRA, SRIVALLI	1009 TAHOE GLEN PL	CARY NC 27513-5811
821 NEW DERBY LN	0743914004	NEUPANE, JHABINDRA NEUPANE, YAMUNA PANGENI	804 NEW DERBY LN	APEX NC 27523-6409
203 BETHABARA LN	0743809878	NEUPANE, PADAM NEUPANE, BISHNU	843 NEW DERBY LN	APEX NC 27523-6409
126 BETHABARA LN	0743802819	NOROTH, EMMANUEL VARGHESE	821 NEW DERBY LN	APEX NC 27523-6409
851 NEW DERBY LN	0743902849	OZHAKKANATT, SHERLY MANI KURIAN, MANI	819 NEW DERBY LN	APEX NC 27523-6409
840 NEW DERBY LN	0743910458	PANDIT, YOGESH UMASHANKAR MISHRA, ANURADHA S	201 BETHABARA LN	CARY NC 27513-5784
1025 TAHOE GLEN PL	0743910003	PANIGRAHI, SANGRAM KESHARI MISHRA, PRACHI	840 NEW DERBY LN	APEX NC 27523-6409
804 SALEM POINTE PL	0743815661	PATEL, HITESH RASIK PATEL, NEELAM ASHOK	1025 TAHOE GLEN PL	CARY NC 27513-5811
854 NEW DERBY LN	0743819478	PRODDUTURI, ANILKUMAR VELMA, TEJA	203 BETHABARA LN	CARY NC 27513-5784
851 NEW DERBY LN	0743911678	RAO, MOHAN N RAO, RADHIKA M	126 BETHABARA LN	CARY NC 27513-5770
836 NEW DERBY LN	0743808888	RASH, FAITH G	851 NEW DERBY LN	APEX NC 27523-6409
814 NEW DERBY LN	0743910043	SAINI, VINOD KUMAR SAINI, ALKA	836 NEW DERBY LN	APEX NC 27523-6409
1522 SALEM CHURCH RD	0743912083	SAKEENA, QURAT UL AIN SHAHID, ZEESHAN	814 NEW DERBY LN	APEX NC 27523-6409
804 SALEM POINTE PL	0743815090	SALEM CHURCH COURT LLC	267 TIMBER DR UNIT 1813	GARNER NC 27529-1290
0 NEW DERBY LN	0743903728	SALEM POINTE OWNERS ASSOCIATION INC	REALMANAGE	PO BOX 803555
204 BETHABARA LN	0743817064	SALEM POINTE OWNERS ASSOCIATION INC	1100 PERIMETER PARK DR STE 112	MORRISVILLE NC 27560-9119
101 TEALIGHT LN	0743819029	SALEM POINTE OWNERS ASSOCIATION INC	8480 HONEYCUTT RD STE 200	RALEIGH NC 27615-2261
818 NEW DERBY LN	0743818696	SANDERSON, JAMES D SANDERSON, JESSICA A	204 BETHABARA LN	CARY NC 27513-5783
854 NEW DERBY LN	0743910607	SAR, SUNTHEARY SEM, BUNHENG	101 TEALIGHT LN	CARY NC 27513-5767
122 BETHABARA LN	0743912033	SAUTTER, SCOTT DANIEL SAUTTER, TAMARA DILL	818 NEW DERBY LN	APEX NC 27523-6409
1005 TAHOE GLEN PL	0743818032	SCRUGGS, ASHLYN LUELLA TRUSTEE THE ASHLYN LUELLA SCRUGGS REVOCABLE TRUST	854 NEW DERBY LN	APEX NC 27523-6409
103 TEALIGHT LN	0743912754	SEGAN, SANJEEV SEGAN, UMANG	122 BETHABARA LN	CARY NC 27513-5770
816 NEW DERBY LN	0743815262	SHADFORTH, IAN PAUL YAU, JEAN CHRISTINE	1005 TAHOE GLEN PL	CARY NC 27513-5811
127 BETHABARA LN	0743819774	SHAH, HEMAL JIGNESH SHAH, CHANDRIKA M	103 TEALIGHT LN	CARY NC 27513-5767
857 NEW DERBY LN	0743912063	SHEN, CHEN TRUSTEE SHEN'S TRUST	2454 DAKOTA AVE	MODESTO CA 95358-9768
1028 TAHOE GLEN PL	0743912409	SHIM, MINSUB SHIM, JOOHWEE KIM	127 BETHABARA LN	CARY NC 27513-5771
401 LEINBACH CT	0743808807	SHOEMAKER, ABIGAIL	857 NEW DERBY LN	APEX NC 27523-6409
845 NEW DERBY LN	0743817656	SIDDIQUI, MUHAMMAD HASIB	1028 TAHOE GLEN PL	CARY NC 27513-5811
808 NEW DERBY LN	0743914609	SOTO, JOSE KHLEBNIKOVA, TATIANA	401 LEINBACH CT	CARY NC 27513-5759
1032 TAHOE GLEN PL	0743809848	SPEER, SHANNON	845 NEW DERBY LN	APEX NC 27523-6409
837 NEW DERBY LN	0743913054	TALLEY, MATTHEW JAMES TRUSTEE TEELIN, PAUL DANE TRUSTEE	808 NEW DERBY LN	APEX NC 27523-6409
404 LEINBACH CT	0743817754	THANDAPANI, LENIN LENIN, SENBAGAVALLI	1032 TAHOE GLEN PL	CARY NC 27513-5811
129 BETHABARA LN	0743900838	THOTAMSETTY, SREENATHA GUPTA THOTAMSETTY, SRAVANI	837 NEW DERBY LN	APEX NC 27523-6409
1521 SALEM CHURCH RD	0743914406	VELAGAPUDI, SUREN VELAGAPUDI, VYSHNAVI	404 LEINBACH CT	CARY NC 27513-5759
1535 SALEM CHURCH RD	0743911438	VORA, CHETAN N VORA, ANJALI C	129 BETHABARA LN	CARY NC 27513-5771
1031 SALEM CHURCH RD	0743813513	WAPLES, ASHLEY LYNN GARBETT, ASHLEY W	1521 SALEM CHURCH RD	APEX NC 27523-7564
1021 TAHOE GLEN PL	0743911218	WARWICK, JOHN	PO BOX 63	SEMPORA NC 27343-0063
1608 SALEM CHURCH RD	0743818238	WATERS, DANIEL RAY WATERS, JENNIFER SAMSON	PO BOX 63	SEMPORA NC 27343-0063
813 NEW DERBY LN	0743815563	WEAVER, TREVA WILLARD	1021 TAHOE GLEN PL	CARY NC 27513-5811
847 NEW DERBY LN	0743903819	WEI, JAMES ZHIYONG TRUSTEE FANG, MIN TRUSTEE	1608 SALEM CHURCH RD	APEX NC 27523-7565
	0743809828	ZHANG, ZHIQIANG WANG, SHUO	122 SUMMIT WAY	SAN FRANCISCO CA 94132-2949
		APEX TOWN OF	847 NEW DERBY LN	APEX NC 27523-6409
		Current Tenant	PO BOX 250	APEX NC 27502-0250
		Current Tenant	807 New Derby LN	APEX NC 27523
		Current Tenant	813 New Derby LN	APEX NC 27523
		Current Tenant	816 New Derby LN	APEX NC 27523
		Current Tenant	817 New Derby LN	APEX NC 27523
		Current Tenant	831 New Derby LN	APEX NC 27523
		Current Tenant	834 New Derby LN	APEX NC 27523
		Current Tenant	856 New Derby LN	APEX NC 27523
		Current Tenant	1522 Salem Church RD	APEX NC 27523
		Current Tenant	1529 Salem Church RD	APEX NC 27523
		Current Tenant	1531 Salem Church RD	APEX NC 27523
		Current Tenant	1535 Salem Church RD	APEX NC 27523

Notified Properties Within 300ft of the Project Properties

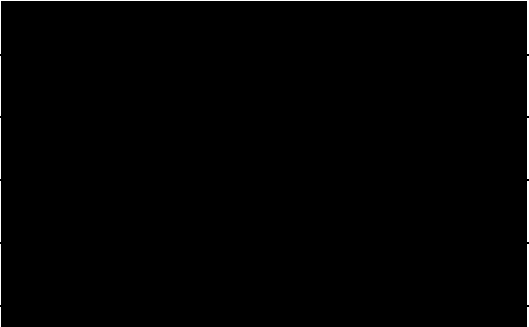


NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom
 Date of meeting: April 24, 2023 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): John Warwick
 Applicant(s): Sundance NC, LLC and Jones & Clossen Engineering, PLLc

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Peter Clossen/Jones & Clossen Engineering	221 N Salem St, Suite 001	919-387-1174		<input type="checkbox"/>
2.	Howard Smith	1535 Salem Church Rd			<input checked="" type="checkbox"/>
3.	Chris Eilers	405 Leinbach Ct			<input checked="" type="checkbox"/>
4.	Karen King	5612 Woodard Lane			<input checked="" type="checkbox"/>
5.	Tommy King	1605 Salem Church Rd			<input checked="" type="checkbox"/>
6.	Joann Hartman	855 New Derby Lane			<input type="checkbox"/>
7.					<input type="checkbox"/>
8.					<input type="checkbox"/>
9.					<input type="checkbox"/>
10.					<input type="checkbox"/>
11.					<input type="checkbox"/>
12.					<input type="checkbox"/>
13.					<input type="checkbox"/>
14.					<input type="checkbox"/>

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): John Warwick

Applicant(s): Sundance NC, LLC and Jones & Clossen Engineering, PLLc

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

Meeting Address: Zoom

Date of meeting: April 24, 2023

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

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

Question/Concern #1:

Can the applicant add other uses such as townhomes or apartments if the MD-CZ zoning is denied?

Applicant's Response:

The applicant is a single-family home developer/builder and has no desire to build townhomes or
apartments on this site. If other uses are added, the rezoning will need to be modified and another
neighborhood meeting scheduled so that adjacent property owners are informed.

Question/Concern #2:

How do you plan to handle stormwater from the lots?

Applicant's Response:

The existing topography slopes from the north to south towards Salem Church Road where runoff is conveyed to a
road side ditch. The single-family lots are planned to convey all runoff to this existing ditch that continues
east along Salem Church Road until discharged to an existing culvert.

Question/Concern #3:

Will the development address areas within the existing road side ditch that hold water?

Applicant's Response:

The development will address any ditch issues along the site frontage with the lot construction. Any off-site ditch
issues can be reviewed at the time of construction, and if possible, graded to help provide positive
drainage.

Question/Concern #4:

How will the lots be graded?

Applicant's Response:

Very little lot grading is planned with an Exempt Subdivision if allowed. Should the development require a
Master Subdivision Plan, then significant grading will be required for site access and stormwater controls.

Summary of Discussion from the Neighborhood Meeting

Additional Questions

Q: What is the time frame for construction?

A: The rezoning will be submitted this Friday and go through Town review and comment during May. If all proceeds forward as hoped, the rezoning will go before the Town Planning Board and Town Council in June. If an Exempt Subdivision is allowed, construction could start sometime late summer to early fall. If the subdivision requires administrative review, then construction would probably be sometime early next year.

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

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

I, Peter D. Cnossen, do hereby declare as follows:

Print Name

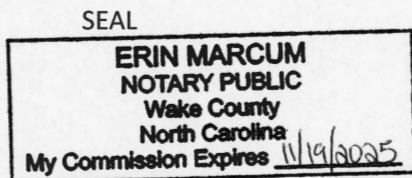
1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Zoom (location/address) on April 24, 2023 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

4/25/2023
Date

By: Peter D. Cnossen

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Erin Marcum, a Notary Public for the above State and County, on this the 25th day of April, 2023.



[Signature]
Notary Public
Erin Marcum
Print Name

My Commission Expires: November 19, 2025

Wake County Residential Development Notification

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

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

Please send any questions about this form to:

studentassignment-gis-group@wcpss.net

Developer Company Information	
Company Name	Sundance of NC, LLC
Company Phone Number	843-458-4353
Developer Representative Name	Carl Helton
Developer Representative Phone Number	843-458-4353
Developer Representative Email	crhelton1@gmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	April 28, 2023
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	To be determined
Address of Subdivision (if unknown enter nearest cross streets)	1529, 1531 & 1535 Salem Church Rd
REID(s)	0017910, 0017912 & 0079785
PIN(s)	0743-81-8238, 0743-81-9289 & 0743-91-1218

Projected Dates Information	
Subdivision Completion Date	
Subdivision Projected First Occupancy Date	

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	8					8		1,800					2023	4	2024	4	
Townhomes																	
Condos																	
Apartments																	
Other																	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



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: +2.9 acres

PIN(s): 0743818238, 0743819289, 0743911218

Current Zoning: Residential Agricultural (RA)

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

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



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: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval as submitted by the applicant.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Keith 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:

Conditions as proposed by applicant.

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

With 8 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 July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2023.07.10 19:33:49
-04'00'
Dianne Khin, Planning Director



**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ10
Salem Church Road Parcels

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: Sundance of NC, LLC

Authorized Agent: Peter Crossen, Jones & Crossen Engineering, PLLC
 1500 15th St., Suite 100, St. Paul, MN 55109
 Tel: 612.222.1500 Fax: 612.222.1501
 Email: info@jce-engineering.com Website: www.jce-engineering.com

Property Addresses: 1529, 1531, and 1535 Salem Church Road
Acres: 42.00 acres

Acreage: ±2.90 acres

Property Identification Numbers (PINs): 0743818238, 0741819289, and 0743911218

2045 Land Use Map Designation: Medium Density Residential
Existing Zoning of Properties: Residential Agricultural (RA)

Existing Zoning of Properties: Residential Agricultural (RA)
Proposed Zoning of Properties: Medium Density Conditional (MDC)

Proposed Zoning of Properties: Medium Density-Conditional Zoning (MD-CZ)

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

Planning Board Public Hearing Date and Time: July 10, 2023 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.rainier.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <http://www.apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Planning Director

Published Dates: June 23-July 10, 2023

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: Sundance of NC, LLC

Agente autorizado: Peter Clossen, Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 1529, 1531, and 1535 Salem Church Road

Superficie: ±2.90 acres

Números de identificación de las propiedades: 0743818238, 0741819289, and 0743911218

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

Ordenamiento territorial existente de las propiedades: Residencial Agrícola (RA)

Ordenamiento territorial propuesto para las propiedades: Medium Density-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de julio de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y acciones 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.arcgis.com/>. Puede ver el Mapa de Uso Territorial para 2045 aquí: <https://apexnc.org/DocumentCenter/View/4278>. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de junio - 10 de julio de 2023



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ10
Salem Church Road Parcels

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:** Sundance of NC, LLC
- Authorized Agent:** Peter Clossen, Jones & Clossen Engineering, PLLC
- Property Addresses:** 1529, 1531, and 1535 Salem Church Road
- Acreage:** ±2.90 acres
- Property Identification Numbers (PINs):** 0743818238, 0741819289, and 0743911218
- 2045 Land Use Map Designation:** Medium Density Residential
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Medium Density-Conditional Zoning (MD-CZ)

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

Planning Board Public Hearing Date and Time: July 10, 2023 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Planning Director



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ10

Salem Church Road Parcels

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: Sundance of NC, LLC

Agente autorizado: Peter Clossen, Jones & Clossen Engineering, PLLC

Dirección de las propiedades: 1529, 1531, and 1535 Salem Church Road

Superficie: ±2.90 acres

Números de identificación de las propiedades: 0743818238, 0741819289, and 0743911218

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

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: Medium Density-Conditional Zoning (MD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de julio de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Directora de Planificación



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 #23CZ10 Salem Church Road Parcels
Project Location: 1529, 1531, and 1535 Salem Church Road
Applicant or Authorized Agent: Peter Cnossen
Firm: Jones & Cnossen Engineering, PLLC
Planning Board Public Hearing Date: July 10, 2023
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on June 23, 2023, 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.

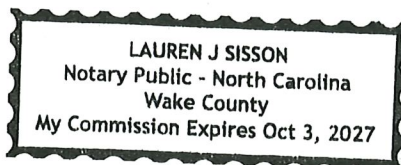
6/26/2023
Date

Dianne Fkhin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, *Lauren J Sisson*, a Notary Public for the above

State and County, this the 26th day of June, 202 3.



SEAL

[Signature]
Notary Public

My Commission Expires: 10 / 3 / 2027



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #23CZ10
Salem Church Road Parcels**

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: Sundance of NC, LLC

Authorized Agent: Peter Crossen, Jones & Crossen Engineering, PLLC

Property Addresses: 1529, 1531, and 1535 Salem Church Road

Acreage: ±2.90 acres

Property Identification Numbers (PINs): 0743818238, 0741819289, and 0743911218

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: Medium Density-Conditional Zoning (MD-CZ)

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

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

Town Council Public Hearing Date and Time: August 8, 2023 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/channel/UCwofasagay>

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/4176. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43096>.

Dianne F. Khin, AICP
Planning Director

Published Dates: July 14-August 8, 2023



90°F Mostly sunny



1:50 PM
7/14/2023



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

**NOTIFICACION PUBLICA DE AUDIENCIAS PUBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ10
Salem Church Road Parcels**

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: Sundance of NC, LLC

Agente autorizado: Peter Crossen, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 1529, 1531, and 1535 Salem Church Road

Superficie: ±2.90 acres

Números de identificación de las propiedades: 0743818238, 0741819289, and 0743911218

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

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: Medium Density-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2^o 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: 8 de agosto de 2023 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/channel/UCwofasagay>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imap>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4176. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43096>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 14 de julio - 8 de agosto de 2023



90°F Mostly sunny



1:49 PM
7/14/2023



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ10 Salem Church Road Parcels

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: Sundance of NC, LLC

Authorized Agent: Peter Cnossen, Jones & Cnossen Engineering, PLLC

Property Addresses: 1529, 1531, and 1535 Salem Church Road

Acreage: ±2.90 acres

Property Identification Numbers (PINs): 0743818238, 0741819289, and 0743911218

Current 2045 Land Use Map Designation: Medium Density Residential

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: Medium Density-Conditional Zoning (MD-CZ)

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

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

Town Council Public Hearing Date and Time: August 8, 2023 6:00 PM

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ10

Salem Church Road Parcels

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: Sundance of NC, LLC

Agente autorizado: Peter Crossen, Jones & Crossen Engineering, PLLC

Dirección de las propiedades: 1529, 1531, and 1535 Salem Church Road

Superficie: ±2.90 acres

Números de identificación de las propiedades: 0743818238, 0741819289, and 0743911218

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

Ordenamiento territorial existente de las propiedades: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedades: Medium Density-Conditional Zoning (MD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 8 de agosto de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43090>.

Dianne F. Khin, AICP
Directora de Planificación



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 #23CZ10 Salem Church Road Parcels
Project Location: 1529, 1531, and 1535 Salem Church Road
Applicant or Authorized Agent: Peter Cnossen
Firm: Jones & Cnossen Engineering, PLLC
Town Council Public Hearing Date: August 8, 2023
Project Planner: June Cowles

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on July 14, 2023, 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.

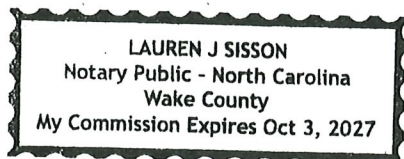
7/18/2023
Date

DiAnne T. Khrin
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Lauren J Sisson, a Notary Public for the above

State and County, this the 18th day of July, 2023.



SEAL

8/8
Notary Public

My Commission Expires: 10 / 3 / 2027

Rezoning #23CZ10

*The Glen at
Westhigh*

Bethabara Ln

Tealight Ln

Leinbach Ct

Tahoe Glen Pl

Salem Church Rd

Olde Salem Way

New Derby Ln

Salem Pointe

Public Hearing Sign Posted By


Signature

5/5/2023
Date



[Date] June 30, 2023

Dianne Khin, AICP
Director, Department of Planning and Community Development
Town of Apex
Dianne.Khin@apexnc.org

Dear Dianne,

The Wake County Public School System (WCPSS) Office of School Assignment received information about a proposed rezoning/development within the Town of Apex planning area. We are providing this letter to share information about WCPSS's capacity related to the proposal. The following information about the proposed rezoning/development was provided through the Wake County Residential Development Notification database:

- Date of application: May 1, 2023
- Name of development: 23CZ10 Salem Church Rd parcels
- Address of rezoning: 1529, 1531, & 1535 Salem Church Rd
- Total number of proposed residential units: 8
- Type(s) of residential units proposed: Single-family detached

Based on the information received at the time of application, the Office of School Assignment is providing the following assessment of possible impacts to the Wake County Public School System:

- ☒ Schools at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.
- ☐ Schools at the following grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated:
- ☐ Elementary ☐ Middle ☐ High

The following mitigation of capacity concerns due to school construction or expansion is anticipated:

- ☐ Not applicable – existing school capacity is anticipated to be sufficient.
- ☐ School expansion or construction within the next five years is not anticipated to address concerns.
- ☐ School expansion or construction within the next five years may address concerns at these grade levels:
- ☐ Elementary ☐ Middle ☐ High

Thank you for sharing this information with the Town of Apex Planning Board and Town Council as they consider the proposed rezoning/development.

Sincerely,





PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



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: +2.9 acres

PIN(s): 0743818238, 0743819289, 0743911218

Current Zoning: Residential Agricultural (RA)

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

2045 Land Use Map: Medium Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



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: 23CZ10 Salem Church Road Parcels

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval as submitted by the applicant.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Keith 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:

Conditions as proposed by applicant.

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

With 8 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 July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin
Digitally signed by Dianne Khin
Date: 2023.07.10 19:33:49
-04'00'

Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

Requested Motion

Public Hearing and possible motion to approve Rezoning Application No. 23CZ12 Sweetwater PUD Amendment. The applicant, David Schmidt, ExperienceOne Homes, LLC, seeks to rezone approximately 0.944 acres from Planned Unit Development-Conditional Zoning (PUD-CZ No. 17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Core Banks St and 0 Little Gem Ln.

Approval Recommended?

The Planning Department recommends approval.

The Planning Board held a public hearing on July 10, 2023 and unanimously recommended approval with the conditions offered by the applicant.

Item Details

The properties to be rezoned are identified as PINs 0722441499 and 0722441386.

Attachments

- PH4-A1: Staff Report - Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment
- PH4-A2: Vicinity Map - Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment
- PH4-A3: Planning Board Report to Town Council - Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment



STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 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: 0 Core Banks Street and 0 Little Gem Lane

Applicant: David Schmidt, ExperienceOne Homes, LLC

Owner: KEPE1 Holdings, LLC

PROJECT DESCRIPTION:

Acreage: ±0.944

PINs: 0722441499 and 0722441386

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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

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

Town Limits: Inside Town Limits

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #22CZ03)	Core Banks St; Future commercial (Sweetwater Phase 10)
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)	Little Gem Ln; Townhomes (Sweetwater)
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)	Little Gem Ln; Townhomes (Sweetwater)
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #23CZ11)	Vacant-Smith Farm PUD (future mixed-use section)

EXISTING CONDITIONS:

The subject properties are vacant with some trees along the western property line. They are located south of Core Banks Street and west of Little Gem Lane. The eastern parcel is very narrow and development of the properties will require a recombination plat.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on April 18, 2023. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map classifies the properties subject to this rezoning as Mixed Use: High Density Residential/Office Employment/Commercial Services. The proposed amendments to the PUD-CZ zoning are consistent with that classification.

WCPSS COORDINATION:

No increase in density is proposed as part of this rezoning and so an impact letter from WCPSS was not requested.

STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 Town Council Meeting



BACKGROUND:

The properties to be rezoned were originally rezoned to Planned Unit Development-Conditional Zoning on April 21, 2015 with the most recent revisions being approved on October 17, 2017. In the original rezoning, the area to be rezoned was designated as non-residential and residential (see Figure 1).



Figure 1: Original Sweetwater PUD configuration

STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 Town Council Meeting



When the PUD was amended in 2016, the non-residential and residential areas remained unchanged (see Figure 2):



Figure 2: 2016 Sweetwater PUD amendment



When the PUD was amended in 2017, Core Banks Street had been constructed and so its location was shown on the layout plan and the potential stormwater facility location was shifted north of the street. When this change happened, the land use shifted as well to make the area south of Core Banks Street all residential (See Figure 3):

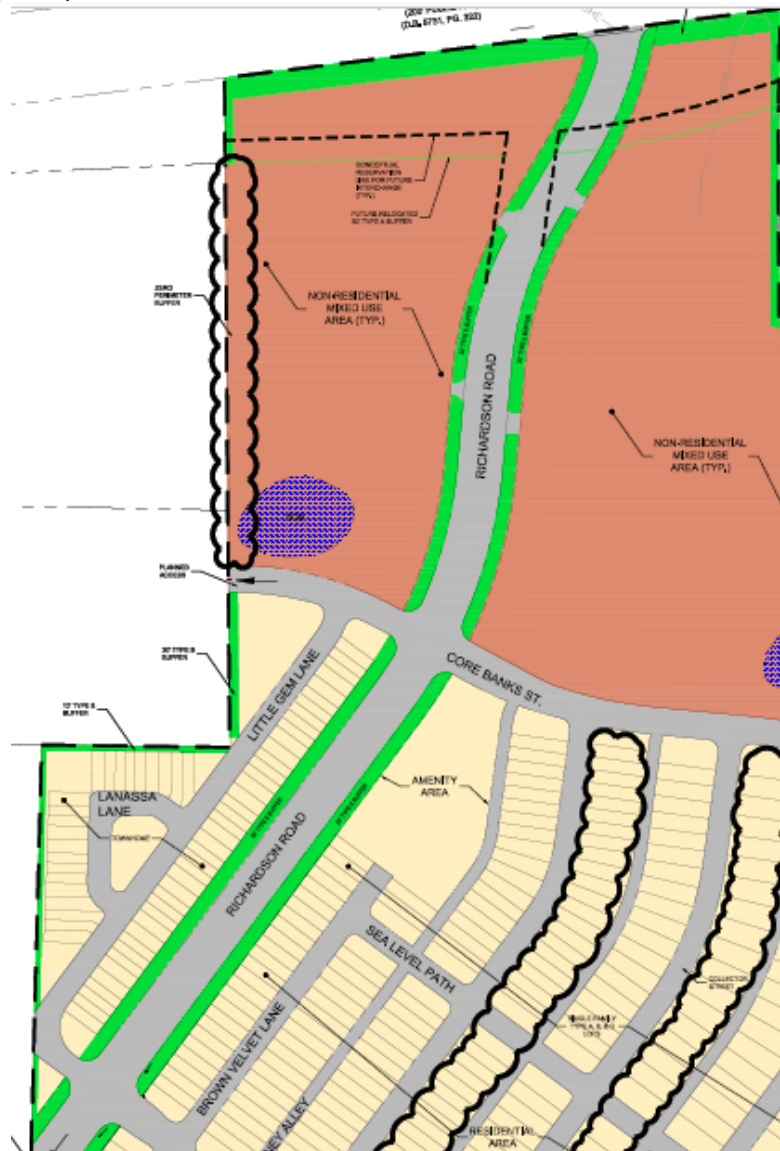


Figure 3: 2017 Sweetwater PUD Amendment

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing the changes shown below with this PUD amendment.

1. Changes to Section 5: Permitted Uses

The applicant is proposing to change the permitted uses from residential to non-residential and has further restricted the permitted uses from those that are allowed in the non-residential/mixed-use areas that are north of Core Banks Street. The overall Sweetwater PUD has maxed out its permitted

STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 Town Council Meeting



density and the density cannot be increased without a PUD amendment application that is signed by every property owner in the entire PUD. **Changes to the table are shown in bold.**

Table 1 (below) presents a list of permitted uses for Sweetwater. The list of uses will provide the opportunity for the proposed development to have flexibility in the ultimate build out of the project.

- Uses are subject to general and specific regulations
- Some of the uses include specific regulations that can be found in the UDO permitted use Table and Section 4.4, Supplemental Standards.

Table 1	Residential	Non-residential/ Mixed Use	PINs 0722-44-1499 0722-44-1386
Residential Uses			
Accessory Apartment	P		P
Single-Family	P		
Townhouse	P		
Apartment (2 nd Story and above only)		P	
Public & Civic Uses			
Assembly hall, non-profit		P	
Church or place of worship		P/S	
Daycare facility		P	P
Drop-in or short-term daycare		P	P
Government Service		P	
School, public or private		P	
Veterinary clinic or hospital		P	P
Vocational school		P	
Utilities			
Utility, minor		P	
Recreational Uses			
Entertainment, indoor		P	
Greenway	P	P	P
Park, active	P	P	P
Park, passive	P	P	P
Recreation facility, private	P	P	P
Food & Beverage Service			
Restaurant, drive-through		P	
Restaurant, general		P	P
Office & Research			
Dispatching office		P	P
Medical or dental office or clinic		P	P
Medical or dental laboratory		P	P
Office, business or professional		P	P
Publishing office		P	P
Research facility		P	P
Public Accommodation			

STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 Town Council Meeting



Table 1	Residential	Non-residential/ Mixed Use	PINs 0722-44-1499 0722-44-1386
Hotel or motel		P	
Retail Sales & Service			
Barber & beauty shop		P	P
Bookstore		P	P
Building supplies, retail		P	
Convenience store		P	
Convenience store with gas sales		P	
Dry cleaners & laundry service		P	P
Farmer's market		P	P
Financial institution		P	
Floral shop		P	P
Funeral home		P	
Gas & fuel, retail		P	
Greenhouse or nursery, retail		P	
Grocery, retail		P	
Grocery, specialty		P	
Health/fitness center or spa		P	
Kennel, indoor		P	P
Laundromat		P	
Newsstand or gift shop		P	
Personal service		P	P
Pharmacy		P	
Printing & copying service		P	P
Real estate sales		P	P
Repair service, limited		P	
Retail sales, bulky goods		P	
Retail sales, general		P	P
Studio for art		P	P
Tailor shop		P	P
Theater		P	
Pet services		P	P
Vehicle Repair or Service			
Automotive parts		P	
Car wash or auto detailing		P	
Vehicle inspection center		P	
Industrial Uses/Industrial Service			
Laboratory, industrial research		P	
Production			
Microbrewery		P	P

P = Permitted Use

S = Special Use



2. Changes to Section 6: Design Controls

The applicant is proposing a reduced height for these parcels from the height allowed in the nonresidential/mixed-use areas north of Core Banks Street. The applicant is also proposing to reduce the required buffer adjacent to vacant property from a 20' Type A to a 10' Type A. **Proposed changes are shown in bold below.**

NONRESIDENTIAL/MIXED-USE AREAS:

Building Height:

Maximum Height: 62 Feet (5 Story)

39 Feet (2 Story) – PINs 0722-44-1499 & 0722-44-1386

Buffers (Refer to PUD Amendment Exhibit):

Perimeter Buffers

Adjacent to Vacant Property: **10-foot Type A buffer: If a buffer is required by UDO Section 8.2.6, it shall not exceed 10' in width.**

ENVIRONMENTAL ADVISORY BOARD (EAB) RECOMMENDATIONS:

This rezoning was exempt from meeting with the Apex Environmental Advisory Board (EAB) per Unified Development Ordinance (UDO) Section 2.1.9.A.2.c. The rezoning is less than one (1) acre.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #23CZ12 Sweetwater PUD Amendment as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard this rezoning at their July 10, 2023 meeting and unanimously recommended approval as proposed by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The proposed amendments to the current PUD-CZ zoning are consistent with the 2045 Land Use Map which classifies the area to be rezoned as Mixed Use: High Density Residential/Office Employment/Commercial Services.

The proposed rezoning is reasonable and in the public interest in that it will allow for non-residential use of the subject property with a more limited list of permitted uses and a lower building height to maintain compatibility with the existing townhomes to the east and south. The overall Sweetwater PUD has maxed out its permitted residential density and the proposed rezoning will allow for development of the property that will increase the tax base and provide services to the nearby residential uses.



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 PUD-CZ designation demonstrates compliance with the following standards. Sec. 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.

STAFF REPORT

Rezoning #23CZ12 Sweetwater PUD Amendment

August 8, 2023 Town Council Meeting



- 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 #23CZ12

Smith
Farm PUD

Sweetwater

Newland Ave

Core Banks St

Bird Nest Aly

Herb Garden Way

Green Ivy Aly

Lanasa Ln

Little Gem Ln

Richardson Rd

Brown Velvet Ln

Poultney Aly

Russet Ln

Whale Bone Aly

Gloriosa St

Ruff Aly

0

250

500

Feet

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>23CZ12</u>	Submittal Date:	<u>5-1-23</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Sweetwater PUD
Address(es): 0 Core Banks Street, 0 Little Gem Lane
PIN(s) 0722-44-1499 (0444460), 0722-44-1386 (0444532)

Acreage: 0.944

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

Current 2045 LUM Designation: Mixed Use: High Density Residential/Office Employment/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:	<u>0.944</u>
Area proposed as non-residential development:	Acreage:	<u>0.944</u>
Percent of mixed use area proposed as non-residential:	Percent:	<u>100%</u>

Applicant Information

Name: ExperienceOne Homes, LLC
Address: PO Box 5509
City: Cary State: NC Zip: 27512
Phone: (919) 991-1428 E-mail: Dschmidt@E1Homes.com

Owner Information

Name: See Attached
Address:
City: State: Zip:
Phone: E-mail:

Agent Information

Name: CE Group, Inc - Mitch Craig, PE
Address: 301 Glenwood Avenue, Suite 220
City: Raleigh State: NC Zip: 27603
Phone: (919) 367-8790 E-mail: Mitch@CEGroupInc.com

Other contacts:

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 23CZ12

Submittal Date: _____

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

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

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed non-residential uses are consistent with the uses as defined by the Community Mixed Use category in the 2045 Land Use Map. CMU encourages the integration of residential and non-residential mixed-use 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 land areas surrounding the Sweetwater PUD are a mixture of retail, residential (single family, townhome, apartments) and commercial. This PUD combines most of the surrounding uses into one project.

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

The Sweetwater PUD complies with the regulations in section 4.4 of the Town of Apex UDO as applicable for townhomes, multi-family or apartment, day care, and commercial uses, to the extent these regulations do not conflict with the PUD regulations.

PETITION PROCESS INFORMATION

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

The architectural for the Sweetwater PUD will reflect the residential and non-residential scale and character of traditional Apex building Styles.

Service bays of non-residential uses will be located in the rear of structures. Variation in colors and materials will be considered to create visually engaging designs. Roof lines and materials will be varied to create visual interest and avoid repetition. Trash, parking and loading and odors will be screened from adjacent uses as required by the UDO and as set forth in the PUD regulations.

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 Sweetwater PUD will use the exterior of the property to the extent practicable for RCA. This PUD will comply with all built upon area, structural SCMs and riparian stream buffer requirements of UDO Section 6.1.7.

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.

Public water and sewer facilities have been extended to the project and will be installed interior to the project by the Developer. The proposed PUD will meet all Public Facilities requirements in UDO Section 2.3.4(F)(1)(f).

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 PUD will improve the public health by providing all uses in a compact area, including residential, office, retail, commercial, medical and restaurants. A resident theoretically would not have to leave the development in order to eat, sleep, shop, work and go to the doctor.

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

The Sweetwater PUD has had a positive impact on the adjacent properties. The uses proposed in the PUD will/have enhanced the character of the adjacent properties and offer uses that compliment the adjacent properties.

PETITION PROCESS INFORMATION

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

The proposed PUD will not constitute a hazard due to traffic or noise as the traffic impacts will be mitigated by the road improvements shown in the PUD, TIA, etc. Other potential negative impacts are mitigated to the maximum extent practical by the design guidelines in the PUD documents.

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

The Sweetwater PUD will comply with all other relevant portions of the Ordinance (UDO).

Sweetwater Owners

PIN	REID	Owner (Business)	Owner Name	Owner Name	Address	City	State	Zip	Phone	Email
0722-44-1499	444460	KEPE1 Holdings, LLC	Edward Kalikow	David Schmidt	7001 Brush Hollow Road, Suite 200	Westbury	NY	11590	(516) 876-4800, (919) 991-1428	EK@Kaled.com , Dschmidt@E1Homes.com
0722-44-1386	444532	KEPE1 Holdings, LLC	Edward Kalikow	David Schmidt	7002 Brush Hollow Road, Suite 200	Westbury	NY	11591	(516) 876-4800, (919) 991-1429	EK@Kaled.com , Dschmidt@E1Homes.com

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 23CZ12

Submittal Date: _____

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 23CZ12

Submittal Date: _____

Proposed Subdivision/Development InformationDescription of location: South of Core Banks Street and west of Little Gem LaneNearest intersecting roads: Core Banks Street and Little Gem LaneWake County PIN(s): 0722-44-1499 (0444460), 0722-44-1386 (0444532)Township: White Oak**Contact Information (as appropriate)**Contact person: Mitch CraigPhone number: (919) 367-8790Fax number: N/AAddress: 301 Glenwood Avenue, Suite 220 Raleigh, NC 27603E-mail address: Mitch@CEGroupInc.comOwner: See attached

Phone number: _____ Fax number: _____

Address: _____

E-mail address: _____

Proposed Subdivision/Development Name1st Choice: Sweetwater2nd Choice (Optional): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 23CZ12

Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

(the "Premises")

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

KEPE1 STC, LLC, the undersigned customer ("Customer") hereby irrevocably chooses and selects the Town of Apex (the "Town") as the permanent electric supplier for the Premises. Permanent service to the Premises will be preceded by temporary service if needed.

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

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

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

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

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

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

ACCEPTED:

CUSTOMER: KEPE1 STC, LLC - Edward Kalikow

TOWN OF APEX

BY: 

Authorized Agent

BY: _____

Authorized Agent

DATE: 4-18-23

DATE: _____

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 23CZ12

Submittal Date: _____

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

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

Sweetwater Commercial PUD Amendment

(the "Premises")

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

ACCEPTED:

CUSTOMER: KEPE1 STC, LLC - David Schmidt

TOWN OF APEX

BY: [Signature]

Authorized Agent

BY: _____

Authorized Agent

DATE: 4-18-2023

DATE: _____

AGENT AUTHORIZATION FORM

Application #: 23CZ12

Submittal Date: _____

KEPE1 Holdings, LLC

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

☒ Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.

☐ Site Plan

☐ Subdivision

☐ Variance

☐ Other: _____

The property address is: 0 Core Banks

The agent for this project is: Joseph M. Craig, CE Group, Inc.

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

Agent Name: Joseph M. Craig

Address: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603

Telephone Number: (919) 367-8790

E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)*

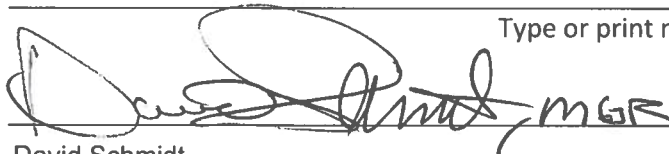


Edward Kalikow

Type or print name

4-18-23

Date



David Schmidt

Type or print name

4-18-2023

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.

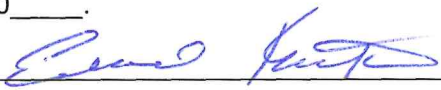
AFFIDAVIT OF OWNERSHIPApplication #: 23CZ12

Submittal Date: _____

The undersigned, Edward Kalikow (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Core Banks Street 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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 2056-2060.
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 11/10/2021, 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 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the _____ day of _____, 20____.

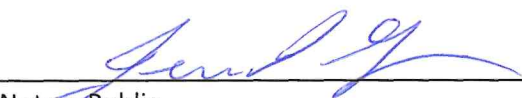
 (seal)
EDWARD KALIKOW

Type or print name

New York
 STATE OF NORTH CAROLINA
 COUNTY OF Nassau

I, the undersigned, a Notary Public in and for the County of Nassau, hereby certify that Edward Kalikow, 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.

JENNIFER J. GRIM
 Notary Public State Of New York
 No. 01GR6323464
 Qualified In Nassau County
 Commission Expires April 20, 2027


 Notary Public
 State of North Carolina New York
 My Commission Expires: 4/20/2027

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIPApplication #: 23CZ12

Submittal Date: _____

The undersigned, David Schmidt (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Core Banks Street 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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 18792 Page 2056-2060.
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5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, 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 11/10/2021, 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.

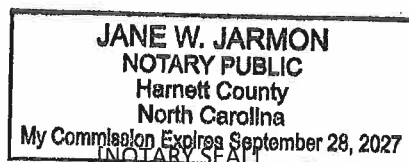
This the 20TH day of APRIL, 2023

David Schmidt (seal)
DAVID SCHMIDT, MANAGER
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Harnett, hereby certify that David Schmidt, 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.



Jane W. Jarmón
Notary Public
State of North Carolina
My Commission Expires: 09-28-2027

AGENT AUTHORIZATION FORMApplication #: 23CZ12

Submittal Date: _____

KEPE1 Holdings, LLC

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

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

The property address is: 0 Little Gem LaneThe agent for this project is: Joseph M. Craig, CE Group, Inc.☐ I am the owner of the property and will be acting as my own agentAgent Name: Joseph M. CraigAddress: 301 Glenwood Avenue, Suite 220, Raleigh, NC 27603Telephone Number: (919) 367-8790E-Mail Address: Mitch@CEGroupInc.com

Signature(s) of Owner(s)*




Edward Kalikow

Type or print name

06/29/23

Date

David Schmidt



Type or print name6-28-2023

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 OWNERSHIPApplication #: 23CZ12

Submittal Date: _____

The undersigned, David Schmidt (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

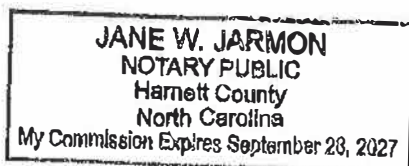
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Little Gem Lane and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. 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 5/10/2023, and recorded in the Wake County Register of Deeds Office on 5/10/2023, in Book 19331 Page 399-400.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/10/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/10/2023, 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 28TH day of JUNE, 2023

David Schmidt MGR
(seal)
DAVID SCHMIDT, MGR.
Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

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



[NOTARY SEAL]

Jane W. Jarmen
Notary Public
State of North Carolina
My Commission Expires: 09-28-2027

AFFIDAVIT OF OWNERSHIPApplication #: 23CZ12

Submittal Date: _____

The undersigned, Edward Kalikow (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Little Gem Lane 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 5/10/2023, and recorded in the Wake County Register of Deeds Office on 5/10/2023, in Book 19331 Page 399-400.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 5/10/2023, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 5/10/2023, 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 28th day of June, 2023.



(seal)

Edward Kalikow

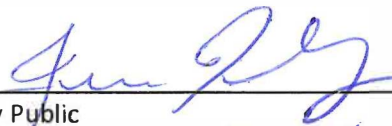
Type or print name

New YorkSTATE OF ~~NORTH CAROLINA~~COUNTY OF Nassau

I, the undersigned, a Notary Public in and for the County of Nassau, hereby certify that Edward Kalikow, 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.

JENNIFER J. GRIM
 Notary Public State Of New York
 No. 01GR6323464
 Qualified In Nassau County
 Commission Expires April 20, 2027

[NOTARY SEAL]


 Notary Public
 State of North Carolina New York
 My Commission Expires: 4/20/2027

LAND DESCRIPTION PHASE 8 REMAINDER LOTS – SWEETWATER

LYING AND BEING IN WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

NCPIN: 0722-44-1499 & 0722-44-1386

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS "JORDAN LAKE CORS ARP" A NORTH CAROLINA CORS MONUMENT(PID: DL3891) AND HAVING NC GRID COORDINATES OF NORTHING: 739,273.06' & EASTING: 1,989,789.68'; THENCE S67° 07' 56"E A GRID DISTANCE OF 37,250.87' TO A POINT; SAID POINT BEING AN IRON PIPE FOUND(IPF) WITH A TACK & CAP, A COMMON CORNER WITH SMITH, HAVING NC GRID COORDINATES OF NORTHING: 724,797.17' & EASTING: 2,024,112.80'; THENCE, ALONG A COMMON BOUNDARY WITH SMITH, S 00°25'12" E, 180.00 FEET TO A POINT, SAID POINT LYING ON THE SOUTHERN MARGIN OF CORE BANKS STREET; A VARIABLE WIDTH PUBLIC RIGHT OF WAY, SAID POINT IS HEREBY KNOWN AS **THE POINT OF BEGINNING**.

THENCE FROM THE SAID **POINT OF BEGINNING** WITH THE MARGIN OF CORE BANKS STREET N89°34'48"E, 7.58 FEET TO AN IRON PIPE FOUND (IPF) THENCE, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 670.00 FEET A CHORD BEARING AND DISTANCE OF, S82°23'28"E, 187.16 FEET TO A POINT; THENCE, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET A CHORD BEARING AND DISTANCE OF, S27°17'17"E, 36.62 FEET TO A POINT ON THE WESTERN MARGIN OF LITTLE GEM LANE A 50' PUBLIC RIGHT OF WAY; THENCE, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 125.00 FEET A CHORD BEARING AND DISTANCE OF, S28°11'28"W, 36.52 FEET TO A POINT; THENCE ALONG SAID MARGIN S 36°35'24" W, 313.86 FEET TO A POINT, SAID POINT BEING A COMMON CORNER WITH SWEETWATER PROPERTY OWNERS ASSOCIATION, INC.; THENCE WITH ALONG A COMMON BOUNDARY WITH SAID PROPERTY OWNERS ASSOCIATION, N89°15'15"W, 3.04 FEET TO A POINT, SAID POINT BEING A COMMON CORNER WITH SMITH; THENCE ALONG A COMMON LINE WITH SMITH N00°25'12"W, 341.43 FEET TO THE **POINT AND PLACE OF BEGINNING**, HAVING AN AREA OF 41,118 SQUARE FEET OR, 0.944 ACRES MORE OR LESS.

Developer Company Information	
Company Name	KEPE1 Holdings, LLC / Experience One Homes, LLC.
Company Phone Number	(516) 876-4800 / (919) 991-1428
Developer Representative Name	Ed Kalikow / David Schmidt
Developer Representative Phone Number	(516) 876-4800 / (919) 991-1428
Developer Representative Email	Ed@Kaled.com / DSchmidt@E1Homes.com

New Residential Subdivision Information	
Date of Application for Subdivision	N/A
City, Town or Wake County Jurisdiction	
Name of Subdivision	
Address of Subdivision (if unknown enter nearest cross streets)	
REID(s)	
PIN(s)	

Projected Dates Information	
Subdivision Completion Date	N/A
Subdivision Projected First Occupancy Date	

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

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

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

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

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.

4/4/2023

Date

Dear Neighbor:

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

0 Core Banks Street

0722-44-1499

0444460

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>.

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

Application Type		Approving Authority
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Technical Review Committee (staff)
<input type="checkbox"/>	Minor Site Plan for the uses "Day care facility", "Government service", "School, public or private", "Restaurant, drive-through", or "Convenience store with gas sales"	Technical Review Committee (staff)
<input type="checkbox"/>	Special Use Permit	Board of Adjustment (QJPH*)
<input type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

This proposal is to add additional uses to the 0.94 acre parcel noted above to allow some non-residential uses.

Estimated submittal date: 04/30/2023

MEETING INFORMATION:

Property Owner(s) name(s): David Schmidt & Edward Kalikow

Applicant(s): Owners

Contact information (email/phone): DSchmidt@E1Homes.com/(919) 991-1428, EK@Kaled.com/(516) 876-4800

Meeting Address: Virtual (via attached Zoom Meeting Letter)

Date/Time of meeting**: April 18, 2023 5:30 pm - 7:30 pm

Welcome: 5:30-5:45 pm Project Presentation: 5:45-6:15 pm Question & Answer: 6:15-7:30 pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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>.

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: Sweetwater Commercial PUD Amendment Zoning: PUD-CZ

Location: 0 Core Banks Street

Property PIN(s): 0722-44-1499 Acreage/Square Feet: 0.94 acres

Property Owner: KEPE1 Holdings, LLC

Address: 7001 Brush Hollow Road, Suite 200

City: Westbury State: NY Zip: 11590

Phone: (516) 876-4800 Email: EK@Kaled.com

Developer: ExperienceOne Homes, LLC. - David Schmidt

Address: PO Box 5509

City: Cary State: NC Zip: 27512

Phone: (919) 991-1428 Fax: N/A Email: DSchmidt@E1Homes.com

Engineer: CE Group, Inc - Mitch Craig, PE

Address: 301 Glenwood Avenue, Suite 220

City: Raleigh State: NC Zip: 27603

Phone: (919) 367-8790 Fax: N/A Email: Mitch@CEGroupInc.com

Builder (if known): N/A

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planning Project Manager	(919) 372-7468
Public Works - Transportation Russell Dalton, Traffic Engineering Manager	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
Matt Echols, Utility Engineering Manager (Water & Sewer)	(919) 372-7505
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
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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
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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
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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
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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 Danny Smith	919-372-7470 Danny.Smith@ncdenr.gov
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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
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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
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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
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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.

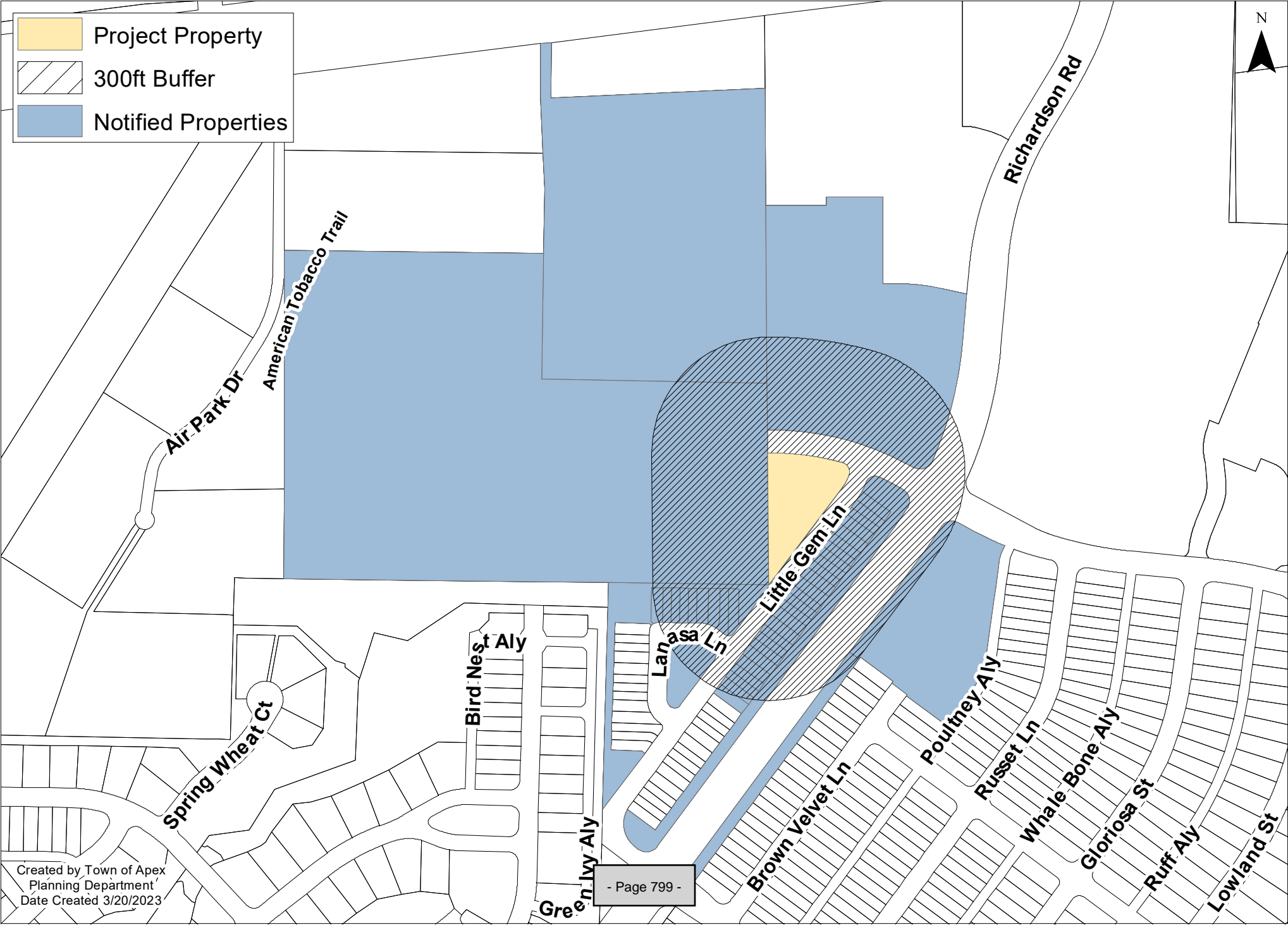
Stormwater Control Measures:	Jessica Bolin	919-249-3537
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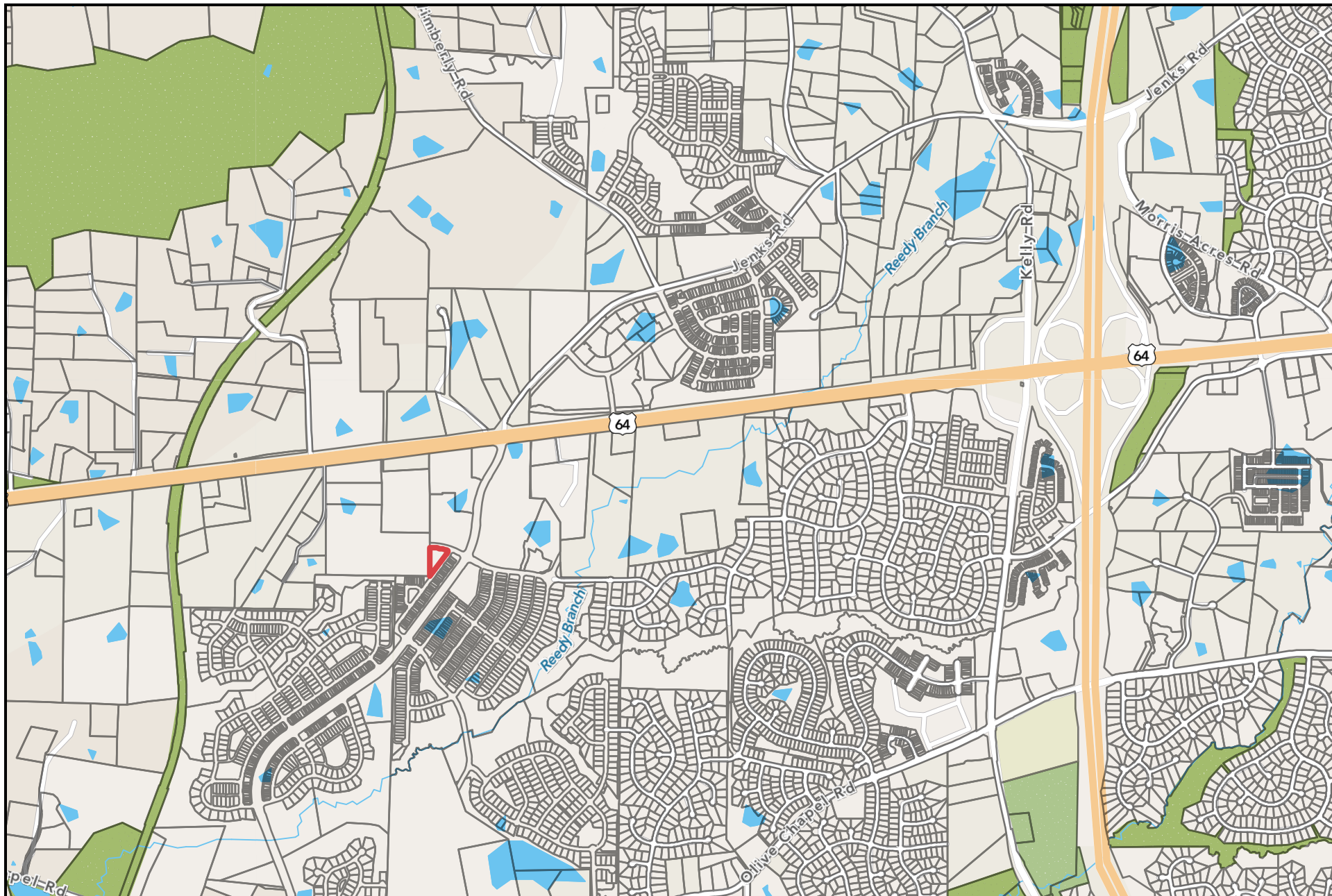
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

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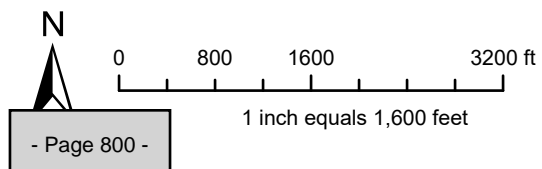
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

Notified Properties Within 300ft of the Project Property





Vicinity Map - 0722-44-1499/0444460



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.



CE GROUP

Directions for Joining the Zoom Meeting for:

Sweetwater Commercial PUD Amendment

Mitch Craig is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84114823778?pwd=aVdPZTFXWFVwUzlicGR5dG1tamRFUT09>

Meeting ID: 841 1482 3778

Passcode: 280145

One tap mobile

+16465588656,,84114823778#,,,,*280145# US (New York)

+16469313860,,84114823778#,,,,*280145# US

Dial by your location

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

Meeting ID: 841 1482 3778

Passcode: 280145

Find your local number: <https://us02web.zoom.us/j/84114823778?pwd=aVdPZTFXWFVwUzlicGR5dG1tamRFUT09>

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: Vitrtual

Date of meeting: 4/18/2023 Time of meeting: 5:30 - 7:30 pm

Property Owner(s) name(s): KEPE1 Holdings, LLC/ExperienceOne Homes, LLC

Applicant(s): ExperienceOne Homes, LLC

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	David Schmidt - E-One Homes	PO Box 5509 Cary, NC 27512	(919) 991-1428	██████████	
2.	Corey Schmidt - E-One Homes	PO Box 5509 Cary, NC 27512	(919) 991-1428	██████████	
3.	Christian Gabriel Levy	1129 Little Gem Lane Apex, NC 27523		██████████	
4.	Manit Suphavadeprasit	812 City Walls St. Cary, NC 27513	(919) 345-2615	██████████	Yes
5.	Diane Clawson	2814 Lanasa Lane Apex, NC 27523		██████████	
6.	Marvin Waldo - Retail Strategies			██████████	
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): KEPE1 Holdings, LLC/ExperienceOne Homes, LLC

Applicant(s): ExperienceOne Homes, LLC

Contact information (email/phone): EK@Kaled.com/516-876-4800, DSchmidt@E1Homes.com/919-991-1428

Meeting Address: Virtual

Date of meeting: 04/18/2023

Time of meeting: 5:30 - 7:30 pm

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

Question/Concern #1:

See attached.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Question/Concern #1:
What type of uses could go there? Gas, Pharmacy?

Applicant's Response:
No gas, no pharmacy...will be an ancillary use to Sweetwater.

Question/Concern #2:
Will this be a multi-use building?

Applicant's Response:
Probably not but since we don't have an end user yet, that is open for discussions.

Question/Concern #3:
Where would the parking field be? Will the driveways be on Core Banks or on Little Gem Lane?

Applicant's Response:
There is not currently a plan in place to know where the parking field will be but it will be on the property that we are rezoning. The driveways will likely connect to Core Banks Street.

Question/Concern #4:
I was told by my realtor that nothing would be going on that site.

Applicant's Response:
There was always something planned for that site. The Smith Farm parcel adjacent to this site will be like kind to Sweetwater and we are trying to be consistent.

Question/Concern #5:
What is the Smith Farm rezoning for?

Applicant's Response:
It is likely for the removal of an adjacent buffer to the HT but not quite sure.

Question/Concern #6:
Will the parking spaces along Little Gem Lane be removed.

Applicant's Response:
No.

Question/Concern #7:
Will there be a landscape buffer between Little Gem Lane and Site Building?

Applicant's Response:
That will be reviewed by the Town at the time of Site Plan but likely yes.

Question/Concern #8:
How many stories will the building be?

Applicant's Response:
We are anticipating no more than two (2).

Question/Concern #9:
Where does/will Core Banks connect to?

Applicant's Response:
The Town of Apex Transportation Plan depicts the future Core Banks extension.

Question/Concern #10:
What signals are going in and when?

Applicant's Response:
The signals that are going in on US 64 are for the super street configuration. They should be completed by October.

Question/Concern #11:
Will Richardson Road be a 4-lane road south of Core Banks Street.

Applicant's Response:
That is not part of this rezoning but that is the plan. The Town of Apex will dictate when that happens.

Question/Comment #12:
When will the first tenant be open in Phase 9?

Applicant's Response:
Towards the end of the year, likely October

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, Joseph M. Craig, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Minor Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7.B *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (Via Zoom) (location/address)
on 04/18/2023 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

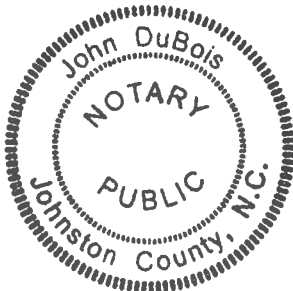
4/28/2023
Date

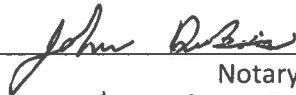
By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, John DuBois, a Notary Public for the above State and County, on this the 28th day of APRIL, 20 23.

SEAL




Notary Public
John DuBois
Print Name

My Commission Expires: 7/21/2023

Sweetwater PUD Amendment

Proposed Rezoning Changes

June 28,2023

(Limited to PINs 0722-44-1499 & 0722-44-1386)

The PUD will retain all of the conditions from rezoning #16CZ21, #17CZ21, and #18CZ01 except:

I. Revision to Section 5:

Section 5: Permitted Uses

Table 1 (below) presents a list of permitted uses for Sweetwater. The list of uses will provide the opportunity for the proposed development to have flexibility in the ultimate build out of the project.

- Uses are subject to general and specific regulations
- Some of the uses include specific regulations that can be found in the UDO permitted use Table and Section 4.4, Supplemental Standards.

Table 1	Residential	Non-Residential/Mixed-Use Areas	PINs 0722-44-1499 0722-44-1386
Residential Uses			
Accessory Apartment	P	P	P
Single-Family	P		
Townhouse	P		
Apartment (2 nd Story and above only)		P	
Public & Civic Uses			
Assembly Hall, Nonprofit		P	
Church or Place of Worship		P/S	
Daycare Facility		P	P
Drop-in or Short-Term Daycare		P	P
Government Service		P	
School, Public or Private		P	
Veterinary Clinic or Hospital		P	P
Vocational School		P	
Utilities			
Utility, Minor		P	
Recreational Uses			
Entertainment, Indoor		P	
Greenway	P	P	P
Park, Active	P	P	P
Park, Passive	P	P	P
Recreation Facility, Private	P	P	P

Food & Beverage Service			
Restaurant, Drive-Through		P	
Restaurant, General		P	P
Office & Research			
Dispatching Office		P	P
Medical or Dental Office or Clinic		P	P
Medical or Dental Laboratory		P	P
Office, Business or Professional		P	P
Publishing Office		P	P
Research Facility		P	P
Public Accommodation			
Hotel or Motel		P	
Retail, Sales & Service			
Barber & Beauty Shop		P	P
Bookstore		P	P
Building Supplies, Retail		P	
Convenience Store		P	
Convenience Store with Gas Sales		P	
Dry Cleaners & Laundry Service		P	P
Farmer's Market		P	P
Financial Institution		P	
Floral Shop		P	P
Funeral Home		P	
Gas & Fuel, Retail		P	
Greenhouse or Nursery, Retail		P	
Grocery, Retail		P	
Grocery, Specialty		P	
Health/Fitness Center or Spa		P	
Kennel, Indoor		P	P
Laundromat		P	
Newsstand or Gift Shop		P	
Personal Service		P	P
Pharmacy		P	
Printing & Copying Service		P	P
Real Estate Sales		P	P
Repair Service, Limited		P	
Retail Sales, Bulky Goods		P	
Retail Sales, General		P	P

Studio for Art		P	P
Tailor Shop		P	P
Theater		P	
Pet Services		P	P
Vehicle Repair or Service			
Automotive Parts		P	
Car Wash or Auto Detailing		P	
Vehicle Inspection Center		P	
Industrial Uses/Industrial Service			
Laboratory, Industrial Research		P	
Production			
Microbrewery		P	P

P = Permitted Use

S = Special Use

II. Revision to Section 6:

Section 6: Design Controls

NONRESIDENTIAL/MIXED-USE AREAS:

Building Height:

Maximum Height: 62 Feet (5 Story)

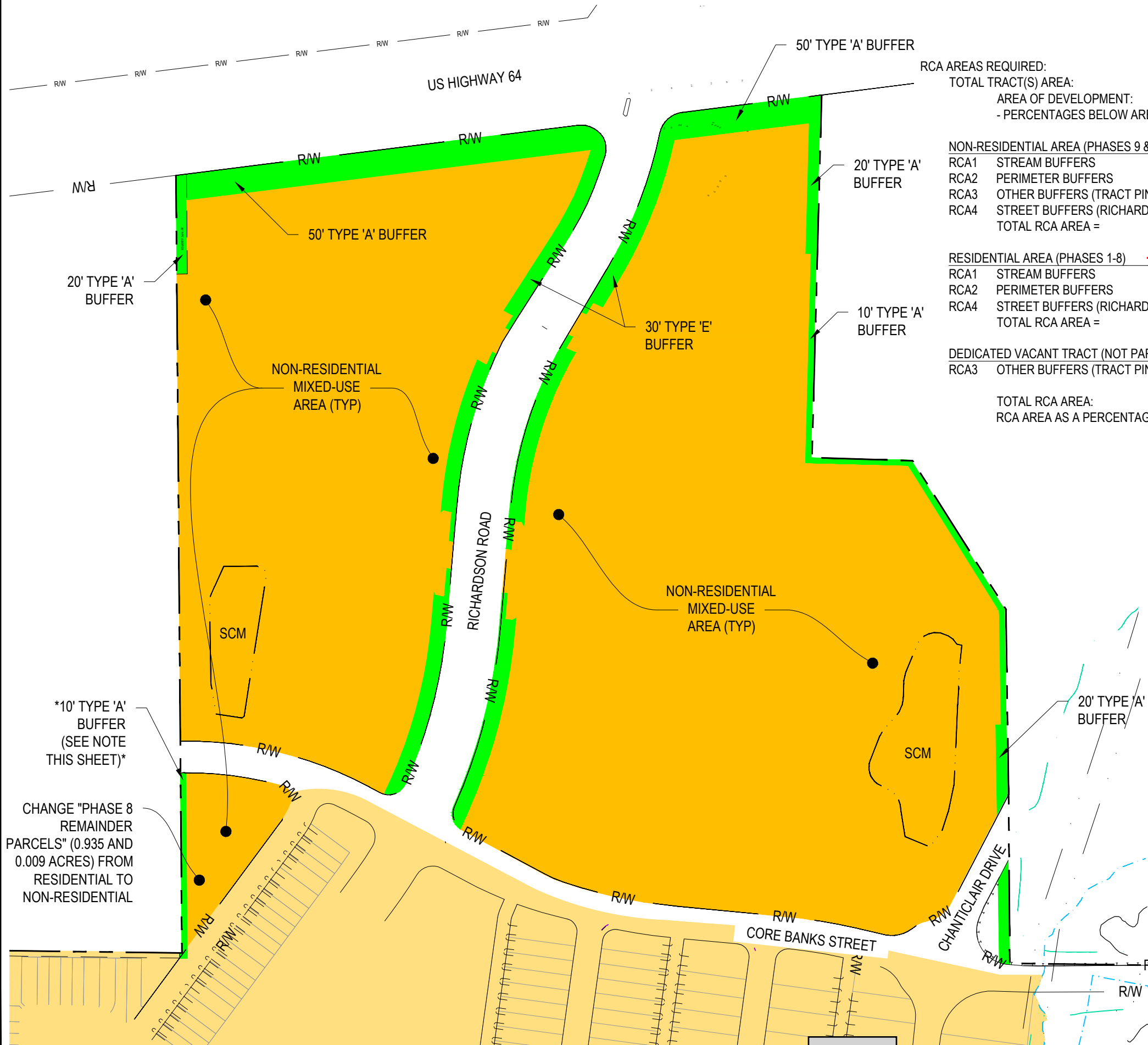
39 Feet (2 Story) – PINs 0722-44-1499 & 0722-44-1386

Buffers (Refer to PUD Amendment Exhibit):

Perimeter Buffers

Adjacent to Vacant Property:

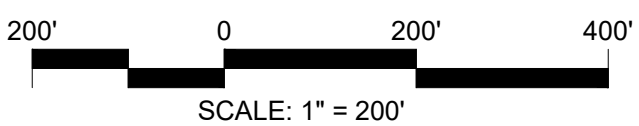
10-foot Type A buffer: If a buffer is required by UDO Section 8.2.6, it shall not exceed 10' in width.



RCA AREAS REQUIRED:		
TOTAL TRACT(S) AREA:		164.79 AC
AREA OF DEVELOPMENT:		164.79 AC
- PERCENTAGES BELOW ARE OF DEVELOPED AREA RCA BUFFERS		
NON-RESIDENTIAL AREA (PHASES 9 & 10)		
RCA1	STREAM BUFFERS	0.00 AC
RCA2	PERIMETER BUFFERS	1.90 AC
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	0.00 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.70 AC
TOTAL RCA AREA =		3.60 AC (2.18%)
RESIDENTIAL AREA (PHASES 1-8)		
RCA1	STREAM BUFFERS	26.41 AC
RCA2	PERIMETER BUFFERS	1.34 AC
RCA4	STREET BUFFERS (RICHARDSON RD)	1.88 AC
TOTAL RCA AREA =		29.63 AC (17.98%)
DEDICATED VACANT TRACT (NOT PART OF DEVELOPED AREA)		
RCA3	OTHER BUFFERS (TRACT PIN 0722730032)	13.20 AC
TOTAL RCA AREA:		46.43 AC
RCA AREA AS A PERCENTAGE OF DEVELOPED AREA:		28.18%

RESIDENTIAL	<div></div>
MIXED USE	<div></div>
RCA - (CURRENT)	<div></div>
46.35 AC. (28.13%)	

*NOTE: 10' TYPE 'A' BUFFER: IF A BUFFER IS REQUIRED BY THE UDO, IT SHALL NOT EXCEED 10' IN WIDTH. IF THE ADJACENT PROPERTY DEVELOPS AS COMMERCIAL BEFORE THIS ONE, THEN NO BUFFER WILL BE REQUIRED. IF THE ADJACENT PROPERTY DEVELOPS AS MULTI-FAMILY OR IS STILL VACANT, THEN ONLY A 10' BUFFER WILL BE REQUIRED.



CE GROUP

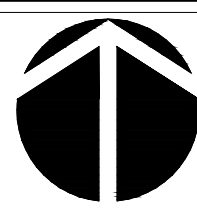
301 GLENWOOD AVE. 220
RALEIGH, NC 27603
PHONE: 919-367-8790
FAX: 919-322-0032

www.cegroupinc.com

License # C-1739

SWEETWATER
PUD AMENDMENT
LAYOUT PLAN

06/22/2023



NORTH

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ±0.944 acres

PIN(s): 0722441499 and 0722441386

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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

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

Town Limits: Inside

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



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: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval as proposed.

Introduced by Planning Board member: Keith Braswell

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 proposed by applicant.

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


With 8 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 July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 19:39:22
-04'00'

Dianne Khin, Planning Director



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ12 Sweetwater 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 Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: David Schmidt, ExperienceOne Homes, LLC

Authorized Agent: Mitch Craig, PE, CE Group, Inc

Property Addresses: 0 Core Banks Street and 0 Little Gem Lane

Acreage: ±0.944 acres

Property Identification Numbers (PINs): 0722441499 and 0722441386

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

Existing Zoning of Properties: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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: July 10, 2023 4:30 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Planning Department, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/43092>.

Dianne F. Khin, AICP
Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
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PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #23CZ12 Sweetwater PUD Amendment

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Dianne F. Khin, AICP
Planning Director

Published Dates: June 23-July 10, 2023



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ12

Sweetwater PUD Amendment
(Desarrollo de Unidad Planificada)

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

Solicitante: David Schmidt, ExperienceOne Homes, LLC

Agente autorizado: Mitch Craig, PE, CE Group, Inc

Dirección de las propiedades: 0 Core Banks Street and 0 Little Gem Lane

Superficie: ±0.944 acres

Números de identificación de las propiedades: 0722441499 and 0722441386

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office
Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 10 de julio de 2023 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43092>.

Dianne F. Khin, AICP
Directora de Planificación

**TOWN OF APEX**PO BOX 250
APEX, NORTH CAROLINA 27502
TELÉFONO 919-249-3426**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS****ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ12**

Sweetwater PUD Amendment

(Desarrollo de Unidad Planificada)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: David Schmidt, ExperienceOne Homes, LLC

Agente autorizado: Mitch Craig, PE, CE Group, Inc

Dirección de las propiedades: 0 Core Banks Street and 0 Little Gem Lane

Superficie: 10.944 acres

Números de identificación de las propiedades: 0722441499 and 0722441386

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ221)

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
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Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/4378. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43092>.

Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 23 de junio – 10 de julio de 2023





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 #23CZ12
Project Location: 0 Core Banks Street and 0 Little Gem Lane
Applicant or Authorized Agent: Mitch Craig
Firm: CE Group, Inc
Planning Board: July 10, 2023
Public Hearing Date:
Project Planner: Amanda Bunce

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on June 23, 2023, 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.

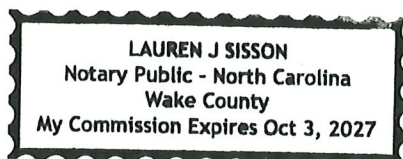
6/26/2023
Date

Sharon F. Khan
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 26th day of June, 2023.



[Signature]
Notary Public

My Commission Expires: 10 / 3 / 2027

SEAL



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #23CZ12
Sweetwater PUD Amendment

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- Authorized Agent:** Mitch Craig, PE, CE Group, Inc
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- Existing Zoning of Properties** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)
- 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: August 8, 2023 6:00 PM

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

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

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Dianne F. Khin, AICP
Planning Director





TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ12

Sweetwater PUD Amendment
(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: David Schmidt, ExperienceOne Homes, LLC

Agente autorizado: Mitch Craig, PE, CE Group, Inc

Dirección de las propiedades: 0 Core Banks Street and 0 Little Gem Lane

Superficie: ±0.944 acres

Números de identificación de las propiedades: 0722441499 and 0722441386

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Office
Employment/Commercial Services

Ordenamiento territorial existente de las propiedades: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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: 8 de agosto de 2023 6:00 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/43092>.

Dianne F. Khin, AICP
Directora de Planificación



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #23CZ12
Sweetwater PUD Amendment
(Desarrollo de Unidad Planificada)

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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

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Dianne F. Khin, AICP
Directora de Planificación

Fechas de publicación: 14 de julio – 8 de agosto de 2023



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 #23CZ12
Project Location: 0 Core Banks Street and 0 Little Gem Lane
Applicant or Authorized Agent: Mitch Craig
Firm: CE Group, Inc
Town Council Public Hearing Date: August 8, 2023
Project Planner: Amanda Bunce

This is to certify that I, as Planning Director, mailed or caused to have mailed by first class postage for the above mentioned project on July 14, 2023, 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.

7/18/2023

Date

Shanne F. Klein

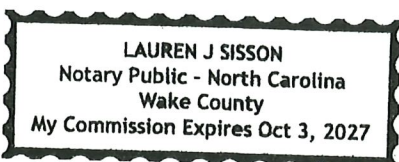
Planning Director

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, LAUREN J Sisson, a Notary Public for the above

State and County, this the 18th day of July, 2023.

[Signature]
Notary Public



SEAL

My Commission Expires: 10 / 3 / 2027

Rezoning #23CZ12

Smith
Farm PUD

Core Banks St

Sweetwater

Little Gem Ln

Richardson Rd

Lanasa Ln

Poultney Aly

Public Hearing Sign Posted By

Signature

Date
5/5/2023

Rezoning #23CZ12

Smith
Farm PUD

Core Banks St

Sweetwater

Little Gem Ln

Richardson Rd

Lanasa Ln

Poultney Aly

Public Hearing Sign Posted By

Signature

Date
5/5/2023

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ±0.944 acres

PIN(s): 0722441499 and 0722441386

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21)

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

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

Town Limits: Inside

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

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

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

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

☒ Consistent

☐ Inconsistent

Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



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: 23CZ12 Sweetwater PUD Amendment

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval as proposed.

Introduced by Planning Board member: Keith Braswell

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 proposed by applicant.

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


With 8 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 July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 19:39:22
-04'00'

Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Public Hearing and possible motion to approve a closing of a right-of-way (ROW) on a portion of Burma Drive, located South of Goodworth Drive and North of Pristine Water Drive and between two tracts owned by Apex Industrial Owner 3, LLC.

Approval Recommended?

The Town Clerk recommends the Town Council approve the closing of the right-of-way (ROW) on a portion of Burma Drive, located South of Goodworth Drive and North of Pristine Water Drive and between two tracts owned by Apex Industrial Owner 3, LLC, pursuant to North Carolina General Statutes 160A-299 and the Town's adopted Policy on Closing Public Rights of Way for Streets, Roads, and Alleys.

Item Details

During the expansion of the Cash Corporate Center site in 2021, a bulb (e.g. cul-de sac) was created on Burma Drive for construction so the trucks could turn around in the street. As part of the developer receiving their Certificate of Occupancy, they dedicated some other ROW to the Town and the Town is abandoning the bulb portion of Burma Drive.

Essentially, this closure request is to correct an old plat that included a temporary cul-de-sac.

Transportation and Infrastructure staff worked with the developer of the Cash Corporate Center to address the turnaround removal and realign Burma Drive as previously constructed.

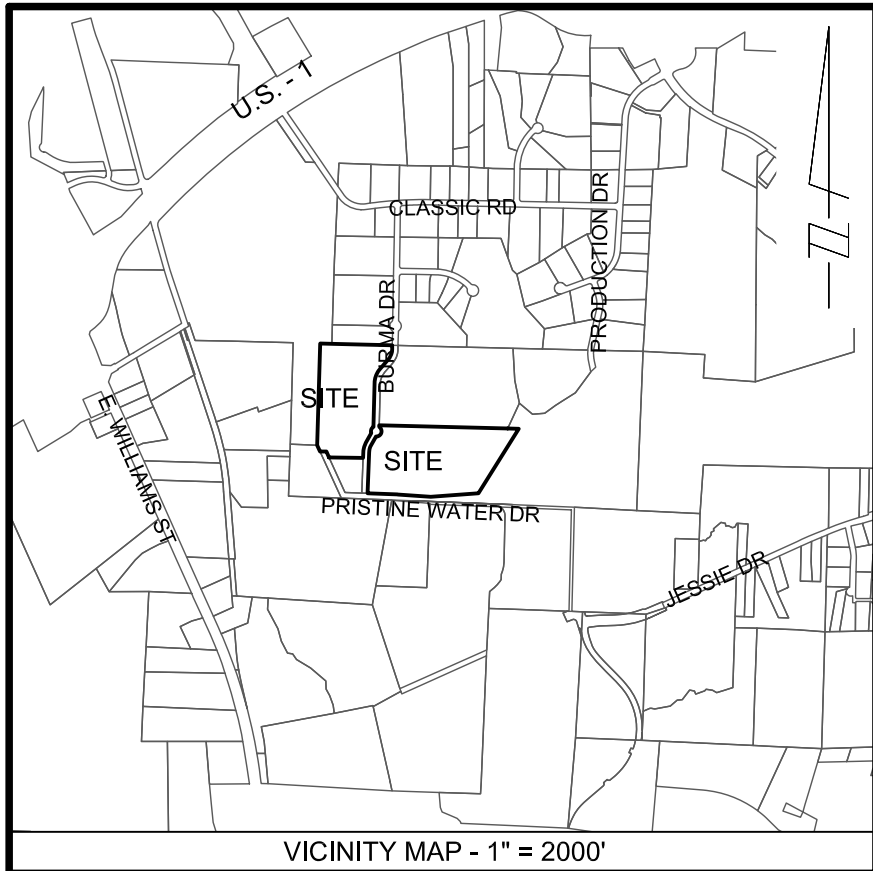
The Town's Technical Review Committee (comprised of many departments including transportation and infrastructure, planning, and public safety) all reviewed the submitted request and recommends Council consider this request.

On June 13, 2023, Council voted to adopt a resolution (RES-2023-030) signifying an intent to close the ROW referenced above and in the attached Plat Map (PH2-A1). Notice of the adopted resolution was published for four consecutive weeks, pursuant to North Carolina General Statutes (NCGS) §160A-299, and copies of the affidavits are included in the attachment section.

Attachments

- PH5-A1: Plat Map of Requested ROW Closure Area - Portion of Burma Drive
- PH5-A2: Adopted Resolution (RES-2023-030) of Intent to Consider the Requested ROW Closure Area - Portion of Burma Drive
- PH5-A3: Affidavit of Publication - ROW Closure Portion of Burma Drive
- PH5-A4: Policy on Closing Public Rights of Way for Streets, Roads, and Alleys - Portion of Burma Drive





I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 19072, PAGE 2389 (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK OF MAPS 2021, PAGE 2111; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

D. THAT THIS PLAT IS OF A SURVEY 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, LICENSE NUMBER AND SEAL THIS

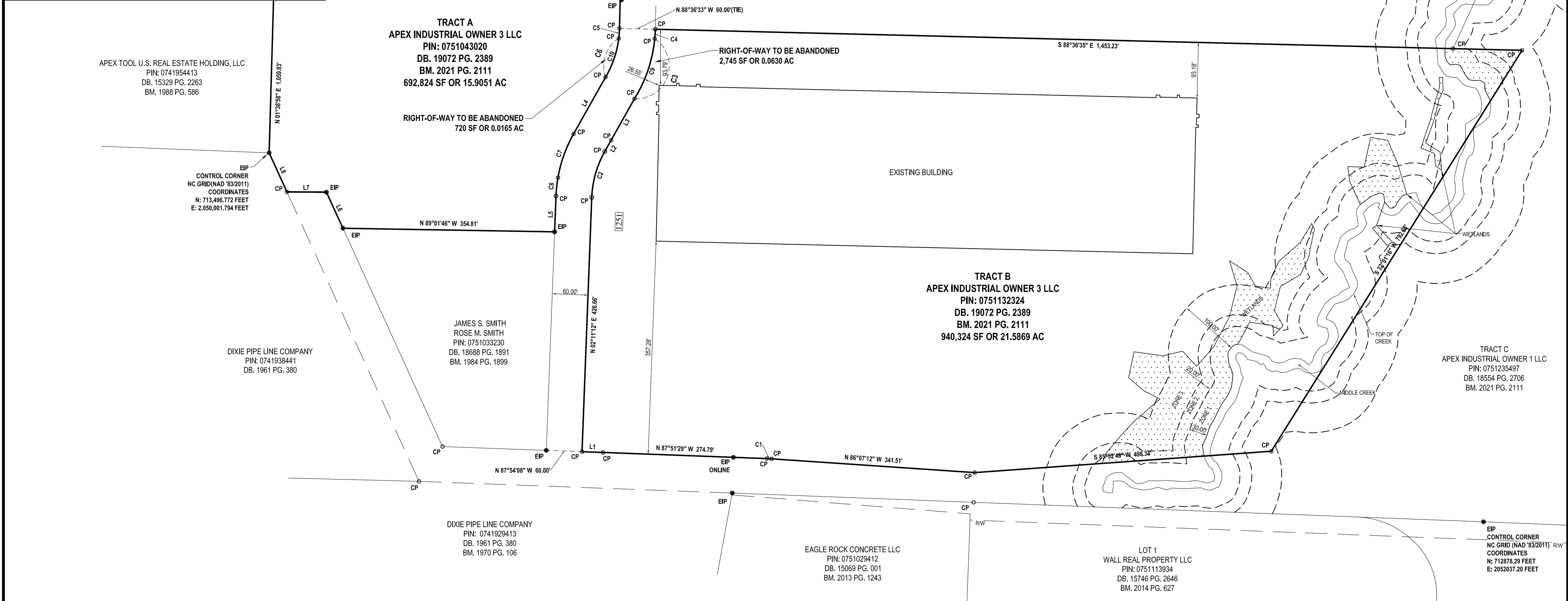
DAY OF A.D., 2023.

DAN GREGORY, PLS L-5240

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD DIRECTION	CHORD
C1	260.00'	7.89'	N 86°59'21" W	7.89'
C2	170.00'	80.70'	N 15°48'07" E	79.94'
C3	55.00'	143.64'	N 18°38'45" E	106.16'
C4	230.00'	15.94'	N 03°26'39" E	15.94'
C5	170.00'	16.86'	S 04°17'59" W	16.85'
C6	55.00'	73.97'	S 18°47'44" W	68.52'
C7	230.02'	78.08'	S 19°40'32" W	77.71'
C8	230.05'	31.10'	S 06°04'33" W	31.07'
C9	230.00'	107.13'	N 18°38'45" E	106.16'
C10	170.00'	68.99'	N 18°47'44" E	68.52'

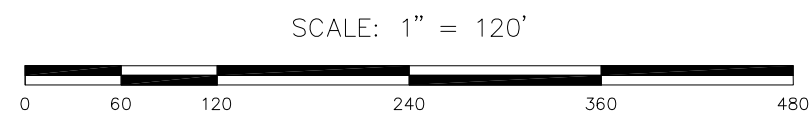
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°03'12" W	35.02'
L2	N 29°23'47" E	21.87'
L3	N 29°24'05" E	79.59'
L4	S 29°24'01" W	109.30'
L5	S 02°11'21" W	60.16'
L6	N 24°32'52" W	66.57'
L7	N 89°32'21" W	66.24'
L8	N 24°31'04" W	71.78'

REFERENCES
DB. 18688 PG. 1891
DB. 19072 PG. 2389
BM. 1984 PG. 1899
BM. 2021 PG. 2111
BM. 2023 PG. 197-199



- NOTES:
- AREAS BY COORDINATE GEOMETRY UNLESS SHOWN OTHERWISE.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 - ALL STREETS ARE PUBLIC RIGHTS-OF-WAY UNLESS SHOWN OTHERWISE.
 - NO NCOS MONUMENT WITHIN 2,000 FEET OF PROPERTIES.
 - SAID DESCRIBED PROPERTIES ARE LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "X" FLOOD INSURANCE RATE MAP NO. 3720075100K, WITH A DATE OF IDENTIFICATION OF JULY 19, 2022, IN WAKE COUNTY, STATE OF NORTH CAROLINA WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
 - PROPERTIES ARE ZONED L1-CZ, SUBJECT TO REZONING CASE #21C208 DATED APRIL 27, 2021.
 - PROPERTIES SUBJECT TO NEUSE RIVER BUFFERS.
 - THE COORDINATES SHOWN ON THIS PLAT WERE DERIVED BY REAL TIME NETWORK (RTN) GLOBAL POSITIONING SYSTEM (GPS). THIS METHOD RESULTS IN (NAD 1983/2011) - (CORS 96) POSITIONS AND NORTH AMERICAN VERTICAL DATUM '88 (MEAN SEA LEVEL) ELEVATIONS USING THE CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) MAINTAINED BY NORTH CAROLINA GEODETIC SURVEY, CLASS A SURVEY, 0.033 FT POSITIONAL ACCURACY, VRS FIELD PROCEDURE, GEOID12A AND UNITS IN FEET.
 - CREEKS AND WETLANDS SHOWN PER FILE RECEIVED FROM TOWN OF APEX.

RECORDED IN
BOOK OF MAPS PAGE



REV.	DATE	DESCRIPTION	BY

B
N
K

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
• 6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
• TELEPHONE: (919)851-4422 OR (800)354-1879
FAX: (919)851-8968
• CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

SURVEYED BY
AQ
DRAWN BY
CWC
CHECKED BY
DG
DATE
03-29-2023

BURMA DRIVE ROW
ABANDONMENT EXHIBIT
PROPERTIES OF
APEX INDUSTRIAL OWNER 3 LLC

WHITE OAK TWSHP WAKE COUNTY NORTH CAROLINA

SHEET
1
OF
1

RESOLUTION NO. 2023 - 030

A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF BURMA DRIVE LOCATED SOUTH OF GOODWORTH DRIVE AND NORTH OF PRISTINE WATER DRIVE AND BETWEEN TWO TRACTS OWNED BY APEX INDUSTRIAL OWNER 3 LLC.

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Burma Drive;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) A Public Hearing will held be at 6:00 p.m. on the 13th day of June, 2023, in the Town of Apex Town Council Chambers at the Apex Town Hall to consider a resolution closing of that portion of Burma Drive located south of Goodworth Drive and north of Pristine Water Drive and between two tracts owned by Apex Industrial Owner 3, LLC, designated as PIN # 0751-04-3020 and PIN # 0751-13-2324 by the Wake County Revenue Department, and as shown on Book of Maps 2021, Pages 0492-0493, Wake County Registry.
- (2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four consecutive weeks in a newspaper of general circulation in the area.
- (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (4) The Planning Director is directed to prominently post notices of this Resolution of Intent and the scheduled public hearing in at least two locations along Burma Drive in the area of the portions to be abandoned.
- (5) Upon motion duly made by Council Member Killingsworth, and duly seconded by Council Member Gantt, the above resolution was duly adopted by the Apex Town Council at the meeting held on the 9th day of May, 2023, in the Town Hall.

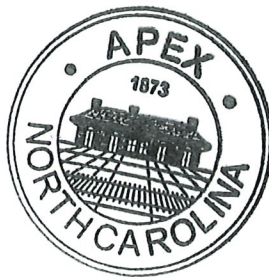
Upon call for a vote the following Council Members voted in the affirmative:

Killingsworth, Gantt
Zegerman, Mahaffey
Gray

and the following Council Members voted in the negative:

n/a

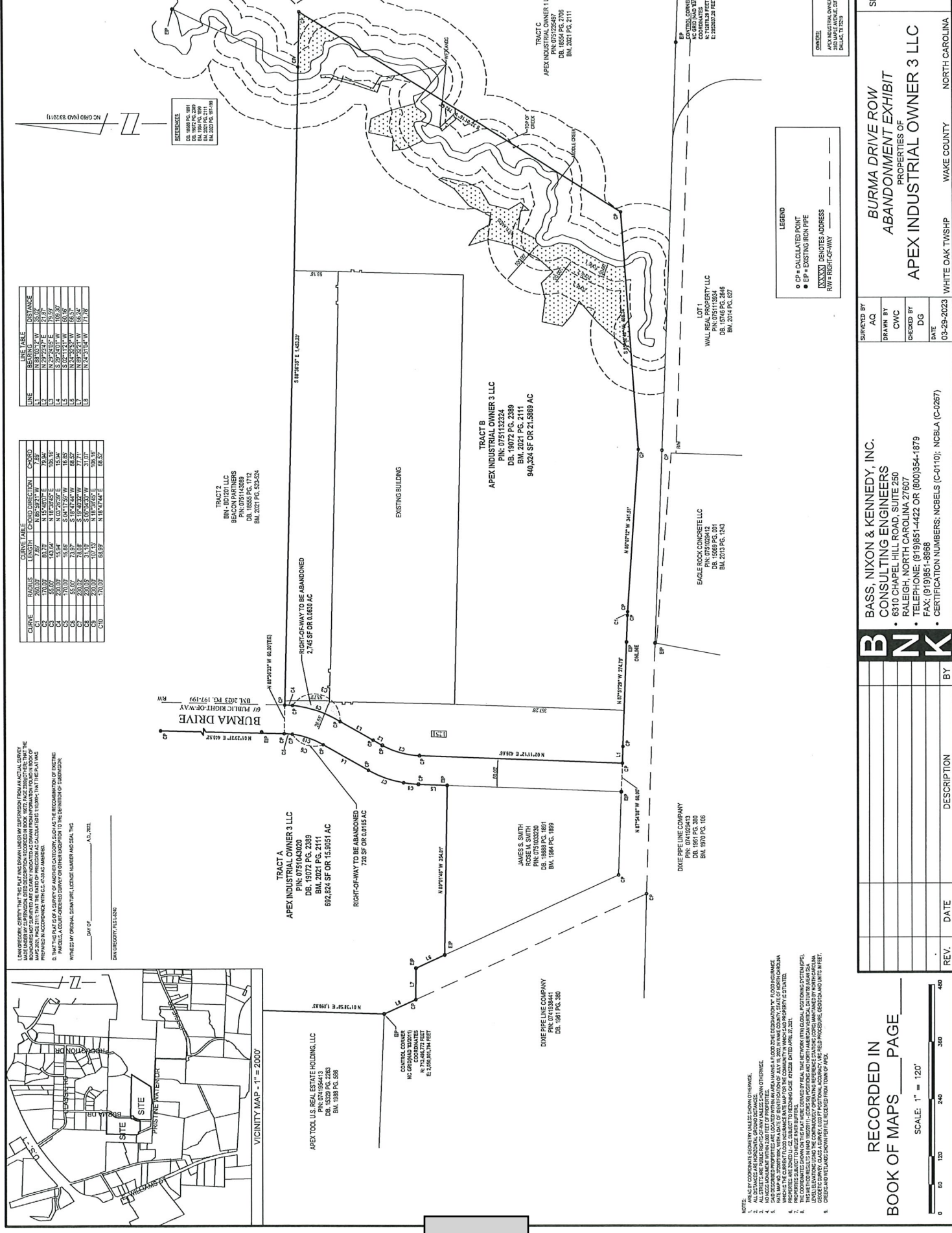
This the 9th day of May, 2023.



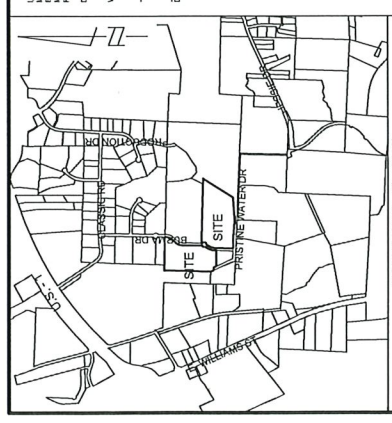
[Signature]
Jacques K. Gilbert
Mayor

ATTEST:

[Signature]
Allen Coleman, CMC, NCCCC,
Apex Town Clerk



I, DAN GREGORY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. BEST DESCRIPTION RECORDED IN BOOK 1902 PAGE 2380 WHEREIN THE PLAT WAS PREPARED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF NORTH CAROLINA. THE PLAT WAS PREPARED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF NORTH CAROLINA. THE PLAT WAS PREPARED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF NORTH CAROLINA.



LINE TABLE		
LINE	BEARING	DISTANCE
1	N 89°03'12" W	15.07
2	N 89°03'12" W	15.07
3	N 89°03'12" W	15.07
4	N 89°03'12" W	15.07
5	N 89°03'12" W	15.07
6	N 89°03'12" W	15.07
7	N 89°03'12" W	15.07
8	N 89°03'12" W	15.07

CURVE TABLE		
CURVE	RADIUS	CHORD
C1	700.00	700.00
C2	700.00	700.00
C3	700.00	700.00
C4	700.00	700.00
C5	700.00	700.00
C6	700.00	700.00
C7	700.00	700.00
C8	700.00	700.00
C9	700.00	700.00
C10	700.00	700.00

TRACT 2
BIN - B0001 LLC
BEACON PARTNERS
PIN: 0751140089
DB: 1907 PG. 2389
BM: 2021 PG. 523,524

TRACT A
APEX INDUSTRIAL OWNER 3 LLC
PIN: 0751040020
DB: 1907 PG. 2389
BM: 2021 PG. 2111
552,824 SF OR 15,9051 AC

TRACT B
APEX INDUSTRIAL OWNER 3 LLC
PIN: 0751132324
DB: 1907 PG. 2389
BM: 2021 PG. 2111
940,324 SF OR 21,5889 AC

JAMES S. SMITH
JAMES S. SMITH
PIN: 0751032020
DB: 1908 PG. 1891
BM: 1994 PG. 1899

DIXIE PIPE LINE COMPANY
PIN: 0741020413
DB: 1910 PG. 105
BM: 1970 PG. 105

WALL REAL PROPERTY LLC
PIN: 0751030412
DB: 1574 PG. 2646
BM: 2013 PG. 1543

TRACT C
APEX INDUSTRIAL OWNER 1 LLC
PIN: 0751020407
DB: 1855 PG. 2706
BM: 2021 PG. 2111

- 1. ALL SURVEY COORDINATES UNLESS OTHERWISE SPECIFIED ARE IN THE STATE PLANE COORDINATE SYSTEM.
- 2. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.
- 3. ALL STREETS ARE SHOWN AS 40 FEET WIDE UNLESS OTHERWISE SPECIFIED.
- 4. SHADDED AREAS INDICATE PROPERTY LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION OF "FLOOD INSURANCE RATE ZONE".
- 5. THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THIS PROPERTY IS LOCATED IS AVAILABLE AT THE FLOOD INSURANCE RATE MAP OFFICE, 1000 NORTH CAROLINA AVENUE, SUITE 100, RALEIGH, NORTH CAROLINA 27607.
- 6. THE COORDINATE SYSTEM FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83).
- 7. THE COORDINATE SYSTEM FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83).
- 8. THE COORDINATE SYSTEM FOR THIS PLAT IS THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 83).

RECORDED IN
BOOK OF MAPS PAGE
SCALE: 1" = 120'

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
• 6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
• TELEPHONE: (919)851-4422 OR (800)354-1879
• FAX: (919)851-8968
• CERTIFICATION NUMBERS: NCBELS (C-0110); NCBLA (C-0267)

SHEET		1		OF		1	
BURMA DRIVE ROW		ABANDONMENT EXHIBIT		PROPERTIES OF		APEX INDUSTRIAL OWNER 3 LLC	
WAKE COUNTY		WHITE OAK TOWNSHIP		DATE		03-29-2023	
SURVEYED BY		AQ		CWC		DG	
DRAWN BY		CWC		DG		DG	
CHECKED BY		CWC		DG		DG	
DATE		03-29-2023		DATE		03-29-2023	



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	421535	Print Legal Ad-IPL01228970 - IPL0122897		\$4,151.80	2	56 L

Attention: Town Clerk, Allen Coleman

TOWN OF APEX
PO BOX 250
APEX, NC 275022312

Allen.Coleman@apexnc.org

RESOLUTION NO. 2023-030 PUBLIC NOTICE A RESOLUTION OF INTENT OF THE TOWN COUNCIL TO CONSIDER THE CLOSING OF A PORTION OF BURMA DRIVE LOCATED SOUTH OF GOODWORTH DRIVE AND NORTH OF PRISTINE WATER DRIVE AND BETWEEN TWO TRACTS OWNED BY APEX INDUSTRIAL OWNER 3 LLC.

WHEREAS, G.S. 160A-299 authorizes the Town Council to close public streets and alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of Burma Drive; NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

(1) A Public Hearing will held be at 6:00 p.m. on the 13th day of June, 2023, in the Town of Apex Town Council Chambers at the Apex Town Hall to consider a resolution closing of that portion of Burma Drive located south of Goodworth Drive and north of Pristine Water Drive and between two tracts owned by Apex Industrial Owner 3, LLC, designated as PIN # 0751-04-3020 and PIN # 0751-13-2324 by the Wake County Revenue Department, and as shown on Book of Maps 2021, Pages 0492-0493, Wake County Registry.

(2) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four consecutive weeks in a newspaper of general circulation in the area. (3) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.

(4) The Planning Director is directed to prominently post notices of this Resolution of Intent and the scheduled public hearing in at least two locations along Burma Drive in the area of the portions to be abandoned.

This the 9th day of May, 2023.

Introduced by Mayor Pro-Tempore: Audra Killingsworth; Seconded by Councilmember: Brett Gantt, and passed unanimously (5-0) with the following members voting in the affirmative: Mayor Pro-Tempore, Audra Killingsworth, Councilmember Arno Zegerman, Councilmember Brett Gantt, Councilmember Terry Mahaffey, and Councilmember Ed Gray. All Councilmembers were present and Mayor Jacques K. Gilbert presided over the meeting.

A copy of the resolution is on file in the Town Clerk's Office and is available for public inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The Office of the Town Clerk is located on the 2nd Floor of the Apex Town Hall, 73 Hunter Street, Apex, North Carolina

Residents may submit written comments in advance of the public hearing to the Town Council with attention marked to the Town Clerk Allen Coleman; P.O. Box 250; Apex, NC 27502 or by 2 email at townclerk@apexnc.org. Please use subject line "Road Closure - Burma Drive" and include your first and last name, your address, and your phone number in your written statements. Written comments will be accepted until 3:00 PM on Tuesday, June 13, 2023.

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

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

Allen Coleman, CMC, NCCCC

Town Clerk
Town of Apex, North Carolina
IPL0122897

May 19,26,Jun 2,9 2023

STATE OF NORTH CAROLINA COUNTY OF WAKE, COUNTY OF DURHAM

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Tara Pennington, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF APEX was inserted in the aforesaid newspaper on dates as follows:

4 insertion(s) published on:

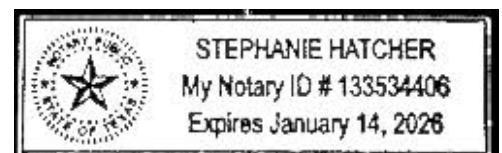
05/19/23, 05/26/23, 06/02/23, 06/09/23

Tara Pennington

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

POSSIBLE ADOPTION OF A POLICY ON CLOSING PUBLIC RIGHTS OF WAY FOR STREETS, ROADS, AND ALLEYS

Background

From time to time, the Town received requests from citizens to close public rights of way. Common examples include alleys that are no longer needed or streets that have been realigned with the old rights of way superfluous to the new alignment. In general, the Town has supported the closing of such rights of way as the land generally reverts back to the adjoining and/or underlying property owners for their use. Usually, the property owners add value to their existing property.

Staff is proposing a policy that will confirm the appropriate steps by the Town and keep the Town from underwriting the costs for the process. (Example costs are public advertisement, surveys and recording.)

POLICY

1. Persons desiring to close a public right of way shall submit a letter (petition) to the Town Clerk describing the location of proposed closing, a list of adjacent property owners, a location map, and a non-refundable fee established in the Town's adopted fee schedule. The Assistant Town Manager shall review the petition and distribute to appropriate staff for review.
2. The petition and supporting documents shall be reviewed by the Town Attorney and staff in the Public Works and Utilities Department, Planning Department, and Construction Management and Engineering Departments. Staff will review the infrastructure and make a recommendation on continuing the process or denial. The Assistant Town Manager shall inform the petitioner of the recommendation and the reasons for a denial recommendation if appropriate.

If the petitioner wishes to continue, the petitioner shall provide a survey of the proposed abandonment and other supporting documentation requested by staff. If any Town utility easement rights are required to be retained by the Town, the petitioner shall provide sufficient documentation to ensure survival of the utility easement rights. In addition, a refundable fee based on the approximate cost of completing the process shall be paid to the Town by the petitioner.

3. Once the fee is paid and documentation is supplied, the Town Attorney will prepare a resolution of intent to close the right of way. The Town Clerk shall incorporate the proposed resolution into the next available Town Council Agenda with the staff recommendation and set the public hearing date. The petitioner shall present their request to the Town Council.

4. Upon an approval of the resolution of intent by the Town Council, the Town Clerk shall provide notice of the resolution and public hearing as required by North Carolina General Statue 160A-299. The Planning Department will post required signs for the proposed abandonment.
5. If the Town Council denies the resolution of intent, no notice shall be published, the refundable fee shall be returned and the issue shall not be considered again for 180 days.
6. At the public hearing, the Town Council will consider the recommendation of the staff (which can change from original recommendation), the petitioner and the public and determine whether the closing is contrary to the public interest and any individual owning property in the vicinity of the street or alley would be deprived of reasonable means of ingress and egress to his property.
7. Upon affirmative vote, the Town Clerk shall record the necessary documents.
8. Upon a denial vote, the petition is closed and a new petition and fees shall be required for reconsideration. 180 days must pass prior to acceptance of a new petition.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Public hearing and possible motion regarding an amendment to the Transportation Plan to add a Future Local Connection between Jenks Road and Goodwin Road, north of US 64.

Approval Recommended?

Planning staff recommend adoption of the proposed amendment.

The Planning Board considered the proposed amendment at their July 10, 2023 meeting and unanimously recommended approval.

Item Details

The amendment to the Transportation Plan would revise the Thoroughfare and Collector Street Plan map for consistency with approved development and rezoning cases and the US 64 Corridor Study for Wake and Chatham Counties.

Attachments

- PH6-A1: Staff report - Transportation Plan Amendments - Jenks Road and Goodwin Road, US 64
- PH6-A2: Planning Board Report to Town Council - Transportation Plan Amendments - Jenks Road and Goodwin Road, US 64



STAFF REPORT

Transportation Plan Amendments

August 8, 2023 Town Council Meeting



The Thoroughfare and Collector Street Plan map, Transit Plan map, and Bicycle and Pedestrian System Plan map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not require a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Thoroughfare and Collector Street Plan map in order to make a decision.

The proposed amendment is to add a Future Local Connection between Jenks Road and Goodwin Road, north of US 64 (see Figure 1). Portions of the Future Local Connection would be constructed by Arden at Summit Pines, which has an approved Minor Site Plan, and portions by approved rezoning case #22CZ21, Apex Light Industrial (see Figure 2). This amendment would make it transparent that the Future Local Connection is anticipated to cross intervening properties and would need to be planned for with future redevelopment of those properties. The Future Local Connection is consistent with recommendations from the US 64 Corridor Study for Wake and Chatham Counties, which proposes that, in the long-term, access to properties north of US 64 would be provided via a collector or frontage road connecting to a future interchange at Jenks Road, rather than through direct access to US 64 (see Figure 3).

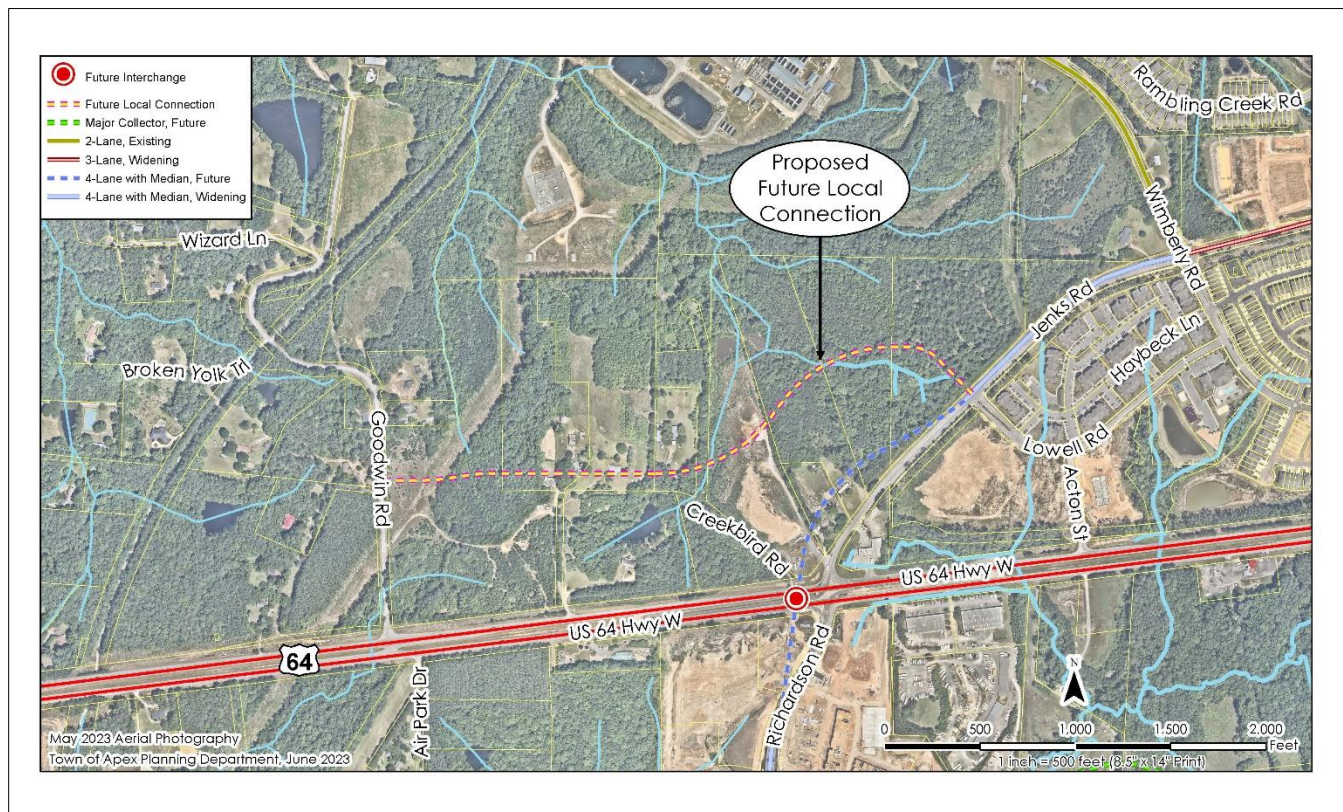
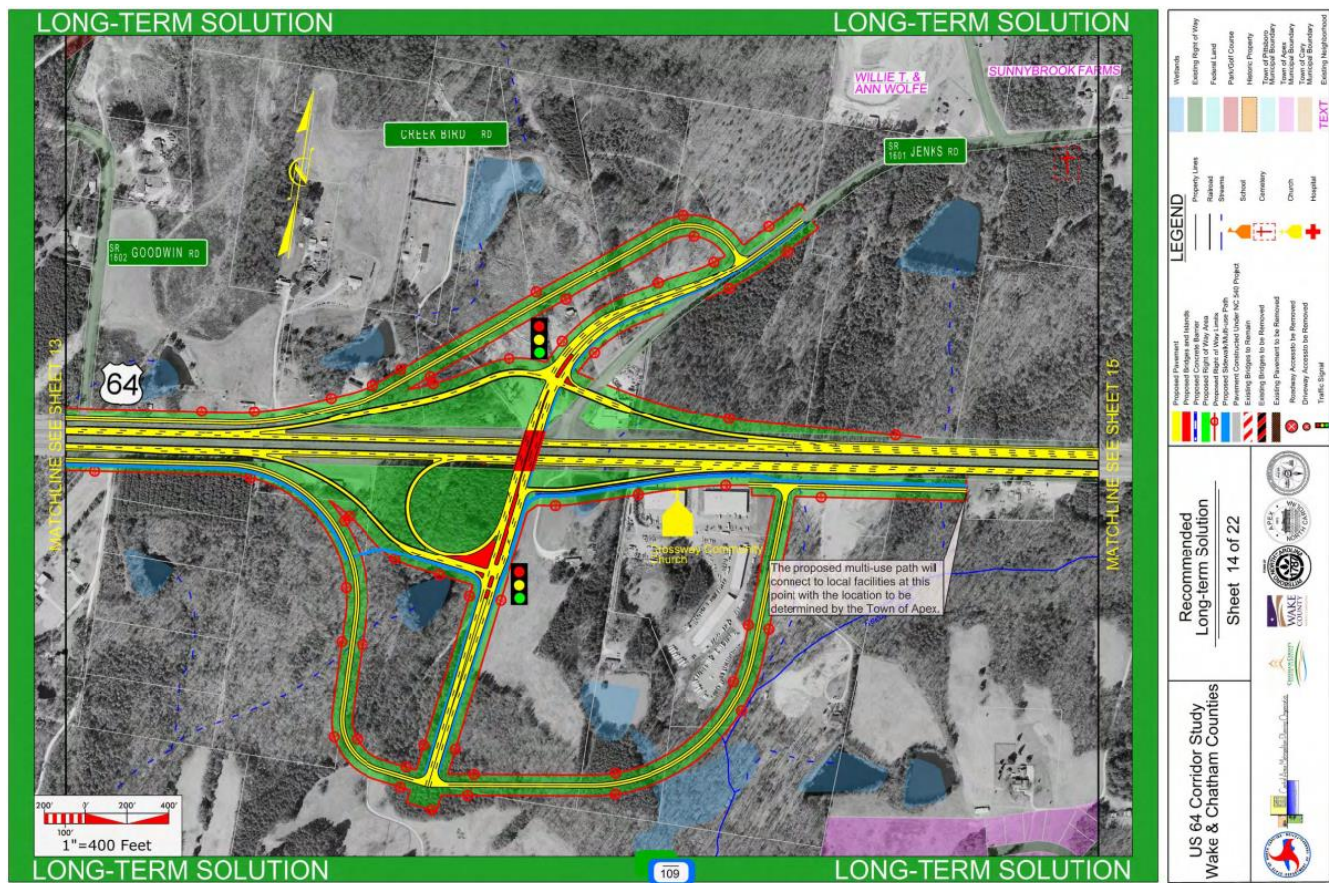
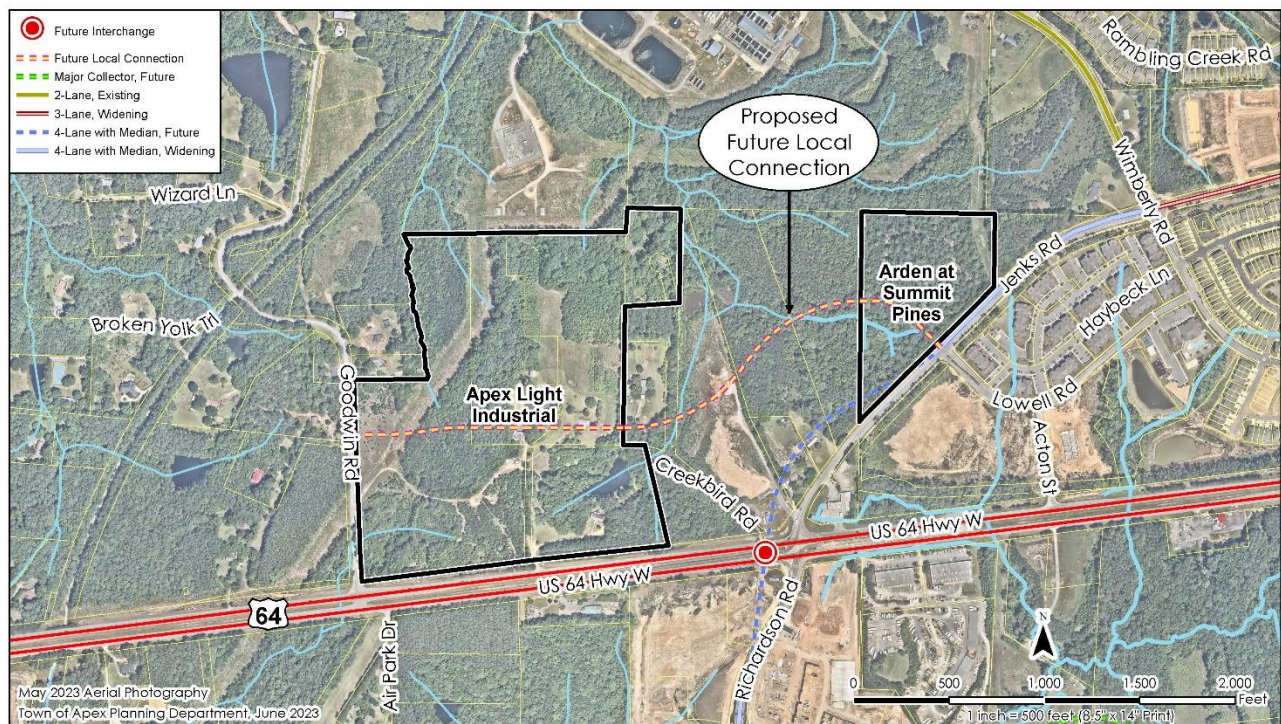


Figure 1. Proposed amendments to the Thoroughfare and Collector Street Plan map



Programmed Projects:

The proposed Future Local Connection is most likely to be constructed through development. Portions are anticipated to be constructed by the Arden at Summit Pines and Apex Light Industrial projects. No public projects are programmed to construct the remaining sections.

Planning Board Recommendation:

The Planning Board unanimously recommended approval of the proposed amendment during their July 10, 2023 meeting.

Staff Recommendation:

Planning staff recommend supporting the proposed amendment. Transportation, Infrastructure and Development; Fire; and Police are also supportive of the proposed amendment.

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: July 10, 2023



Long range plan(s) proposed to be amended:

Transportation Plan

Description of the proposed amendment(s):

Amend the Thoroughfare and Collector Street Plan map to add a Future Local Connection between Jenks Road and Goodwin Road north of US 64.

Planning Board recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Alyssa Byrd

Seconded by Planning Board member: Tina Sherman

☒ Approval of the proposed amendment(s) as presented

☐ Approval of the proposed amendment(s) with the following conditions or changes:

☐ Denial of the proposed amendment(s)

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

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

Reason(s) for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 10th day of July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 16:40:10
-04'00'

Dianne Khin, Planning Director

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: August 8, 2023

Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning

Requested Motion

Public hearing and possible motion regarding amendments to the Transportation Plan along and adjacent to East Williams Street between future Jessie Drive and Reunion Creek Parkway.

Approval Recommended?

Planning staff recommend adoption of the proposed amendments with the exception of the removal of the future interchange at Jessie Drive and East Williams Street.

The Planning Board considered the proposed amendments at their July 10, 2023 meeting and recommended approval of the staff recommendation in a vote of 6 in favor and 2 against.

Item Details

The amendments to the Transportation Plan would revise the Bicycle and Pedestrian System Plan map to add a grade-separated crossing over East Williams Street north of Technology Drive and revise the Thoroughfare and Collector Street Plan map to: (1) Remove the future interchange at Technology Drive, (2) Remove the future interchange at future Jessie Drive, (3) Add a future major collector between Reunion Creek Parkway and Colby Chase Drive, (4) Realign and upgrade future Colby Chase Drive extension, (5) Add a future major collector between future Gladsong Drive and future Jessie Drive, and (6) Shift the alignment of future Jessie Drive.

Attachments

- PH7-A1: Staff report - Transportation Plan Amendments - East Williams Street, NC 55
- PH7-A2: Planning Board Report to Town Council - Transportation Plan Amendments - East Williams Street, NC 55
- PH7-A3: Planning Board Dissent Member Comments - Akers - Transportation Plan Amendments - East Williams Street, NC 55
- PH7-A4: Planning Board Dissent Member Comments - Braswell - Transportation Plan Amendments - East Williams Street, NC 55



STAFF REPORT

Transportation Plan Amendments

August 8, 2023 Town Council Meeting



The Thoroughfare and Collector Street Plan map, Transit Plan map, and Bicycle and Pedestrian System Plan map collectively represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, recreation, and multimodal travel. The Transportation Plan does not provide a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Transportation Plan along and adjacent to East Williams Street between future Jessie Drive and Reunion Creek Parkway, in order to make a decision.

Proposed Bicycle and Pedestrian System Plan Map Amendment

The proposed amendment to the Bicycle and Pedestrian System Plan map is to add a future grade-separated bicycle and pedestrian crossing of East Williams Street north of Technology Drive (see Figure 1). Based on the public meeting draft of the proposed changes at East Williams Street and Technology Drive associated with the North Carolina Department of Transportation (NCDOT) Project HL-0007, cyclists and pedestrians would be required to traverse nine travel lanes to cross between the east and west sides of East Williams Street. This is an area where substantial development is anticipated and side paths are proposed to accommodate bicycle and pedestrian travel along major corridors. A grade-separated crossing would provide a safe crossing opportunity for cyclists and pedestrians completely separated from conflicts with motor vehicles.

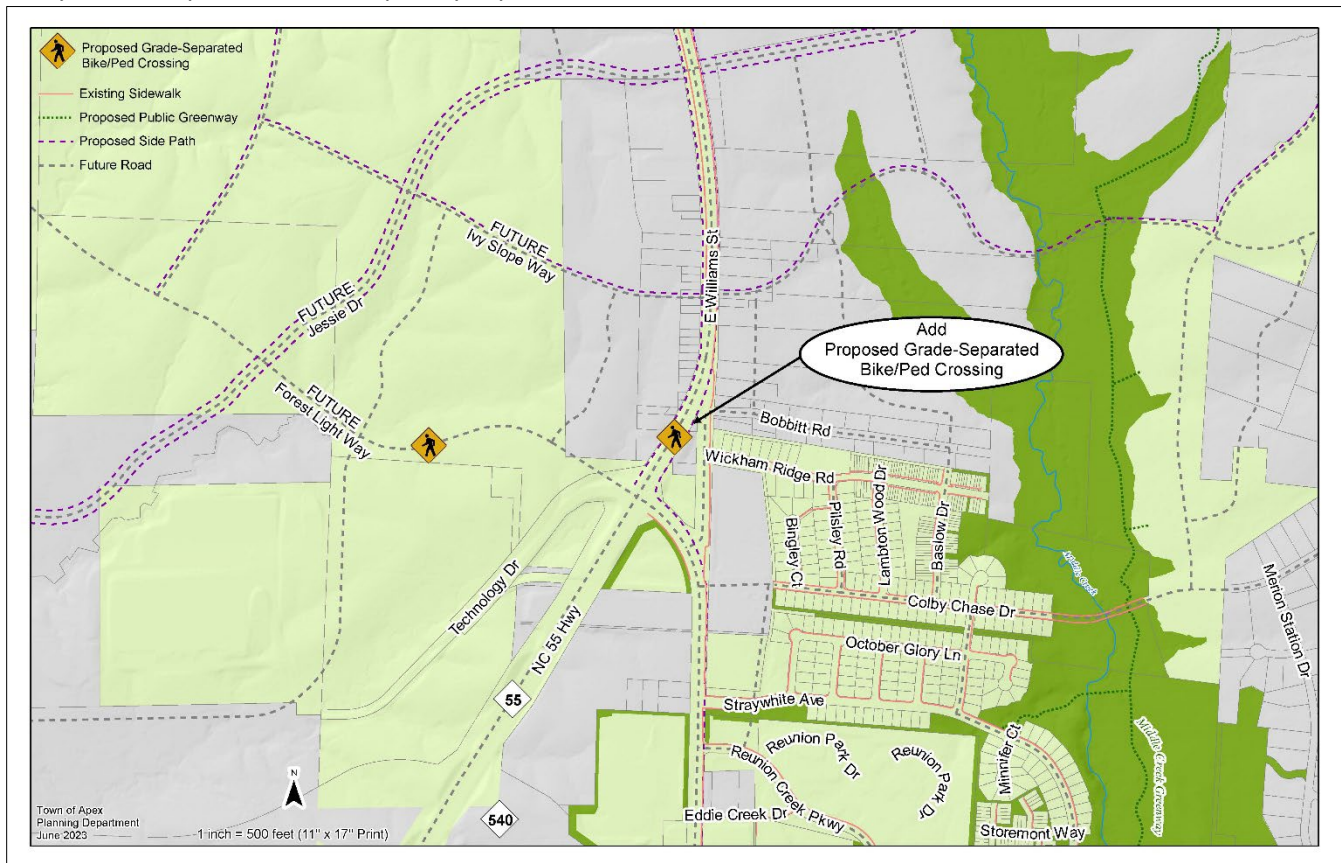


Figure 1. Proposed amendments to the Bicycle and Pedestrian System Plan map

Proposed Thoroughfare and Collector Street Plan Map Amendments

The proposed amendments to the Thoroughfare and Collector Street Plan map are shown in Figure 2, and are explained further in Table 1.

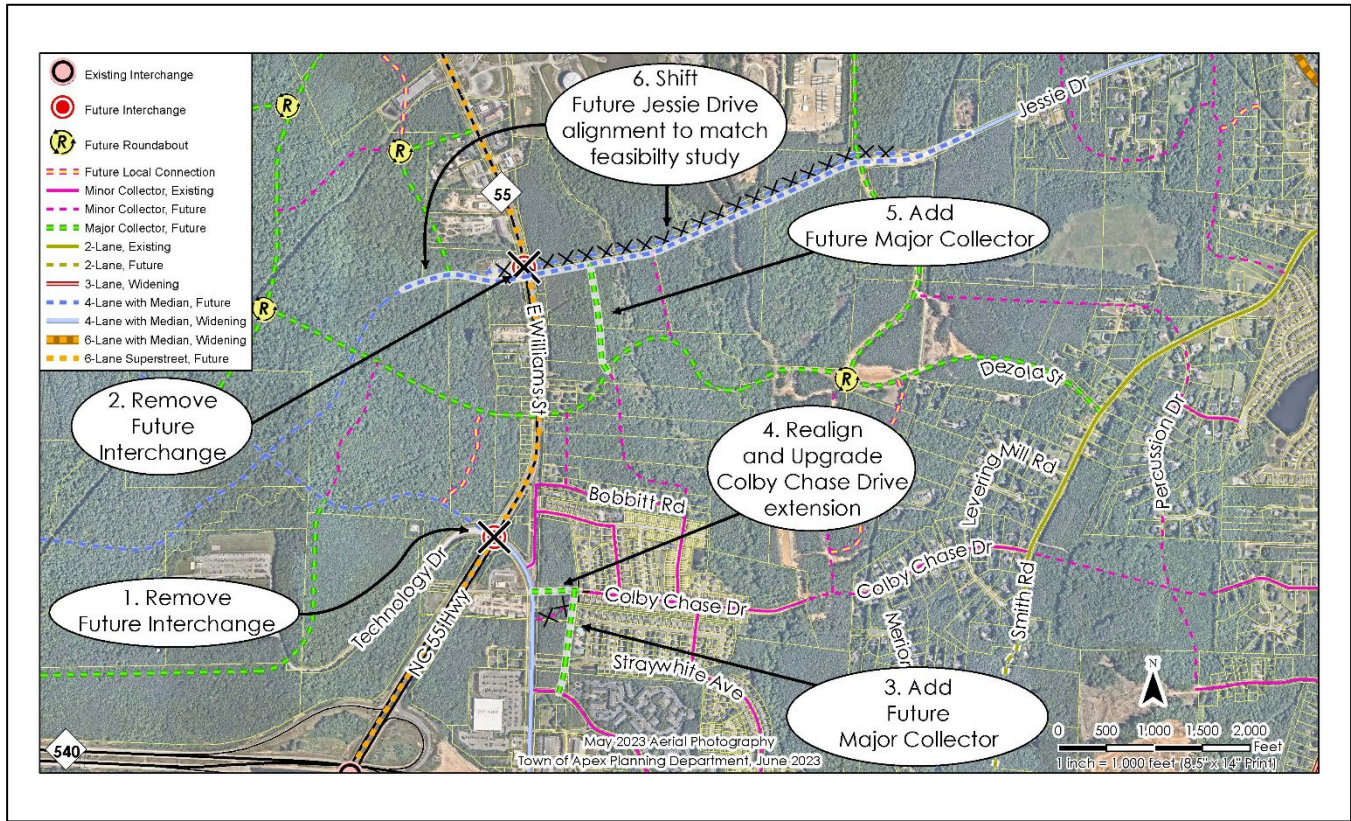


Figure 2. Proposed amendments to the Thoroughfare and Collector Street Plan map

Table 1. Summary of Proposed Amendments to the Thoroughfare and Collector Street Plan Map

No	Amendment	Explanation
1	Remove future interchange at East Williams Street and Technology Drive	As part of project HL-0007, NCDOT evaluated multiple alternatives, including interchange concepts, to address current and projected traffic capacity needs. The interchange concepts would have cost an estimated \$50 million, far exceeding the available budget for improvements at this location, and would have substantially restricted access for surrounding residents. Instead, NCDOT intends to move forward with a Reduced Conflict Intersection (RCI) for this location. Given the investment of approximately \$30 million for the RCI project, and the impacts associated with the interchange concepts evaluated, staff are proposing to remove the future interchange from the Transportation Plan in this location.
2	Remove future interchange at East Williams Street and future Jessie Drive extension	Staff received requests to bring forward this amendment from development interests on the east side of East Williams Street. Reasons cited include: the impact on future development of right of way dedication needed to accommodate an interchange, the impact of an interchange on access for future development, and the anticipated lack of available funding for a future interchange in this location, given the results of project HL-0007. In addition, it

No	Amendment	Explanation
		was noted that the Jessie Drive Capacity Analysis report developed by Kimley Horn for the Jessie Drive Feasibility Study (available at: https://www.apexnc.org/371/Transportation-Projects) indicates an RCI (similar to project HL-0007) would operate acceptably in the 2045 Build Scenario.
3	Add future major collector street between Colby Chase Drive and Reunion Creek Parkway	Based on the first public meeting map, Project HL-0007 would restrict access so that the only full-movement access point to East Williams Street from the neighborhoods between Reunion Creek Parkway and Bobbitt Road would be located at Reunion Creek Parkway. Public comments on the proposed plans for project HL-0007 from adjacent residential neighborhoods included substantial concern about changes to access and an anticipated increase in cut-through traffic on residential streets. The major collector street is proposed to facilitate access to and from East Williams Street from surrounding neighborhoods to reduce the use of residential streets for this purpose. The proposed alignment maximizes area for redevelopment and minimizes impacts to existing residential neighborhoods. The major collector designation would eliminate the possibility of direct access to this future roadway by residential driveways.
4	Realign and upgrade Colby Chase Drive extension	The Transportation Plan currently shows Colby Chase Drive extending as a minor collector street to East Williams Street at an angle that would conflict with the major collector street proposed with amendment #3. This amendment would realign the future extension to create a right-angle intersection with the new major collector street, align with The Hub convenience store driveway across East Williams Street, and upgrade the Colby Chase extension to a major collector street to eliminate the possibility of additional residential driveways as this roadway approaches East Williams Street.
5	Add future major collector street between future Jessie Drive extension and future Gladsong Drive	East Williams Street is shown on the Transportation Plan as a future Superstreet, or RCI, corridor. Access and turning movements onto and off of East Williams Street will be restricted to U-turns, left-turn crossover medians, and right-in/right-out based on this designation. This makes connectivity between uses along the corridor, and especially between frontage uses, critical. If the future interchange at Jessie Drive is removed from the Transportation Plan, connectivity adjacent to East Williams Street will be even more important, given the anticipated congestion that would occur along East Williams Street.
6	Realign future Jessie Drive extension	The proposed amendment shows a shift in the future extension of Jessie Drive for consistency with the recommendations from the Jessie Drive Feasibility Study Final Report completed by the Town.

Programmed Projects:

NCDOT Project HL-0007, Improvements at NC 55/East Williams Street/Technology Drive, is currently in design and will modify the intersection and complete corridor improvements along East Williams Street between Sunset Lake Road and south of future Jessie Drive. No other municipal or state projects are programmed to complete the facilities addressed by these amendments.

Staff Recommendation:

Planning staff recommend approval of all of the proposed amendments with the exception of Amendment #2, Remove future interchange at East Williams Street and future Jessie Drive extension. These proposed amendments are also supported by staff representing Transportation, Infrastructure and Development; Fire; Police; and Parks, Recreation, and Cultural Resources.

Regarding Amendment #2, staff do not have sufficient information to support a recommendation of approval and suggest that it may be premature to proactively remove this interchange from the Town's plans. Based on historical annual growth in traffic, staff anticipate that the capacity analysis completed for the Jessie Drive Feasibility Study underestimated annual growth. While the study anticipated 0.5% annual growth in traffic along the corridor, historical growth between 2005 to 2021 has been 1.5%. If this growth trend continues, superstreet operations at future Jessie Drive would fail. Failed traffic operations and resulting congestion on an important corridor may create an issue for emergency services and travel in general. There is little to no connectivity or alternate routes to East Williams Street at this time, and while the impact of the completion of NC 540 has been included in models, the way it will function in reality has not yet been tested. In addition, while planning-level concepts for an interchange at this location have been considered through the Southwest Area Study, there is no functional design available that informs the actual land area impacts. Finally, while the potential for a future interchange in this location may discourage or alter opportunities for development, staff do not have enough information about the community's or Town Council's tolerance for congestion along this section of East Williams Street as a potential tradeoff.

Planning Board Recommendation:

The Planning Board supported the staff recommendation in a vote of six in favor and two against at their July 10, 2023 meeting.

PLANNING BOARD REPORT TO TOWN COUNCIL

Long Range Plan Amendments

Planning Board Meeting Date: July 10, 2023



Long range plan(s) proposed to be amended:

Transportation Plan

Description of the proposed amendment(s):

Amend the Bicycle and Pedestrian System Plan map to add a grade-separated crossing over East Williams Street north of Technology Drive.

Amend the Thoroughfare and Collector Street Plan map to: (1) Remove future interchange at Technology Drive, (2) Remove future interchange at future Jessie Drive, (3) Add a future major collector between Reunion Creek Parkway and Colby Chase Drive, (4) Realign and upgrade future Colby Chase Drive extension, (5) Add a future major collector between future Gladsong Drive and future Jessie Drive, and (6) Shift the alignment of future Jessie Drive.

Planning Board recommendation:

Motion: To recommend approval per staff's recommendation (do not recommend approval of #2).

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Alyssa Byrd

☐ Approval of the proposed amendment(s) as presented

☒ Approval of the proposed amendment(s) with the following conditions or changes:

Planning Board concurs with staff that amendment #2 to remove the future interchange at future Jessie Drive is premature and that the discussion could occur again at a later date when more information is known.

☐ Denial of the proposed amendment(s)

With 6 Planning Board member(s) voting "aye"

With 2 Planning Board member(s) voting "no"

Reason(s) for dissenting votes:

See attached reasons for dissenting votes from Ryan Akers and Keith Braswell.

This report reflects the recommendation of the Planning Board, this the 10th day of July 2023.

Attest:


Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2023.07.10 17:27:03
-04'00'

Dianne Khin, Planning Director



PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments

Planning Board Member Name: Ryan Akers

Meeting Date: 7/10/2023

- ☐ Rezoning # _____
- ☒ Long Range Plan amendment(s) Case #2 - TPlan NC 55
- ☐ Other _____

Reason(s) for dissenting vote:

I agree with the staff report and believe that the financial impact of Item #2 on the Transportation Plan amendment, Jessie Drive Interchange removal, is in fact something that is very much in keeping with HL0007. I do not believe a grade separated crossing to be a realistic future infrastructure project given the current and future costs associated with it.

I fully support the report and favor Item #2 Jessie Drive Interchange removal, and therefore I voted 'no' to the removal of Item #2.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Keith Braswell

Meeting Date: July 10 2023

☐ Rezoning # Transportation and Thoroughfare and Collector str

☒ Long Range Plan amendment(s) Yes

☐ Other _____

Reason(s) for dissenting vote:

#2 Remove future interchange - I support removing the future interchange. There is no plan for an interchange, no funding and cant get funding without a plan. How can the landowner market a property without a plan of knowing the plan.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 8, 2023

Item Details

Presenter(s): Antwan Morrison, Director

Department(s): Finance

Requested Motion

Motion to adopt a Resolution authorizing and ratifying the filing of an application with the Local Government Commission in connection with the proposed issuance of Public Improvements Bonds, and scheduling a public hearing for August 26, 2023 to consider an order authorizing \$3,460,000 general obligation public improvement bonds for the Town of Apex.

Approval Recommended?

Yes

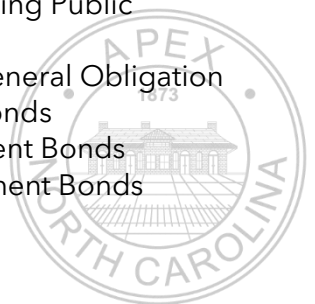
Item Details

In conjunction with the scheduled \$24,500,000 bond sale on October 3, 2023 for Transportation Improvements, it is the recommendation of staff to utilize the two-thirds bond authority to issue an additional \$3,460,000 for the purpose of Public Improvements. These additional funds will enable us to close the funding gap for the Mason Street Building project currently underway.

Statutory provisions allow a unit to issue up to two-thirds of general obligation bond principal retired in the previous fiscal year. Because the town is going to the bond market with a new issuance, all of the relative costs will be included for issuing this debt. Furthermore, it will free up reserve funds and cash for other opportunities.

Attachments

- NB1-A1: PowerPoint Presentation 2023 Bond Issuance - Resolution - Authorizing Public Improvement Bonds
- NB1-A2: Resolution Setting Public Hearing, Order Authorizing \$3,460,000 General Obligation Public Improvement Bonds - Resolution - Authorizing Public Improvement Bonds
- NB1-A3: Statement of Disclosure - Resolution - Authorizing Public Improvement Bonds
- NB1-A4: Sworn Statement of Dept - Resolution - Authorizing Public Improvement Bonds





August 8, 2023

2023 Bond Issuance

Antwan Morrison | Finance Director



General Obligation Bonds Issuance:

- A) 2015 Authorization – remaining \$7M
- B) 2021 Authorization - \$17.5M of \$42M

2/3 Bonds issuance - \$3,460,000

- A) Resolution findings and determinations and ratify filing application with LGC
- B) Introduction of bond order and call for public hearing
- C) Sworn Statement of Debt
- D) Statement of Disclosure “Estimated Interest”

Calendar of Events

- August 8th – Introduce Bond Order and Call for Public Hearing
- August 11th – Notice of Public Hearing advertised
- August 15th – Rating Agency meetings
- August 16th – Local Government Commission due diligence meeting
- August 22nd – Public Hearing and Adoption of Bond Order
- September 12th – Approval of issuance of 2/3 bonds and General Obligation Bonds
- October 3rd – Bond Sell Date
- October 24th and 25th – Close on Bonds



Requested Actions

1. Motion to approve resolution making certain findings and determinations and authorizing and ratifying the filing of an application with Local Government Commission (LGC) in connection with the proposed issuance of General Obligation (GO) Bonds
2. Motion to approve the introduction of the bond order
3. Motion to approve the call for the public hearing to be held on August 22, 2023

The Town Council of the Town of Apex, North Carolina met in a regular meeting in the Council Chambers of the Town Hall located at 73 Hunter Street in Apex, North Carolina, the regular place of meeting, at 6:00 p.m. on August 8, 2023.

Present: Mayor Jacques Gilbert, presiding, and Council Members

Absent: Council Members

Also present: _____

* * * * *

_____ introduced the following resolution, the title of which was read and a copy of which had been distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING AND RATIFYING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS BY THE TOWN OF APEX, NORTH CAROLINA

BE IT RESOLVED by the Town Council (the “Town Council”) of the Town of Apex, North Carolina (the “Town”):

Section 1. The Town Council does hereby determine that:

(a) Preliminary studies have been completed to demonstrate the need for financing the cost of acquiring, constructing and equipping a new administrative office building for the Town which is expected to be used by the Town for its planning and inspections department.

(b) The Town Council wishes to commence the procedures for the issuance of not to exceed \$3,460,000 General Obligation Public Improvement Bonds at this time for the purpose of financing such building.

(c) The annual audits of the Town show the Town to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing of an application of the Town with the North Carolina Local Government Commission for approval of the issuance of said general obligation bonds of the Town is hereby authorized, ratified and approved.

Section 3. Womble Bond Dickinson (US) LLP is hereby appointed to serve, but solely at the pleasure of the Town, as bond counsel to the Town in connection with the sale and issuance of said general obligation bonds of the Town.

Section 4. Davenport & Company LLC is hereby appointed to serve, but solely at the pleasure of the Town, as financial advisor to the Town in connection with the sale and issuance of said general obligation bonds of the Town.

Section 5. This resolution shall take effect immediately upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING AND RATIFYING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS BY THE TOWN OF APEX, NORTH CAROLINA" was adopted by the following vote:

Ayes: _____

Noes: _____

Thereupon, _____ introduced the following order authorizing bonds of the Town, the title of which was read and a copy of which had been previously distributed to each Council Member:

**ORDER AUTHORIZING \$3,460,000
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS**

BE IT ORDERED by the Town Council of the Town of Apex, North Carolina:

1. That pursuant to the Local Government Bond Act, as amended, the Town of Apex, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said Town may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Public Improvement Bonds in an aggregate principal amount not exceeding \$3,460,000 for the purpose of providing funds, together with any other available funds, for acquiring, constructing and equipping a new administrative office building for said Town.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said Town has been filed with the Town Clerk and is open to public inspection.

4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people within 30 days after the date of its publication as introduced as provided in G.S. 159-60, in which event it shall take effect when approved by the voters of said Town at a referendum as provided in said Act.

5. That this order is adopted pursuant to the provisions of G.S. 159-49, which authorizes the issuance of bonds without a vote of the people for the purposes specified therein in an amount not exceeding two-thirds of the amount by which the outstanding indebtedness of said Town has been reduced in the preceding fiscal year.

The Town Council thereupon designated the Finance Director of the Town to make and file with the Town Clerk the sworn statement of debt of the Town, which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon. The Town Council also designated the Finance Director to file with the Town Clerk the statement of disclosure of the Town, which is required by The Local Government Bond Act, as amended, to be filed with the Town Clerk at the time the bond order is introduced and before the public hearing thereon. The Town Council further directed the Town Clerk to file a copy of the statement of disclosure with the Local Government Commission and to post the statement of disclosure on the Town's website as required by The Local Government Bond Act, as amended.

Thereupon, the Finance Director of the Town caused to be filed with the Town Clerk, in the presence of the Town Council, the sworn statement of debt and the statement of disclosure as so required.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing order entitled "ORDER AUTHORIZING \$3,460,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS" was adopted by the following vote:

Ayes: _____

Noes: _____

Thereupon, the Town Council fixed 6:00 p.m., August 22, 2023, in the Council Chambers of the Town Hall located at 73 Hunter Street in Apex, North Carolina, as the hour, day and place for the public hearing upon the order entitled "ORDER AUTHORIZING \$3,460,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS" and directed the Town Clerk to publish said order, as required by The Local Government Bond Act, as amended, once in The News and Observer not later than the sixth day before said date.

* * * * *

I, Allen Coleman, CMC, NCCCC, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Town Council of said Town at a regular meeting held on August 8, 2023, as it relates in any way to the adoption of the foregoing resolution and bond order authorizing general obligation bonds of said Town and the calling of a public hearing upon such bond order and that said proceedings are to be recorded in the minutes of said Town Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 8th day of August, 2023.

Town Clerk

[SEAL]

TOWN OF APEX, NORTH CAROLINA

STATEMENT OF DISCLOSURE MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Antwan Morrison, Finance Director of the Town of Apex, North Carolina (the “Town”), having been designated by the Town Council of the Town to make and file with the Town Clerk a statement of disclosure pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY as follows:

1. Bond Order. On August 8, 2023, the Town Council of the Town introduced a bond order authorizing the issuance by the Town of not to exceed \$3,460,000 Public Improvement Bonds (the “Bonds”), for the purpose of providing funds, together with any other available funds, for acquiring, constructing and equipping a new administrative office building for said Town.

2. Estimated Interest. If the Bonds are duly authorized and issued, I have estimated that the total amount of interest to be paid by the Town over the expected term of the Bonds to be \$396,154, which estimate is based on the following assumptions:

(a) The Bonds will be issued on or about October 24, 2023 in the aggregate principal amount of \$3,460,000.

(b) The Bonds will mature annually on February 1, \$1,400,000 2025 and 2026 and \$660,000 2027.

(c) The Bonds will bear interest, payable semiannually on each February 1 and August 1, beginning February 1, 2024, at a coupon rate of 5.57% per annum. Such interest rate is a reasonably conservative estimate provided by the financial advisor to the Town and is based on the Bond Buyer 20 Index (BB20) rate published on July 20, 2023 (3.57%) plus 200 basis points (2.00%).

(d) The Bonds will not be redeemed prior to their respective maturities.

3. Property Tax Rate Increase. Sufficient general fund revenues are projected to be available to pay the principal of and interest on the Bonds, and no property tax rate increase is expected to be needed to pay the principal of and interest on the Bonds.

4. “Two-Thirds” Capacity. At present, the Town has the capacity to issue general obligation bonds without a referendum in the amount of \$3,460,000 during the fiscal year ending June 30, 2024 on account of a net reduction in its general obligation bond indebtedness of \$5,190,000 in the fiscal year ended June 30, 2023. Such “two-thirds” capacity is being utilized for purposes of issuing the Bonds. Upon the issuance of the Bonds, the Town will have no further capacity to issue general obligation bonds without a referendum on account of a net reduction in its general obligation bond indebtedness in the fiscal year ended June 30, 2023.

The information set forth above is preliminary and for general informational purposes only. The Town makes no assurances that the assumptions upon which such disclosures are based will occur, and the occurrence of certain of such assumptions is beyond the control of the

Town. Differences between the actual circumstances at the times the Bonds are issued and the assumptions set forth above could result in significant differences between the disclosures made above and the actual occurrences. The validity of the Bonds is not subject to challenge on the grounds that the actual occurrences when the Bonds are issued is different than the disclosures set forth above.

Signed this ____ day of August, 2023.

Finance Director

* * * * *

I, Allen Coleman, CMC, NCCCC, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement of disclosure which was filed with me at a meeting of the Town Council of said Town held on August 8, 2023, after the introduction and before the public hearing on an order authorizing general obligation bonds of said Town, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said Town this 8th day of August, 2023.

Town Clerk

[SEAL]

TOWN OF APEX, NORTH CAROLINA

**SWORN STATEMENT OF DEBT MADE PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Antwan Morrison, Finance Director of the Town of Apex, North Carolina, having been designated by the Town Council of said Town to make and file with the Town Clerk a statement of the debt of said Town pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

Parks and Recreation Bonds, Series 2013	\$ 3,000,000
Refunding Bonds, Series 2013	970,000
Public Improvement Bonds, Series 2018	20,215,000
Refunding Bonds, Series 2018	565,000
Refunding Bonds, Series 2020	1,645,000
Parks and Recreation Bonds, Series 2020B	25,330,000
Taxable Refunding Bonds, Series 2020	27,605,000
Street and Sidewalk Improvement Bond, Series 2021	<u>4,000,000</u>
Total	<u>\$83,330,000</u>

a(2) Bonds authorized by orders introduced,
but not yet adopted:

Public Improvement Bonds	\$ <u>3,460,000</u>
Total	<u>\$3,460,000</u>

a(3) Unissued bonds authorized by
adopted orders:

Street and Sidewalk Improvement Bonds (2015)	\$7,000,000
Refunding Bonds (2018)	345,000
Refunding Bonds (2020)	755,000
Refunding Bonds (2020)	2,560,000
Street and Sidewalk Improvement Bonds (2021)	<u>42,000,000</u>
Total	<u>\$52,660,000</u>

a(4) Outstanding debt, not evidenced by bonds: \$ -0-

(a) GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4): \$139,450,000

(b) DEDUCTIONS

- b(1) Funding and refunding bonds authorized by orders introduced but not yet adopted: \$ -0-
- b(2) Funding and refunding bonds authorized but not yet issued: \$3,660,000
- b(3) The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)): \$ -0-
- b(4) Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes: \$ -0-
- b(5) Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)): \$ -0-
- b(6) Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt: \$ -0-
- b(7) The amount, as estimated by the Finance Director of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt: \$ -0-
- (b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7): \$3,660,000

(c) NET DEBT

- (c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b): \$135,790,000

(d) ASSESSED VALUE

- (d) ASSESSED VALUE of property subject to taxation by the Town, as revealed by the Town tax records and certified to the Town by the assessor: \$12,377,000,000

(e) PERCENTAGE

(e) Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d): 1.10%

The foregoing statement is true.

Finance Director

STATE OF NORTH CAROLINA)
)
COUNTY OF WAKE) ss.:

Subscribed and sworn to before me this ____ day of August, 2023.

[SEAL]

Notary Public

Printed Name: _____

My Commission expires _____

* * * * *

I, Allen Coleman, CMC, NCCCC, Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the Town Council of said Town held on August 8, 2023, after the introduction and before the public hearing on an order authorizing general obligation bonds of said Town, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said Town this 8th day of August, 2023.

Town Clerk

[SEAL]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: August 8, 2023

Item Details

Presenter(s): Taylor Wray, Cultural Arts Center Manager

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to approve Addendum A - Fee Structure with addition to the updated Special Event Policy (Draft #21)

Approval Recommended?

Yes

Item Details

Staff is recommending that "Addendum A: Special Event Policy Fee Structure" be approved as an addition to the updated Special Event Policy (Draft #21). This fee structure includes commonly used Town services for community events, the payment formula, and examples of how this formula will apply to different types of events.

Attachments

- NB2-A1: PowerPoint Presentation - Special Events Policy - Addendum A: Fee-Structure
- NB2-A2: Special Event Policy (Draft #21) - Special Events Policy - Addendum A: Fee-Structure
- NB2-A3: Addendum A: Special Event Policy Fee Structure





Special Event Policy: Fee Structure

Tuesday, August 8

Purpose

- Increase in Events
- Consistency
- Application Procedure



What are the Big Changes?

- Community Event & Town Event Language
 - Removing “Co-sponsorship” Language
- Tier System
- Due Dates
- Review Process



Fee Structure Breakdown

Public Safety	Event Services	Location Usage
<ul style="list-style-type: none"> • Large Blockade Vehicle or Police Vehicle • Police Personnel 	<ul style="list-style-type: none"> • Application Fee • Water Barricades • A-Frame Barricades • Electrical Power • Water • Trash Cans • Utility Sinks • Public Works Personnel • Parks Operations Personnel 	<ul style="list-style-type: none"> • Saunders Street Lot • Templeton Street Lot • Town Hall Lot • Community Center Gazebo Lot • Community Center ATM Lot • Senior Center Lot • Town Arc Lot • Park Parking Lots • The Depot Lot and Plaza • Town Campus Courtyard

Payment Formula

NON-PROFIT	For-Profit
<p>Events after July 1, 2024:</p> <p>All event organizers are required to pay 50% of their net profit (but not to exceed 50% of the Town Fee cost).</p> <p>Eligible donations will be considered to reduce the total fees.</p>	<p>Events after July 1, 2024:</p> <p>All event organizers are required to pay 100% of their Town Fee cost.</p>
<p><i>Fees are to be collected within 120 days post event.</i></p> <p><i>The event may be subject to Off-Duty Police costs.</i></p> <p><i>Fee schedule is reviewed annually.</i></p>	

ELIGIBLE DONATION

This is a charitable sum of money given to a non-profit organization that serves Apex.

- Donation documentation will be required to be submitted to the Special Event Coordinator within 90 days post event. This documentation will be reviewed by Town Administration for consideration for reduction of fees.
- An extension to this documentation can be requested beyond the 90 day period and will be considered by the Town in circumstances where non-profit awards grants beyond the 90 day timeframe.

Non-Profit Fee Examples

EXAMPLE #1

Organizer Revenue	\$40,000
Organizer Expenses	\$10,000
Organizer Profit	\$30,000
Town Fee	\$10,000
Organizer Donations to Community	\$20,000
Organizer Profit (after donations)	\$10,000
Town Fee	\$10,000
50% of town fee	\$5,000
Total Fee for organizer to pay	\$5,000

EXAMPLE #1:

Organization who makes a profit from their event, Town fees match their profit, and their donations are significant in summation.

EXAMPLE #2

Organizer Revenue	\$0
Organizer Expenses	\$1000
Organizer Profit	-\$1000
Town Fee	\$3,000
Organizer Donations to Community	\$0
Organizer Profit (after donations)	\$0
Town Fee	\$3,000
50% of net profit	\$0
Total Fee for organizer to pay	\$0

EXAMPLE #2:

Organization who makes no profit from their event, Town fees are minimal but existent, and no donations to the community.

Non-Profit Fee Examples

EXAMPLE #3

Organizer Revenue	\$10,000
Organizer Expenses	\$5,000
Organizer Profit	\$5,000
Town Fee	\$3,000
Organizer Donations to Community	\$5,000
Organizer Profit (<i>after donations</i>)	\$0
Town Fee	\$3,000
50% of net profit	\$0
Total Fee for organizer to pay	\$0

EXAMPLE #3:

Organization who donates 100% of their profits.

EXAMPLE #4

Organizer Revenue	\$10,000
Organizer Expenses	\$5,000
Organizer Profit	\$5,000
Town Fee	\$3,000
Organizer Donations to Community	\$3,000
Organizer Profit (<i>after donations</i>)	\$2,000
Town Fee	\$3,000
50% of net profit	\$1,000
Total Fee for organizer to pay	\$1,000

EXAMPLE #4:

Organization who donates 60% of their profits.

Upcoming Dates

- Policy Public Release
 - August 9, 2023
- Next Event Organizer Meeting
 - August 16, 2023
- Fees Begin
 - July 1, 2024





SPECIAL EVENT POLICY

Draft #21 edits start on July 31, 2023.

Policy reviewed and approved by Administration on _____.
Fee Structure reviewed and approved by Apex Town Council on _____.

INTRODUCTION

Special events are very important to the quality of life for the residents of Apex. These events bring special excitement and vitality to the community. Special events can produce endless benefits such as personal, social, and economic growth and development, as well as social and environmental awareness.

Much time and planning go into these events. Approval of special events will be determined once a completed application has been received, reviewed, evaluated by the appropriate Town staff, and it has been decided that use of public space and allocation of public resources are appropriate.

The Town must be very careful in which events it chooses to approve. Due to the number of requests and demands placed on Town Departments during these events, it is impossible to accept every event where a request is made. Staff time, availability of equipment, the nature of the event, and several other factors are considered.

The Town of Apex Special Event Coordinator will be the event organizers main point of contact with the Town. It is the Town of Apex Special Event Coordinator's responsibility to process applications, serve as a liaison between the Town and event organizers, conduct the Special Event Logistics Committee meetings, review event requests for compliance to Town Ordinances, and much more!

Please review the following Special Events Policy for the Town of Apex.
Questions should be directed to the Town of Apex Special Events Coordinator, Lisa Raschke.
Lisa.Raschke@apexnc.org 919-372-7465

An information workshop about the Special Events Policy will be held biannually:

3rd Wednesday in January at 6pm
3rd Wednesday in August at 6pm
The Halle Cultural Arts Center

These workshops are open to all event organizers who want to learn more about this policy and the process to apply for events.

This policy is not for internal Town of Apex events.

TABLE OF CONTENTS

Application Process	Page 4
How to Apply For a Special Event	Page 4
Tier Explanation	Page 4
Deadlines	Page 5
Process After Application Is Submitted	Page 5
When Are New Applications Required	Page 5
Policy Overview	Page 6
Regulations	Page 6
Requirements	Page 7
Sanitation, Recycling, & Sustainability	Page 7
Insurance & Liability	Page 8
Electricity	Page 9
Toilets	Page 9
Noise	Page 10
Food Sales	Page 10
Alcohol	Page 10
Tents, Stages, Inflatables, Accessories, etc.	Page 11
Safety & Security	Page 11
Communications & Marketing	Page 12
Nondiscrimination.....	Page 12
Town Parks	Page 13
Event Site Plan	Page 13
NCDOT Roadways	Page 13
Town Facilities	Page 13
During & After The Event	Page 14
Definitions	Page 14
Helpful Links	Page 17

APPLICATION PROCESS

HOW TO APPLY FOR A SPECIAL EVENT

1. Read this Special Events Policy thoroughly.
2. Ask the Special Event Coordinator any questions that you may have.
3. Complete the *online* Town of Apex Special Event Application.
4. Pay the *non-refundable* \$50 Application Review Fee.

The Town of Apex assumes no liability if an event is not approved – Selling tickets, advertising, gaining sponsorship, and other activities done prior to event approval is done at the risk of the event organizer.

Applying for an event does not guarantee approval.

TIER EXPLANATION

The Town of Apex differentiates events by tiers. Each tier differs based on projected attendance, Town services, street closures, and whether alcohol will be served. The event organizer must review the table below to understand which tier their event will be classified as:

Tiers	Details	Examples
TIER 1	<ul style="list-style-type: none">• Fewer than 200 people• No Town services• Closure of public right-of-way (no police presence)• No inflatables, tables, food trucks, tents, alcohol	<ul style="list-style-type: none">○ Neighborhood party○ Annual Food Drive for WWCM
TIER 2	<ul style="list-style-type: none">• 201-500 people• Minimal Town services• Closure of public right-of-way• No alcohol	<ul style="list-style-type: none">○ Pancake Breakfasts○ Farmers' Market○ Memorial Day Ceremony○ Veterans Day Ceremony
TIER 3	<ul style="list-style-type: none">• 501-1000 people• Minimal Town services• To include possible street closures• No alcohol	<ul style="list-style-type: none">○ Chanukah Festival
TIER 4	<ul style="list-style-type: none">• 1001 people and more, <i>or any number of people with alcohol</i>• Multiple Town services• Closure of Town parking lots, greenways, and/or streets• Alcohol can be present with proper approval & permits	<ul style="list-style-type: none">○ PeakFest○ Pride Festival○ Pig Fest○ Oktoberfest○ Christmas Parade

DEADLINES

All applications for consideration must have their applications completed and submitted online no later than the dates below:

Tier 1	Tier 2	Tier 3
14 days prior to event date	60 days prior to event date*	180 days prior to event date*
Tier 4		
Tier 4 events can apply using the “Multi-Year Application”. These applicants are required to submit their initial application 1 year prior to the first date on their application. This application would reflect up to 5 years’ worth of dates for the event. Once the multi-year application is approved, the Tier 4 organizations will be required to check in every 6 months prior to their event.		

*Tiers 2 & 3 may apply under the multi-year application with the same rules as above.

PROCESS AFTER APPLICATION IS SUBMITTED

1. Upon submitting your application, you will receive a confirmation email within five business days that your application has been received.
2. An application is not considered ‘complete’ until all required information, documents, and application fee are submitted. Incomplete applications will not be considered.
3. The application will then be reviewed by the Town of Apex’s Special Event Logistics Committee consisting of members from relevant departments.
4. The application, with committee comments, will then be reviewed by Town Administration.
5. If available, the location and date will be tentatively reserved.
6. Based on the feedback from Town Administration and the Special Event Logistics Committee, the application will be
 - a. Approved
 - b. Approved with conditions
 - c. Denied
7. If approved, a Special Event Contract will be provided with the associated costs. Signatures will be required from the event organizer and the Town agreeing to any stipulations put in place.

WHEN ARE NEW APPLICATIONS REQUIRED:

- When a significant change has occurred. Please see the definition of significant change on page 16.
- When an established event skipped a year. See definition for established event on page 14.
- When this is a new event.
- When an established event is being organized by a new organizer.
- When the multi-year application has expired.

POLICY OVERVIEW

GENERAL

For purposes of this policy, “Special Event” is defined as an event, festival, parade, run, walk, or other recreational, cultural, entertainment, community, or social awareness activity. This special event will engage the community, promote tourism, showcase local talent, expose artists and performers to new audiences, invigorate community spirit, provide economic health and wellness, or cultural/social benefits to a community or organization.

For all other definitions relevant to this policy, please see page 14.

Outdoor special events held on private property require a Temporary Use Permit (issued by the Town of Apex Planning Department) and are *not covered* under the Special Event Policy. You can find a link to the Temporary Use Permit on page 17.

REGULATIONS

The regulations in this section shall apply to all accepted special events unless otherwise expressly stated.

- A) **Non-Profit & For-Profit.** All proposed events are open to the general public.
 - a. Non-Profit organizations are allowed to charge for entry/participation to cover the cost of the event.
 - b. Non-Profit organizations will be granted a discount from the payment formula.
 - c. For-profit organizations are not permitted to charge for entry/participation.
 - d. For-profit organizations will not be granted any discounts and will be required to pay all fees in full.
- B) **Signs.** All special event signage must meet the requirements of the Town of Apex Sign Ordinance; Please review this ordinance link on page 17.
 - a. This includes but is not limited to flyers, yard signs, posters, banners
 - b. Yard signs are permitted on private property with owner’s permission, no sooner than 1 week prior to the commencement of the event and must be removed no later than 2 days after the end of the event. Please contact the Planning Department at planninginfo@apexnc.org or 919-249-3426 at least three weeks prior to the event in order to have adequate time to apply for, and receive approval of, the required sign permit.
 - c. Over-the-street banners and light-post banners are not permitted for community events.
- C) **Conditions of Approval.** Special events shall not violate or deviate from any applicable laws, rules, regulations, Town Ordinances, conditions of approval for the site or conditions noted in the Special Events Contract.
 - a. Please review the Town ordinance section 15.9 for details on
 - i. Unlawful to operate bicycle or other wheeled vehicle
 - ii. Unlawful to throw balls, unless pursuant to an official approved festival activity.
 - iii. Unlawful to use fireworks at the special event
 - iv. Failure to cease activities
 - v. Animals at events
 - vi. Failure to comply
- D) **Obtain all other applicable permits and approvals.** The event organizer must obtain all other required permits and approvals prior to their event. This may include but is not

limited to: ABC permits, Wake County Food Permits, use of private property and/or right-of-way.

E) **Evaluation Criteria.** The Town of Apex utilizes the following criteria when evaluating and scheduling special events:

- a. The nature of the event and how it can serve the Town of Apex and its residents;
- b. The dates and times during which the proposed event will occur;
 - i. Including set up and breakdown times
- c. The location(s) of the event and traffic impacts;
- d. Whether the activities are in compliance with other applicable laws and Town ordinances;
- e. The general health, safety, and welfare of the participants in/or attending the event and the residents of Apex;
- f. Environmental impacts;
- g. Economic benefits;
- h. The impact and/or cost of the event on Town supported services;
- i. The frequency of the event or similar events;
- j. Awarding community grants;
- k. Priority will be given to Apex based groups, chapters, and organizations;
- l. The proposed event is community, art, culture, history focused and/or recreational in nature;
- m. The proposed event has been planned to facilitate a positive impact to the community;
- n. The proposed event is inclusive to all;
- o. If alcohol will be served;
- p. No political events;
 - i. Events may invite political parties as vendors if they wish. Event organizers are required to invite the full representation of political parties in order to comply with this policy

REQUIREMENTS

1. **Sanitation, Recycling, & Sustainability.** The event organizer is responsible for litter and debris cleanup of the special event site both during and after the event. The event organizer is responsible for all costs should the Town be required to clean up following the event.
 - a. The Town of Apex requires recycling at all events.
 - b. Trash cans can be requested from the Town, but not guaranteed. Liners will not be provided.
 - c. The Special Event Logistics Committee may require the event organizer to rent dumpsters.
 - d. All special events must provide an appropriate number of staff or volunteers devoted to litter pick-up for the entire event area during and after the event. Event organizers should apply a “cleaner than we found it” mindset to respect the environment in which the event was held.
 - e. The Event Organizer is responsible for arranging for the proper disposal of grease and other similar waste with a private service or agency in advance of the event.

- i. Please see page 18 for Grease-Cycle's Raleigh location information to rent their grease collection containers
 - ii. Food ash collection will need to be arranged with the Special Events Coordinator
 - f. Improper disposal or spills may be classified as a hazardous waste and result in fines in accordance with Chapter 2703.3 of the North Carolina Fire Prevention Code. The entirety of the festival boundaries must be left in the same condition as prior to the event.
2. **Insurance & Liability.** Event organizers shall assume all risks to or in connection with the special event and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the special event or the conduct of the organizer's operation. The event organizer shall indemnify, defend and hold the Town harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims or suits for damages or losses (including, but not limited to, attorney's fees and other litigation expenses) for personal injury and for property damage directly or indirectly arising out of or in connection with the special event or conduct of its operation or resulting from the negligence or intentional acts or omissions of the event organizer or its officers, agents, volunteers and employees.
- a. In addition:
 - i. If required by the Town's Safety and Risk Manager, the event organizer must furnish a fully paid liability damage insurance policy procured from a company licensed to do business in North Carolina. This policy must protect the Town of Apex, its officers, officials, employees and agents from any and all claims for damages to property and/or bodily injury which may result from or in connection with any of the operations carried on by the organizer of the special event.
 - ii. The Town of Apex must be named as an additional insured.
 - iii. The Additionally Insured must read: The Town of Apex (73 Hunter Street, Apex, NC 27502)
 - 1. *Tier 1* events do not need to provide a proof of insurance.
 - 2. *Tier 2*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A minimum of \$1,000,000 for personal injury per person, \$1,000,000 for personal injury for aggregate liability and \$1,000,000 for property damage each occurrence, or certificates of insurance acceptable to the Special Event Logistics Committee is required.
 - 3. *Tier 3*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A minimum of \$2,000,000 for personal injury per person, \$2,000,000 for personal injury for aggregate liability and \$2,000,000 for property damage each occurrence, or certificates of insurance acceptable to the Special Event Logistics Committee is required.
 - 4. *Tier 4*: The Town of Apex must receive a copy of insurance policy at time of contract. Insurance requirements are as follows: A

b. When collecting proof of insurance, the Town of Apex Special Events Coordinator will require the Additionally Insured Endorsement sheet and the Certificate of Insurance cover sheet with the following included in the “Description of Operations”

- i. The Town of Apex and the “Event Group Name”
- ii. Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below in the certificate holder section.
- iii. Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below in the certificate holder section.
- iv. Regarding the General Liability coverage, Primary and Non-Contributory coverage applies to the entities listed below in the certificate holder section.

- Page 9 | 18

- e. The Special Event Logistics Committee must approve of the location and duration of any portable toilets.
5. **Noise.** Permission to include music or amplified sound, including megaphones, as part of a special event may be given, provided that compliance with the Town's noise ordinance is assured. Event organizers must be sensitive to local businesses and residences when preparing sound equipment for special events.
- a. The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event.
 - b. Complaints of loud, disturbing, or unnecessary noise in violation of the noise ordinance may result in the immediate revocation of the Special Event Contract and approval.
 - c. Link to the ordinance is on page 17.
6. **Food Sales.** The event organizer is responsible for arranging for all food permits and approvals from the Wake County Health Department a minimum of (4) four weeks prior to the event.
- a. In addition:
 - i. All rules and regulations regarding any food preparation and service as established by the Wake County Health Department must be followed.
 - ii. A fire inspection is required to make sure all fire safety equipment is in place. Inspectors have the right to close booths operating outside of health regulations.
 - iii. All permits must be clearly displayed.
 - iv. All clean-up including grease removal is the responsibility of the event organizer.
 - v. All vendors at the special event must follow the Town of Apex Code of Ordinances for Transient and Mobile Food Vendors to meet National Fire Protection Association (NFPA) Recommendations for Food Truck Safety.
 - 1. Sec. 13-63. - General operating standards.
 - 2. Link to the ordinance is on page 17.
7. **Alcohol.** *Tier 4 are the only events permitted to request alcohol.* Alcoholic beverages are prohibited on Town property and rights-of way unless approved in the Special Events Contract.
- a. Please review Section 14-14 of the Apex Town Code of Ordinances for more important details.
 - b. An ABC permit is required for the sales and serving of any alcoholic beverages during the special event. Applications must be submitted directly to the ABC Commission, but are subject to Apex Police Department review. This review process may take several weeks.
 - i. Please note that the event may be subject to off-duty police charges.
 - ii. Please see the Town of Apex ABC Permit information guide. Link on page 17.

8. **Tents, Stages, Inflatables, Accessories, etc.** Temporary structures, containers or storage tanks required for the event may require a safety inspection by an Apex Fire Marshal. The Town of Apex defines and classifies any structure, enclosure, or shelter constructed of canvas or pliable material supported in any manner as a tent. Temporary structures such as decks, platforms, stages and kiosks will require an inspection. Any approval of these items may be rescinded if the inspected items do not meet the standards.
- a. All tents are required to have flame retardant certification.
 - b. The event organizer must provide the following:
 - i. A copy of flame-retardant certification (This should be attached to the tent, and inspector will check and approve in the field)
 - ii. A site plan showing the location of the tents
 - iii. A description of the activity(s) to be conducted under the tent(s)
 - iv. A method of providing adequate anchorage against collapse from winds or other loads. Anchorage type will be determined at time of review.
 - v. No tents may be staked into asphalt, the Town Campus Courtyard, or any other locations determined by the Special Event Logistics Committee.
 - vi. All tents must be secured or weighted down at all corners.
 - vii. No tent may be erected in front of a building used as a place of public assembly, within fifteen (15) feet of a fire hydrant, or in any way obstructing any building exit or doorway.
 - viii. Tents may not block streets such that Special Event Logistics Committee deems the layout / location dangerous or in appropriate for public safety.
 - ix. All tents may be inspected and approved before occupancy or use by the public
 - x. At least one UL rate 2A: 10BC extinguisher shall be provided for all tents where there is cooking. Additional extinguishers may be required after the inspection.
 - c. LP Gas use shall be restricted to cylinders no larger than one, 100lb tank (24 gallons of propane). Cylinders shall not be expired and must be adequately secured to prevent over turning. Cylinders may not be secured to items such as fire hydrants, temporary electric poles or barricades. Cylinders may be secured to the grill, a tent post, a signpost or permanent electric pole.

9. **Safety & Security.**

- a. **Safety barricades** ensure the safety of patrons, volunteers, staff, and others during special events. Any event that involves the closure of a public street may require barricades, variable message boards, and/or Police presence.
- b. The Town can provide event organizers with a limited number of barricades or other special event related equipment for a fee. This can be requested on the application.
- c. The Special Event Logistics Committee will determine where the barricades will be located.
- d. Event organizers are responsible for providing barricades for their event.
 - i. Quality and type of barricade must be approved by the Special Event Logistics Committee.

- e. **Weather Conditions.** It is the responsibility of the event organizer to track weather conditions and make the final call for cancelation. The Town of Apex reserves the right to cancel an event if there is a crisis or threat to public health and safety.
- f. The Special Event Logistics Committee may require the organizer to hire Wake County **EMS** or similar services.
- g. The Special Event Logistics Committee will develop an **Emergency Action Plan** for all Tier 3 and Tier 4 events.
 - i. The Emergency Action Plan in turn may dictate site plan alterations. This will be communicated to the event organizer prior to the event.
- h. **Security.** The Special Event Logistics Committee will review each application and provide requirements on the number of officers or other security needed for the event. To hire off-duty officers, the event organizer will need to contact the Apex Police Department through their Extra Duty Solutions application. The link for such can be found on page 17.
- i. **No Parking Signage.** The Apex Police Department will post “no parking” signs at least 24 hours before any parking lot closure.

10. **Communications & Marketing.**

- a. Community Events that fall within tiers 2-4 will be promoted by the Town of Apex.
- b. The Town will provide a standard Town of Apex graphic with limited text language on the event and refer the community to the organizer’s website.
- c. The Town of Apex will create a unified plan for promotion between the Town of Apex and the community event organizers, ensuring both parties understand what group is responsible for each promotional piece.
- d. The event organizer will be responsible for providing a point of contact for the public and a URL/website for the public to access information provided for the Community Event. Without this information included in the application, the event organizer will not be able to submit their application.
- e. All events approved by the Town of Apex are required to add “*This event is not organized by the Town of Apex*” to their publications, regardless of web, social, or print.
- f. The event organizer must provide public notification to all adjacent businesses and residents of the date and time of the event with a description of the roads to be closed a minimum of thirty (30) days before the event.

11. **Nondiscrimination.** The Town of Apex strives to be a welcoming and diverse community with a sense of belonging for anyone that chooses to live, work, or visit and enjoy the “Peak of Good Living”. Special events are examples of how we embrace this goal. To achieve this goal, the Town’s special events shall be inclusive to all.

- a. Inclusivity in events means creating an experience that’s supportive of everyone in attendance, no matter a age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status. An event cannot

be considered a success until every attendee is empowered to participate without barriers. Additionally, the Town will uphold its nondiscrimination ordinance and policy in relation to special events.

- b. The Town will ensure that no special event excludes any person on the basis of Protected Class status, as defined in Town of Apex Code of Ordinances Section 3-3(k).
 - c. For more information on the Town's nondiscrimination policy and commitment to inclusivity, please refer to Chapter 3 of the Town of Apex Code of Ordinances.
12. **Town Parks.** Due to heavy use and demand the Town does not rent or close entire parks for special events. In rare cases, approved by the Director of Parks, Recreation, and Cultural Resources, the Town may close a portion or specific area within a park provided it does not disrupt the day-to-day operation or use by Apex residents. A rental fee may be charged to cover costs associated with the use of Town facilities.
13. **Event Site Plan.** Sidewalks, Greenways and Multi-Use Paths are to be used for public refuge and pedestrian traffic only and must remain clear and unobstructed in case of emergency; unless the closure permit specifically states that the sidewalk, greenway or multi-use path is to be closed.
 - a. Submit a high quality 8.5" x 11" map of the proposed festival boundaries including:
 - i. Street closures
 - ii. Barricades
 1. Entrances and exits if barricades create enclosures
 - iii. Vendor locations
 - iv. Vendor driving directions
 - v. Tent locations
 1. Entrances and exits if tent is enclosed
 - vi. Restrooms
 - vii. Trash Can locations
 - viii. Dumpster locations
14. **NCDOT Roadways.** Any North Carolina Department of Transportation State Highway or road must receive permission of NCDOT to be closed. Please see the link on page 19 for NCDOT contact info.
 - a. To differentiate between NCDOT roads and Town of Apex roads, please see the link on page 17 and page 18.
15. **Town Facilities.** The use of inside Town Hall will not be approved. Other Town facilities will be approved based on availability and overall impact. The use of rentable Town property is subject to their individual rules, regulations, availability, and completion of rental contracts.
 - a. Please see links on page 17 for more info.

DURING & AFTER THE EVENT

- The event organizer must be present during the entire duration of the event (this includes set up and clean up). The event organizer may enlist a committee of people to assist with this timeline. This responsibility is on the event organization.
- **Site Visit.** The Town of Apex performs routine site visits during special events. During this visit, the Town of Apex Special Events Coordinator will continue to serve as a liaison for event organizers to address last minute event needs as they arise. The Town of Apex Special Events Coordinator and other Town staff will also ensure compliance with the regulations outlined in this Special Events Policy, Special Event Contract, and with the regulations enforced by other Town departments or partner agencies as applicable.
 - Failure to meet these conditions may result in the immediate shutting down of the event.
- **Following the Event.** The After-Action Evaluation will be emailed to the event organizer 30 days or less after the event.
 - **After-Action Evaluation.** The Special Event Logistics Committee will complete an internal evaluation form for each event to measure the success of special events and event organizers in conforming to policies and permitted activities. Events with an unsatisfactory evaluation may have additional requirements imposed for future years or may be denied for future events.
 - **Completing Payment.** Payment, as a result of the payment formula, must be paid within 120 days post event.

DEFINITIONS:

COMMUNITY EVENT

This is an event that is created, facilitated, planned, and funded by a non-profit or for-profit group outside of the Town of Apex organization.

ELIGIBLE DONATION

This is a charitable sum of money given to a non-profit organization that serves Apex. (Non-profit organization as defined on page 15)

- Donation documentation will be required to be submitted to the Special Event Coordinator within 90 days post event. This documentation will be reviewed by Town Administration for consideration for reduction of fees.
 - An extension to this documentation can be requested beyond the 90 day period and will be considered by the Town in circumstances where non-profit awards grants beyond this timeframe.

EMERGENCY ACTION PLAN

An emergency action plan is defined as comprehensive documentation of procedures based on the required emergency standard.

ESTABLISHED EVENT

This is an event that has occurred for 2 consecutive years (or more) in a row in the same location as prior years.

EVENT ORGANIZER

The event organizer is the person whose name is on the Special Event Application. This person will be the point-of-contact with the Town of Apex Special Events Coordinator.

- The event organizer must share the event planning meeting schedule with the Town of Apex Special Events Coordinator.
 - The Town of Apex Special Events Coordinator may attend any/all planning meetings.
- The event organizer shall attend the proposed event for the full duration of set up, event time, and clean up.
- Any requested changes to the event from anyone other than the event organizer will be invalid.
- If the event organizer steps down, a new event organizer must be designated in writing. Notice of this change may be sent to Town of Apex Special Events Coordinator by email.

FESTIVAL BOUNDARIES

The festival boundaries are defined as the approved geographical location of the festival. The Festival Boundaries may not exceed the barricades as shown on the site map.

FOR-PROFIT ORGANIZATION

For this application, this is defined as an organization that is outside of the definition of non-profit below.

HISTORIC DOWNTOWN

The historic downtown is defined as the section of Salem Street between Hunter Street and Highway 55/Williams Street.

INCLUSIVE TO ALL

Inclusive to all in events means creating an experience that's supportive of everyone in attendance, no matter a person's age, race, gender, ethnicity, sexual orientation, or abilities. An event cannot be considered a success until every attendee is empowered to participate without barriers.

MINIMAL TOWN SERVICES

Minimal Town services is designated as no more than 2 departments needed the day of the event.

MULTIPLE TOWN SERVICES

Multiple Town services is designated as 3 or more departments needed the day of the event.

NON-PROFIT ORGANIZATION

For this application, this is defined as an organization under the Internal Revenue Service (IRS) status of 501(c)(3), 501(c)(6), 501(c)(19) or if they are an Apex Public School.

PARADES, RACES, AND WALKS

Parades, races, and walks are defined as an organized activity following a set course that involve full or partial closure of any Town streets, Town property, sidewalks, and/or greenways.

- A Special Event application is required for any run or walk.
- Any Special Event with a Parade component will be required to fill out a Special Event Application in addition to the parade permit required by Article X, Chapter 20 of the Apex Town Code of Ordinances.
 - Example: Apex Christmas Parade
- Parades unrelated to a special event must follow the permit process in Article X, Chapter 20 of the Apex Town Code of Ordinances.
- The event organizer is responsible for the cost of all Town services incurred in connection with the parade, race, or walk.
- The Special Event Logistics Committee may require the organizer to provide one or more off-duty personnel as deemed necessary. The Apex Police Department will determine final safety plans for Tier 3 & 4 events.

Parades also require a permit from the Apex Police Department *after* applying as a Special Event.

See page 17 for a link.

PROTECTED CLASS

Protected Class means an individual's age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

SIGNIFICANT CHANGE

This is any large change made to an event like a change in the outer festival boundary, alcohol, personnel, or more.

SPECIAL EVENT

A special event is defined as an organized activity that has a stationary footprint requiring the closure of streets, public spaces, or plazas. These events often contain amplified noise, food, beverage, merchandise, and other entertainment. Examples would include: festivals, markets, memorials, demonstrations, marches, and ceremonies. Special Event Contract is required for any event which is held on Town Property or any event to be held on Public Rights-of-Way.

THE TOWN

This notes the Town of Apex

TOWN EVENT

Sometimes referred to as a "Town Owned Event". This is an event that the Town of Apex Organization created, facilitated, planned, and funded.

YELLOW JACKETS

Yellow Jackets are defined as the equipment that covers cords and cables that go over walking paths with a smooth transition. These can be purchased online.

HELPFUL LINKS

Town of Apex Temporary Use Permit	http://www.apexnc.org/DocumentCenter/View/459/Temporary-Use-Permit-EVENT-Private-Property-Only-PDF?bidId=
Town of Apex Code of Ordinances	https://www.apexnc.org/149/Code-of-Ordinances
Town of Apex ABC Permit Information Guide	https://www.apexnc.org/787/ABC-Permits
Wake County Health Department	http://www.wakegov.com/food/festivals/Pages/tfe.aspx
Town of Apex Shelter and Facility Rental Details	http://www.apexnc.org/514/Facilities-and-Rentals
Photos of the Town of Apex Shelters	http://www.apexnc.org/DocumentCenter/View/31866/Park-Shelter-Photos?bidId=
Apex Police Department Off-Duty Request Application	https://extradutysolutions.com/app/apex-extra-duty-detail-application/ Phone: 919-589-1205 Email: ApexNC@ExtraDutySolutions.com
Group Demonstration, Picket, or Parade Permit Application	https://www.apexnc.org/696/Forms-Permits
John M. Brown Community Center Rental Form	http://www.apexnc.org/DocumentCenter/View/9522/John-M-Brown-Community-Center-Facility-Reservation-Form?bidId= Phone: (919) 249-3402
The Halle Cultural Arts Center Rental Form	http://thehalle.org/DocumentCenter/View/38273/The-Halles-Rental-Request-Form Phone: (919) 249-1120
Apex Senior Center Rental Form	http://www.apexnc.org/DocumentCenter/View/40069/Apex-Senior-Center-Facility-Reservation-Form?bidId= Phone: (919) 249-3354
Apex Shelter Rental Form	http://www.apexnc.org/514/Facilities-and-Rentals Phone: (919) 249-3402
NCDOT Website	https://www.ncdot.gov/Pages/default.aspx

What is an NCDOT road and what is a Town of Apex road?	https://apexnc.maps.arcgis.com/apps/webappviewer/index.html?id=506270ba8fa546bcb790203def056a13
Town of Apex Unified Development Ordinance (UDO)	http://www.apexnc.org/DocumentCenter/View/24/Unified-Development-Ordinance-UDO-PDF?bidId=
Grease-Cycle	https://grease-cycle.com/contact-us Phone: 919-817-6792

Addendum A: Special Event Policy Fee Structure

TOWN OF APEX FEES

The Special Event Contract will contain an estimate for projected fees based on the event organizer's application.

<i>Item</i>	<i>Description</i>	<i>Fee</i>
Application Fee	To be submitted with every application	\$50 per event
Water Barricades	Includes water. Used for streets.	\$50 per barricade
A-Frame Barricade	For light blockades. Not for traffic	\$10 per barricade
Power	Temporary and permanent electric boards	\$100 per unit / per day
External Building Power	If you plug into a Town building	\$100 per building / per day
Water	Temporary hose connection, food vendor water, dunk tank	\$50 per unit / per day
Trash Cans	Landfill trash and recycling trash	\$10 per can / per day
Utility Sinks	Includes connection	\$50 per sink / per day
Large Blockade Vehicle or Police Vehicle		\$200 per vehicle / per day
Police Off-Duty	Required for an event with alcohol	\$40.43 per hour / per officer
Police Personnel		\$70 per hour / per officer
Public Works Personnel		\$40 per hour / per person
Parks Operations Personnel		\$45 per hour / per person
Saunders Street Lot	Lot in front of the Police Station	\$100 per day
Templeton Street Lot	Lot near The Halle	\$100 per day
Town Hall Lot	Lot directly in front of Town Hall	\$100 per day
Community Center Gazebo Lot	Lot in front of the Community Center with the gazebo	\$100 per day
Community Center ATM Lot	Lot to the right of the Community Center with the ATM	\$100 per day
Senior Center Lot	Lot next to the Senior Center	\$50 per day
Town Arc Lot	Arc shaped lot between Town Hall and the Community Center	\$50 per day
Park Parking Lots	Any Town of Apex park parking lot	To be determined per event
The Depot Lot and Plaza	Depot parking lot and outdoor plaza	\$100 per day
Town Campus Courtyard	Does not include any parking lots	\$200 per day

Addendum A: Special Event Policy Fee Structure

NON-PROFIT PAYMENT FORMULA.

Events after July 1, 2024: All event organizers are required to pay 50% of their net profit (but not to exceed 50% of the Town Fee cost).

Eligible donations will be considered to reduce the total fees.

Fees are to be collected within 120 days post event.

The event may be subject to Off-Duty Police costs.

Fee schedule is reviewed annually.

FOR-PROFIT PAYMENT FORMULA.

Events after July 1, 2024: All event organizers are required to pay 100% of their Town Fee cost.

Fees are to be collected within 120 days post event.

The event may be subject to Off-Duty Police costs.

Fee schedule is reviewed annually.

NON-PROFIT PAYMENT FORMULA EXAMPLES:

EXAMPLE #1	
Organizer Revenue	\$40,000
Organizer Expenses	\$10,000
Organizer Profit	\$30,000
Town Fee	\$10,000
Organizer Donations to Community	\$20,000
Organizer Profit <i>(after donations)</i>	\$10,000
Town Fee	\$10,000
50% of town fee	\$5,000
Total Fee for organizer to pay	\$5,000

EXAMPLE #1:

Organization who makes a profit from their event, Town fees match their profit, and their donations are significant in summation.

EXAMPLE #2	
Organizer Revenue	\$0
Organizer Expenses	\$1000
Organizer Profit	-\$1000
Town Fee	\$3,000
Organizer Donations to Community	\$0
Organizer Profit <i>(after donations)</i>	\$0
Town Fee	\$3,000
50% of net profit	\$0
Total Fee for organizer to pay	\$0

EXAMPLE #2:

Organization who makes no profit from their event, Town fees are minimal but existent, and no donations to the community.

Addendum A: Special Event Policy Fee Structure

EXAMPLE #3	
Organizer Revenue	\$10,000
Organizer Expenses	\$5,000
Organizer Profit	\$5,000
Town Fee	\$3,000
Organizer Donations to Community	\$5,000
Organizer Profit (<i>after donations</i>)	\$0
Town Fee	\$3,000
50% of net profit	\$0
Total Fee for organizer to pay	\$0

EXAMPLE #3:

Organization who donates 100% of their profits.

EXAMPLE #4	
Organizer Revenue	\$10,000
Organizer Expenses	\$5,000
Organizer Profit	\$5,000
Town Fee	\$3,000
Organizer Donations to Community	\$3,000
Organizer Profit (<i>after donations</i>)	\$2,000
Town Fee	\$3,000
50% of net profit	\$1,000
Total Fee for organizer to pay	\$1,000

EXAMPLE #4:

Organization who donates 60% of their profits.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 8, 2023

Item Details

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

Department(s): Transportation and Infrastructure Development

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(5) to discuss matters related to acquisition of real property.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(5)

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

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 8, 2023

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Services

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(3) to preserve attorney-client privilege.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(3)

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body"

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: August 8, 2023

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Possible motion to go into closed session pursuant to NCGS § 143-318.11(a)(6) to consider qualifications related to an employee.

Approval Recommended?

N/A

Item Details

NCGS § 143-318.11(a)(6)

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

Attachments

- N/A

