AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, February 09, 2021 at 6:00 PM
Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

PR1 Mayor Jacques Gilbert
Presentation of the Government Finance Officers Association's (GFOA's) Distinguished Budget Presentation Award to Shawn Purvis, Assistant Town Manager

PR2 John Lynde, Apex Leos (Youth Club of Lions International)
Presentation by member of the Apex Leos regarding a mental health program.

PR3 Nicole Bernard
Presentation by Nicole Bernard, Director, Shield NC

PR4 Nicole Powell
Presentation by Nicole Powell regarding the Carbon Dividend Act

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 Sarah Van Every, Senior Planner
Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ11, Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela petitioners, for the property located on 7517 Roberts Road, 2310 Pollard Place and 2000 Cabin Cove Road.

CN2 Sarah Van Every, Senior Planner

Motion to approve Statement of the Town Council for Rezoning Case #20CZ13, Bill Zahn, Humie Olive Associates/Yumeewarra Farm, LLC, petitioners, for the property located on 0 and 8633 Humie Olive Road.

CN3 Lauren Staudenmaier, Planner I

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ15, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., petitioners, for the property located on 5920 and 0 Old Smithfield Road.

CN4 Lauren Staudenmaier, Planner I

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

CN5 Lauren Staudenmaier, Planner I

Motion to set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).

CN6 Sarah Van Every, Senior Planner

Motion to set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #21CZ01 Wolfe Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN7 Shelly Mayo, Planner II

Motion to set the Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres from Medium Density – Conditional Zoning (MD-CZ) to Medium Density – Conditional Zoning (MD-CZ). The proposed rezoning is located at 8550 Stephenson Road.

CN8 Shelly Mayo, Planner II

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits.

CN9 Marty Stone – Assistant Town Manager

Motion to approve an encroachment agreement between the Town and Matthew Paul Donohue and wife Kacie Smith Donohue to install 75 SF of a 3' wide concrete walkway and 203 SF of concrete driveway that will encroach onto the Town's 20' Public Sanitary Sewer Easement and authorize the Town Manager to execute the same.

CN10 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 11 SF of private sidewalk and 13 SF of a private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

CN11 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 52 SF of private sidewalk and 64 SF of private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

CN12 Shawn Purvis, Assistant Town Manager

Motion to appoint Assistant Town Manager Shawn Purvis as commissioner for the Town of Apex on the North Carolina Eastern Municipal Power Agency Board of Commissioners and Assistant Town Manager Marty Stone as first alternate to the NCEMPA Board of Commissioners

CN13 Adam Stephenson, Engineering Supervisor

Motion to award a construction contract, and to authorize the Town Manager to execute same, and to approve corresponding Budget Ordinance Amendment No. 2021-11 and Capital Project Ordinance Amendment 2021-05 for U-5537 Lake Pine Dr Improvements.

CN14 Mary Beth Manville, Human Resources Director

Motion to approve revisions to the Town's Drug & Alcohol Testing Policy.

CN15 Mary Beth Manville, Human Resources Director

Motion to approve increasing the authorized FTE of the Fire Department's Senior Program Support Specialist position from .875 (35 hrs/week) to 1.00 (40 hrs/week)

CN16 Mary Beth Manville, Human Resources Director

Motion to approve the addition of the Athletics & Grounds Maintenance Worker I and II (Grade 13), Athletics Technician (Grade 14), and Parks Operations Worker I and II (Grade 15) to the Town's Position Classification Plan. Approve the reclassification of the Athletics and Grounds Specialist position from Grade 14 to 15, the reclassification of the Parks Operations Technician position from Grade 16 to 15, and the Parks Operations Specialist position from Grade 15 to 16.

CN17 Mayor Jacques Gilbert

Motion to approve the reappointment of Chair and Vice Chair positions on the Environmental Advisory Board

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 Russell Dalton, Sr. Transportation Engineer

Possible Motion to recommend modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a right-in/right-out access as presented; and, Possible Motion to recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Drive/Horton Park Drive.

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

PRESENTATION BY TOWN MANAGER

CLOSED SESSION

CS1 Steve Adams, Utilities Acquisition Specialist

Possible motion to go into closed session to establish the Town's negotiation position for acquisition of real property pursuant to NCGS 143-318.11(a)(5)

CS2 Drew Havens, Former Town Manager

Per Council direction, discussion regarding approving vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: February 09,2021

Item Details

Presenter(s): Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Presentation of the Government Finance Officers Association's (GFOA's) Distinguished Budget Presentation Award to Shawn Purvis, Assistant Town Manager

Approval Recommended?

N/A

Item Details

The Town of Apex has received GFOA's Distinguished Budget Presentation Award for its FY 2020-2021 budget. The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award. This is the second year the Town has received this award.

Attachments

- None

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: February 9, 2021

Item Details

Presenter(s): John Lynde, Apex Leos (Youth Club of Lions International)

Department(s):

Requested Motion

Presentation by member of the Apex Leos regarding a mental health program.

Approval Recommended?

N/A

Item Details

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: February 9, 2021

Item Details

Presenter(s): Nicole Bernard

Department(s): Governing Body – Council Member Stallings

Requested Motion

Presentation by Nicole Bernard, Director, Shield NC

Approval Recommended?

N/A

Item Details

Presentation regarding Shield's 2021 Primary Prevention plan and request feedback as well as identify ways that they can complement and support the Town's ongoing efforts for these issues.

Attachments

- [List attachments or N/A]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: February 9, 2021

Item Details

Presenter(s): Nicole Powell

Department(s): Governing Body – Council Member Mahaffey

Requested Motion

Presentation by Nicole Powell regarding the Carbon Dividend Act

Approval Recommended?

N/A

Item Details

Presentation by Nicole Powell regarding the Carbon Dividend Act

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ11, Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela petitioners, for the property located on 7517 Roberts Road, 2310 Pollard Place and 2000 Cabin Cove Road.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #20CZ11 was approved at the February 1, 2021 Town Council meeting.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON ZONING PETITION #20CZ11

Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of October 2020 (the "Application"). The proposed conditional zoning is designated #20CZ11.

The Director of Planning & Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ11 before the Planning Board held on the 11th day of January 2021.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Director of Planning & Community Development caused proper notice to be given (by publication and posting), of a public hearing on #20CZ11 before the Town Council on the 26th day of January 2021.

The Apex Planning Board held a public hearing on the 11th day of January 2021, gathered facts, received public comments and, following a 24-hour public comment period, on the 13th day of January 2021, formulated a recommendation regarding the application for conditional zoning #20CZ11. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ11.

The Apex Town Council held a public hearing on the 26th day of January 2021. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ11 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council, following a 24-hour public comment period, on the 1st day of February 2021 by a vote of 4 to 1 approved Application #20CZ11 rezoning the subject tract located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Medium Density Residential. This designation on the 2045 Land Use Map includes the zoning district 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.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: it is consistent with the 2045 Land Use Map, which classifies the subject property as Medium Density Residential. The proposed rezoning allows for infill single-family residential development consistent and compatible with existing single-family residential development in the area. The rezoning will encourage compatible development of the property and increase the tax base.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

_____
Date

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 10.54 ACRES LOCATED ON 7517 ROBERTS ROAD, 2310 POLLARD PLACE AND 2000 CABIN COVE ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#20CZ11

WHEREAS, the application of Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 11th day of January 2021 before the Planning Board and on the 13th day of January 2021 the Planning Board voted. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 26th day of January 2021, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The 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" Roberts Road Properties 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 _____ 2021.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

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 on the southern 60' right of way of Roberts Road (NCSR 1608), Herman Wayne Roberts' northeast corner (D.B. 3814, PG. 154) located North 79° 50' 43" East, 90.62 feet from a 6 inch nail set bearing NAD 83 (2011) NC grid coordinate values of North 735,205.28 US survey feet, East 2,031,105.04 US survey feet; thence South 00° 51' 41" West, 906.78 feet to an existing iron pipe; thence North 89° 10' 59" West, 497.98 feet to an existing iron pipe; thence North 00° 31' 12" East, 946.86 feet to an existing iron pipe; thence South 78° 40' 50" East, 125.30 feet to an existing iron pipe; thence South 82° 49' 27" East, 124.34 feet to an iron pipe set; thence South 88° 24' 41" East, 256.84 feet to the BEGINNING, containing 10.5432 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Jones & Cnossen Engineering, PLLC", dated September 22, 2020.

PRELIMINARY

PUD PLAN

Roberts Road Properties

A PLANNED UNIT DEVELOPMENT

APEX, NORTH CAROLINA

OWNER/DEVELOPER:

Justin Michela

October 1, 2020

Revised: 11/05/20

Revised: 12/03/20

Revised: 12/21/20

Revised: 01/14/21

Jones & Cnossen Engineering, PLLC

221 N. Salem Street, Suite 001

P.O. Box 1062

Apex, NC 27502

(919)387-1174

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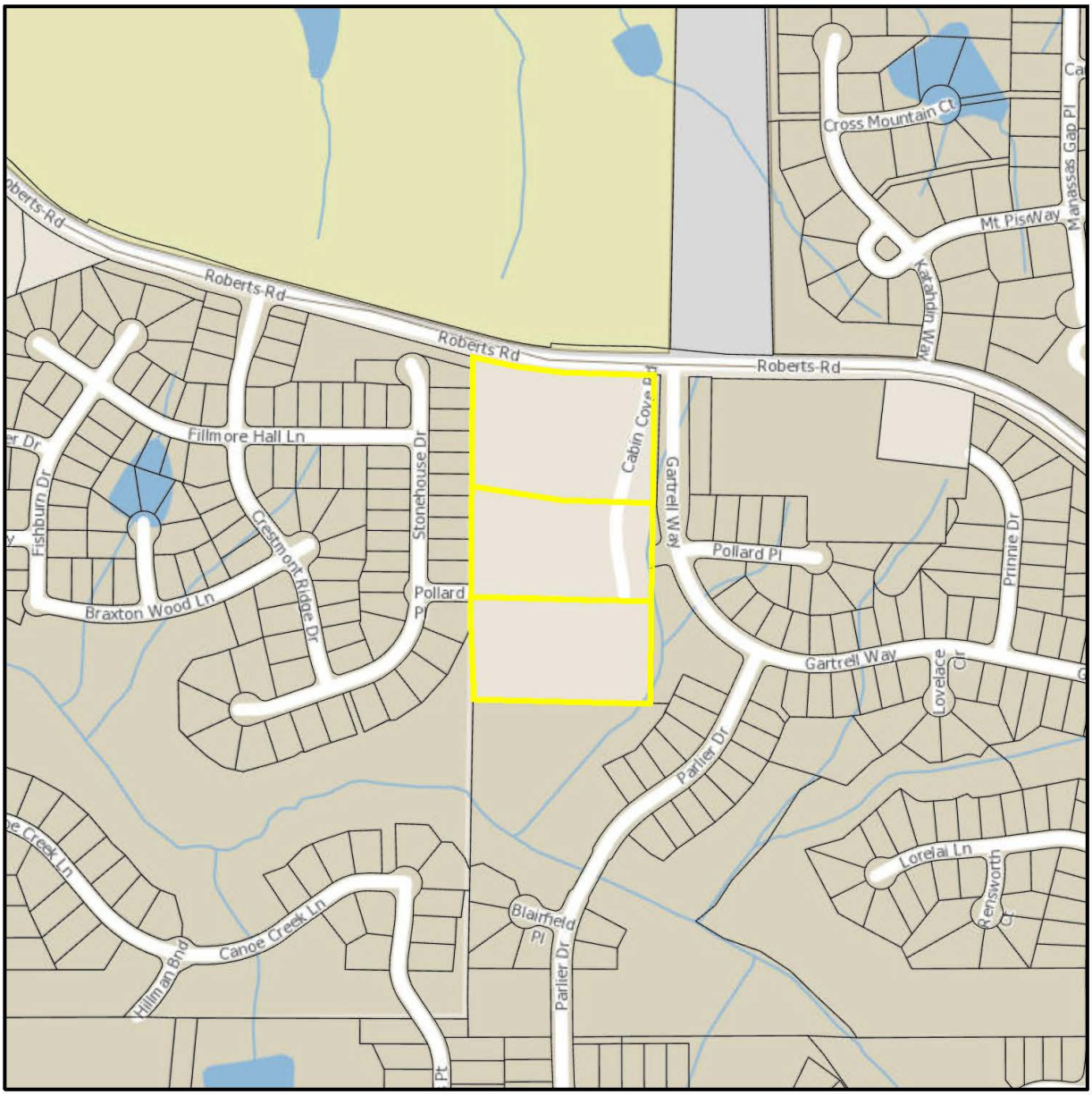
SECTION 2 – VICINITY MAP



N

0 215 430 860 ft

1 inch = 400 feet

Vacinity Map.pdf

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.*

SECTION 3 – PROJECT DATA

A. Project name: Roberts Road Properties

B. Owner/Developer Justin Michela
714 Main Street
Hudson, MA 01749

C. Prepared by: Jones & Cnossen Engineering, PLLC
P.O. Box 1062, 221 N. Salem Street, Suite 001
Apex, NC 27502
(919) 387-1174

D. Designated Single Point of Contact:
Patrick L. Kiernan (Jones & Cnossen Engineering, PLLC)

E. Current and Proposed Zoning of the Property:
Current zoning: Rural Residential (RR)
Proposed zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)

F. Current and Proposed Land Uses:
Current: Residential, Vacant
Proposed: Residential

G. Current and Proposed 2045 Land Use Designation:
Current/Proposed: Medium Density Residential

SECTION 4 – PURPOSE STATEMENT

Roberts Road Properties PUD is a proposed residential project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). This project contains three (3) parcels under contract by Justin Michela. The project is located along Roberts Road and is situated between two (2) Residential Developments. The PUD may develop as single-family detached homes, residential townhomes, or a combination of these uses. The project will provide vehicular connections to the Crestmont subdivision to the west and the Pines at Wake Crossing subdivision to the east, improving traffic circulation in the area, and completing the residential development of this basin. The three (3) parcels that form the Roberts Road Properties PUD are all designated as Medium Density Residential on the 2045 Land Use Map, and that designation shall remain with this proposed project. The proposal to rezone these properties to PUD-CZ is in keeping with the Town's objectives to create high-quality developments with a small-town feel. This development will be a pedestrian friendly community with sidewalk along both sides of the internal public streets, as well as sidewalk interconnectivity between the subdivisions to the east and west. This project shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site. This development will enhance the value of the surrounding properties by providing quality residential development for the area, as a small residential infill project.

SECTION 5 – PERMITTED USES

The Town of Apex UDO allows a mixture of uses in the PUD zoning district and the owners have chosen to further restrict the allowable uses as listed below:

Residential Uses
Single-Family (Min. lot size = 6,000 sf)
Townhouse
Accessory apartment

Utilities
Utility, minor

Recreational Uses
Park, active
Park, passive
Greenway
Recreational facility, private

SECTION 6 – DESIGN CONTROLS

A. Maximum Densities
Maximum residential density for the project is 3.2 units per gross acre.
Maximum number of residential lots = 33
- Maximum number of Single-Family detached lots (min. lot size = 6,000 SF) = 25
- Maximum number of Townhome lots = 8

B. Proposed Maximum Height of the Buildings and Number of Stories

Maximum height – 45' Maximum stories – 3

C. Proposed Minimum Building Setbacks

Residential Single-Family Detached
From Buffer or RCA – 10'
Front Yard – 10' Minimum
Side Yard – 5' Minimum (no aggregate)
Rear Yard – 10' Minimum
Driveways from back of sidewalk to garage – 20' (12' min. width)

Townhouse
From Buffer or RCA – 10'
Front – 15'
Rear – 15'

Side (end units) – 5'
Side (corner) – 10'
Driveways from back of sidewalk to garage – 20' (12' min. width)
Building Side to Side – 10'
Building Side to Rear – 30'
Building Rear to Rear – 40'

D. Percentage of Built upon Area

The UDO allows for a maximum 70 percent of built upon area in a PUD project and the Roberts Road Properties PUD will not exceed that amount.

E. Perimeter Buffers

The PUD plans show buffers around the site to provide visual breaks between uses and public roads as shown on Sheet 2 of the PUD Plans (Layout Plan). These buffers include 10' Type B Landscape Buffers along the southern, eastern, and western perimeters, and a 30' Type B Thoroughfare Buffer (undisturbed) along Roberts Road to the north. In the case that the thoroughfare buffer along Roberts Road must be disturbed, the width of the type B buffer shall increase from 30' to 50'. See Section 6.F for increase in Roberts Road buffer width in exchange for a 5% reduction in required RCA.

F. Percentage of Resource Conservation Area

The Roberts Road Properties PUD is requesting to reduce the required percentage of Resource Conservation Area to 25% of the total acreage (which amounts to 2.64 acres of RCA) based on the provisions stated in UDO Sec. 2.3.4.F.1.c *(RCA).* This 5% reduction from the standard 30% required per UDO Sec. 8.1.2 (*Resource Conservation Area*) is being requested in exchange for the additional zoning conditions listed below. If Town Council votes to approve without the RCA reduction, these zoning conditions shall not be included in the approval.

- In addition to all single-family detached homes being pre-configured with conduit for a solar energy system (condition #12 in Section 7), at least 8% of the total number of homes proposed in the Master Subdivision Plan shall be built with solar PV systems installed at the time of construction. When measurements of the number of units results in a fractional number greater than 0.10, it shall be rounded to the next higher whole number. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lot(s) on which the home(s) is located shall be identified on the Master Subdivision Plat, which may be amended from time to time.
- This project shall be stage graded per Section 7.2.5.C.
- All single-family detached homes within this development shall be built with HVAC systems that meet or exceed a SEER rating of 18.

- The 30' Type B thoroughfare buffer (undisturbed) along Roberts Road shall be increased to a 40' Type B thoroughfare buffer (undisturbed). In the case that this buffer must be disturbed, the width of the type B buffer shall increase from 40' to 60'. See Section 6.E and Section 10.D for reference to the 30' Type B thoroughfare buffer (undisturbed) that would otherwise be proposed if not for the condition to reduce the RCA requirement.
- Evergreen trees shall be planted as a windbreak on the northern side of buildings, where practical.
- Landscape design shall include pollinator-friendly flora in common areas.
- Landscape design shall include a minimum of three (3) native hardwood species.
- A pet waste station shall be installed at the mail kiosk, or at the community center/recreation site, to be determined at the time of Master Subdivision Plan.

G. Affordable Housing Condition

If the Town of Apex has a fund or other mechanism in place to receive donations to construct, subsidize, or participate in the development of affordable housing units (the "Fund"), the developer will contribute $215 per lot to this Fund prior to Master Subdivision Final Plat approval for each phase. In the event the Fund has not been established by the Town of Apex, the money will be conveyed to a non-profit organization participating in affordable housing. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

H. Builder Condition

This project shall consist of lots developed with custom homes.

I. Construction Access Condition

The location of the temporary gravel construction entrance shall be limited to only provide construction access from Pollard Place to the east via Gartrell Way.

J. Neighborhod Meeting Condition

This project shall hold a neighborhood meeting prior to the first Master Subdivision Plan submittal, in accordance with UDO Sec. 2.2.7.

SECTION 7 – ARCHITECURAL STANDARDS

Single-Family Detached Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The visible side of a home facing the public street shall contain at least three (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

3. 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.
4. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
5. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
6. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
7. The garage shall not protrude more than 1 foot out from the front façade and/or front porch for at least 75% of building designs.
8. 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.
9. Eaves shall project at least 12 inches from the wall of the structure.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. All single-family detached homes shall be pre-configured with conduit for a solar energy system.

<u>Townhouse Residential Standards</u>

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Garage doors must have windows, decorative details, or carriage-style adornments on them.
3. The visible side of a townhome facing the public street shall contain at least three (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

4. 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.
5. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. For townhome buildings with three (3) units or more, the roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
8. The garage cannot protrude more than 1 foot out from the front façade or front porch.
9. Maximum number of units per townhome building shall be limited to four (4) units.
10. No townhomes shall be constructed along the western property line.

SECTION 8 – PARKING AND LOADING

Parking and loading requirements for the residential areas shall conform to the parking standards listed in the Town of Apex UDO Section 8.3.

SECTION 9– SIGNS

Signage for this project will comply with UDO section 8.7. The developer shall submit a master sign plan that shows signage locations and details of signage patterns throughout the development.

SECTION 10 – NATURAL RESOURCE AND ENVIRONMENTAL DATA:

A. This project is located in the White Oak Creek drainage basin, which is in the Jordan Lake Basin. This project currently falls within both the primary and the secondary watershed protection overlay districts, as shown on the Town of Apex Watershed Protection Overlay District Map.

B. There are no FEMA mapped floodplains on these parcels as shown on FEMA FIRM Map Number 3720073300J, dated May 2, 2006.

C. There are no known historic structures on this project.

D. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. To that end, prior to recording the first subdivision plat for the property, the developer will provide a donation of $1,600 to a local non-profit organization with a mission towards tree preservation and replacement. In those portions of the site where trees are removed for single family or townhome lots, the developer anticipates it can offset such removal by preserving 1.6 acres of existing tree canopy in other places on the site, and replacing and replanting trees over 0.8 acres of the rest of the property. As such, this $1,600 donation represents an assigned per-tree value in substitute canopy for the remainder of the property.

SECTION 11 – STORMWATER MANAGEMENT

Roberts Road Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1-year and 10-year 24 hour storm events.

Roberts Road Properties PUD will use approved devices to control the stormwater and sediment runoff. These devices may include detention ponds, retention ponds, bioretention areas, or any other approved SCM stormwater control. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

SECTION 12 – PARKS AND RECREATION

The project was reviewed by the PRCR Advisory Commission on December 9th, 2020 and the Commission unanimously recommended a fee-in-lieu for recreation land dedication based on the number of units and types proposed at the time of Master Subdivision Approval. The fee rate will be based on the rate of the current year when the PUD is approved by Town Council.

SECTION 13 – PUBLIC FACILITIES

Roberts Road Properties PUD will include the extension of public streets into the site from Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision). There will be no direct vehicular access to Roberts Road. All public streets (with the exception of Pollard Place) will have a 5' sidewalk on both sides of the street. The Pollard Place extension will have an 8' Side Path on

the north side of the road to connect to the existing 8' Side Path on the north side of existing Pollard Place (to the east). The future amenity center shall provide pedestrian connection to the existing pedestrian path on Gartrell Way. The project shall provide pedestrian access from the future subdivision to Roberts Road via the 8' Side Path along Pollard Place and Gartrell Way, unless a public street within the subdivision is constructed within 300 -feet of the northwest property corner, in which case a direct pedestrian connection shall be made to Roberts Road, consistent with UDO Sec. 7.5.4.C. The project will dedicate additional right-of-way along Roberts Road in the northeast corner to achieve a total of 40' for ½ of the Roberts Road R/W. A 5' public sidewalk shall be installed along the frontage of the project along Roberts Road prior to the first plat. The transportation network for Roberts Road Properties PUD will be consistent with the Town of Apex Transportation Plan and associated requirements of the UDO.

As shown on the PUD Utility Plan, the sanitary sewer connection will come by connecting to the existing sewer system in Pollard Place to the west, from the Crestmont subdivision. Water distribution service will be provided to this project by the connection to an existing eight inch waterline along Pollard Place to the west (coming from the Crestmont subdivision), as well as Pollard Place to the east (coming from the Pines at Wake Crossing subdivision).

Roberts Road Properties PUD shall include the preservation of the existing estate located at 2000 Cabin Cove Road, in order to re-purpose it as a community center/recreation site, which will be owned and maintained by the HOA. The exterior appearance of the structure may remain unchanged during its conversion, but parking, as well as ADA accessible paths, shall be provided in accordance with the Town of Apex UDO. The timing of the conversion shall not be tied to any specific number of lots being platted.

SECTION 14 – PHASING

The project shall be developed in at least two (2) phases. The first phase will be developed because of the availability of sewer and water connections, and access to Pollard Place to the east and to the west. The development of Phase 1 will likely begin construction in 2021. The timing of the subsequent phase(s) will depend on market demand.

SECTION 15 – CONSISTENCY WITH LAND USE PLAN

The Town of Apex 2045 Land Use Map currently designates these parcels as Medium Density Residential. We believe this PUD is appropriate for the area and is consistent with the current Land Use Map.

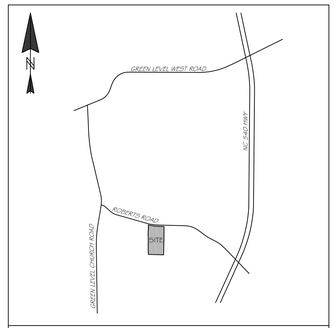
SECTION 16 – COMPLIANCE WITH THE UDO

The proposed plans for Roberts Road Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

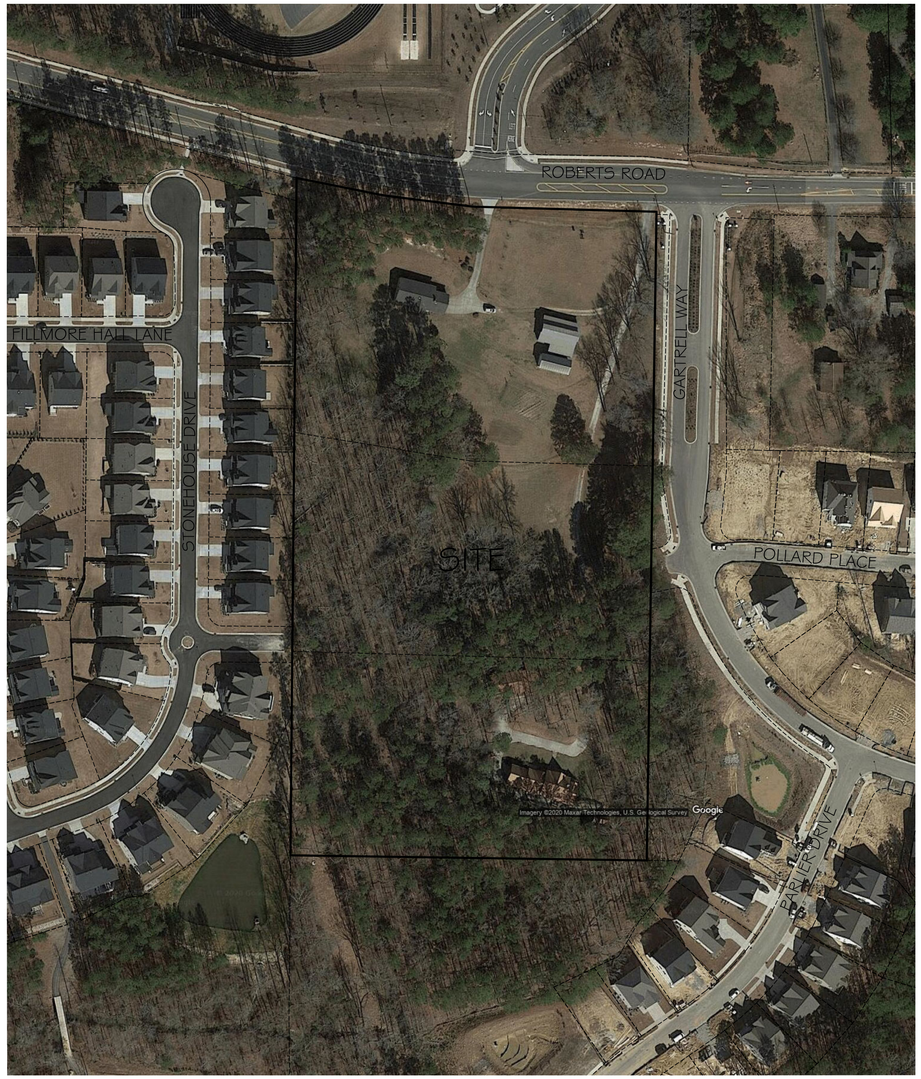
SECTION 17 – LAND USE NOTES

A. This project will require the formation of at least one Homeowners Association, which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

ROBERTS ROAD PROPERTIES PUD



VICINITY MAP
N.T.S.



SITE DATA

PROJECT NAME	ROBERTS ROAD PROPERTIES PUD
PREPARER'S CONTACT INFORMATION	JONES & CNOSSEN 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	JUSTIN MICHELA 714 MAIN STREET HUDSON, MA 01749 PHONE - (978) 875-0821 CONTACT PERSON - JUSTIN MICHELA
CURRENT 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
PROPOSED 2045 LAND USE MAP DESIGNATION	MEDIUM DENSITY RESIDENTIAL
AREA DESIGNATED AS MIXED USE ON 2045 LUM	0 ACRES
CURRENT ZONING	RURAL RESIDENTIAL
PROPOSED ZONING	PUD-CZ
WAKE COUNTY PINS	0733-05-9045, 0733-04-9734, & 0733-04-9444
TOTAL PROJECT AREA	10.54 ACRES
AREA WITHIN EXISTING ROBERTS ROAD R/W	0.04 ACRES
AREA TO BE DEDICATED TO ROBERTS ROAD R/W	0.002 ACRES
NET PROJECT AREA	10.50 ACRES
MAXIMUM RESIDENTIAL DENSITY	33 LOTS (3.2 LOTS/ACRE)
TOTAL RCA / BUFFER AREA REQUIRED FOR PUD	25% OR 2.64 ACRES
MAXIMUM BUILT UPON AREA FOR PUD	70% OR 7.38 ACRES
PUBLIC RECREATION REQUIREMENT	SINGLE FAMILY DETACHED UNITS (RATE TBD) SINGLE FAMILY ATTACHED UNITS (RATE TBD)
WATERSHED INFORMATION	PRIMARY & SECONDARY
FEMA FLOODPLAIN INFORMATION	MAP #3720073300J - PROJECT IS NOT WITHIN 100 YEAR FLOODPLAIN.
SMALL TOWN CHARACTER OVERLAY DISTRICT	NO
HISTORIC STRUCTURE?	NO

MINIMUM BUILDING SETBACKS

SINGLE FAMILY DETACHED		TOWNHOUSE	
FRONT	10'	FRONT	15'
REAR	10'	REAR	15'
SIDE	5' (MIN.) NO AGG.	SIDE (END UNITS)	5'
BUFFER/RCA	10'	SIDE (CORNER)	10'
		BUFFER/RCA	10'
		BUILDING SIDE TO SIDE	10'
		BUILDING SIDE TO REAR	30'
		BUILDING REAR TO REAR	40'

DRIVEWAYS FROM BACK OF SIDEWALK TO GARAGE = 20' (12' MIN. WIDTH)

PUD PLAN - DRAWING SHEET INDEX

1 COVER SHEET
2 PRELIMINARY LAYOUT & PHASING PLAN
3 EXISTING CONDITIONS PLAN
4 PRELIMINARY UTILITY PLAN

0 50 100 200
GRAPHIC SCALE

N

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

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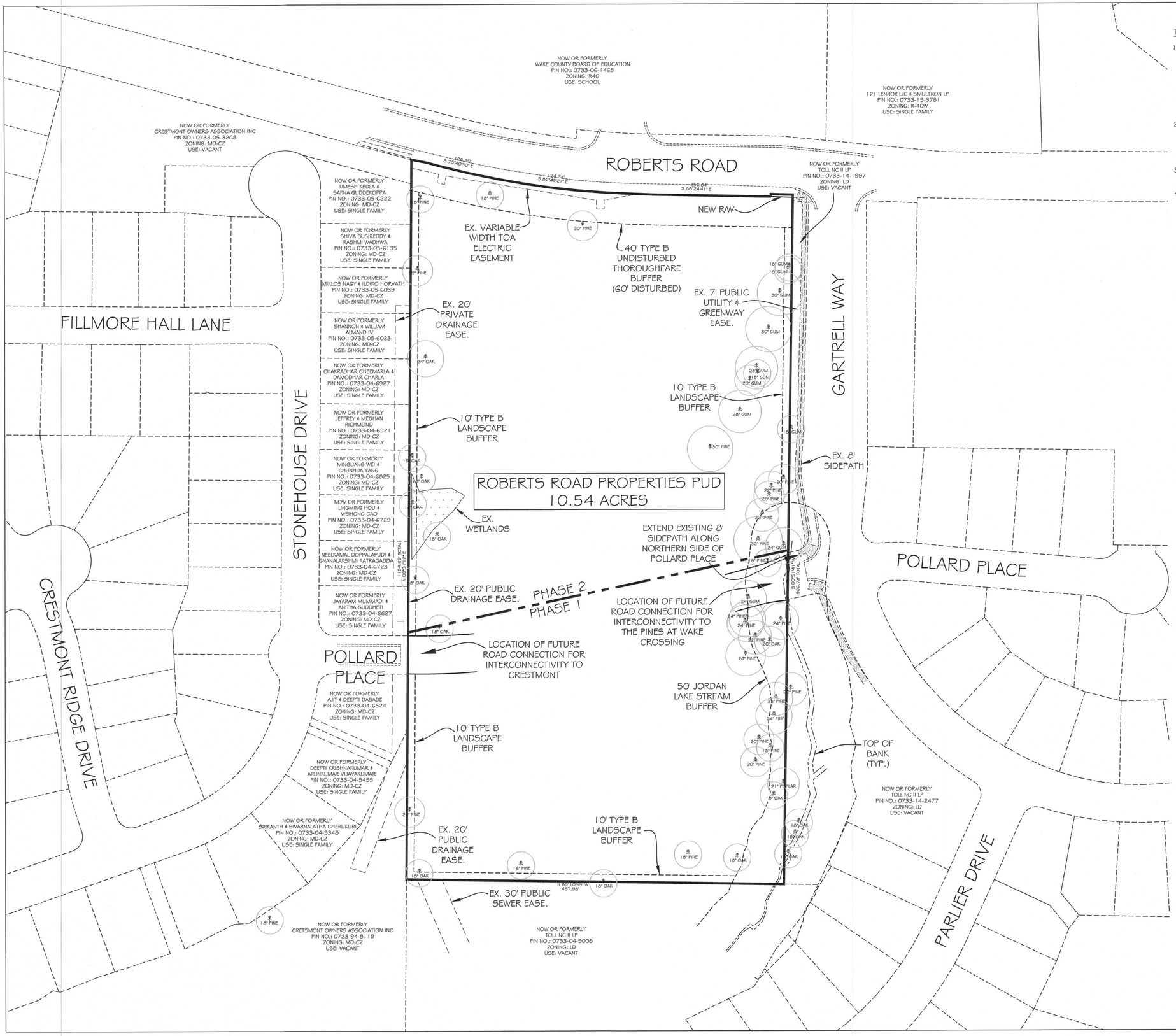
FOR REVIEW ONLY

ROBERTS ROAD PROPERTIES PUD
PUD PLANS
TOWN OF APEX
WAKE COUNTY, NORTH CAROLINA
COVER SHEET

SCALE 1"=100'	DRAWN PLK
DATE OCTOBER 1, 2020	
REVISION 11/5/20	PER TRC
12/29/20	COUNCIL SET
1/6/21	DENSITY CHANGE
SHEET 1	
PROJECT 2050	



TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

PLANNING NOTES:

1. WITH THE SIZE OF THE PUD AND THE PROPOSED DENSITY, THIS SITE DOES NOT REQUIRE A TRANSPORTATION IMPACT ANALYSIS.
2. FUTURE PUBLIC ROADWAY CONNECTIONS ARE SHOWN TO DEMONSTRATE CONNECTIVITY FOR THE OVERALL PROJECT BUT SPECIFIC LOCATIONS WILL BE SHOWN AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, LANDSCAPE BUFFERS, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOC.
4. ALL INTERNAL PUBLIC STREETS SHALL HAVE 50 FEET OF RIGHT-OF-WAY, 27 FEET OF CURB AND ASPHALT, WITH SIDEWALK ON BOTH SIDES OF THE STREET UNLESS SPECIFIED OTHERWISE.
5. ALL SIGNAGE SHALL COMPLY WITH TOA UDO SECTION 8.7, SIGNS
6. THE PUD SHALL MEET TOWN OF APEX STORMWATER REQUIREMENTS OUTLINED IN TOA UDO SECTION 6.1.7 SUCH THAT POST-DEVELOPMENT RUNOFF SHALL NOT EXCEED THE PRE-DEVELOPMENT RUNOFF FOR THE 1-YEAR AND 10-YEAR, 24 HOUR STORM EVENTS.
7. THIS SHALL BE A PHASED DEVELOPMENT COMPLETED IN AT LEAST TWO PHASES (PHASES SHOWN HEREON ARE CONCEPTUAL). ALL PHASES SHALL BE SHOWN AT THE TIME OF MASTER SUBDIVISION PLAN SUBMITTAL.
8. THIS DEVELOPMENT WILL BE STAGE GRADED.

NOTES:

1. BOUNDARY AND EXISTING CONDITIONS INFORMATION WAS TAKEN FROM A SURVEY COMPLETED BY SMITH & SMITH SURVEYORS.
2. TOPOGRAPHIC INFORMATION FOR THE SITE WAS TAKEN FROM NORTH CAROLINA SPACIAL DATA LIDAR.
3. THE SITE HAS BEEN EVALUATED FOR THE EXISTENCE OF WETLANDS AND STREAMS BY ENVIRONMENTAL SERVICES, INC. THE LOCATION OF THESE ENVIRONMENTAL FEATURES INCLUDING STREAM BUFFERS AND WETLANDS ARE SHOWN AS SURVEYED.
4. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
5. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
6. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
7. IF THE PUD IS APPROVED WITHOUT THE 5% RCA REDUCTION, THE 40' TYPE B THOROUGHFARE BUFFER (UNDISTURBED) ALONG ROBERTS ROAD SHALL BE REDUCED TO 30'.

0 30 60 120
GRAPHIC SCALE

N

PRELIMINARY PLANS
NOT FOR CONSTRUCTION

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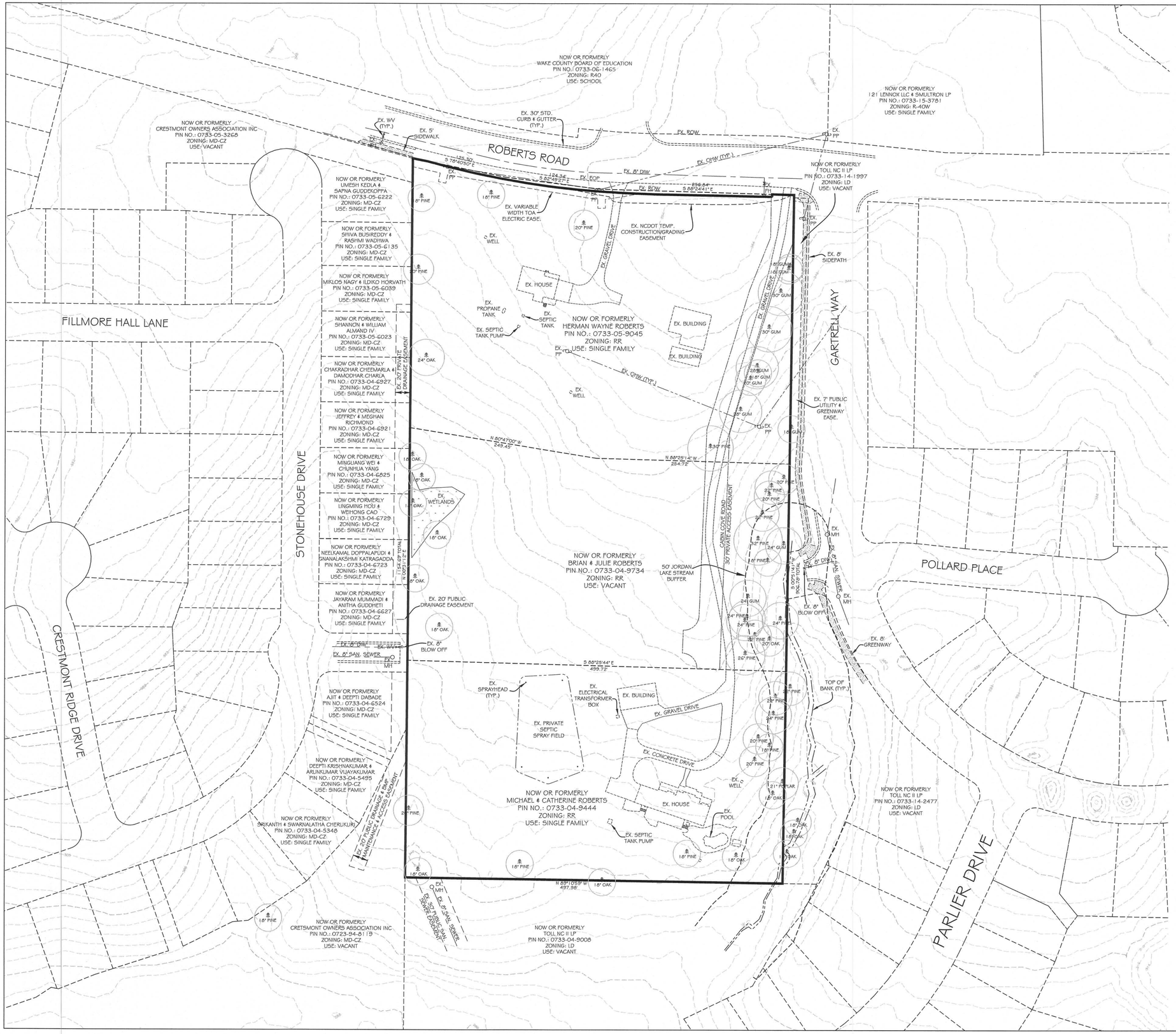
NORTH CAROLINA PROFESSIONAL SEAL 049836 ENGINEER PATRICK L KERMAN
12/29/20

ROBERTS ROAD PROPERTIES PUD
PUD PLANS
WAKE COUNTY, NORTH CAROLINA
TOWN OF APEX
PRELIMINARY LAYOUT & PHASING PLAN

SCALE	1"=60'
DRAWN	PLK
DATE	OCTOBER 1, 2020
REVISION	
11/5/20	PER TRC
12/3/20	PER TRC
12/21/20	PER TRC
12/29/20	COUNCIL SET
SHEET	2
PROJECT	2050



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4. THE STREAM BUFFER CALL ON THIS PROPERTY IS REFERENCED AS #20-003.
5. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
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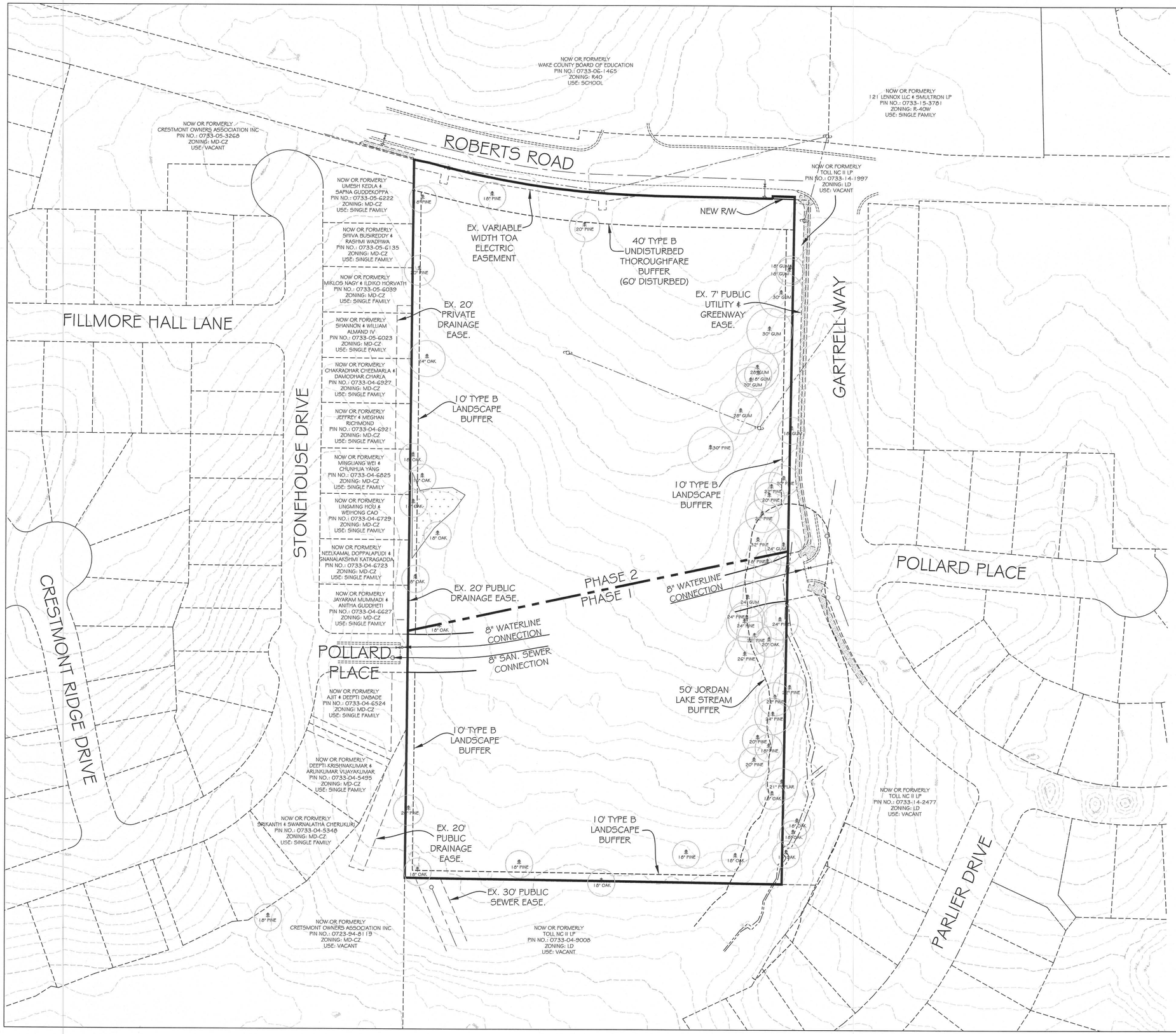
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 049836 PATRICK L. KIERNAN 12/29/20

ROBERTS ROAD PROPERTIES PUD
PUD PLANS

TOWN OF APEX — WAKE COUNTY, NORTH CAROLINA

EXISTING CONDITIONS PLAN

SCALE 1"=60'	DRAWN PLK
DATE OCTOBER 1, 2020	
REVISION 11/5/20	PER TRC
12/29/20	COUNCIL SET
SHEET 3	
PROJECT 2050	



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7. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
8. CONTACT FOR TOWN OF APEX ELECTRIC UTILITIES IS RODNEY SMITH AT 919-249-3342.
9. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.

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NORTH CAROLINA PROFESSIONAL SEAL 049836 ENGINEER PATRICK L KIERNAN 12/29/20

ROBERTS ROAD PROPERTIES PUD PLANS

TOWN OF APEX — WAKE COUNTY, NORTH CAROLINA

PRELIMINARY UTILITY PLAN

SCALE 1"=60'	DRAWN PLK
DATE OCTOBER 1, 2020	
REVISION 11/5/20	PER TRC
12/3/20	PER TRC
12/29/20	COUNCIL SET
SHEET 4	
PROJECT 2050	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Motion to approve Statement of the Town Council for Rezoning Case #20CZ13, Bill Zahn, Humie Olive Associates/Yumeewarra Farm, LLC, petitioners, for the property located on 0 and 8633 Humie Olive Road.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #20CZ13 and Ordinance was approved at the February 1, 2021 Town Council meeting.

Attachments

- Statement of the Town Council

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON ZONING PETITION #20CZ13

Bill Zahn, Humie Olive Associates, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of November 2020 (the "Application"). The proposed conditional zoning is designated #20CZ13.

The Director of Planning & Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ13 before the Planning Board held on the 11th day of January 2021.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Director of Planning & Community Development caused proper notice to be given (by publication and posting), of a public hearing on #20CZ13 before the Town Council on the 26th day of January 2021.

The Apex Planning Board held a public hearing on the 11th day of January 2021, gathered facts, received public comments and, following a 24-hour public comment period, on the 13th day of January 2021, formulated a recommendation regarding the application for conditional zoning #20CZ13. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ13.

The Apex Town Council held a public hearing on 26th day of January 2021. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ13 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council, following a 24-hour public comment period, on the 1st day of February 2021 by a vote of 4 to 1 approved Application #20CZ13 rezoning the subject tract located at 0 and 8633 Humie Olive Road from Wake County Residential (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

The Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Low Density Residential-Conditional Zoning (LD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that it will allow for future development consistent and compatible with the proposed residential development to the east and south. The rezoning will encourage compatible development of the property and increase the tax base.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

_____
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9,2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner I

Department(s): Planning & Community Development

Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #20CZ15, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., petitioners, for the property located on 5920 and 0 Old Smithfield Road.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #20CZ15 was approved at the February 1, 2021 Town Council meeting.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON ZONING PETITION #20CZ15

Spencer B. Terry III, Carolina Land Development Group, Inc./Anthony K. & Melissa S. Woodell and R. Markham & Ruth B. Stewart, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of November 2020 (the "Application"). The proposed conditional zoning is designated #20CZ15.

The Director of Planning & Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #20CZ15 before the Planning Board held on the 11th day of January 2021.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Director of Planning & Community Development caused proper notice to be given (by publication and posting), of a public hearing on #20CZ15 before the Town Council on the 26th day of January 2021.

The Apex Planning Board held a public hearing on the 11th day of January 2021, gathered facts, received public comments and, following a 24-hour public comment period, on the 13th day of January 2021, formulated a recommendation regarding the application for conditional zoning #20CZ15. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #20CZ15.

The Apex Town Council held a public hearing on the 26th day of January 2021. Lauren Staudenmaier, Planner I, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #20CZ15 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council, following a 24-hour public comment period, on the 1st day of February 2021 by a vote of 5 to 0 approved Application #20CZ15 rezoning the subject tract located at 5920 and 0 Old Smithfield Road from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

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 Industrial Employment. This designation on the 2045 Land Use Map includes the zoning district Light Industrial-Conditional Zoning (LI-CZ) and the Apex Town Council has further considered that the proposed rezoning to Light Industrial-Conditional Zoning (LI-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that it will allow for the development of non-residential uses that are consistent with the surrounding properties, especially those to the west. The rezoning will encourage compatible development of the property and increase the tax base.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

_____
Date

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 3.86 ACRES LOCATED ON 5920 AND 0 OLD SMITHFIELD ROAD FROM RURAL RESIDENTIAL (RR) AND HIGH DENSITY SINGLE-FAMILY RESIDENTIAL (HDSF) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ)

#20CZ15

WHEREAS, the application of Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 11th day of January 2021 before the Planning Board and on the 13th day of January 2021 the Planning Board voted. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 26th day of January 2021, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ) District, subject to the conditions stated herein.

Section 3: The "Rezoned Lands" are subject to all of the following conditions which are imposed as part of this rezoning:

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

Permitted Uses and Limitations:

1. Security or caretaker quarters (P)
2. Government service (P)
3. Transportation facility (P)
4. Veterinary clinic or hospital (P)
5. Vocational school (P)
6. Communication tower, commercial (S)
7. Communication tower, constructed stealth (S)
8. Communication tower, camouflage stealth (S)
9. Communication tower, public safety (S)
10. Electrical power facility (S)
11. Recycling collection station (P)
12. Utility, minor (P)
13. Wireless support structure (P)
14. Wireless communication facility (P)
15. Botanical garden (P)
16. Entertainment, indoor (P)
17. Entertainment, outdoor (S)
18. Greenway (P)
19. Park, active (P)
20. Park, passive (P)
21. Broadcasting station (radio and television (P)
22. Radio and television recording studio (P)
23. Commissary (P)
24. Dispatching office (P)
25. Medical or dental office or clinic (P)
26. Medical or dental laboratory (P)
27. Office, business or professional (P)
28. Research facility (P)
29. Artisan Studio (P)
30. Gas and fuel, retail (P)
31. Glass sales (P)
32. Kennel (P)
33. Repair services, limited (P)
34. Retail sales, bulky goods (P)
35. Self-service storage (P)
36. Studio for art (P)
37. Upholstery shop (P)
38. Pet services (P)
39. Automotive Accessory Sales and Installation (P)
40. Automotive paint or body shop (P)
41. Automotive parts (P)
42. Automotive service station (P)
43. Car wash or auto detailing (P)
44. Repair and maintenance, general (P)
45. Towing service (P)
46. Towing service storage (P)
47. Truck terminal (P)
48. Vehicle sales and rental, heavy (P)
49. Building supplies, wholesale (P)
50. Contractor's office and storage yard (P)
51. Gas and fuel, wholesale (P)
52. Laboratory, industrial research (P)
53. Machine or welding shop (P)
54. Warehousing (P)
55. Woodworking or cabinetmaking (P)
56. Wholesaling, general (P)
57. Brewery (P)
58. Distillery (P)
59. Manufacturing and processing (P)
60. Manufacturing and processing, minor (P)
61. Microbrewery (P)
62. Microdistillery (P)

Conditions:

1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. A 100' riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec.6.1 as of November 2, 2020.

Section 4: 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 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 _____ 2021.

TOWN OF APEX

_____
Mayor

ATTEST:

_____
Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

Attachment "A"

All that tract or parcel of land lying or being in Holly Springs Township, Wake County, North Carolina and being more particularly described as follows: Beginning at an existing PK nail on the northern margin of SR 1172 (Old Smithfield Road) a variable Public R/W, said point being the southeast corner of Greenway Waste Solutions of Apex, LLC as described in Deed Book 9909, page 1039, Deed Book 16777, Page 570 and Book of Maps 2002, Pages 1159-1161 all of the Wake County Registry, and runs thence as the eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 38 minutes 11 seconds East for a distance of 442.33 feet to an existing iron pipe; THENCE continuing along the eastern line said Greenway Waste Solutions of Apex, LLC North 02 degrees 09 minutes 07 seconds East for a distance of 238.93 feet to an existing iron pipe; THENCE continuing along a northern line of said Greenway Waste Solutions of Apex, LLC North 87 degrees 50 minutes 57 seconds West for a distance of 59.98 to an existing PK nail; THENCE along an eastern line of said Greenway Waste Solutions of Apex, LLC North 02 degrees 39 minutes 33 seconds East for a distance of 198.30 feet to an existing concrete R/W monument on the southern margin of a ramp from NC 540 a variable Public R/W; THENCE leaving said Greenway Waste Solutions of Apex and along the southern margin of said ramp from NC 540 South 65 degrees 58 minutes 50 seconds East for a distance of 224.31 feet to an existing concrete R/W monument; THENE continuing along the southern margin of said NC 540 South 45 degrees 40 minutes 17 seconds East for a distance of 105.83 feet to an existing concrete R/W monument, said point being on the western margin of NC 55 Bypass (GB Alford Highway) a variable public R/W; THENCE leaving said NC 540 and along the western margin of NC 55 Bypass South 23 degrees 05 minutes 18 seconds West for a distance of 81.32 feet to an existing concrete R/W monument; THENCE continuing along the western margin of NC 55 Bypass South 12 degrees 45 minutes 06 seconds West for a distance of 160.24 feet to a point; THENCE continuing along the western margin of NC 55 Bypass South 22 degrees 12 minutes 15 seconds East for a distance of 67.46 feet to an existing concrete R/W monument; THENCE continuing along the western margin of NC 55 Bypass South 04 degrees 13 minutes 24 seconds East for a distance of 285.56 feet to an existing concrete R/W monument; THENCE continuing along the margin of said NC 55 Bypass South 47 degrees 06 minutes 06 seconds West for a distance of 102.56 to an existing concrete R/W monument on the northern margin of said SR 1172; THENCE along the northern margin of said SR 1172 along a curve to the left having a radius of 1031.81 feet and an arc length of 176.94 feet being subtended by a chord bearing of South 67 degrees 31 minutes 37 seconds West for a distance of 176.73 feet to the Point and Place of BEGINNG; Together with and subject to 60 Access Easement as described in Deed Book 9488, Page 925, Sanitary Sewer Easement as described in Deed Book 3059, Page 114, 30' Powerline easement as described in Deed Book 8522, Page 2338 all of the Wake County Registry as well as all covenants, easements, and restrictions of record. Said property contains 3.816 acres more or less.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter: Lauren Staudenmaier, Planner I

Department: Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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

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 #: 705 Submittal Date: 11/16/2020

Fee Paid $ 200 Check # 1816

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

Joseph D. Cusumano
Owner Name (Please Print)

0710847078 / 016242-02111
Property PIN or Deed Book & Page #

919.909.5782
Phone

ABcustomhomes@outlook.com
E-mail Address

Reagan L. Cusumano
Owner Name (Please Print)

0710847078 / 016242-02111
Property PIN or Deed Book & Page #

919.219.3831
Phone

thecusumanos@gmail.com
E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Surveyor Information

Surveyor: MSS Land Consultants, PC

Phone: 919.510.4404 ext. 22 Fax:

E-mail Address: lukeim@mssland.com

Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	1.914	Need water service due to well failure	☐
Population of acreage to be annexed:	4	Need sewer service due to septic system failure	☐
Existing # of housing units:	Ø	Water service (new construction)	☒
Proposed # of housing units:	2 + 1 accessory apartment	Sewer service (new construction)	☒
Zoning District*:	R40W / R30 change to	Receive Town Services	☒

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 705 Submittal Date: 11/16/2020

COMPLETE IF SIGNED BY INDIVIDUALS:

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

JOSEPH D. CUSUMANO Please Print	Signature
Reagan Cusumano Please Print	Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marta T. Momeyer, a Notary Public for the above State and County, this the 6 day of, November, 2020.

SEAL

MARTA T. MOMEYER NOTARY PUBLIC WAKE COUNTY, NC

Marta T. Momeyer
Notary Public

My Commission Expires: October 26, 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
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: _____

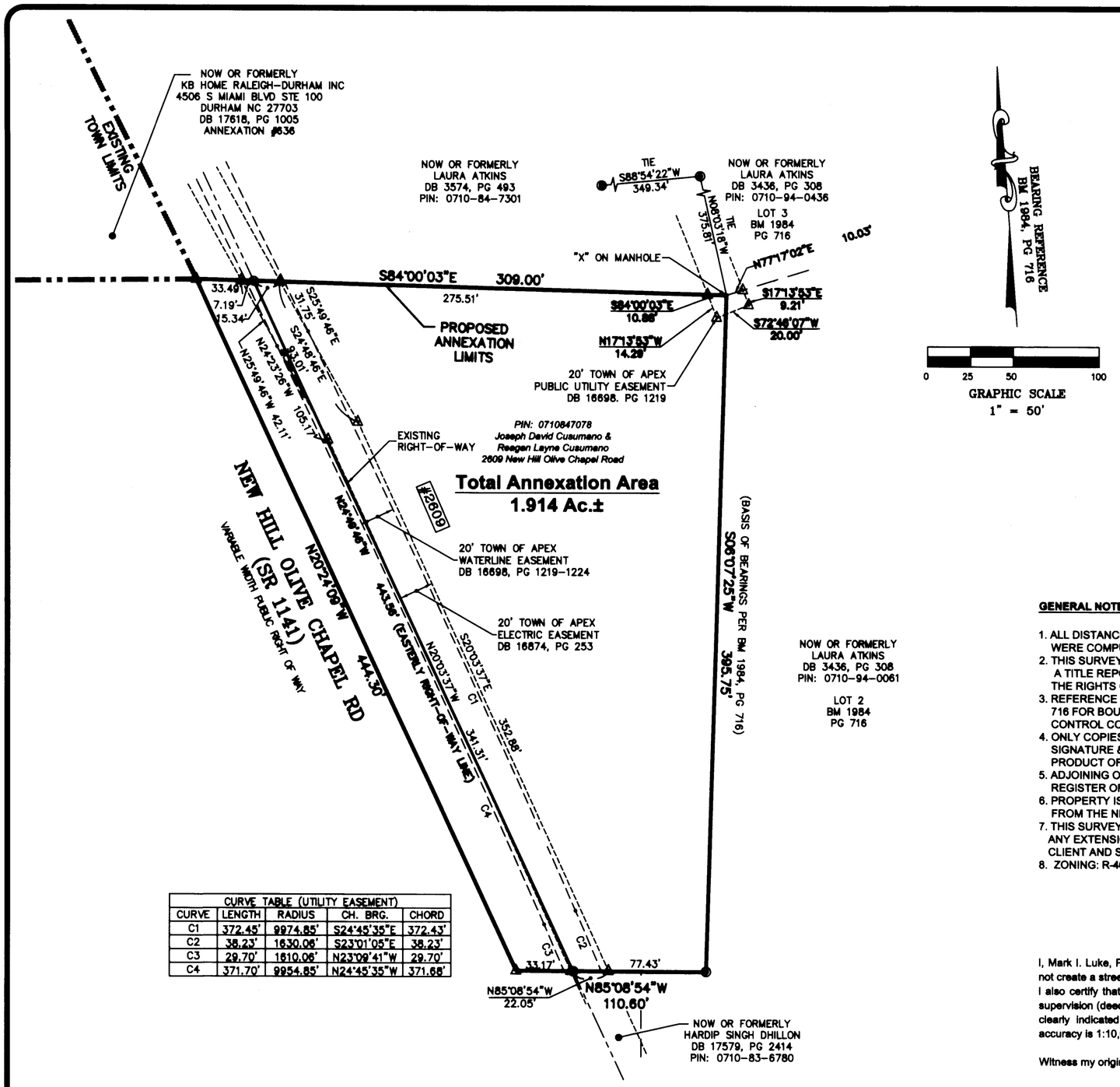
2609 New Hill Olive Chapel Road Annexation

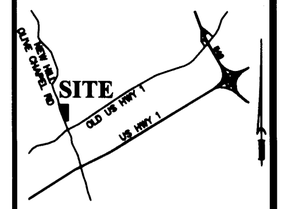
LEGAL DESCRIPTION

That certain tract or parcel of land lying and being in Buckhorn Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at a point in the centerline of New Hill Olive Chapel Road, (State Road 1141); said point lying at the Southwest Corner of the property now or formerly owned by Laura B. Atkins, as described in Deed Book 3574, Page 493, Wake County Registry; thence run S 84°00'03"E along the southerly boundary line of said Laura B. Atkins property a distance of 309.00 feet to a point; said point marked by an "X" on a sanitary sewer manhole; thence S06°07'25"W a distance of 395.75 feet to an existing iron pipe; thence N85°08'54"W a distance of 110.60' to a point in the centerline of aforesaid New Hill Olive Chapel Road, (State Road 1141); thence run N20°24'09"W along said centerline a distance of 444.30 feet to the point or place of beginning. Containing 1.914 Acres more or less.

Above parcel also being that same land described in a deed from Apex First In-Vestments, LLC to Joseph David Cusumano and Reagan Layne Cusumano as recorded in Deed Book 018175, Page 00052, Wake County Registry, North Carolina.





VICINITY MAP
Not to Scale

LEGEND

- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- IP Iron Pipe
- IR Iron Rebar
- CM Concrete Marker
- SFHA Special Flood Hazard Area
- N/F Now or Formerly
- DB / BM Deed Book / Book of Maps
- R/W Right-of-Way
- Eamt. Easement
- (0.00') Tie Distance (Chord Distance)
- Existing Town of Apex Limits

CURVE TABLE (UTILITY EASEMENT)				
CURVE	LENGTH	RADIUS	CH. BRG.	CHORD
C1	372.45'	9974.85'	S24°45'35"E	372.43'
C2	38.23'	1630.06'	S23°01'05"E	38.23'
C3	29.70'	1610.06'	N23°09'41"W	29.70'
C4	371.70'	9954.85'	N24°45'35"W	371.68'

GENERAL NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET. AREAS WERE COMPUTED BY THE COORDINATE METHOD.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OR THE RIGHTS OF OTHERS THAT A DETAILED TITLE SEARCH WOULD DISCLOSE.
3. REFERENCE WAKE CO. DEED BOOK 18175, PAGE 52 AND BOOK OF MAPS 1984, PAGE 716 FOR BOUNDARY INFORMATION, NORTH INDEX AND TIE LINES TO SUBDIVISION CONTROL CORNERS.
4. ONLY COPIES OF THIS SURVEY WITH THE LAND SURVEYOR'S ORIGINAL SIGNATURE & AN ORIGINAL EMBOSSED, SCANNED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR AND ARE CONSIDERED TRUE AND VALID.
5. ADJOINING OWNERS TAKEN FROM DEEDS AND MAPS OF RECORD FROM REGISTER OF DEEDS OFFICE, WAKE COUNTY.
6. PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SCALED FROM THE NFIP FIRM NO. 372007100K, EFFECTIVE DATE: FEBRUARY 2, 2007.
7. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT.
8. ZONING: R-40W.

I, Mark I. Luke, PLS (L-5269), certify that this survey is of an existing parcel or parcels of land and does not create a street or change an existing street;
I also certify that this plat was drawn under my supervision from an actual survey performed under my supervision (deed description(s) shown hereon under "References"); that the boundaries not surveyed are clearly indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1:10,000+

Witness my original signature, license number and seal.

Mark I. Luke, PLS L-5269

NORTH CAROLINA PROFESSIONAL SEAL L-5269 LAND SURVEYOR MARK I. LUKE

01/26/2021

Annexation # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____
Day/Month/Year

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

BOOK _____, PAGE _____

Sheet 1 of 1

SATELLITE ANNEXATION MAP for the TOWN OF APEX

Lands of Joseph D. Cusumano
Site Address: 2609 New Hill Olive Chapel Road

Town of Apex	Buckhorn Township	Wake County	North Carolina	Date: Dec. 22, 2020	Drawn by: MIL	Checked by:

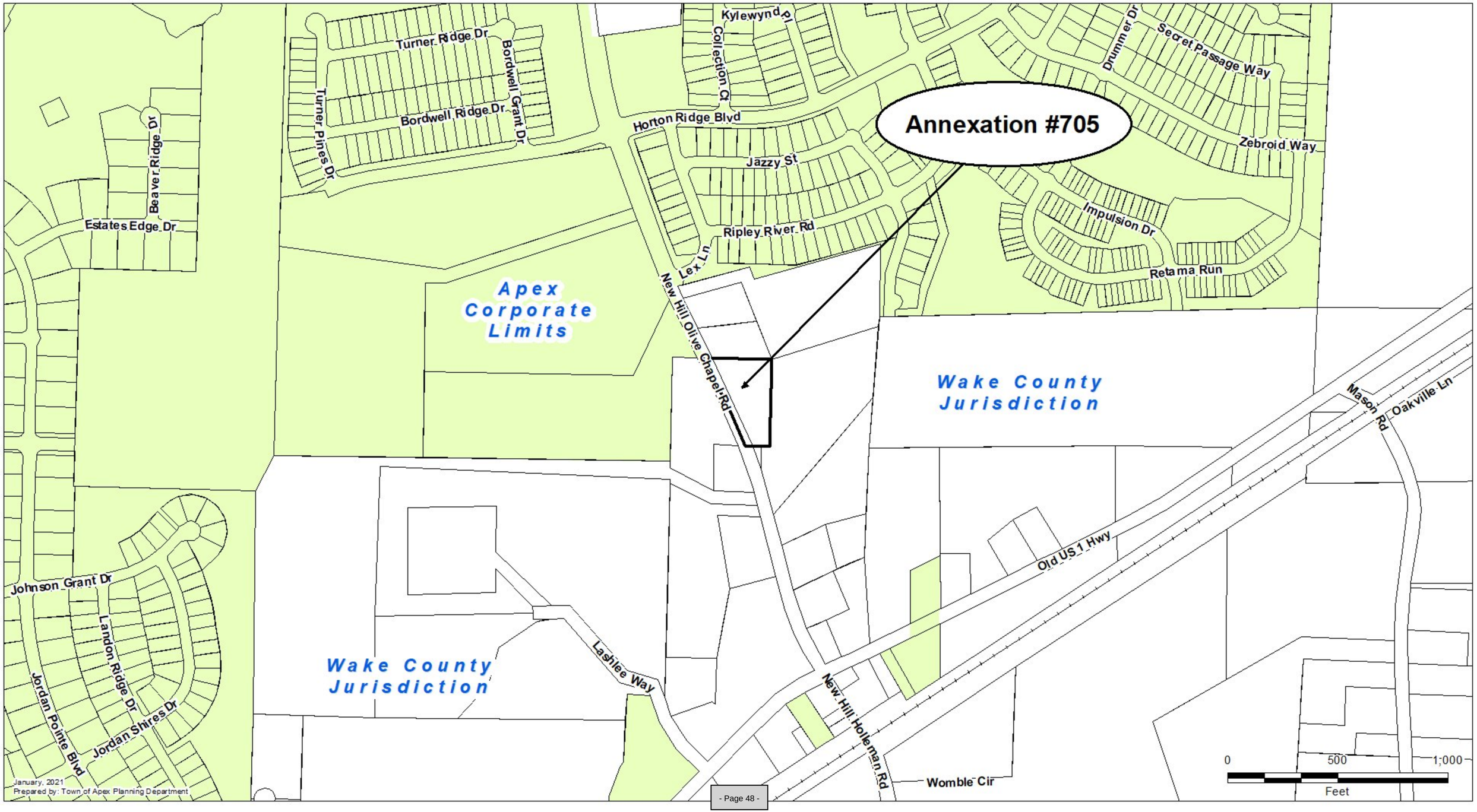
SURVEYED by

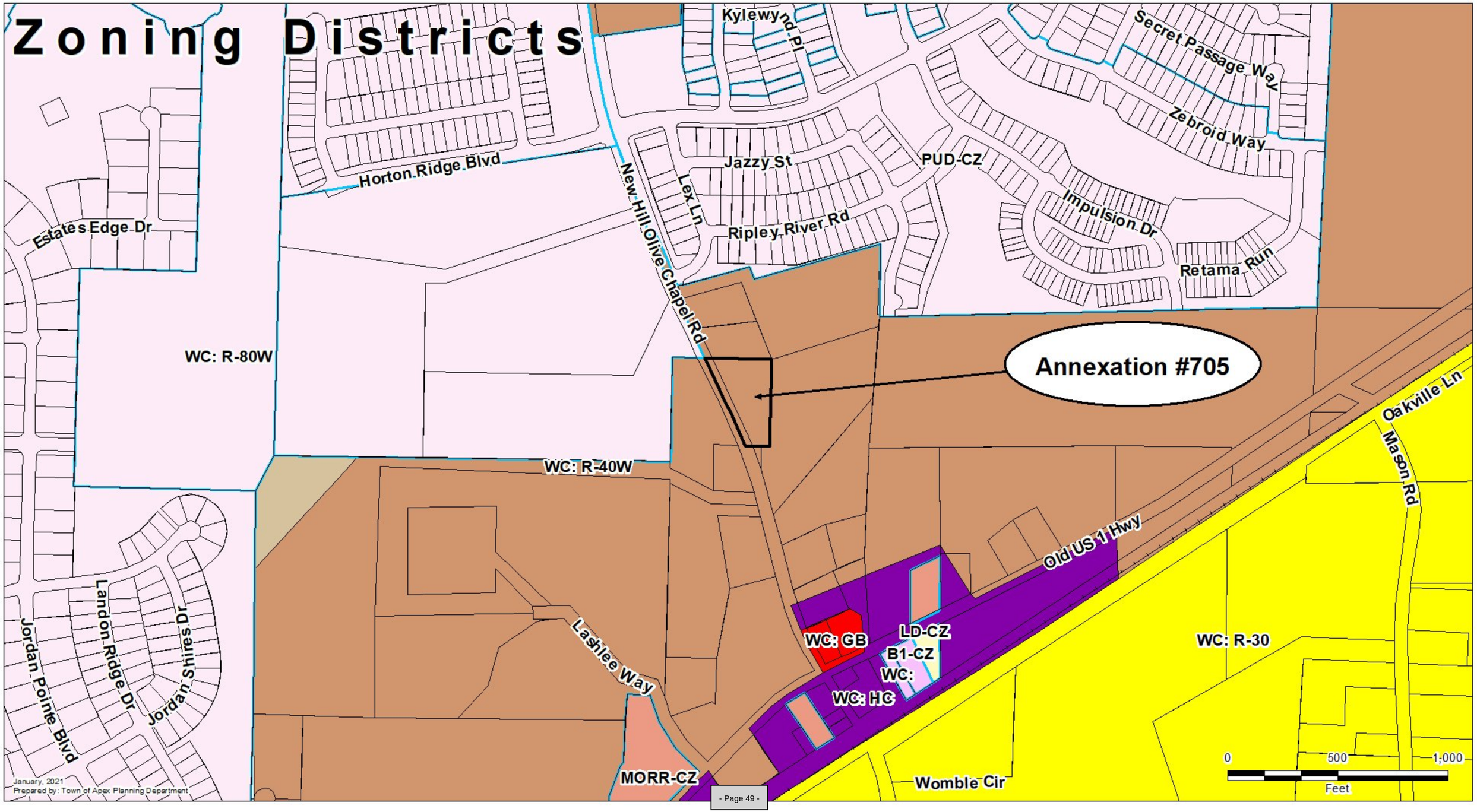
MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: goversw@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:\MSS-JOBS\2020\MSS-20-33\dwg\2609 New Hill Annexation Map.dwg

Belterra
New Hill Olive Chapel Rd
Jazzy St
Woodbury
Annexation #705
Athlete Dr
0
250
500
Feet
January 2021
September 2020 Aerial Photography
Prepared by: Town of Apex Planning Department


Annexation #705
Apex Corporate Limits
Wake County Jurisdiction
Wake County Jurisdiction
Turner Ridge Dr
Bordwell Grant Dr
Turner Pines Dr
Bordwell Ridge Dr
Kylewynd Pl
Collection Ct
Horton Ridge Blvd
Jazzy St
Ripley River Rd
Lex Ln
Drummer Dr
Secret Passage Way
Zebroid Way
Impulsion Dr
Retama Run
Beaver Ridge Dr
Estates Edge Dr
New Hill Olive Chapel Rd
Mason Rd
Oakville Ln
Old US 1 Hwy
Lashlee Way
New Hill Holleman Rd
Womble Cir
Johnson Grant Dr
Landon Ridge Dr
Jordan Pointe Blvd
Jordan Shires Dr
0
500
1,000
Feet
January, 2021
Prepared by: Town of Apex Planning Department


Zoning Districts
Kylewyn Pl
Secret Passage Way
Zebroid Way
Horton Ridge Blvd
Jazzy St
PUD-CZ
New Hill Olive Chapel Rd
Lex Ln
Ripley River Rd
Impulsion Dr
Retama Run
Estates Edge Dr
WC: R-80W
Annexation #705
Oakville Ln
Mason Rd
WC: R-40W
Old US 1 Hwy
Landon Ridge Dr
Jordan Shires Dr
Jordan Pointe Blvd
Lashlee Way
WC: GB
LD-CZ
B1-CZ
WC:
WC: HC
WC: R-30
MORR-CZ
Womble Cir
0
500
1,000
Feet
January, 2021
Prepared by: Town of Apex Planning Department

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

Annexation Petition #705
Joseph D. Cusumano and Reagan L. Cusumano (2609 New Hill Olive Chapel Road)

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

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

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

This the 9th day of February 2021.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #705
Joseph D. Cusumano and Reagan L. Cusumano (2609 New Hill Olive Chapel Road)

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

I, Donna B. Hosch, 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 9th day of February 2021.

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 705 Submittal Date: 11/16/2020

Fee Paid $ 200 Check # 1816

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

Joseph D. Cusumano
Owner Name (Please Print)

0710847078 / 016242-02111
Property PIN or Deed Book & Page #

919.909.5782
Phone

ABcustomhomes@outlook.com
E-mail Address

Reagan L. Cusumano
Owner Name (Please Print)

0710847078 / 016242-02111
Property PIN or Deed Book & Page #

919.219.3831
Phone

thecusumanos@gmail.com
E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Surveyor Information

Surveyor: MSS Land Consultants, PC

Phone: 919.510.4404 ext. 22 Fax:

E-mail Address: luke.m@mssland.com

Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	1.914	Need water service due to well failure	☐
Population of acreage to be annexed:	4	Need sewer service due to septic system failure	☐
Existing # of housing units:	Ø	Water service (new construction)	☒
Proposed # of housing units:	2 + 1 accessory apartment	Sewer service (new construction)	☒
Zoning District*:	R40W / R30 change to	Receive Town Services	☒

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 705 Submittal Date: 11/16/2020

COMPLETE IF SIGNED BY INDIVIDUALS:

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

JOSEPH D. CUSUMANO Please Print	Signature
Reagan Cusumano Please Print	Signature
Please Print	Signature
Please Print	Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Marta T. Momeyer, a Notary Public for the above State and County, this the 6 day of, November, 2020.

SEAL

MARTA T. MOMEYER NOTARY PUBLIC WAKE COUNTY, NC

Marta T. Momeyer
Notary Public

My Commission Expires: October 26, 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
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: _____

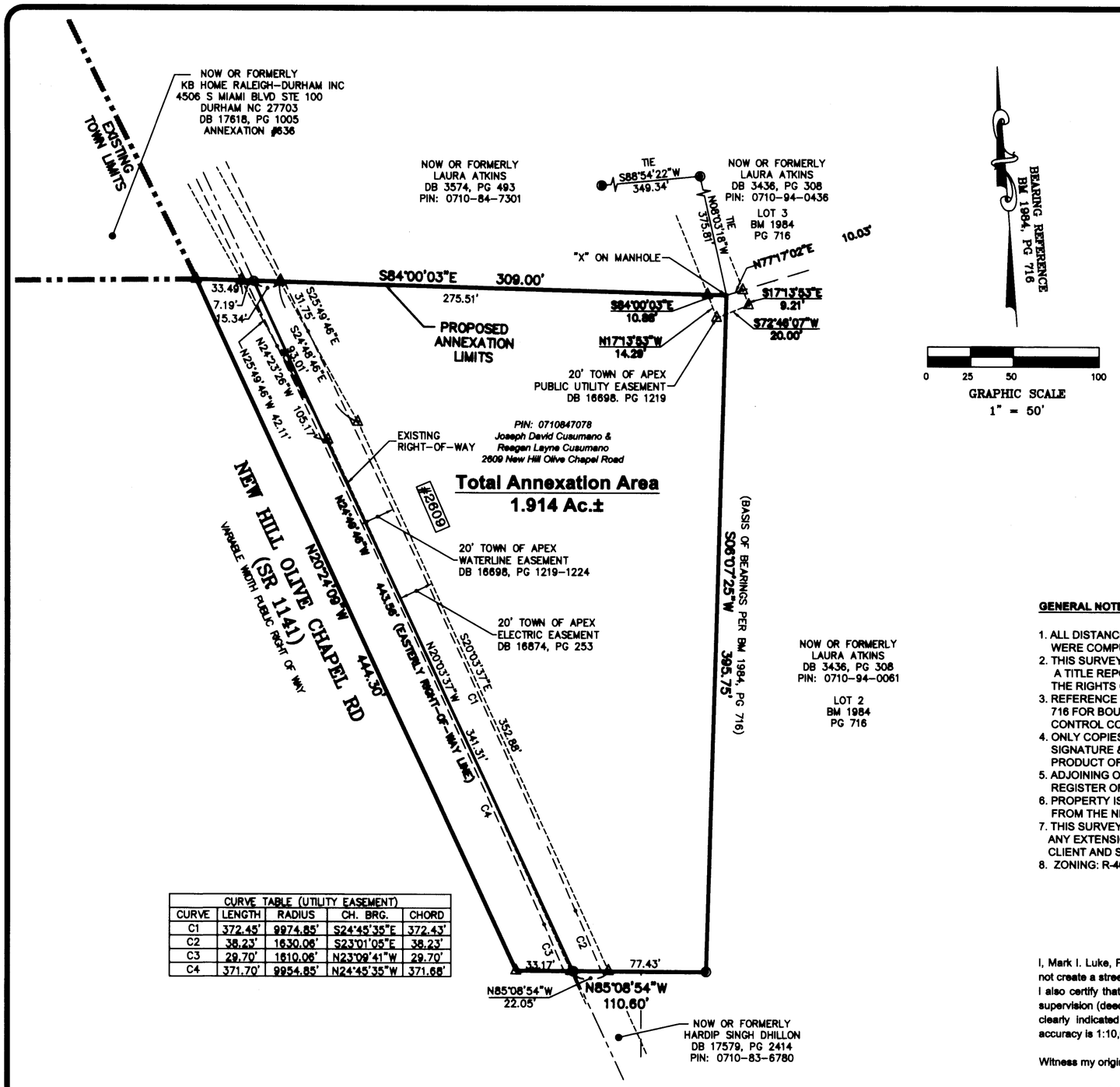
2609 New Hill Olive Chapel Road Annexation

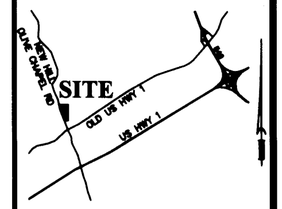
LEGAL DESCRIPTION

That certain tract or parcel of land lying and being in Buckhorn Township, Wake County, North Carolina and being more particularly described as follows:

Beginning at a point in the centerline of New Hill Olive Chapel Road, (State Road 1141); said point lying at the Southwest Corner of the property now or formerly owned by Laura B. Atkins, as described in Deed Book 3574, Page 493, Wake County Registry; thence run S 84°00'03"E along the southerly boundary line of said Laura B. Atkins property a distance of 309.00 feet to a point; said point marked by an "X" on a sanitary sewer manhole; thence S06°07'25"W a distance of 395.75 feet to an existing iron pipe; thence N85°08'54"W a distance of 110.60' to a point in the centerline of aforesaid New Hill Olive Chapel Road, (State Road 1141); thence run N20°24'09"W along said centerline a distance of 444.30 feet to the point or place of beginning. Containing 1.914 Acres more or less.

Above parcel also being that same land described in a deed from Apex First In-Vestments, LLC to Joseph David Cusumano and Reagan Layne Cusumano as recorded in Deed Book 018175, Page 00052, Wake County Registry, North Carolina.





VICINITY MAP
Not to Scale

LEGEND

- Existing Monumentation
- Iron Pipe Set
- Mathematical Point
- IP Iron Pipe
- IR Iron Rebar
- CM Concrete Marker
- SFHA Special Flood Hazard Area
- N/F Now or Formerly
- DB / BM Deed Book / Book of Maps
- R/W Right-of-Way
- Eamt. Easement
- (0.00') Tie Distance (Chord Distance)
- Existing Town of Apex Limits

CURVE TABLE (UTILITY EASEMENT)				
CURVE	LENGTH	RADIUS	CH. BRG.	CHORD
C1	372.45'	9974.85'	S24°45'35"E	372.43'
C2	38.23'	1630.06'	S23°01'05"E	38.23'
C3	29.70'	1610.06'	N23°09'41"W	29.70'
C4	371.70'	9954.85'	N24°45'35"W	371.68'

GENERAL NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET. AREAS WERE COMPUTED BY THE COORDINATE METHOD.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OR THE RIGHTS OF OTHERS THAT A DETAILED TITLE SEARCH WOULD DISCLOSE.
3. REFERENCE WAKE CO. DEED BOOK 18175, PAGE 52 AND BOOK OF MAPS 1984, PAGE 716 FOR BOUNDARY INFORMATION, NORTH INDEX AND TIE LINES TO SUBDIVISION CONTROL CORNERS.
4. ONLY COPIES OF THIS SURVEY WITH THE LAND SURVEYOR'S ORIGINAL SIGNATURE & AN ORIGINAL EMBOSSED, SCANNED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR AND ARE CONSIDERED TRUE AND VALID.
5. ADJOINING OWNERS TAKEN FROM DEEDS AND MAPS OF RECORD FROM REGISTER OF DEEDS OFFICE, WAKE COUNTY.
6. PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SCALED FROM THE NFIP FIRM NO. 372007100K, EFFECTIVE DATE: FEBRUARY 2, 2007.
7. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT.
8. ZONING: R-40W.

I, Mark I. Luke, PLS (L-5269), certify that this survey is of an existing parcel or parcels of land and does not create a street or change an existing street;
I also certify that this plat was drawn under my supervision from an actual survey performed under my supervision (deed description(s) shown hereon under "References"); that the boundaries not surveyed are clearly indicated as drawn from information shown hereon; that the ratio of precision or positional accuracy is 1:10,000+

Witness my original signature, license number and seal.

Mark I. Luke, PLS L-5269

NORTH CAROLINA PROFESSIONAL SEAL L-5269 LAND SURVEYOR MARK I. LUKE

01/26/2021

Annexation # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____
Day/Month/Year

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

BOOK _____, PAGE _____

Sheet 1 of 1

SATELLITE ANNEXATION MAP for the TOWN OF APEX

Lands of Joseph D. Cusumano
Site Address: 2609 New Hill Olive Chapel Road

Town of Apex	Buckhorn Township	Wake County	North Carolina	Date: Dec. 22, 2020	Drawn by: MIL	Checked by:

SURVEYED by

MSS LAND CONSULTANTS
6118 Saint Giles St. Suite E Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: goversw@mssland.com
Firm License #: C-2070

"Committed to Total Quality Service"

O:\MSS-JOBS\2020\MSS-20-33\dwg\2609 New Hill Annexation Map.dwg

Wake County Real Estate Data
Account Summary

Real Estate ID **0051822** PIN # **0710847078**

Location Address
2609 NEW HILL OLIVE CHAPEL RD

Property Description
LONEW SCHOOL LOT & 1 HILL

Property Owner	Owner's Mailing Address	Property Location Address
CUSUMANO, JOSEPH DAVID **CUSUMANO, REAGAN LAYNE** (Use the Deeds link to view any additional owners)	**2609 NEW HILL OLIVE CHAPEL RD** **NEW HILL NC 27562-9175**	**2609 NEW HILL OLIVE CHAPEL RD** **NEW HILL NC 27562-9175**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**713-00000-0085**				
Map/Scale	**0710 04**	Deed Date	**11/6/2020**	Land Value Assessed	**$86,490**
VCS	**03WC900**	Book & Page	**18175 0052**	Bldg. Value Assessed	
City		Revenue Stamps	**319.00**		
Fire District	**23**	Pkg Sale Date	**11/6/2020**		
Township	**BUCKHORN**	Pkg Sale Price	**$159,500**	Tax Relief	
Land Class	**VACANT**	Land Sale Date	**1/16/2009**		
ETJ	**WC**	Land Sale Price	**$100,000**	Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	**R-40W**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	**0**		
Acreage	**1.90**	Recycle Units	**0**		
Permit Date	**1/27/1997**	Apt/SC Sqft		Use/Hist/Tax Relief	
Permit #	**0000972131**	Heated Area		Assessed	
				Total Value Assessed*	**$86,490**

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

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

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

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

Annexation Petition #705
Joseph D. Cusumano and Reagan L. Cusumano (2609 New Hill Olive Chapel Road)

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 23rd day of February 2021.

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 9th day of February 2021.

_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

2609 New Hill Olive Chapel Road Annexation

LEGAL DESCRIPTION

That certain tract or parcel of land lying and being in Buckhorn Township, Wake County, North Carolina and being more particularly described as follows:

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Above parcel also being that same land described in a deed from Apex First In-Vestments, LLC to Joseph David Cusumano and Reagan Layne Cusumano as recorded in Deed Book 018175, Page 00052, Wake County Registry, North Carolina.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner I

Department(s): Planning and Community Development

Requested Motion

Motion to set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).

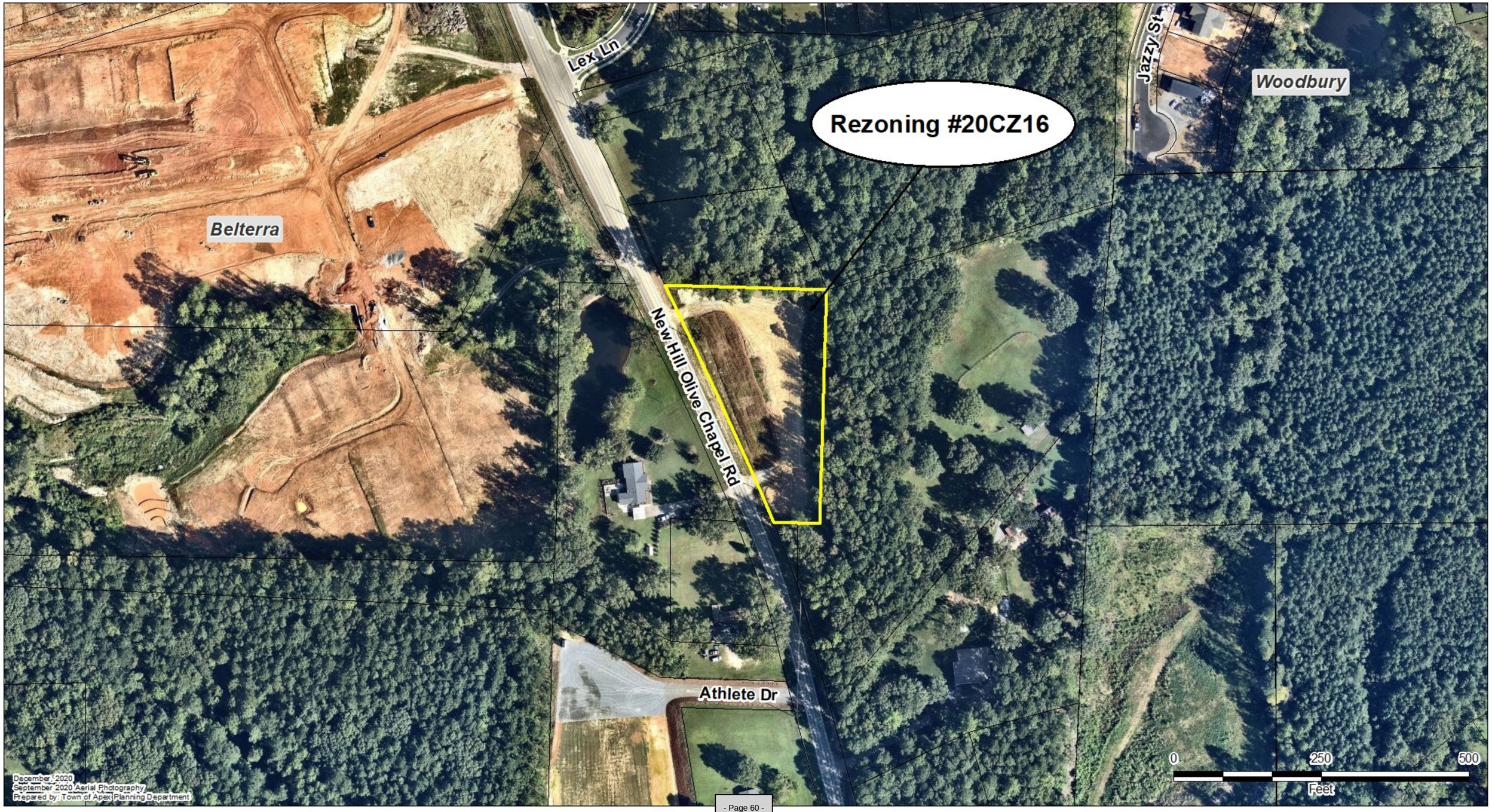
Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Vicinity Map
- Application


Rezoning #20CZ16
Lex Ln
Jazzy St
Woodbury
Belterra
New Hill Olive Chapel Rd
Athlete Dr
0
250
500
Feet
December, 2020
September 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE 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 #: 20CZ16 Submittal Date: 11/16/20

2045 LUM Amendment: Fee Paid:

Project Information

Project Name: Cusumano Residence

Address(es): 2609 New Hill Olive Chapel Rd. New Hill, NC 27562.

PIN(s): 0710847078

Acreage: 1.9.

Current Zoning: R-40W Residential 40 Watershed Proposed Zoning: MD-CZ

Current 2045 LUM Designation: Medium Density Residential

Proposed 2045 LUM Designation:

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage:

Area proposed as non-residential development: Acreage:

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

Applicant Information

Name: Joseph D. Cusumano

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919.909.5782 E-mail: ABcustomhomes@outlook.com

Owner Information

Name: Joseph D. Cusumano

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919.909.5782 E-mail: AB customhomes@outlook.com

Agent Information

Name:

Address:

City: State: Zip:

Phone: E-mail:

Other contacts:

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: 20CZ16 Submittal Date: _____

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

_____

_____

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

_____

_____

_____

_____

_____

_____

_____

_____

PETITION INFORMATION

Application #: 20CZ16 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from R40W 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. 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. Use additional pages as needed.

PROPOSED USES:

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

1	single-family residential	21	
2	accessory apartment	22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

20CZ16

PROPOSED **Conditions (Addendum)**

1. The exterior materials include a combination of the following building materials. The primary front façade of the main house to include:

A. Parged and painted block crawlspace foundation
B. Trex (or similar) front porch
C. James Hardie (or similar) vertical board and batten cement board siding
D. James Hardie (or similar) horizonal cement board siding
E. PVC porch columns
F. Decorative gable brackets
G. Decorative porch column brackets
H. Metal roofing
I. Asphalt shingles

2. The main entrance of the home shall be emphasized.

3. The garage entrance of the home is side entry

4. The main home shall have vertical proportions. Expanses of blank walls shall not exceed forty-three (43) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade, window or door.

5. Vinyl siding will not be used, however vinyl windows and decorative elements and trim are permitted.

6. Eaves shall project at least 12 inches from the wall of the structure.

7. Each side of the main home shall contain at least 3 decorative elements such as, but not limited to, the following elements:

- Windows
- Bay Windows
- Recessed or Decorative window
- Trim around window
- Doors
- Wrap around porch or side porch
- Two or more building materials
- Two or more siding styles
- Decorative brick/stone
- Decorative trim
- Decorative shake
- Decorative gable
- Decorative air vents on gable
- Decorative cornice
- Columns
- Portico

12/18/20
Page 1 of 2

20CZ16

- Balcony
- Dormer

8. A varied color palette shall be utilized on the homes to include a minimum of three (3) color families including roof color, siding color and front door accent color.

9. Garages may protrude up to 5 feet from the front façade or porch.

10. The roof shall be pitched at 5:12 or greater for 75% of the building designs.

11. 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.

12.Front porches shall be a minimum of 6 feet deep.

13. The existing parcel is served by two driveways accessing New Hill Olive Chapel Road. Subdivision of the parcel into two or more lots shall not increase the total number of existing driveways.

14. The minimum front building setback shall be 40 feet from the current right-of-way.

*All single family homes are to be pre-configured with conduit for a solar energy system.

12/18/20
page 1 of 2

PETITION INFORMATION

Application #: 20CZ16 Submittal Date:

PROPOSED CONDITIONS:

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

See previous addendum.

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 use is compatible 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 proposed use is consistent w/ surrounding areas.

PETITION INFORMATION

Application #: 20CZ116 Submittal Date:

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

The proposed use will meet the required Supplemental Standards for the proposed use(s).

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 design will have no adverse effect on any of the forementioned items.

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 design will not have an impact on the forementioned items

All single family homes will be pre-configured with conduit for a solar energy system.

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 land use will not have an adverse impact on the forementioned items.

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 land use will not have an affect on the forementioned items.

PETITION INFORMATION

Application #: 20CZ16 Submittal Date:

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

The proposed zoning will 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.

The proposed zoning will not constitute a nuisance or hazard.

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

The proposed development will meet the standards within various sections of the Town of Apex UDO.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ16 Submittal Date: 10/30/20

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

	Owner's Name	PIN
1.	Atkins, Laura B	0710847301
2.	Atkins, Laura B	0710940436
3.	Atkins, Laura B	0710940061
4.	Dhillon, Hardip Singh	0710836780
5.	Hicks, Michael N	0710835932
6.	KB Homes	0710831979
7.	KB Homes	0710747480
8.	Atkins, Laura B	0710846444
9.	Hudson, Claude Lee Jr	0710931641
10.	Martin, Andrew T	0710835242
11.		
12.		
13.		
14.		
15.		

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

Date: 11/6/20 By: [signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Marta T. Momeyer, a Notary Public for the above State and County, on this the 6 day of November, 2020.

SEAL

MARTA T. MOMEYER NOTARY PUBLIC WAKE COUNTY, NC

Marta T. Momeyer
Notary Public

Marta T. Momeyer
Print Name

My Commission Expires: October 26, 2025

AGENT AUTHORIZATION FORM

Application #: 20CZ16 Submittal Date: 10/30/20

Joseph D. Cusumano 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: 2609 New Hill Olive Chapel Rd. New Hill NC 27562

The agent for this project is: Joseph D. Cusumano

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

Agent Name: Joseph D. Cusumano

Address: 959 Tender Dr. Apex NC 27502

Telephone Number: 919 909 5782

E-Mail Address: thecusumanos@gmail.com

Signature(s) of Owner(s)*

JOSEPH D CUSUMANO — 10/20/20
Type or print name — Date

REAGAN L. CUSUMANO — 10/20/20
Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 20CZ16 Submittal Date: 11/14/20

The undersigned, Joseph D. Cusumano (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 2609 New Hill Olive Chapel Rd. and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").

2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.

3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 11/6/2020, and recorded in the Wake County Register of Deeds Office on 11/6/2020, in Book 018174 Page 501-507.

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 11/6/2020, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/6/2020, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11 day of 6, 2020.

(seal)

JOSEPH D. CUSUMANO

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 Joseph David Cusumano, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's driver's license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing affidavit.

MARTA T. MOMEYER NOTARY PUBLIC WAKE COUNTY, NC

[NOTARY SEAL]

Marta T. Momeyer
Notary Public Marta T. Momeyer
State of North Carolina
My Commission Expires: October 26, 2025

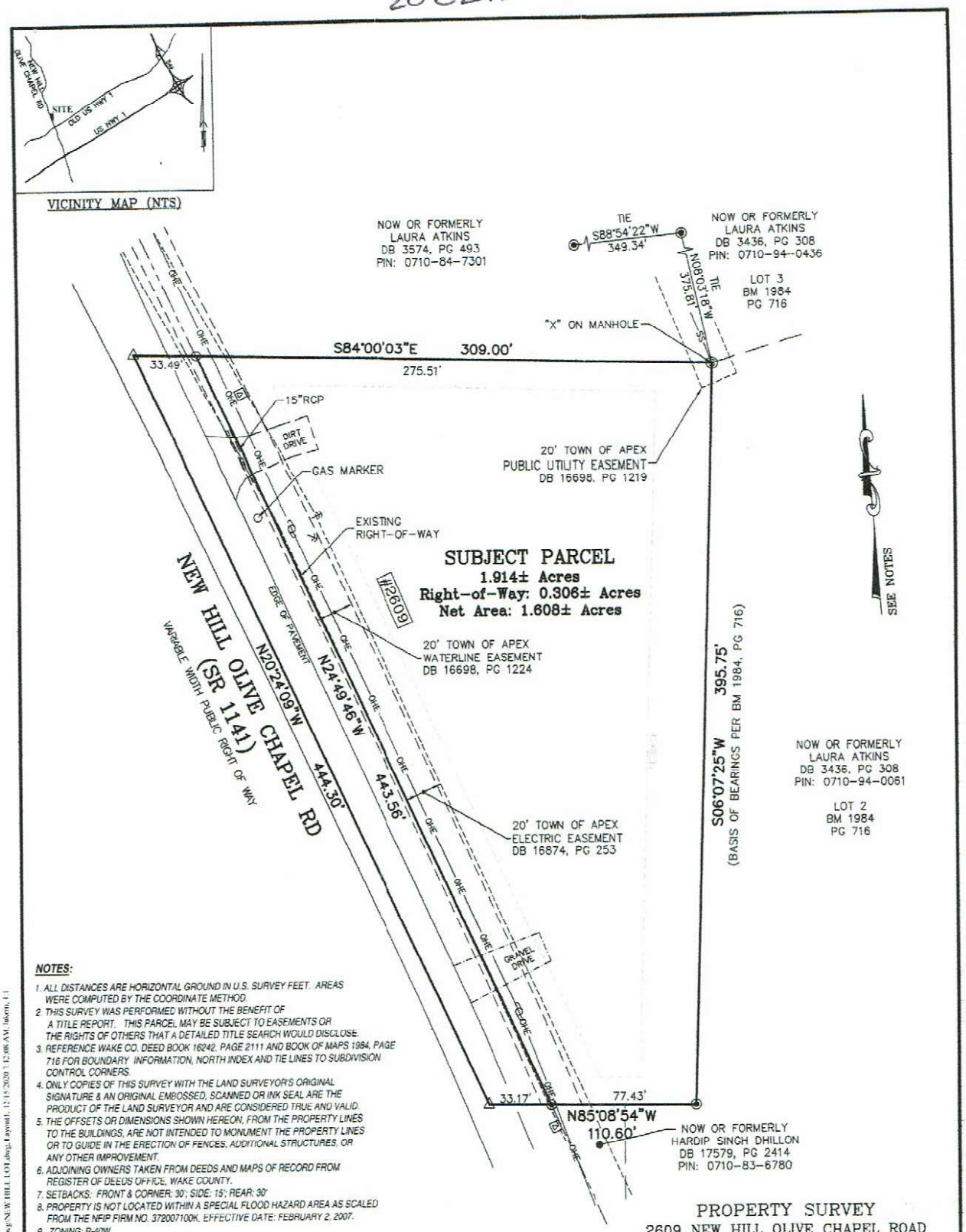
Application #: 20CZ16 Submittal Date:

Insert legal description below.

EXHIBIT A
LEGAL DESCRIPTION

BEGINNING at a bolt in the center line of the paved SR 1141, the New Hill-Olive Chapel Road, said bolt also being in Pauline Lashlee's line and runs thence with her line South 84 degrees 30 minutes East 309 feet to a railroad rail stake, said Lashlee's corner; thence another line with said Lashlee South 5 degrees 30 minutes West 396 feet to an iron shaft; thence another line with said Lashlee and past her corner with E.C. Olive's line North 84 degrees 30 minutes West 110.6 feet to an iron in the center line of said paved road; thence along the center line of said road North 21 degrees 15 minutes West 444.3 feet to the point of BEGINNING, containing 1.9 acres, more or less, according to survey of E.C. Smith, RLS, dated September 23, 1970 and being a part of the land described in a deed from Mrs. L.T. Holt, et al to E.C. Olive and wife, dated January 2, 1938 and recorded in Book 769, Page 403, Wake County Registry.

20CZ16



NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET. AREAS WERE COMPUTED BY THE COORDINATE METHOD.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS PARCEL MAY BE SUBJECT TO EASEMENTS OR THE RIGHTS OF OTHERS THAT A DETAILED TITLE SEARCH WOULD DISCLOSE.
3. REFERENCE WAKE CO. DEED BOOK 16242, PAGE 2111 AND BOOK OF MAPS 1984, PAGE 716 FOR BOUNDARY INFORMATION, NORTH INDEX AND TIE LINES TO SUBDIVISION CONTROL CORNERS.
4. ONLY COPIES OF THIS SURVEY WITH THE LAND SURVEYOR'S ORIGINAL SIGNATURE & AN ORIGINAL EMBOSSED, SCANNED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR AND ARE CONSIDERED TRUE AND VALID.
5. THE OFFSETS OR DIMENSIONS SHOWN HEREON, FROM THE PROPERTY LINES TO THE BUILDINGS, ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE IN THE ERECTION OF FENCES, ADDITIONAL STRUCTURES, OR ANY OTHER IMPROVEMENT.
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7. SETBACKS: FRONT & CORNER: 30'; SIDE: 15'; REAR: 30'
8. PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SCALED FROM THE NFIP FIRM NO. 3720071000K, EFFECTIVE DATE: FEBRUARY 2, 2007.
9. ZONING: R-40W.
10. MAXIMUM IMPERVIOUS COVERAGE: 21,012 SF. (30%)

PROPERTY SURVEY
2609 NEW HILL OLIVE CHAPEL ROAD

WAKE COUNTY PARCEL NO. 0710-84-7078
BUCKHORN TOWNSHIP, WAKE COUNTY, NC

SURVEYED FOR
AR CUSTOM HOMES, LLC
959 TENDER DRIVE
APEX, NC 27502

0 25 50 100
GRAPHIC SCALE
1"=50'

LEGEND

- MATHEMATICAL POINT
- IRON PIN SET
- IRON PIN EXISTING
- TELEPHONE PEDESTAL
- SANITARY MANHOLE
- UTILITY POLE
- OVERHEAD ELECTRIC LINES
- SANITARY SEWER PIPE

MSS LAND CONSULTANTS, PC
"Committed to Total Quality Service"
Firm License: C-2070
EST. 1998

6118 St. Giles St (Suite E) Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: gowersw@msaland.com

I HEREBY CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION. THIS PLAT DOES NOT CONFORM TO GS-47-30 AS AMENDED AND IS INTENDED FOR MORTGAGE CLOSING PURPOSES ONLY, NOT FOR RECORDATION. THE DIMENSIONS SHOWN HEREON FROM THE PROPERTY LINES TO THE BUILDINGS ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE IN THE ERECTION OF FENCES OR ANY OTHER IMPROVEMENT. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND SURVEYOR EXCEEDS THE SCOPE OF ENGAGEMENT.

NORTH CAROLINA PROFESSIONAL SEAL L-5269 LAND SURVEYOR MARK I. LUKE 12/15/2020

MARK I. LUKE, PLS L-5269

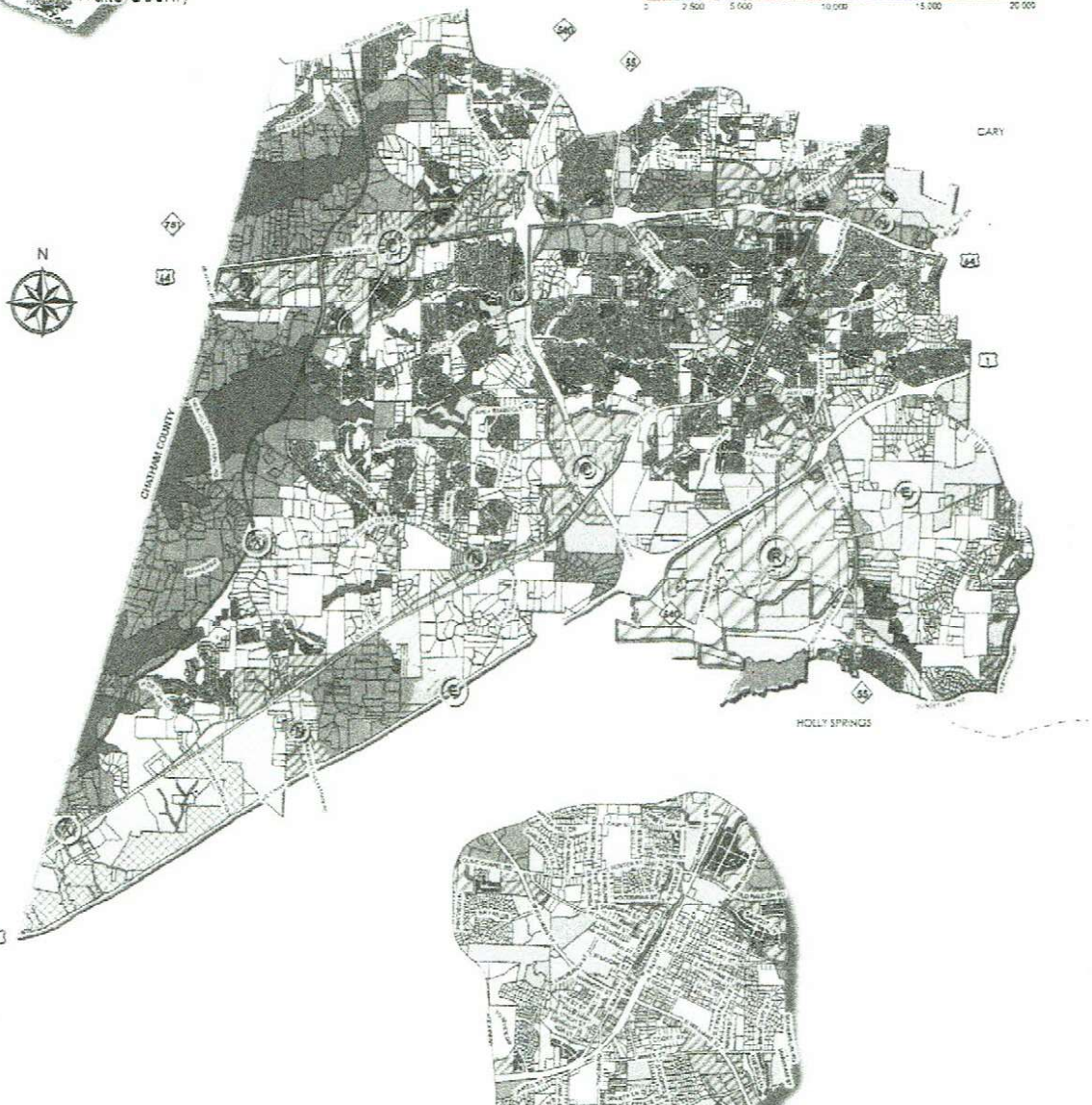
DATE: 10/14/2020	SCALE: 1"=50'	DRAWN: ML	CHECK:	FILE: MIS-20-33

REV. 12/15/2020: ADDED EXIST. DIRT DRIVE

O:\MSS-JOBS\2020\MIS-20-33 (2609 New Hill Olive Chapel Rd) dwg\NEW HILL LOI.dwg, Layout1, 12/15/2020 11:28:08 AM, luken, 1:1

2045 Land Use Map

Town of Apex, North Carolina



Land Use Within the Town Center

2045 Land Use Map Classification	Allowable Zoning Districts
Protected Open Space	PB
Rural Density Residential	CB, RA, PUD
Low Density Residential	CB, RR, LD, PUD
Medium Density Residential	CB, MD, PUD
Medium/High Density Residential	CB, MH, MHP, MDP, TOWN, PUD, PAD
High Density Residential	CB, HDMF, PUD, PAD
Office Employment	CB, OMP, TOWN, TP, PUD, PAD
Commercial Services	CB, MORR, B1, B2, PUD
Industrial Employment	CB, LI, IP, PUD, MED
Park—Public or Private	Refer to Section 4.2 Use Table in the Town of Apex Unified Development Ordinance, for zoning districts where recreational uses are allowable
School	Refer to Section 4.2 Use Table in the Town of Apex Unified Development Ordinance, for zoning districts where school uses are allowable
Sanitary Landfill	L
Mixed Use (multiple zoning districts with allowable uses)	CB, MORR, SO, and the corresponding zoning districts for the underlying or the shaded area

The 2045 Land Use Map is based on the recommendations of Imagine Apex. The 2045 Land Use Map Ordinance Amendment was adopted by the Town of Apex Town Council on February 5, 2019, and provides a snapshot of the Town's vision for future land use on that date. As land use development occurs, the Town Council reviewing the rezoning cases considered are referenced on the map and, therefore, make the 2045 Land Use Map a dynamic document. Amendments are posted online.

Created and published by the Town of Apex Planning Department

Version 1.0 - 2019
August 29, 2019
Revision 1 - 2020

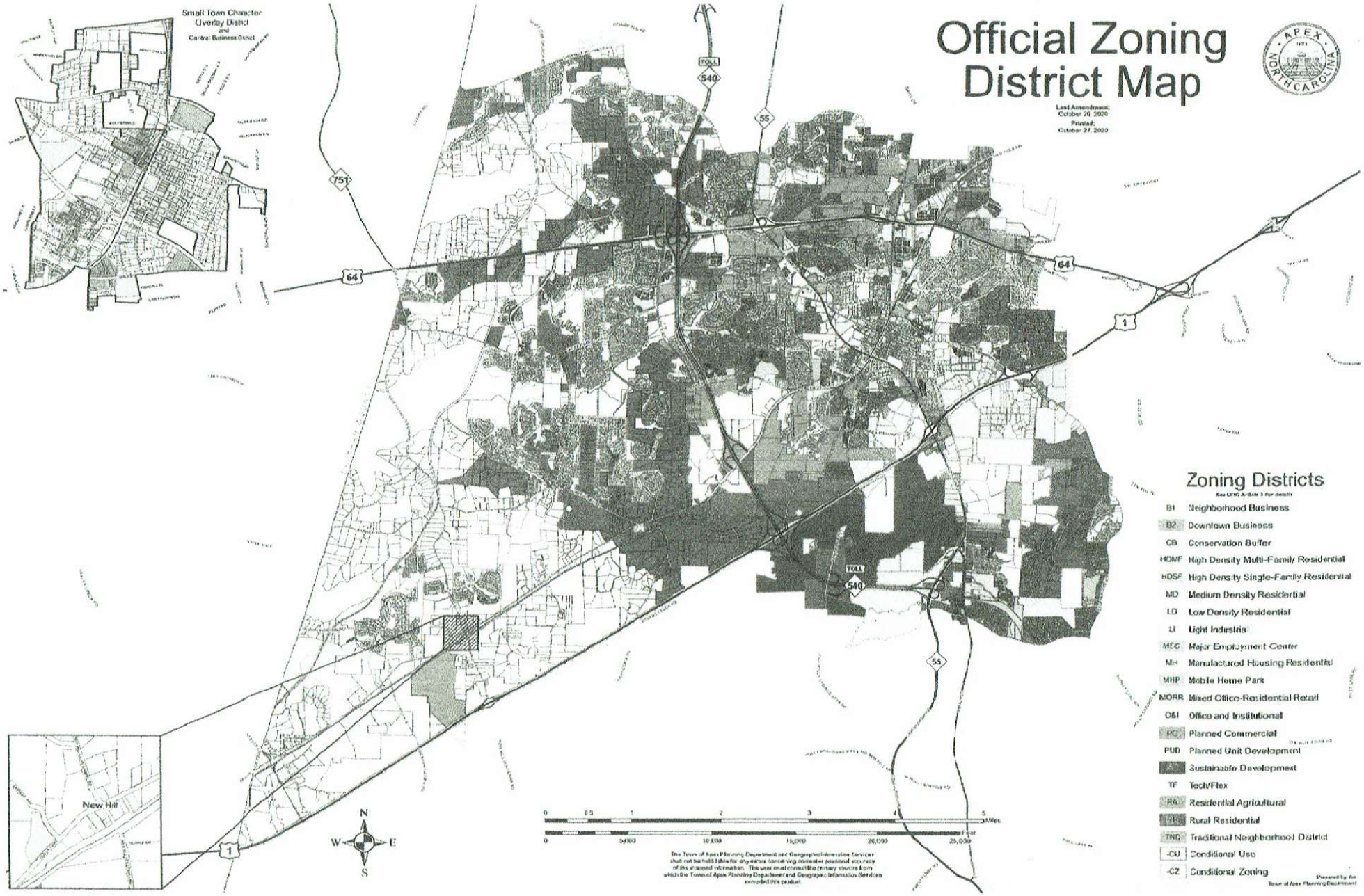
Future Land Classifications

- Protected Open Space
- Rural Density Residential
  One dwelling unit per five acres
- Low Density Residential
  Single-family homes or a single-family home with accessory dwelling units (ADUs)
- Medium Density Residential
  Single-family homes, duplexes, and townhomes
- Medium/High Density Residential
  Single-family homes, duplexes, townhomes, quadplexes, and apartments
- High Density Residential
  Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment
- Park—Public or Private
- School
- Sanitary Landfill
- Right-of-Way
- Mixed Use
  Refer to corresponding zoning districts
- Property Lines
- Duke Energy Land
- Proposed Thoroughfares

*Department's displayed within the Town Center

Potential Activity Centers

- Neighborhood Mixed Use (NMU)
  Economic development potential estimated to be, but not limited to:
  - up to 100,000 ft² of commercial
  - 1/2 to 3-mile trade area
- Employment Mixed Use (EMU)
  Economic development potential estimated to be, but not limited to:
  - Office, warehousing, facilities
  - Office campuses
- Community Mixed Use (CMU)
  Economic development potential estimated to be, but not limited to:
  - up to 300,000 ft² of commercial
  - 4 to 5-mile trade area
- Regional Mixed Use (RMU)
  Economic development potential estimated to be, but not limited to:
  - Over 300,000 ft² of commercial
  - 10 to 25-mile trade area
- Recreational Mixed Use (XMU)
  Economic development oriented as a recreational amenity
  - 10% of business and services department uses generally low
  - Pedestrian and bicycle mobility preferred


Official Zoning District Map
Last Amendment: October 20, 2020
Printed: October 27, 2020
APEX NORTH CAROLINA
Small Town Character Overlay District and Central Business District
New Hill
Zoning Districts
See UDO Article 3 for details
B1 Neighborhood Business
B2 Downtown Business
CB Conservation Buffer
HDMF High Density Multi-Family Residential
HDSF High Density Single-Family Residential
MD Medium Density Residential
LD Low Density Residential
LI Light Industrial
MEC Major Employment Center
MH Manufactured Housing Residential
MHP Mobile Home Park
MORR Mixed Office-Residential-Retail
O&I Office and Institutional
PC Planned Commercial
PUD Planned Unit Development
SD Sustainable Development
TF Tech/Flex
RA Residential Agricultural
RR Rural Residential
TND Traditional Neighborhood District
-CU Conditional Use
-CZ Conditional Zoning
Prepared by the Town of Apex Planning Department
N
W
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S
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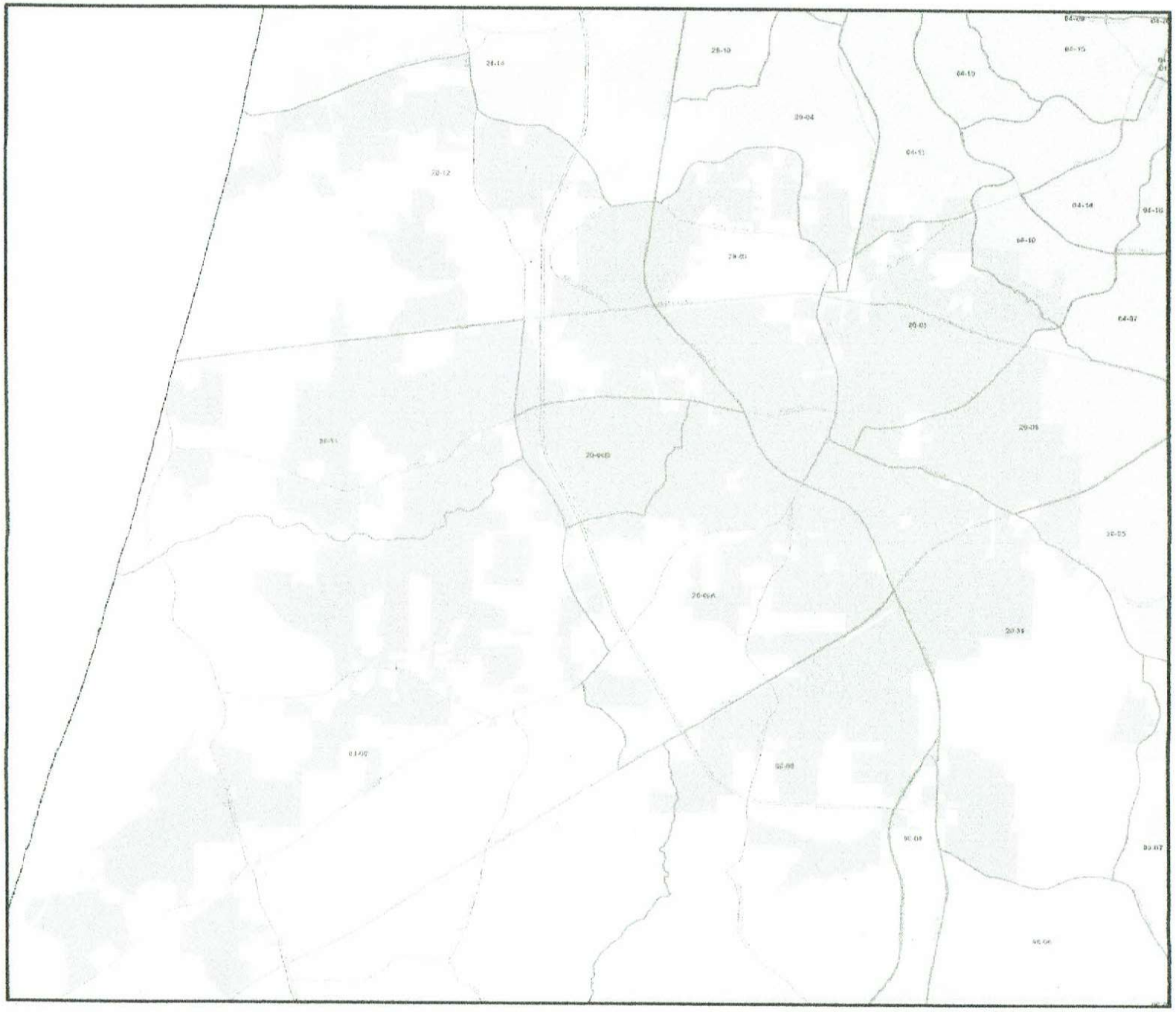
Feet



Precincts by Municipality Apex

Legend

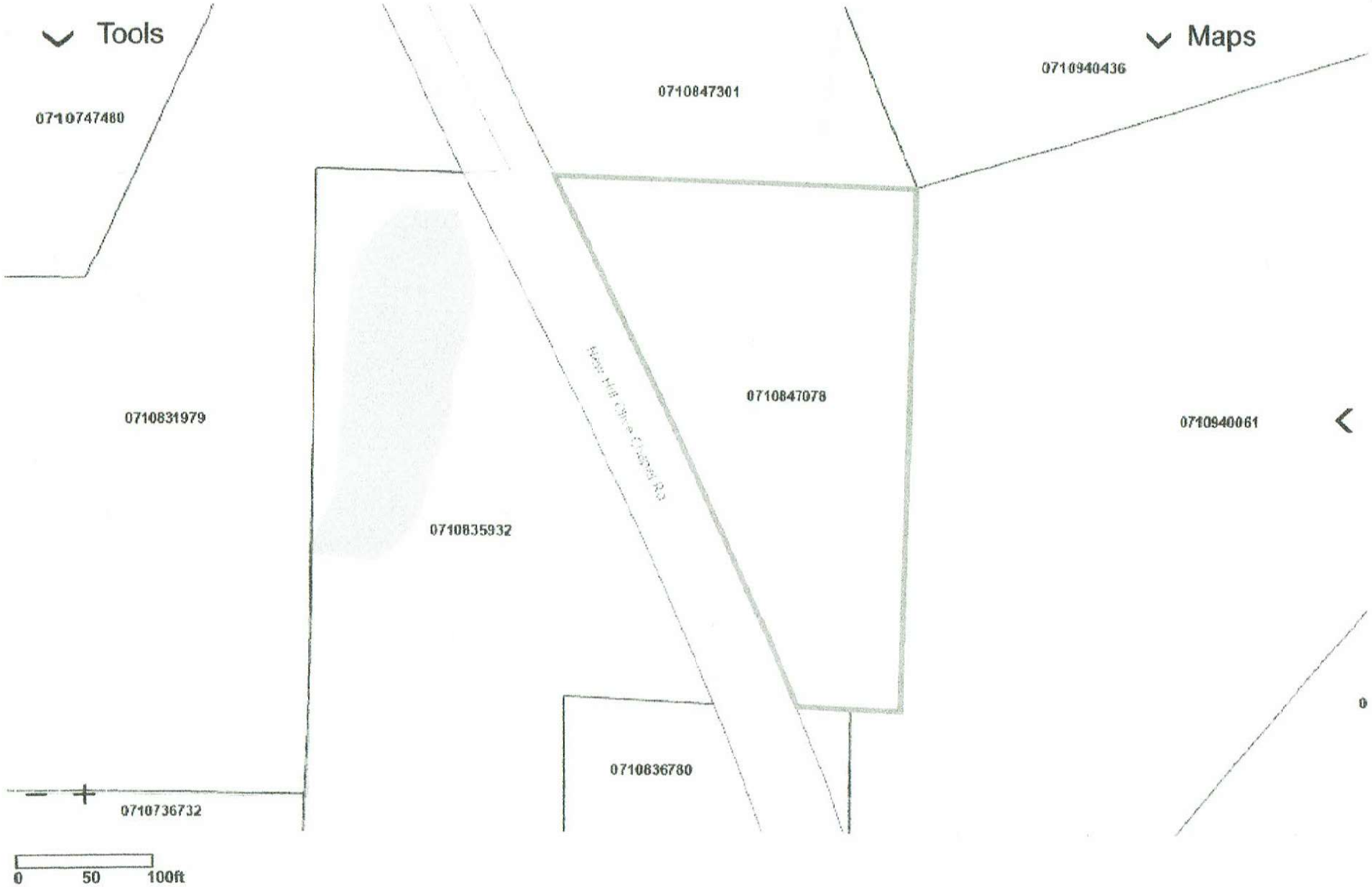
- Wake County Boundary
- Precincts
- Major Roads

MAP INFORMATION:

Precincts by Municipality

WAKE COUNTY

Information depicted hereon is for reference purposes only and is derived from best available sources. Wake County assumes no responsibility for errors arising from misuse of this map.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Overview

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.

11/14/20
Date

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

2609 New Hill Ooive Chapel Rd. New Hill, NC 27562 — Address(es)

0710847078 — 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. 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.

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

	Application Type	Approving Authority
☑	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
The property is proposed to be subdivided into two lots for single family-residential with an accessory apartment on the first and in the future a single family-residential on the second.

Estimated submittal date: _____

MEETING INFORMATION:

Property Owner(s) name(s): Joseph D. and Reagan L. Cusumano

Applicant(s): Joseph D. Cusumano

Contact information (email/phone): 919-909-5782 / ARcustomhomes@outlook.com

Meeting Address: 2609 New Hill Olive Chapel Rd. New Hill, NC 27562

Date of meeting**: Monday Nov. 23rd 2020

Time of meeting**: 5:00pm

MEETING AGENDA TIMES:

Welcome: 5:00pm Project Presentation: 5:10pm Question & Answer: 5:30pm

**Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning 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.

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: 7601 New Hill Olive Chapel Rd.

Date of meeting: 11/23/20 Time of meeting: 5pm - 7pm

Property Owner(s) name(s): Joseph & Reagan Cusumano

Applicant(s): Joseph & Reagan Cusumano

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Judy Hudson	2701 New Hill Olive Chapelle Rd	[redacted]		
2.	Claude Hudson	2701 New Hill Oli			
3.	Dhi Lion Hanzip	5875 Old US 61			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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Property Owner(s) name(s): Joseph & Reagan Cusumano

Applicant(s): Joseph Cusumano

Contact information (email/phone): 919.909.5782 ARcustomhomes@outlook.com

Meeting Address: 2609 New Hill Olive Chapel Rd. New Hill NC 27562

Date of meeting: 11/23/20 Time of meeting: 5pm

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

Question/Concern #1:

Questioned what the accessory apartment was.

Applicant's Response:

two car garage w/ a loft above for my personal office

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Joseph D. Cusumano, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 2609 New Hill Olive Chapel Rd (location/address) on 11/23/2020 (date) from 5pm (start time) to 7pm (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.

11/24/2020
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jaswinder K Cheema, a Notary Public for the above State and County, on this the 24 day of Nov, 20 20.

SEAL
JASWINDER K CHEEMA
NOTARY PUBLIC
WAKE COUNTY, NC

Jaswinder K Cheema
Notary Public

JASWINDER K CHEEMA
Print Name

My Commission Expires: Nov 9, 2021

PROJECT CONTACT INFORMATION

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Development Contacts:

Project Name: Cusumano Residence Zoning: _____

Location: 2609 New Hill Olive Chapel Rd. New Hill, NC 27562

Property PIN(s): 0710847078 Acreage/Square Feet: 1.914 / 83,373.84

Property Owner: Joseph D. and Reagan L. Cusumano

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919-909-5782 Email: ARcustomhomes@outlook.com

Developer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Builder (if known): AR Custom Homes, LLC

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919-909-5782 Fax: _____ Email: ARcustomhomes@outlook.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	
Mike Deaton, Stormwater & Utility Engineering Manager	(919) 249-3413
Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	(919) 249-1166
Electric Utilities Division	
Rodney Smith, Electric Technical Services Manager	(919) 249-3342

NOTICE OF NEIGHBORHOOD MEETING

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1/13/21
Date

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0710847078 — PIN(s)

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	Application Type	Approving Authority
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☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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Applicant(s): Joseph D. Cusumano

Contact information (email/phone): 919-909-5782 / ARcustomhomes@outlook.com

Meeting Address: 2609 New Hill Olive Chapel Rd. New Hill, NC 27562

Date of meeting**: Monday Jan. 25 2021

Time of meeting**: 5:00pm - 7:00pm

MEETING AGENDA TIMES:

Welcome: 5:00pm Project Presentation: 5:10pm Question & Answer: 5:30pm

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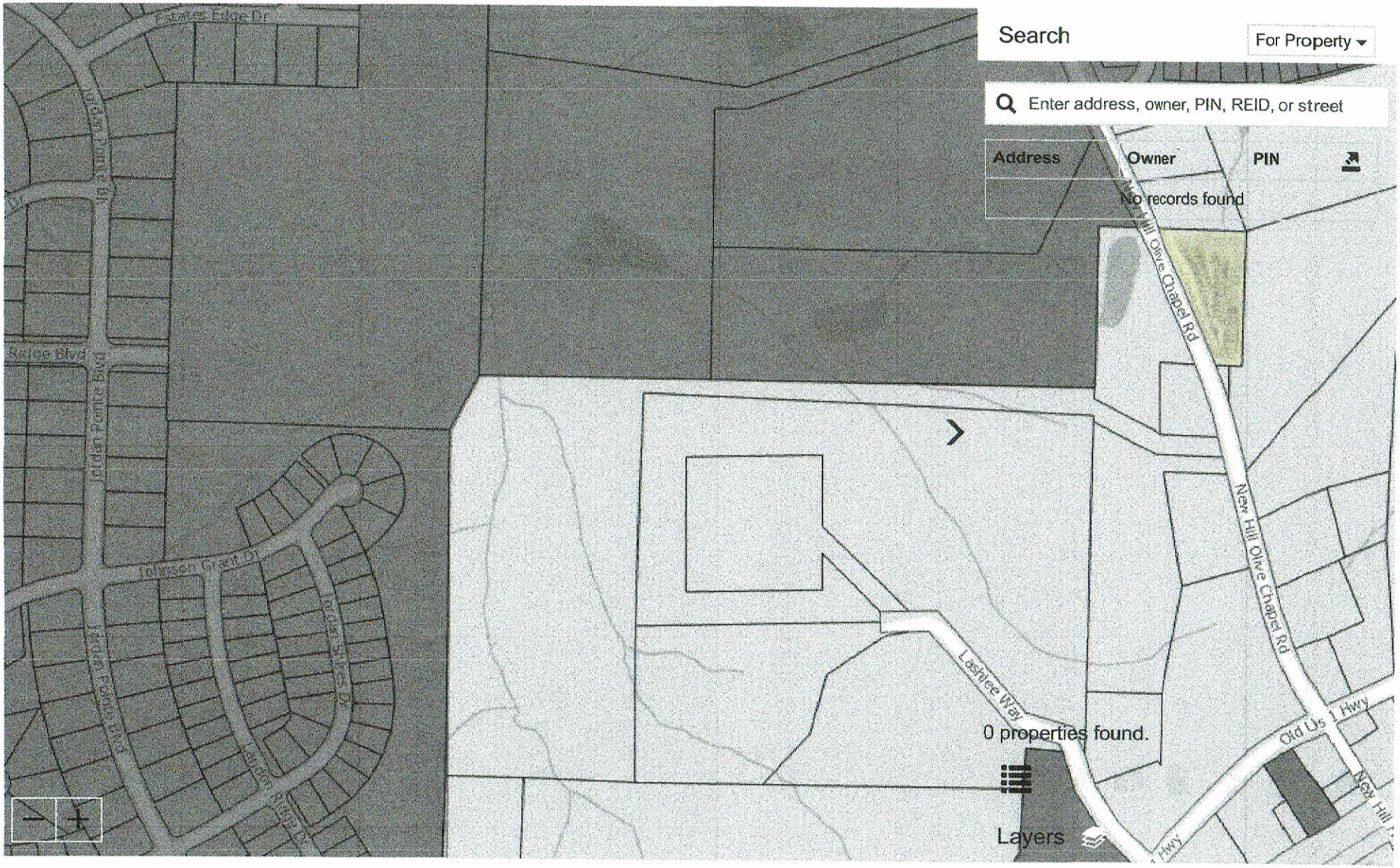
Search
For Property
Enter address, owner, PIN, REID, or street
Address
Owner
PIN
No records found
Estates Edge Dr
Jordan Pointe Blvd
Ridge Blvd
Johnson Grant Dr
Jordan Shires Dr
New Hill Olive Chapel Rd
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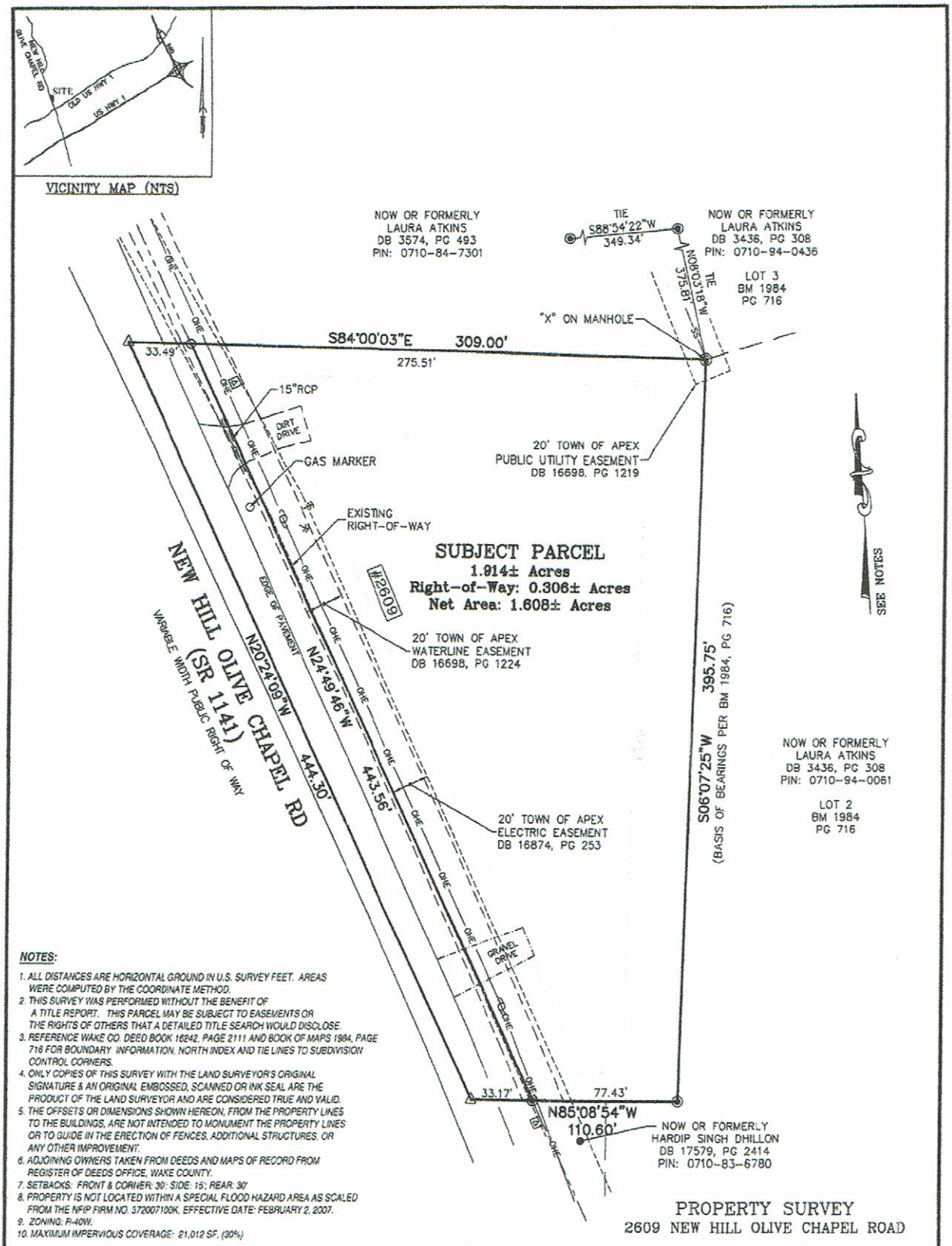

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9. ZONING: R-40W.
10. MAXIMUM IMPERVIOUS COVERAGE: 21,012 SF, (30%)

PROPERTY SURVEY
2609 NEW HILL OLIVE CHAPEL ROAD

WAKE COUNTY PARCEL NO. 0710-84-7078
BUCKHORN TOWNSHIP, WAKE COUNTY, NC

SURVEYED FOR
AR CUSTOM HOMES, LLC
959 TENDER DRIVE
APEX, NC 27502

0 25 50 100
GRAPHIC SCALE
1"=50'

LEGEND

- MATHEMATICAL POINT
- IRON PIN SET
- IRON PIN EXISTING
- TELEPHONE PEDESTAL
- SANITARY MANHOLE
- UTILITY POLE
- OHE — ELECTRIC LINES
- SS — SANITARY SEWER PIPE

MSS LAND CONSULTANTS, PC
"Committed to Total Quality Service"
Firm License: C-2070
E S T. 1 9 9 8
6118 St. Giles St (Suite E) Raleigh, NC 27612
Phone (919) 510-4464
Fax (919) 510-9102
Email: gowersw@mssland.com

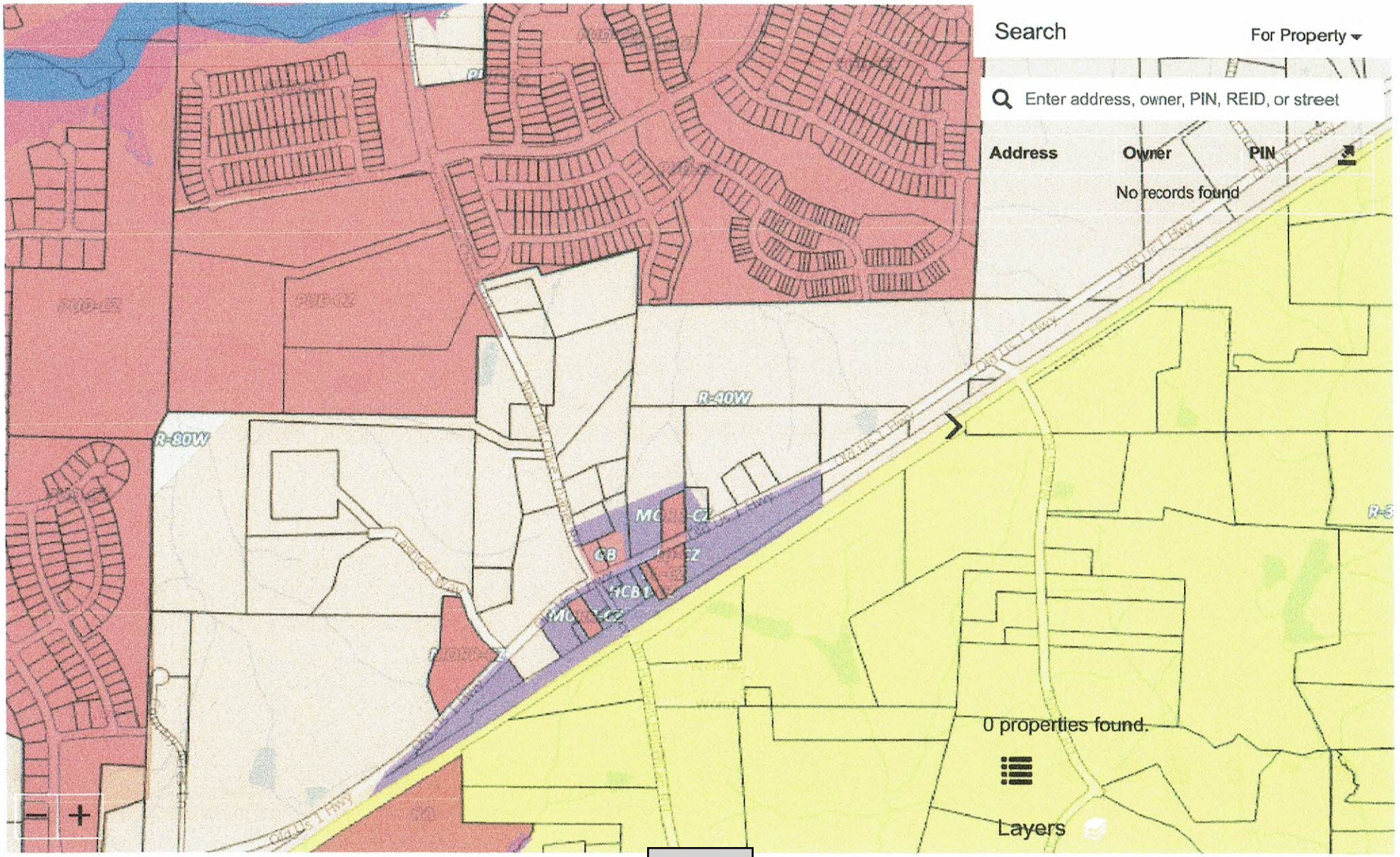
I HEREBY CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECT SUPERVISION. THIS PLAT DOES NOT CONFORM TO GS-47-30 AS AMENDED AND IS INTENDED FOR MORTGAGE CLOSING PURPOSES ONLY, NOT FOR RECORDATION. THE DIMENSIONS SHOWN HEREON FROM THE PROPERTY LINES TO THE BUILDINGS ARE NOT INTENDED TO MONUMENT THE PROPERTY LINES OR TO GUIDE IN THE ERECTION OF FENCES OR ANY OTHER IMPROVEMENT. THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSE AGREED TO BETWEEN THE CLIENT AND SURVEYOR EXCEEDS THE SCOPE OF ENGAGEMENT.

NORTH CAROLINA PROFESSIONAL SEAL L-5269 12/15/2020 LAND SURVEYOR MARK I. LUKE

MARK I. LUKE, PLS L-5269

DATE: 10/14/2020	SCALE: 1"=50'	DRAWN: ML	CHECK:	FILE: MIS-20-33

REV. 12/15/2020: ADDED EXIST. DIRT DRIVE


Search
For Property
Enter address, owner, PIN, REID, or street
Address
Owner
PIN
No records found
R-40W
R-80W
CB
HCB
0 properties found.
Layers

0 500 1000ft

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: Cusumano Residence Zoning:

Location: 2609 New Hill Olive Chapel Rd New Hill, NC 27562

Property PIN(s): 0710847078 Acreage/Square Feet: 1.914

Property Owner: Joseph D. Cusumano

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919.909.5782 Email: ARcustomhomes@outlook.com

Developer: Joseph D. Cusumano

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919.909.5782 Fax: — Email: ARcustomhomes@outlook.com

Engineer: Tyndall Engineering

Address: 250 Shipwash Dr.

City: Garner State: NC Zip: 27529

Phone: 919.773.1200 Fax: -- Email: tyndall@tyndallengineering.com

Builder (if known): AR Custom Homes LLC.

Address: 959 Tender Dr.

City: Apex State: NC Zip: 27502

Phone: 919.909.5782 Fax: — Email: ARcustomhomes@outlook.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 Mike Deaton, Stormwater & Utility Engineering Manager Stan Fortier, Senior Engineer (Sedimentation & Erosion Control)	 (919) 249-3413 (919) 249-1166
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: 21009 New Hill Olive Chapel Rd New Hill, NC 27562

Date of meeting: 1/25/21 Time of meeting: 5:00pm - 7:00pm

Property Owner(s) name(s): Joseph D. Cusumano

Applicant(s): Joseph D. Cusumano

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	no attendees.				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Joseph D. Cusumano

Applicant(s): Joseph D. Cusumano

Contact information (email/phone): ARCustomhomes@outlook.com / 919 909.5782

Meeting Address: 2609 New Hill Olive Chapel Rd. New Hill NC 27562

Date of meeting: 1/25/21 Time of meeting: 5:00pm - 7:00pm

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

Question/Concern #1:

no attendees -- no new questions

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20C216 Submittal Date: 1/26/2021

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

	Owner's Name	PIN
1.	Sherwood / Lillian Johnson	0710736732
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: 1/26/2021 By: [signature]

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, JOSHUA M SEALE, a Notary Public for the above State and County, on this the 26th day of JANUARY, 2021.

SEAL

JOSHUA M SEALE
Notary Public
Wake Co., North Carolina
My Commission Expires Dec. 19, 2024

[signature]
Notary Public

JOSHUA M SEALE
Print Name

My Commission Expires: DECEMBER 19th 2024

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 D. Cusumano, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at 2609 New Hill Olive Chapel Rd (location/address) on 1/25/2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).

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

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

1/26/2021
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joshua M Seale, a Notary Public for the above State and County, on this the 26th day of January, 2021.

SEAL
JOSHUA M SEALE
Notary Public
Wake Co., North Carolina
My Commission Expires Dec. 19, 2024

[signature]
Notary Public

Joshua M Seale
Print Name

My Commission Expires: December 19th 2024

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Motion to set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #21CZ01 Wolfe Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).

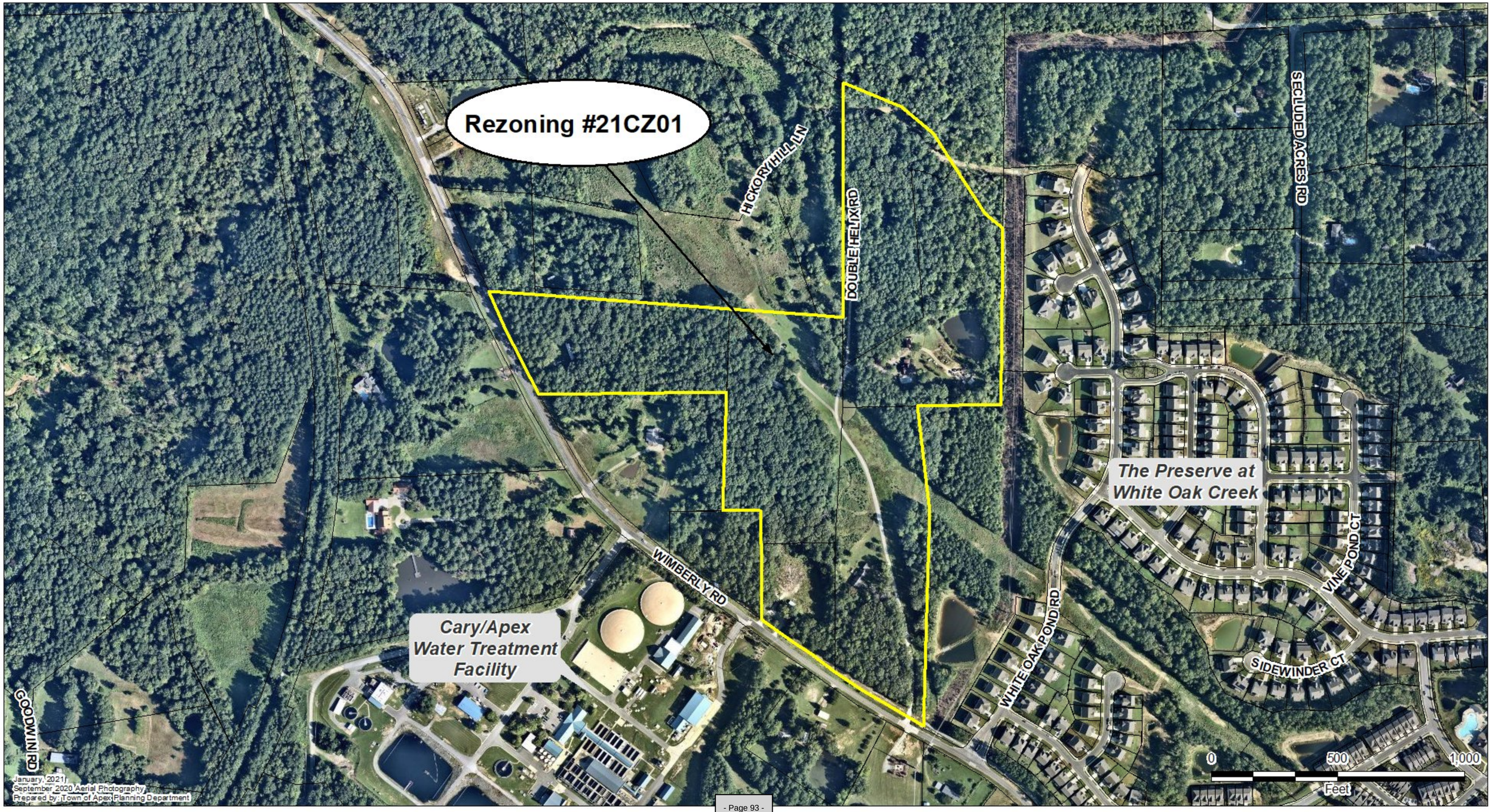
Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Attachments

- Vicinity Map
- Application


Rezoning #21CZ01
HICKORY HILL LN
DOUBLE HELIX RD
SECLUDED ACRES RD
The Preserve at
White Oak Creek
VINE POND CT
SIDEWINDER CT
WHITE OAK POND RD
WIMBERLY RD
Cary/Apex
Water Treatment
Facility
GOODWIN RD
0
500
1,000
Feet
January, 2021
September, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING DISTRICT PETITION
2045 LAND USE MAP AMENDMENT PROCESS INFORMATION

PD PLAN/PUD-CZ PETITION SUBMISSION: Applications are due by 12:00 pm on the first business day of each month. See the PUD Plan Schedule on the website for more details.

PD PLAN/PUD-CZ PETITION FEES:
PUD-CZ Request: $1,500.00 + $10 an acre
PD Plan Amendment not requiring full TRC Review: $500.00
2045 Land Use Map Amendment: $700.00

PRE-APPLICATION MEETING: A pre-application meeting with members of the Technical Review Committee is required to be scheduled prior to the submittal of a PD Plan for PUD-CZ. Pre-application meetings are typically scheduled on the 1st, 2nd and 5th Thursdays of the month.

To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Planner Lauren Staudenmaier (lauren.staudenmaier@apexnc.org) no later than five (5) working days prior to the desired meeting day.

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

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

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

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

All applicants shall provide information on the proposed residential development to Wake County Public School System at the time of application via their online Residential Development Form

- PUD-CZ Application
- PD Plan Text
- Colored Rendering of Building Elevations – 11"x17"
- Transportation Impact Analysis

Site Plan Set
- 24" x 36" size
- Scale not less than: 1" = 50' horizontal, 1" = 5' vertical
- Saved as pdf – no scanned plans

Hard Copy Submittal Requirements: Submit to Planning Department

- PUD-CZ Petition Application
- Petition Fee
- One (1) hardcopy PD Plan
- Three (3) bound Site Plan Sets – 24" x 36" size
- Colored Rendering of Building Elevations – 11"x17"
- Legal Description (metes and bounds)
- Certified List of Property Owners within 300 feet of subject property
- Development Name Approval Application
- Town of Apex Utilities Offer & Agreement
- Agent Authorization Form
- Neighborhood Meeting Packet
- If applicable: Annexation Petition, map, legal description and $200.00 fee
- Two (2) bound copies of the Transportation Impact Analysis and 1 copy of the TIA & traffic analysis files on disk or FTP site at first submittal (if applicable)
- Envelopes addressed to Certified List of Property Owners within 300 feet of subject property and all the home owners associations of those properties within 300' of the subject property.
- Addresses must be from a current list obtained from the Wake County GIS Map Services. A buffer report service is offered for $1 per page. Please contact them at 919-856-6360 or http://www.wakegov.com/tax/Pages/default.aspx
- Affixed with first class stamps & the following return address:
  Town of Apex Planning Department
  P.O. Box 250
  Apex, NC 27502

PETITION PROCESS INFORMATION

NEIGHBORHOOD MEETING: Neighborhood meetings are required per UDO Section 2.2.7 prior to application submission. The applicant is required to notify property owners and any neighborhood association that represents citizens within that area within 300 feet of the subject property via first class mail a minimum of 10 days in advance of the neighborhood meeting. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the developer and the neighbors. The applicant shall submit the "Certified List of Property Owners" and "Neighborhood Meeting Packet" forms included in this application packet with their initial submittal. The Neighborhood Meeting Packet is located at the very end of this document.

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

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

PUBLIC HEARING NOTIFICATION: Notification of the public hearing will take place by three different methods. A written notice will be sent to nearby property owners not more than 25 days nor less than 14 days prior to the public hearings, as required by the UDO. The Planning Department will prepare these written notifications for all property owners of the land subject to the application and all property owners within 300 feet of the land subject to the application. A notice will be published on the Town of Apex website (www.apexnc.org) no less than 10 days, but not more than 25 days prior to the public hearings, and a notice will be posted at the land subject to the application at least 14 days prior to the public hearings.

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

2ND PUBLIC HEARING/TOWN COUNCIL MEETING: The Town Council will consider the application, relevant support materials, the Staff Report, the Planning Board recommendation and public testimony given at the public hearing. After the public hearing the Town Council will vote to approve, approve with conditions or disapprove the rezoning. The Town Council meets at 7:00 p.m. in the Town Council Chambers on the date indicated on the Rezoning Schedule.

PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #: _____ Submittal Date: _____

Fee Paid $ _____ Check # _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Wolfe Properties PUD (The Park at Wimberly)

Address(es): 1405, 1409, 1209, 1401 Wimberly Road and 1012 & 1000 Double Helix Road

PIN(s) 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, and 0723601654

Acreage: 43.52 ac

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

Current 2045 LUM Designation: Low Density Residential

Requested 2045 LUM Designation: _____

See next page for LUM amendment

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

Area classified as mixed use: Acreage: _____

Area proposed as non-residential development: Acreage: _____

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

Applicant Information

Name: Envision Homes, LLC - Josh Swindell

Address: 441 Six Forks Road, Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 E-mail: josh@envisionhomesnc.com

Owner Information

Name: See Attached

Address: _____

City: _____ State: NC Zip: _____

Phone: _____ E-mail: _____

Agent Information

Name: Envision Homes, LLC - Josh Swindell

Address: 441 Six Forks Road, Suite 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 E-mail: josh@envisionhomesnc.com

Other contacts: _____

PIN	Owner	Mail Address 1	Mail Address 2	Deed Book	Deed Page	Deed Acres
722592506	BOWLES, WILLIAM S	1325 WIMBERLY RD	APEX NC 27523-6773	14272	1283	2.80
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445	13792	2642	2.75
723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771	7489	860	7.12
723504154	WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767	9075	2649	9.02
723508938	BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975	9896	658	7.00
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735	15672	2496	8.23

Application #: _____ Submittal Date: _____

2045 LAND USE MAP AMENDMENT (if applicable)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

_____

_____

Current 2045 Land Use Classification: _____

Proposed 2045 Land Use Classification: _____

What conditions justify the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: _____ Submittal Date: _____

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

	Owner's Name	PIN
1.	see attached list	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

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

Date: _____ By: _____

COUNTY OF WAKE STATE OF NORTH CAROLINA

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

_____
Notary Public

SEAL

_____
Print Name

My Commission Expires: _____

PIN	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Site Address
723605783	ANKNEY, JOHN ANKNEY, CHRISTINA	2600 SUNNYBROOK FARM DR	APEX NC 27523-8037		2600 SUNNYBROOK FARM DR
723605590	ARRANAGU, ESWAR BABU KONAPALLI, SANDHYA RANI	2605 SUNNYBROOK FARM DR	APEX NC 27523-8037		2605 SUNNYBROOK FARM DR
723606574	BANDA, SANDEEP SINGIREDDY, SUSHMA	2601 SUNNYBROOK FARM DR	APEX NC 27523-8037		2601 SUNNYBROOK FARM DR
722592506	BOWLES, WILLIAM S	1325 WIMBERLY RD	APEX NC 27523-6773		1325 WIMBERLY RD
723508938	BUNCE, WILLIAM D II BUNCE, GAIL E	7617 SNAFFLEBIT LN	APEX NC 27502-3975		1012 DOUBLE HELIX RD
723606173	CHANDA, SURAJ BODDULA, VINEELA	604 WHITE OAK POND RD	APEX NC 27523-8036		604 WHITE OAK POND RD
723604570	ENGLISH, JON	2609 SUNNYBROOK FARM DR	APEX NC 27523-8037		2609 SUNNYBROOK FARM DR
723604250	GUPTA, SANJEEV GUPTA, REKHA	2713 TUNSTALL GROVE DR	APEX NC 27523-8038		2713 TUNSTALL GROVE DR
722595328	KARR, TONY STREETER, TIMOTHY V	3800 SARATOGA DR	RALEIGH NC 27604-3445		1405 WIMBERLY RD
723606337	LAUB, KHRISTOPHER BERNARD LAUB, SARAH BETH	2704 TUNSTALL GROVE DR	APEX NC 27523-8038		2704 TUNSTALL GROVE DR
722681879	LOFARO, ANDREW R LOFARO, WINTER	728 WHITE OAK POND RD	APEX NC 27523-8507		728 WHITE OAK POND RD
723614091	MACK, RONALD WILLIAM MACK, JENNIFER OLIVIA	550 WHITE OAK POND RD	APEX NC 27523-8035		550 WHITE OAK POND RD
722683832	MUDIVARTHY, SAINANDAN UPPALAPATI, NAGAMANI	2649 RAMBLING CREEK RD	APEX NC 27523-7806		2649 RAMBLING CREEK RD
722498843	OTTAWAY, DANNY L OTTAWAY, JOAN M	C/O TRUSS BUILDERS	10401 CHAPEL HILL RD	MORRISVILLE NC 27560-8710	1309 WIMBERLY RD
722693134	PATEL, ARJUNBHAI SURESH PATEL, REENABEN ARJUNBHAI	712 WHITE OAK POND RD	APEX NC 27523-8507		712 WHITE OAK POND RD
723604640	PATEL, GAURAVKUMAR PATEL, KRUPABEN	2608 SUNNYBROOK FARM DR	APEX NC 27523-8037		2608 SUNNYBROOK FARM DR
722682925	PATEL, VRAJESH RAMESHBHAI PATEL, MEGHA VRAJESH	724 WHITE OAK POND RD	APEX NC 27523-8507		724 WHITE OAK POND RD
723601654	PATON, JOHN TERRY	1000 DOUBLE HELIX RD	APEX NC 27523-6735		1000 DOUBLE HELIX RD
722681610	POOLE, TERRY D	1440 WIMBERLY RD	APEX NC 27523-9660		1440 WIMBERLY RD
723604881	POTYANDY, MICHAEL OONWALA, FARIDA	558 WHITE OAK POND RD	APEX NC 27523-8035		558 WHITE OAK POND RD
723606076	RATHIE, SUNNY MEHTA, AMRITA MAHENDRA	608 WHITE OAK POND RD	APEX NC 27523-8036		608 WHITE OAK POND RD
723605348	REYNA, ERIN MARIE REYNA, MIGUEL ELIAS	2708 TUNSTALL GROVE DR	APEX NC 27523-8038		2708 TUNSTALL GROVE DR
723406397	RONK, SARAH W	1209 WIMBERLY RD	APEX NC 27523-6771		1209 WIMBERLY RD
723517896	ROSS, JEFFREY A ROSS, LISA L	1104 DOUBLE HELIX RD	APEX NC 27523-6750		1104 DOUBLE HELIX RD
723605145	SATPATHY, CHANDAN MUNIKRISHNA, ARUNA	2709 TUNSTALL GROVE DR	APEX NC 27523-8038		2709 TUNSTALL GROVE DR
723604780	SCHROEDER, JEFFREY THOMAS GAUTAM, GEETANJALI	2604 SUNNYBROOK FARM DR	APEX NC 27523-8037		2604 SUNNYBROOK FARM DR
722692098	SEFEIN, SABRY NAGUIB SEFEIN, MARIAN MAKRAM HANNA	716 WHITE OAK POND RD	APEX NC 27523-8507		716 WHITE OAK POND RD
722692062	SHELL, JOHN SCOTT SHELL, SUSAN FINK	720 WHITE OAK POND RD	APEX NC 27523-8507		720 WHITE OAK POND RD
723318165	SMITH, JAMES M SMITH, LOUANN J	1124 WIMBERLY RD	APEX NC 27523-9678		1116 WIMBERLY RD
723403739	SMITH, JAMES M SMITH, LOUANN J	1125 WIMBERLY RD	APEX NC 27523-9679		1125 WIMBERLY RD
722692653	TAYLOR MORRISON OF CAROLINAS INC	15501 WESTON PKWY STE 100	CARY NC 27513-8636		730 WHITE OAK POND RD
723616735	TAYLOR MORRISON OF CAROLINAS INC	15502 WESTON PKWY STE 100	CARY NC 27513-8637		731 WHITE OAK POND RD
722689944	THE PRESERVE AT WHITE OAK CREEK HOA	15501 WESTON PKWY STE 100	CARY NC 27513-8636		0 RAMBLING CREEK RD
723607985	THE PRESERVE AT WHITE OAK CREEK HOA	15502 WESTON PKWY STE 100	CARY NC 27513-8637		0 WHITE OAK POND RD
723406796	TOWN OF APEX	STEVEN ADAMS	PO BOX 250	APEX NC 27502-0250	1129 WIMBERLY RD
723416124	TOWN OF APEX	STEVEN ADAMS	PO BOX 251	APEX NC 27502-0251	1133 WIMBERLY RD
723514178	TOWN OF APEX	STEVEN ADAMS	PO BOX 252	APEX NC 27502-0252	1200 HICKORY HILL LN
722484517	TOWN OF APEX / TOWN OF CARY				1400 WIMBERLY RD
722585884	TOWN OF CARY	PO BOX 8005	CARY NC 27512-8005		1408 WIMBERLY RD
723400229	VANDE, BERG BRUCE ALAN VANDE, AMY CARTER	1204 WIMBERLY RD	APEX NC 27523-6770		1204 WIMBERLY RD
722693260	WADHWA, DEEPAK WADHWA, NEETU	708 WHITE OAK POND RD	APEX NC 27523-8507		708 WHITE OAK POND RD
722598851	WOLFE, BILLY RAY	1409 WIMBERLY RD	APEX NC 27523-6767		1409 WIMBERLY RD
723504154	WOLFE, WILLIE T JR WOLFE, DONNA G	1401 WIMBERLY RD	APEX NC 27523-6767		1401 WIMBERLY RD
723606270	WONG, SAMUEL J WONG, ASHLEY FRANCES	600 WHITE OAK POND RD	APEX NC 27523-8036		600 WHITE OAK POND RD
723604354	WOO, HYUN J LEE, DAVID W	2712 TUNSTALL GROVE DR	APEX NC 27523-8038		2712 TUNSTALL GROVE DR

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

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

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

•excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: _____

Proposed Subdivision/Development Information

Description of location: Northwest corner of Wimberly Road and Hickory Hill Lane

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

Wake County PIN(s): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938 and 0723601654

Township: White Oak

Contact Information (as appropriate)

Contact person: Andrew Petty, PE - The Curry Engineering Group, PLLC

Phone number: 919-552-0849 Fax number: _____

Address: 205 S Fuquay Avenue, Fuquay Varina, NC 27526

E-mail address: andy@curryeng.com

Owner: Josh Swindell - Envision Homes, LLC

Phone number: 919-389-7595 Fax number: _____

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

E-mail address: josh@envisionhomesnc.com

Proposed Subdivision/Development Name

1st Choice: The Park at Wimberly

2nd Choice *(Optional)*: _____

Town of Apex Staff Approval:

_____ _____

Town of Apex Planning Department Staff Date

The Park at Jordan

STREET NAME APPROVAL APPLICATION

Application #: 7146 Submittal Date: August 14, 2020

Wake County Approval Date: 17 Sep 2020

Guidelines:

- No names duplicating or sounding similar to existing road names
- Avoid difficult to pronounce names
- No individuals' names
- Avoid proper names of a business, e.g. Hannaford Drive
- Limit names to 14 characters in length
- No directionals, e.g. North, South, East, West
- No punctuation marks, e.g. periods, hyphens, apostrophes, etc.
- Avoid using double suffixes, e.g. Deer Path Lane
- All names must have an acceptable suffix, e.g. Street, Court, Lane, Path, etc.
- Use only suffixes which are Town of Apex approved
- Town of Apex has the right to deny any street name that is determined to be inappropriate

Information:

Description of location: Northwest corner of Wimberly Road and Hickory Hill Lane

Nearest intersecting roads: Wimberly Road and Hickory Hill Lane

Wake County PIN(s): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938 and 0723601654

Township: White Oak

Contact information (as appropriate)

Contact person: Andrew Petty, PE - The Curry Engineering Group, PLLC

Phone number: 919-552-0849 x102 Fax number:

Address: 205 S Fuquay Avenue, Fuquay Varina, NC 27526

E-mail address: andy@curryeng.com

Owner: Josh Swindell - Envision Homes, LLC

Phone number: 919-389-7585 Fax number:

Address: 4441 Six Forks Road, Ste 106-117, Raleigh, NC 27609

E-mail address: josh@envisionhomesnc.com

STREET NAME APPROVAL APPLICATION

Application #: _____ Submittal Date: August 14, 2020

# of roads to be named: ~~7~~ 6 ← updated per email 17 Sep 2020

Please submit twice as many road names as needed, with preferred names listed first. Proposed road names should be written exactly as one would want them to appear. Town of Apex Planning Department staff will send all approved street names to the Wake County GIS Department for county approval. Please allow several weeks for approval. Upon approval Wake County GIS – Street Addressing will inform you of the approved street names.

Example:	Road Name	Suffix
	Hunter	Street

✓ 1	Mirkwood Avenue	11	
2	~~Bullocks Place~~	12	
3	~~Starcourt Street~~	13	
✓ 4	Hawkins Post Road	14	
✓ 5	Kerley Circle	15	
✓ 6	Duffer Drive	16	
✓ 7	Loch Nora Drive	17	
8	~~Mt. Moriah Road~~	18	
✓ 9	Scoop Street ← added per email 17 Sep 2020	19	
10		20	

TOWN OF APEX STAFF APPROVAL

Town of Apex Staff Approval — Date: 8/20/2020

WAKE COUNTY STAFF APPROVAL:

GIS certifies that 6 names indicated by checkmark ☑ are approved.
Please disregard all other names.

Comments: zip code = 27523 Chatham okay

Wake County GIS Staff Approval — Date: 17 Sep 2020

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: _____ Submittal Date: _____

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

Wolfe Properties PUD

_____
(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.

Envision Homes, 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: Envision Homes, LLC	TOWN OF APEX
BY: _____ Authorized Agent	BY: _____ Authorized Agent
DATE: 12.4.19	DATE: _____

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Tony Karr and Timothy V. Streeter 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: 1405 Wimberly Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

DocuSigned by:
F991F47BA48C457...
Tony Karr — 9/23/2019
Type or print name — Date

DocuSigned by:
999A9ED81B3E475...
Timothy V. Streeter — 9/23/2019
Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Sarah W. Ronk is the owner* of the property for which the attached application is being submitted:

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

The property address is: 1209 Wimberly Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

Sarah W. Ronk

Sarah W. Ronk — Type or print name

Sept 23, 2019 — Date

_____

_____ Type or print name _____ Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

John Terry Paton 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: 1000 Double Helix Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 4441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-389-7595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

DocuSigned by:
310A10B427694DF...

John Terry Paton — 9/23/2019

Type or print name — Date

_____

Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Billy Ray Wolfe 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: 1409 Wimberly Road

The agent for this project is: _____

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

Agent Name: Envision Homes, LLC

Address: 441 Six Forks Road, Suite 106-117, Raleigh, NC 27609

Telephone Number: 919-3897595

E-Mail Address: josh@envisionhomesnc.com

Signature(s) of Owner(s)*

* Billy Ray Wolfe

Billy Ray Wolfe — Type or print name — Date: 9-23-19

_____ Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

William D. Bunce II and Gail E. Bunce 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: 1012 Double Helix Road

The agent for this project is: _____

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

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

William D. Bunce II — 25 Sep 2019

Type or print name — Date

Gail E. Bunce — 09/25/19

Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AGENT AUTHORIZATION FORM

Application #: _____ Submittal Date: _____

Willie T. Wolfe, Jr and Donna G. Wolfe 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: 1401 Wimberly Road

The agent for this project is: _____

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

Agent Name: _____

Address: _____

Telephone Number: _____

E-Mail Address: _____

Signature(s) of Owner(s)*

Willie T. Wolfe Jr.

Willie T. Wolfe, Jr. — Type or print name — 9/25/2019 Date

Donna Wolfe

Donna G. Wolfe — Type or print name — 9/25/2019 Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Tony Karr and Timothy V. Streeter (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 1405 Wimberly Road 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 7/15/2009, and recorded in the Wake County Register of Deeds Office on 12/14/2009, in Book 013792 Page 02642.

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 1405 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1405 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22nd day of November, 2019.

_____ (seal)

(AW) ~~Amaris Watkins~~ TONY KARR

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

AMARIS WATKINS
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 11-06-2024

[NOTARY SEAL]

Amaris Watkins
Notary Public
State of North Carolina
My Commission Expires: 11·06·2024

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Sarah W. Ronk (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 1209 Wimberly Road 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 5/30/1997, and recorded in the Wake County Register of Deeds Office on 5/30/1997, in Book 007489 Page 00860.

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 1209 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1209 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 22nd day of November, 2019.

Sarah W. Ronk (seal)

Sarah W. Ronk

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 Sarah Wolfe Ronk, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC ID, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Anelbi Gray
NOTARY PUBLIC
Wake County, NC
My Commission Expires July 25, 2024

Notary Public
State of North Carolina
My Commission Expires: 07/25/2024

[NOTARY SEAL]

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Willie T. Wolfe, Jr and Donna G. Wolfe (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 1401 Wimberly Road 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 8/24/2001, and recorded in the Wake County Register of Deeds Office on 9/14/2001, in Book 009075 Page 02649.

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 1401 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1401 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 15 day of November, 2019.

Willie T. Wolfe Jr. Donna G Wolfe (seal)

Willie T. Wolfe Jr. Donna G Wolfe

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 Willie T. Wolf, Jr. & Donna G. Wolf Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver's Licenses, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

DEANNE M WARREN NOTARY PUBLIC WAKE COUNTY, NC

[NOTARY SEAL]

Deanne M. Warren

Notary Public
State of North Carolina
My Commission Expires: 01/06/2024

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Tony Karr and Timothy V. Streeter (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 1405 Wimberly Road 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 7/15/2009, and recorded in the Wake County Register of Deeds Office on 12/14/2009, in Book 013792 Page 02642.

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 1405 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1405 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 15th day of Nov, 2019.

_____ (seal)
Timothy V Streeter
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 Timothy V. Streeter, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Timothy V. Streeter, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

MANISHA GAMAGE NOTARY My Comm. Expires May 3, 2021 PUBLIC WAKE COUNTY, NC

[NOTARY SEAL]

Manisha Gamage
Notary Public
State of North Carolina
Manisha Gamage
My Commission Expires: 05·03·2021

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, John Terry Paton (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 1000 Double Helix Road 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 5/29/2014, and recorded in the Wake County Register of Deeds Office on 5/29/2014, in Book 015672 Page 02496.

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 1000 Double Helix Rd, 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 1000 Double Helix Rd no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 12th day of November, 2019.

_____ (seal)

John Terry Paton

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that John T. Paton, 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.

CORY WOLFE NOTARY PUBLIC WAKE COUNTY, NC

[NOTARY SEAL]

_____
Notary Public
State of North Carolina
My Commission Expires: September 30th, 2023

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, Billy Ray Wolfe (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 1409 Wimberly Road 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 1/1/1997, and recorded in the Wake County Register of Deeds Office on 1/10/1997, in Book 007294 Page 00114.

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 1409 Wimberly Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 1409 Wimberly Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 19 day of November, 2019.

Billy Ray Wolfe (seal)

Billy Ray Wolfe

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 Billy Ray Wolfe, 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 SEAL] KAREN W. WATKINS NOTARY PUBLIC WAKE COUNTY, NC

Karen W. Watkins
Notary Public
State of North Carolina
My Commission Expires: 9/21/2021

AFFIDAVIT OF OWNERSHIP

Application #: _____ Submittal Date: _____

The undersigned, William D. Bunce II and Gail E. Bunce (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 1012 Double Helix Road 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 2/3/2003, and recorded in the Wake County Register of Deeds Office on 2/5/2003, in Book 009896 Page 00658.

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 1012 Double Helix Rd, 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 1012 Double Helix Rd, 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 18th day of November, 2019.

Gail E Bunce (seal)

William D Bunce II GAIL E BUNCE

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, NC, hereby certify that William D. Bunce, II and Gail E. Bunce, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's (Personally Know), personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Jennifier W. Palermo
Notary Public
Wake County, North Carolina

[NOTARY SEAL]

Jennifier W. Palermo
Notary Public
State of North Carolina
My Commission Expires: October 25, 2020

Application #: _____ Submittal Date: _____

Insert legal description below.

1209 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 730,593.08 and East 2,024,286.65; thence from said beginning point, the following calls:

- S 86°11'46" E a distance of 182.99' to a point;
- S 85°45'45" E a distance of 769.81' to a point;
- S 01°58'45" W a distance of 328.13' to a point;
- S 89°21'41" W a distance of 740.23' to a point;
- N 28°28'40" W a distance of 63.48' to a point;
- a curve turning to the right with an arc length of 307.65', with a radius of 3895.50', with a chord bearing of N 26°12'54" W, with a chord length of 307.57' to a point;
- N 23°57'09" W a distance of 80.40' to the Point of Beginning.

The above described tract containing 309,217 square feet (7.099 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1401 Wimberly Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 730,196.13 and East 2,025,225.6; thence from said beginning point, the following calls:

- N 01°58'45" E a distance of 328.13' to a point;
- S 85°45'45" E a distance of 349.08' to a point;
- S 85°46'48" E a distance of 99.95' to a point;
- S 00°17'40" W a distance of 355.27' to a point;
- S 03°11'05" W a distance of 537.08' to a point;
- S 89°38'42" W a distance of 291.42' to a point;
- N 00°34'26" W a distance of 130.32' to a point;
- S 89°41'26" W a distance of 150.96' to a point;
- N 01°58'45" E a distance of 469.32' to the Point of Beginning.

The above described tract containing 392,670 square feet (9.014 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1405 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 729,291.13 and East 2,025,364.73; thence from said beginning point, the following calls:

- N 00°34'26" W a distance of 306.48' to a point;
- N 89°38'42" E a distance of 291.42' to a point;
- S 00°12'43" E a distance of 516.89' to a point;
- A curve turning to the right with an arc length of 162.31', with a radius of 4171.73', with a chord bearing of N 54°51'15" W, with a chord length of 162.30' to a point;
- N 54°07'46" W a distance of 77.08' to a point;
- N 53°37'44" W a distance of 118.09' to a point;
- N 00°34'26" W a distance of 306.48' to the Point of Beginning.

The above described tract containing 119,882 square feet (2.752 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1409 Wimberly Road

BEGINNING at a point on the north-eastern right-of-way margin of Wimberly Road, said point having North Carolina State Plane Coordinates of North: 728,871.53 and East 2,026,004.45; thence from said beginning point, the following calls:

- N 62°13'45" W a distance of 45.22' to a point;
- A curve turning to the right with an arc length of 363.19', with a radius of 4171.73', with a chord bearing o fN 58°27'47" W, with a chord length of 363.07' to a point;
- N 00°12'43" W a distance of 516.89' to a point;
- N 03°11'05" E a distance of 537.08' to a point;
- N 89°00'32" E a distance of 296.40' to a point;
- S 06°41'35" E a distance of 419.20' to a point;
- S 01°35'27" W a distance of 853.23' to a point;
- N 62°13'45" W a distance of 45.22' to the Point of Beginning.

The above described tract containing 410,586 square feet (9.426 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1000 Double Helix Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 730,146.11 and East 2,026,310.56; thence from said beginning point, the following calls:

- S 89°04'35" W a distance of 331.33' to a point;
- S 89°00'32" W a distance of 296.40' to a point;
- N 00°17'40" E a distance of 160.60' to a point;
- N 58°39'41" E a distance of 373.67' to a point;
- N 04°43'53" W a distance of 584.42' to a point;
- S 83°51'56" E a distance of 49.88' to a point;
- S 65°54'24" E a distance of 85.43' to a point;
- N 41°41'56" E a distance of 69.17' to a point;
- S 32°39'55" E a distance of 219.03' to a point;
- S 50°46'48" E a distance of 91.31' to a point;
- S 00°32'58" W a distance of 696.25' to the Point of Beginning.

The above described tract containing 358,904 square feet (8.239 acres)

Application #: _____ Submittal Date: _____

Insert legal description below.

1012 Double Helix Road

BEGINNING at an existing iron pipe having North Carolina State Plane Coordinates of North: 731,418.45 and East 2,025,687.51; thence from said beginning point, the following calls:

- S 67°39'28" E a distance of 247.90' to a point;
- S 49°40'39" E a distance of 166.19' to a point;
- S 32°39'55" E a distance of 157.06' to a point;
- S 41°41'56" W a distance of 69.17' to a point;
- N 65°54'24" W a distance of 85.43' to a point;
- N 83°51'56" W a distance of 49.88' to a point;
- S 04°43'53" E a distance of 584.42' to a point;
- S 58°39'41" W a distance of 373.67' to a point;
- N 00°17'40" E a distance of 194.66' to a point;
- N 00°10'17" E a distance of 927.55' to the Point of Beginning;

The above described tract containing 304,410 square feet (6.988 acres)

Instruction Packet and Affidavit for
Electronic Neighborhood Meetings

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

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Electronic Neighborhood Meeting during times when in-person gatherings are restricted. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezonings (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, Residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Electronic Neighborhood Meeting as indicated below. The applicant shall submit all forms included in this packet with the initial application submittal.

Whenever feasible, an in-person Neighborhood Meeting following all of the requirements of the standard Neighborhood Meeting procedures shall be held prior to public hearing by the Planning Board and/or Town Council or approval by Technical Review Committee, as appropriate. Feasibility shall be determined by the Planning Director, taking into account the regularly published schedule, length of delay caused by ongoing emergency declarations, amount of public interest expressed during the electronic neighborhood meeting and afterwards, and any other pertinent information that would show that a particular project warrants an in-person neighborhood meeting prior to public hearings and/or approval.

The Electronic Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the "mailed materials" requirements be

The meeting must be held within specific timeframes and meet certain requirements:

- During emergency declarations and/or limits on size of gatherings and social distancing, the meeting must be held as follows prior to application submittal:
    - Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on Town recognized holidays (which coincide with the State of North Carolina recognized holidays).
- An attendance sheet must be used log known attendees at the electronic meeting. Note if no one attended.
- Mailed materials requirements:

  In addition to a vicinity map, the following documents shall be mailed with the meeting notice:
    - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), an existing zoning map of the area must be provided to help facilitate discussion.
    - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; Residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be provided to help facilitate discussion. Neighbors may request emailed copies of the maps or plans from the applicant by contacting the applicant and requesting such; applicant shall provide reduced copies upon request.
    - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
    - "Common Construction Issues & Who to Call" sheet (attached) must be included.
    - A copy of the mailed materials must be included as part of the Neighborhood Meeting report.
- The agenda for the Electronic Neighborhood Meeting shall include:
    - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
    - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
    - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by virtual attendees, and responses by the applicant, if any, must be noted. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant during the Electronic Neighborhood Meeting and in the Neighborhood Meeting Report.
- The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the attendance sheet for the Electronic Neighborhood Meeting (use attached attendance sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans provided in the mailing.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

December 15, 2020
Date

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

1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Dr Address(es)

0722595328, 0722598851, 0723406397, 0723504154, 0723508938 & 0723601654 PIN(s)

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

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

	Application Type	Approving Authority
✓	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):
120 units - 70 single family detached and 50 townhomes. Town of Apex owned land attached for future park is shown for reference only. The park is NOT part of this Rezoning or Master Subdivision Plan

Estimated submittal date: _____

MEETING INFORMATION:	
Property Owner(s) name(s):	Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton
Applicant(s):	Curry Engineering - Andy Petty
Contact information (email/phone):	andy@curryeng.com / 919-552-0849 ext 102
Electronic Meeting invitation/call in info:	Join Zoom Meeting (**SEE ATTACHED SHEET**)
Date of meeting**:	Monday, December 28, 2020
Time of meeting**:	5 pm to 7 pm

MEETING AGENDA TIMES:
Welcome: 5:00 pm Project Presentation: 5:15 pm Question & Answer: 5:30 pm

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: The Park at Jordan (previously Wolfe Properties PUD) Zoning: PUD-CZ

Location: 1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Dr

Property PIN(s): 0722595328, 0722598851, 0723406397, 0723504154, 0723508938 & 0723601654 Acreage/Square Feet: 43.39

Property Owner: Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton

Address: 1405, 1409, 1209 & 1401 Wimberly Rd and 1012 & 1000 Double Helix Dr

City: Apex State: NC Zip: 27523

Phone: Email:

Developer: Envision Homes - Josh Swindoll

Address: 4441 Six Forks Rd, Ste 106-117

City: Raleigh State: NC Zip: 27609

Phone: 919-389-7595 Fax: Email: josh@envisionhomesnc.com

Engineer: Curry Engineering - Andy Petty

Address: 205 S Fuquay Avenue

City: Fuquay-Varina State: NC Zip: 27526

Phone: 919-552-0849 x102 Fax: Email: andy@curryeng.com

Builder (if known): TBD

Address:

City: State: Zip:

Phone: Fax: Email:

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic:	James Misciagno	919-372-7470

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

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

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

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470

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

Trash:	James Misciagno	919-372-7470

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

Temporary Sediment Basins:	James Misciagno	919-372-7470

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation:	Rodney Smith	919-249-3342

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

ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

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

Meeting Format: Join Zoom Meeting - https://us02web.zoom.us/j/89186143288?pwd=cE5aZUpLZGxUQldjODFjOXR6ZHNzdz09 Meeting ID: 891 8614 3288 Passcode: 635821

Date of meeting: Monday December 28, 2020 Time of meeting: 5:00 pm

Property Owner(s) name(s): Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton

Applicant(s): Envision Homes, LLC

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Andrew Petty / Curry Engineering	205 South Fuquay Avenue Fuquay-Varina, NC 27526	[redacted]	[redacted]	
2.	Jeffery & Lisa Ross	1104 Double Helix Road Apex, NC 27523	[redacted]	[redacted]	
3.	John Paton	1000 Double Helix Road Apex, NC 27523	[redacted]	[redacted]	
4.					
5.					
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Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Tony Karr, Timothy Streeter, Billy Ray Wolfe, Sarah Ronk, William and Gail Bunce, Willie & Donna Wolfe and John Paton

Applicant(s): Envision Homes LLC

Contact information (email/phone): josh@envisionhomesnc.com / 919-389-7595

Meeting Format: Join Zoom Meeting - https://us02web.zoom.us/j/84009525815?pwd=VkRCOTBobjBIUU8zNkVPV2N3VDZ6UT09 Meeting ID: 840 0952 5815 Passcode: 627742

Date of meeting: Monday December 28, 2020 Time of meeting: 5:00 pm

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

Question/Concern #1:

What is in the Public Services Station #6?

Applicant's Response:

I believe it is Fire and EMS only.

Question/Concern #2:

When do we expect roadway construction to start?

Applicant's Response:

Anticipated schedule would be late spring to early summer of 2021

Question/Concern #3:

Are the conditions all that is changing as part of this rezoning?

Applicant's Response:

Yes. Because this was a conditional rezoning and the conditions are being modified, we have to have a new neighborhood meeting to change the conditions through a zoning amendment.

Question/Concern #4:

Meeting was started at 5:00 PM. Applicant waited until 5:05 PM to go over the changes to allow for some late additions to the meeting. Applicant ended the zoom call at 5:32 PM after all questions had been addressed and no one else was on the call.

Applicant's Response:

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

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

I, Andrew Petty, do hereby declare as follows:
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.

3. The meeting was conducted via Zoom Call (indicate format of meeting) on December 28 (date) from 5 PM (start time) to 5:32 PM (end time).

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

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

2/2/2021
Date

By: [signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Amy D. Gorman, a Notary Public for the above State and County, on this the 2nd day of Feb, 20 21.

SEAL

AMY D GORMAN
Notary Public
Johnston Co., North Carolina
My Commission Expires Apr. 28, 2023

[signature]
Notary Public

Amy D. Gorman
Print Name

My Commission Expires: April 28th 2023

Prepared for:

ENVISION HOMES, LLC
4441 Six Forks Road
Suite 106-117
Raleigh, NC 27609

PD PLAN

Wolfe Properties PUD

A PLANNED UNIT DEVELOPMENT

Town of Apex, North Carolina

October 1, 2019
Revised December 6, 2019
Revised February 14, 2020
Revised March 13, 2020
Revised May 6, 2020
FINAL VERSION – June 18, 2020
Amended – January 4, 2021
Amended – January 27, 2021

Curry
ENGINEERING

NORTH CAROLINA PROFESSIONAL SEAL 36823 ENGINEER ANDREW S. PETTY

Prepared by:

Andrew Petty, PE
The Curry Engineering Group, PLLC
PO Box 2018
205 S. Fuquay Avenue
Fuquay-Varina, N
(919)552-0849

Curry ENGINEERING

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T (919) 552-0849
F (919) 552-2043
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526

CURRY ENGINEERS EST. 10 NORTH CAROLINA

2.0 Vicinity Map

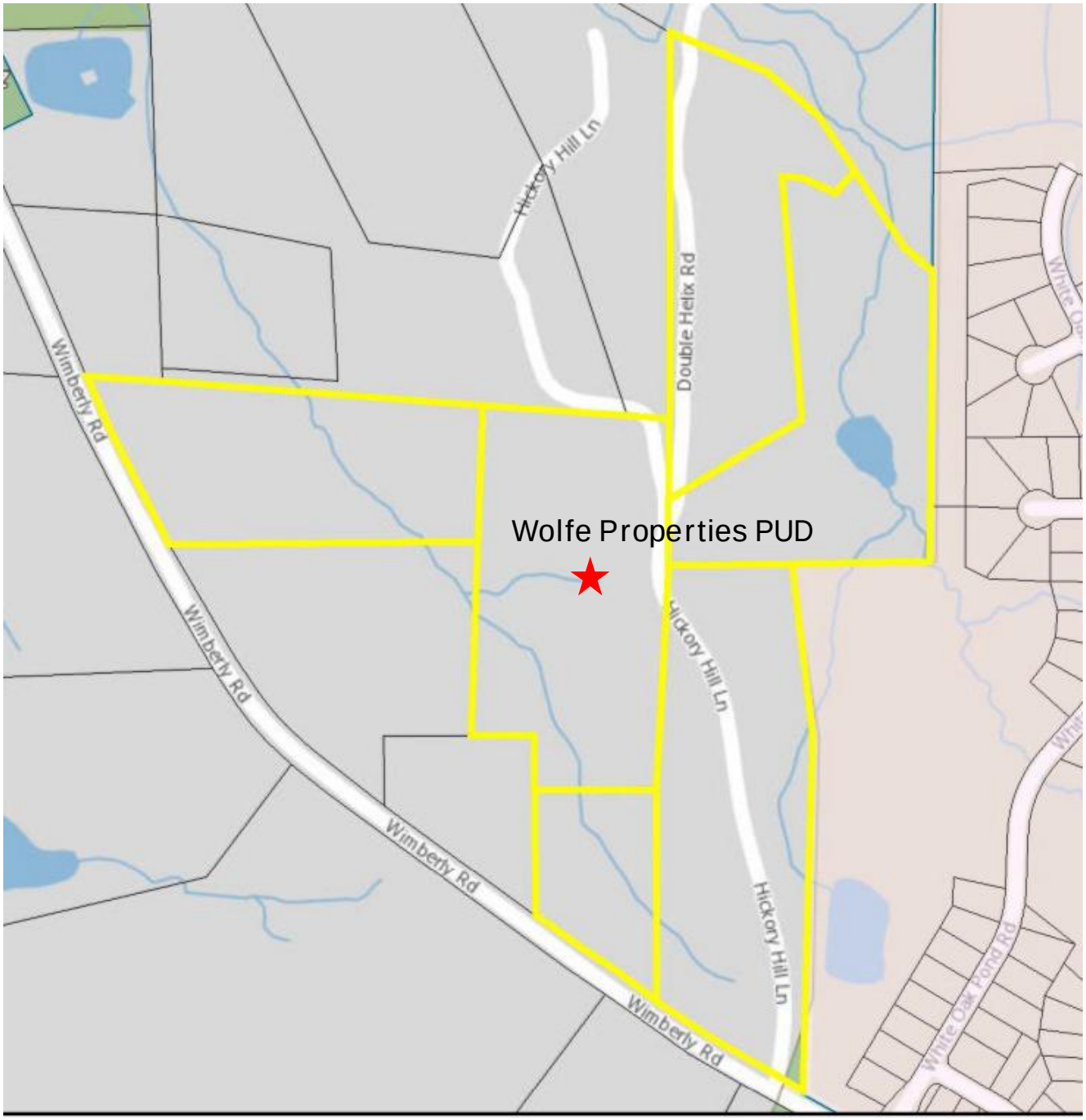


Figure 1 - Vicinity Map – Courtesy of Wake County iMaps 2019

3.0 Project Data

3.1 Project Name: **Wolfe Properties PUD**

3.2 Owner/Developer: **Envision Homes, LLC**
4441 Six Forks Road, Suite 106-117
Raleigh, NC 27609
(919) 389-7595

3.3 Prepared By: **The Curry Engineering Group, PLLC**
205 S Fuquay Avenue
Fuquay-Varina, NC 27526
(919) 552-0849

3.4 Designated Single Point of Contact: Andrew Petty, PE
The Curry Engineering Group, PLLC

3.5 Current and Proposed Zoning of the Property:

Current Zoning: PUD-CZ (#19CZ22)
Proposed Zoning: PUD-CZ

3.6 Current and Proposed Land Uses:

Current: Residential, Vacant
Proposed: Residential

3.7 Current and Proposed 2045 Land Use Designation:

Current: Low Density Residential
Proposed: Low Density Residential

4.0 Purpose Statement

Wolfe Properties PUD is a proposed residential project to be developed under the Town of Apex ordinance as a Planned Unit Development (PUD). The project contains six parcels under contract by Envision Homes, LLC. The project is located along Wimberly Road and adjacent to the Preserve at White Oak development. These parcels are all designated as Low Density Residential on the 2045 Land Use Map.

The proposal to rezone this property to PUD-CZ is in keeping with the town's objectives to create high quality developments with a small town feel. This development will be a pedestrian friendly community with sidewalks along both sides of the internal public streets and sidewalk stubs to the future Town of Apex Park. The project will cluster small lots and townhome units near the future town park to create a community feel and ensure the future park is an amenity to the community. This development will enhance the value of the surrounding properties by providing quality residential development for the areas as a mixed residential development.

5.0 Permitted Uses

The Town of Apex UDO allows a mixture of uses in the PUD zoning district and the owners have chosen to further restrict the allowable uses as listed below:

Residential Uses
Single family (Minimum Lot Size = 6,000 sf)
Townhome (Minimum Width = 20')
Accessory Apartment

Utilities
Utility, minor

Recreational Uses
Greenway
Park, active
Park, passive
Recreational facility, private

Government Services – Limited to Parcel #1 and #2 as shown on the PUD Plan.

6.0 Design Controls

6.1 Maximum Densities

Maximum residential density for the project is 3.0 units per gross acre or a maximum of 130 units. The total gross acreage for the property is 43.52. This development proposes 130 units.

6.2 Proposed Maximum Height of the Buildings and Number of Stories

Single Family Maximum Height – 42'
Townhouses – Maximum Height – 50'

Single Family Maximum Stories – 2
Townhouses Maximum Stories – 3

6.3 Proposed Minimum Building Setbacks

Residential Single Family Detached
From Buffer or RCA – 10'
Front Yard – 10' Minimum
Side Yard – 5' Minimum (no aggregate)
Corner Side Yard – 10' Minimum
Rear Yard – 10' Minimum
Driveways from Back of Sidewalk to Garage – 20' (12' minimum width)

Townhouses
From Buffer or RCA – 10'
Front Yard – 10' Minimum
Side Yard (end units) – 5' Minimum
Rear Yard – 5' Minimum
From Public Right-of-Way to Garage – 20' Minimum where sidewalk is present
Building Side to Side – 10'
Building Side to Rear – 30'
Building Rear to Rear – 40'

Government Service
From Buffer or RCA – 0'
Where there is no Buffer or RCA – 10'

6.4 Percentage of Built upon Area

The UDO allows for a maximum 70 percent of built upon area in PUD project and the Wolfe Properties PUD will not exceed that amount.

6.5 Perimeter Buffers

The PD plans show buffers around the site to provide visual breaks between uses and public roads. We are proposing a 30' Type B buffer along Wimberly Road. The perimeter buffers have been shown to be a 20' Type B buffer with the exception of property that abuts Town property;

this shall be 10' Type B buffer. If Government Services are proposed, the buffers shall be a Type A. However, in no case shall a buffer be required between existing Town property and land dedicated to or planned for dedication to the Town. A 100' no clear cut buffer is a deed restriction buffer along the property line that abuts property with PIN: 0723-51-7896. The only disturbance permitted within this buffer shall be public infrastructure, a driveway to serve the referenced PIN, and the installation of a fence within the buffer near the common property line. Such fence shall not be chain link.

No buffer shall be required along major or minor collector streets. However, street trees, located outside of the right of way shall be planted along Mirkwood Avenue, from the entrance at Wimberly Road to the first single-family residential lot.

In instances where the private play lawn exceeds 2% slope, a dog-waste station shall be installed. Maximum slope for a private play lawn shall be 10%,

6.6 Economy Housing Condition

Where economy housing is housing that can be purchased by a household that earns approximately the median household income for Wake County, Wolfe Properties PUD will address economy housing by providing a minimum of 10% of the total number of units of the development, as determined at the master subdivision phase. The townhouse units shall have a minimum width of 18' and a maximum width of 20' with no garages and allowable parking in compliance with Section 8.3 however they shall adhere to all other setback and architectural conditions set forth in the PUD plan.

7.0 Architectural Standards

7.1 Single Family Detached Residential Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. Garage doors must contain windows, decorative details or carriage-style adornments.

3. House entrances for homes with front facing single-car garages must have a covered porch/stoop area leading to the front door.

4. The garage cannot protrude more than one foot out from the front façade or front porch unless it is a side entry garage.

5. The visible side of a home on a corner lot facing the public street shall contain at least 2 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

6. All windows on a side elevation shall have decorative trim, shutters or shall be a bay window.

7. Front porches, when provided, shall be at least six-feet (6') deep.

8. 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 complimenting the siding color.

9. Eaves shall project at least 12 inches from the wall of the structure.

10. The roof shall be pitched at 5:12 or greater for 75% of the building designs. These lots will be identified on the plat.

7.2 Residential Townhome Standards

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

2. There shall be one roof element such as a gable or dormer on each unit.

3. Garage doors must contain windows, decorative details or carriage-style adornments.

4. House entrances for units with front facing single-car garages must have a covered porch/stoop area leading to the front door.

5. The garage cannot protrude more than one foot out from the front façade or front porch.

6. All exterior windows shall have decorative trim on all four sides.

7. On corner lots, the side elevation facing the public street shall contain at least two decorative elements such as but not limited to:

   - Trim around windows
   - Two or more building materials
   - Decorative brick/stone
   - Side Entry

7.3 Additional Residential Standards

1. All homes shall provide conduit for the future installation of roof top solar panels, including townhomes and economy housing units.

2. Conducting a solar site orientation analysis to provide for at least six (6) homes in the development built with 3KW active solar systems on the roof, which is approximately 5-6% of the overall units. These units will be identified on the plat.

3. All homes shall have an “Energy Star” Certification offered as a buyer selected option during or prior to construction.

4. All homes with garages shall have the option if a buyer selects to add an electric vehicle charging station installed in the garage.

7.4 Non-Residential Use Standards

1. EIFS or synthetic stucco shall not be used in the first four feet above grade.

2. The building exterior shall have more than one (1) material color.

3. The building shall have more than one parapet height.

4. The following exterior materials shall not be permitted: vinyl siding, painted, smooth-faced concrete block (decorative blocks are acceptable).

8.0 Parking and Loading

Parking and loading requirements for the residential areas shall conform to the parking standards listed in the Town of Apex UDO Section 8.3.

9.0 Signs

Signage for this project will comply with UDO section 8.7. The developer shall submit a master sign plan that shows signage locations and details of signage patterns throughout the development.

10.0 Natural Resource and Environmental Data

10.1 This project is located in the Jordan Lake drainage basin which is in the Cape Fear Basin. This project currently falls just outside the primary watershed protection overlay district as shown on the Town of Apex watershed maps; however once annexed it will be in the primary watershed protection overlay district.

10.2 The is no FEMA mapped floodplain on the site as shown on FEMA FIRM Map Number 3720072300 or 3720072201, dated May 2, 2006.

10.3 There are no known historic structures on this project.

10.4 The PUD is required to provide at least 25% of the total area for Resource Conservation Area and landscape buffers. If the residential single family lots are mass graded, then the project shall dedicate an additional 5% RCA. For this project that will equate to 10.88 acres of required RCA area. This project proposes to dedicate 10.90 acres and will increase that area if mass graded.

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

11.0 Stormwater Management

Wolfe Properties PUD will meet all applicable requirements and standards as described in section 6.1 of the Apex UDO. This project will meet all stormwater reduction requirements including limiting the post-development stormwater flows to not exceed the pre-development stormwater runoff for the 1 year and 10 year storm events. This project will commit to providing attenuation for the 2 year and 25 year storms as well.

Wolfe Properties PUD will use approved devices to control the stormwater sediment runoff. These devices may include wet detention basins, constructed wetlands, bioretention areas, sand filters or any other approved stormwater control measure. Stormwater control devices shall be landscaped and constructed to be an amenity to the development and shall blend into the surroundings.

12.0 Parks and Recreation

The Wolfe Properties PUD was reviewed by the Parks, Recreation and Cultural Resources Advisory Commission on February 26th, 2020 and they unanimously recommended a land dedication in the location provided in the PUD Plan, located contiguous to the southern boundary of the future park property along the frontage of Wimberly Road to comply with Sec 14.1.3 Standards of Dedication. The total acreage to be dedicated will be determined by the total unit count at the time of Master Subdivision Plan approval. They also recommended the reservation of a Public Greenway Easement along one of the Utility Easement corridors to

provide access to the Park for the Wolfe Properties PUD as well as the Preserve at White Oak Creek with the location being determined at the time the Master Subdivision Plan approval.

Additionally, to assist the Town of Apex with future plans, the project offers the following conditions:

1. Zoning condition for environmental assessment: A Phase I environmental assessment will be completed on the property to be dedicated to the Town and provided to the Town prior to construction plan approval.

2. Zoning condition for land dedication: Since the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, the land dedication will occur by April 30, 2021.

3. Zoning condition for road improvements: Since the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, road construction for Mirkwood Avenue from Wimberly Road to just past the easternmost planned public safety station driveway for access only no later than July 31, 2021. Final construction and acceptance of the roadway shall be determined in a developer's agreement between the Town of Apex and the developer.

4. Zoning condition for timing of CD approval: Because the Town of Apex determined that it wants the land dedication for the purposes of a public safety station versus park land, a temporary driveway permit signed by NCDOT will suffice for Construction Drawing approval, provided the final driveway permit application has been submitted to NCDOT; any changes from the temporary driveway permit to the final driveway permit will be the responsibility of the developer, and this shall in no way release the developer from all other applicable requirements prior to Construction Drawing approval.

13.0 Public Facilities

All internal public streets will have sidewalks on both sides of the street. Roadway improvements will be required along Wimberly Road and these improvements will be coordinated with the Town of Apex and NCDOT. The roadway widening along Wimberly Road shall be based on the Town of Apex's thoroughfare plan. The project will provide a minor collector street through the subdivision that will stub to north for future extension as shown on the town's thoroughfare plan. Bicycle and pedestrian improvements associated with subdivision plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time of subdivision plan approval as provided for in the UDO.

In compliance with the Town of Apex's UDO Section 13.19.4, the project offers, subject to NCDOT review and approval the following off-site roadway improvements:

1. Green Level West and Wimberly Road Intersection: The developer shall construct a northbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. Construction of curb and gutter will be limited to only along the 50-foot deceleration along the sidewalk and storm drainage structures will only be placed in areas as necessary to continue existing drainage patterns and not restrict existing structures.

2. Wimberly Road and Jenks Road Intersection: The developer shall construct a southbound taper right turn lane on Wimberly Road with 50-foot of full width deceleration and a 100-foot taper prior to the first plat. No curb & gutter will be installed. Vegetated conveyances will be utilized to stay consistent with current conditions and no upgrades to existing storm drainage infrastructure.

3. Pay fee in lieu for 450 linear feet of sidewalk so that connectivity can be made in the future from our northern property line to the park entrance along Wimberly Road. Area in blue on map as presented to Town Council.

All landscaping to be located within the rights-of-way bordering Public Safety Station #6 (Wimberly Road and Mirkwood Avenue) shall be delayed until after the C.O. of Public Safety Station #6; plantings shall be installed and inspected by a zoning compliance officer within three (3) months of the C.O.

As shown on the PUD Utility Plan, the sanitary sewer connection will connect to an existing sewer manhole and line near the northern end of Double Helix Road. Water distribution service will be provided to this project by eight inch waterline connection to the existing twelve inch waterline along Wimberly Road.

14.0 Phasing

The project shall be developed in multiple phases and construction would likely start in 2021.

15.0 Consistency with Land Use Plan

The Town of Apex 2045 Land Use Map currently designates these parcels as Low Density Residential. We believe this PUD is appropriate for the area and is consistent with the current intent of the Town Council.

16.0 Compliance with the UDO

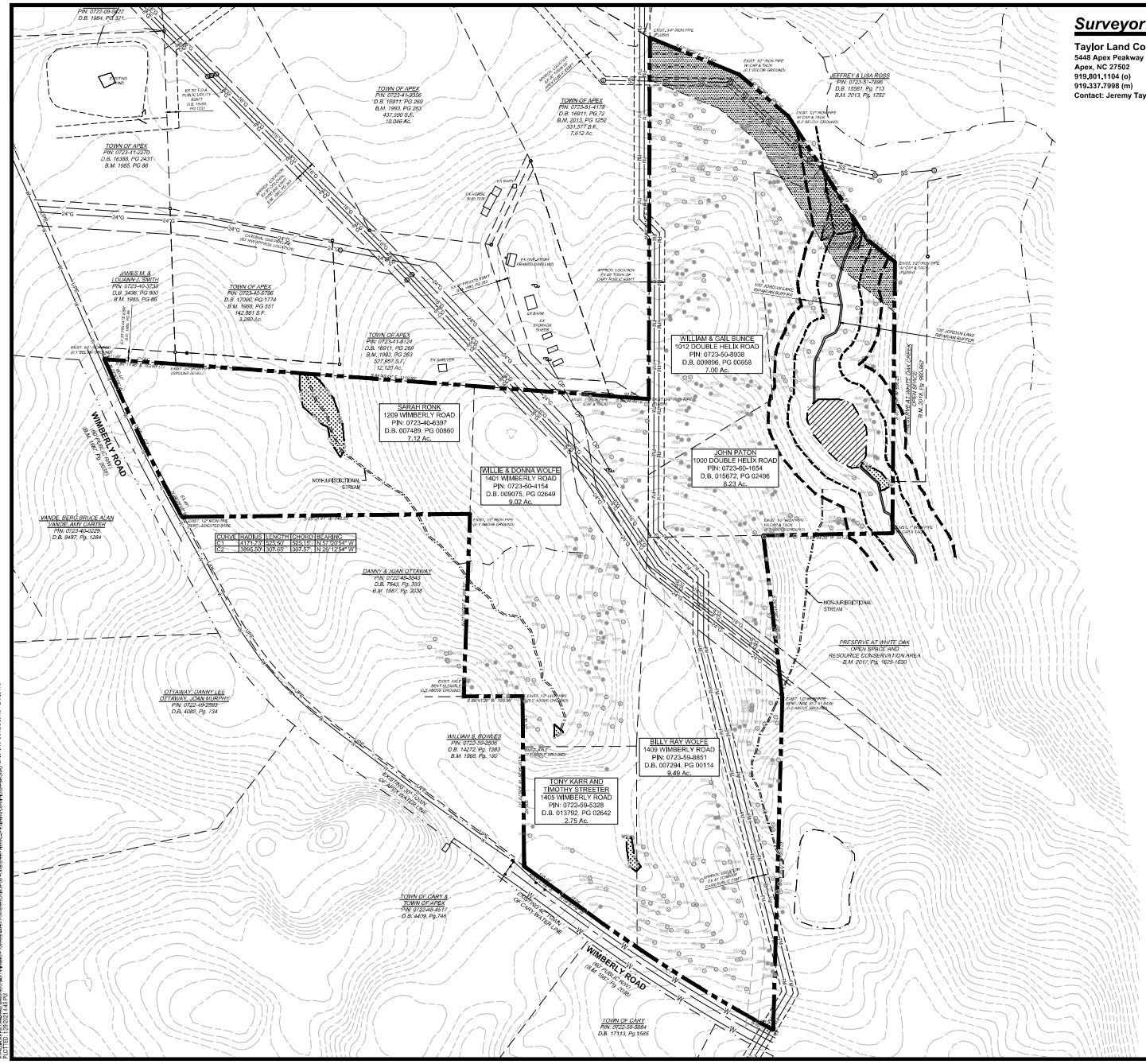
The proposed plans for Wolfe Properties PUD are in compliance with the standards and allowances provided in the current approved version of the Town of Apex Unified Development Ordinance. Any variance from UDO requirements has been noted in this plan.

17.0 Land Use Notes

17.1 This project will require the formation of a Homeowners Association which will handle the maintenance of common areas, buffers, RCA, stormwater devices, etc.

17.2 Any existing structures on the subject properties will be either moved or removed from the site. Additionally, all private wells and septic tanks shall be removed and/or abandoned per federal, state and local standards.

END OF REPORT



CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	417.79'	325.50'	317.15'	N 57°07'54" W
C2	1396.50'	370.05'	367.57'	N 29°12'54" W

Surveyor:

Taylor Land Consultants
5448 Apex Peakway
Apex, NC 27502
919.801.1104 (o)
919.337.7998 (m)
Contact: Jeremy Taylor, PLS

GENERAL NOTES:

1. THIS PLAN IS NOT INTENDED FOR PLATTING OR RECORDATION. THE INTENT OF THIS PLAN IS TO ILLUSTRATE THE EXISTING FEATURES, STRUCTURES AND TOPOGRAPHY OF THE PROPERTY. TOPOGRAPHY SHOWN ON THIS IS PLAN IS PER WAKE COUNTY GIS - FOR PRELIMINARY USE ONLY.
2. THE INFORMATION SHOWN ON THIS PLAN WAS PROVIDED AND DEVELOPED BY OTHERS. CURRY ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION. THE INFORMATION SHOWN REPRESENTS A FIELD SURVEY CONDUCTED SEPTEMBER 2019.
3. THE ENGINEER UNDERSTANDS THE SURVEY INFORMATION PROVIDED TO MEET THE FOLLOWING CRITERIA:
   - MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
   - THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
   - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
   - PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
   - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. EXISTING CONDITIONS SHOWN DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON SITE. CONTRACTOR TO FIELD VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION.
5. PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.
6. PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT NOR CONTAIN ANY HISTORIC STRUCTURES PER THE "WAKE COUNTY INVENTORY OF HISTORIC STRUCTURES - APEX JURISDICTION."
7. FOR SURFACE WATER INFORMATION, REFER TO APEX STREAM BUFFER DETERMINATION LETTER APEX #19-004

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

A	CHRISTOPHER JOHNSON	REVISIONS

DATE: OCTOBER 1, 2019
FILE NO. 2019-042
H-FIELD SCALE: 1" = 120'
ORIG. SHEET SIZE: 24 X 36

WOLFE PROPERTIES PUD - PD PLANS
EXISTING CONDITIONS PLAN

Curry ENGINEERING
NC LICENSE # C-2795
2515 Walnut Hill Dr.
Fuquay-Varina, NC 27526
P (919) 552-0243
F (919) 552-0243

SEAL
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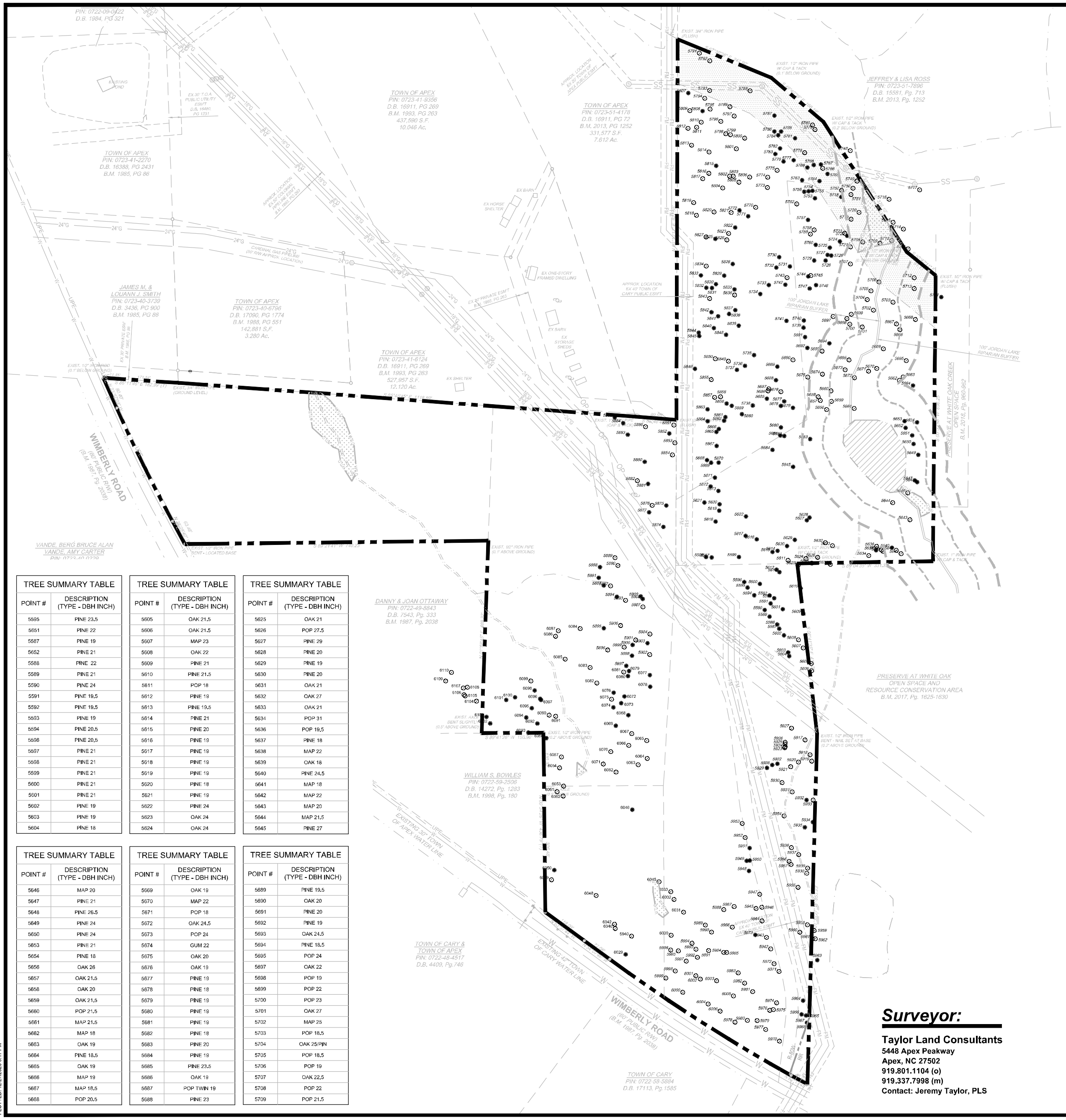
C-01



Surveyor:

Taylor Land Consultants
5448 Apex Peakway
Apex, NC 27502
919.801.1104 (o)
919.337.7998 (m)
Contact: Jeremy Taylor, PLS

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5595	PINE 23.5
5651	PINE 22
5587	PINE 19
5652	PINE 21
5588	PINE 22
5589	PINE 21
5590	PINE 24
5591	PINE 19.5
5592	PINE 19.5
5593	PINE 19
5594	PINE 20.5
5596	PINE 20.5
5597	PINE 21
5598	PINE 21
5599	PINE 21
5600	PINE 21
5601	PINE 21
5602	PINE 19
5603	PINE 19
5604	PINE 18

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5605	OAK 21.5
5606	OAK 21.5
5607	MAP 23
5608	OAK 22
5609	PINE 21
5610	PINE 21.5
5611	POP 18
5612	PINE 19
5613	PINE 19.5
5614	PINE 21
5615	PINE 20
5616	PINE 19
5617	PINE 19
5618	PINE 19
5619	PINE 19
5620	PINE 18
5621	PINE 19
5622	PINE 24
5623	OAK 24
5624	OAK 24

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5625	OAK 21
5626	POP 27.5
5627	PINE 29
5628	PINE 20
5629	PINE 19
5630	PINE 20
5631	OAK 21
5632	OAK 27
5633	OAK 21
5634	POP 31
5636	POP 19.5
5637	PINE 18
5638	MAP 22
5639	OAK 18
5640	PINE 24.5
5641	MAP 18
5642	MAP 22
5643	MAP 20
5644	MAP 21.5
5645	PINE 27

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5646	MAP 20
5647	PINE 21
5648	PINE 26.5
5649	PINE 24
5650	PINE 24
5653	PINE 21
5654	PINE 18
5656	OAK 26
5657	OAK 21.5
5658	OAK 20
5659	OAK 21.5
5660	POP 21.5
5661	MAP 21.5
5662	MAP 18
5663	OAK 19
5664	PINE 18.5
5665	OAK 19
5666	MAP 19
5667	MAP 18.5
5668	POP 20.5

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5669	OAK 19
5670	MAP 22
5671	POP 18
5672	OAK 24.5
5673	POP 24
5674	GUM 22
5675	OAK 20
5676	OAK 19
5677	PINE 19
5678	PINE 18
5679	PINE 19
5680	PINE 19
5681	PINE 19
5682	PINE 18
5683	PINE 20
5684	PINE 19
5685	PINE 23.5
5686	OAK 19
5687	POP TWIN 19
5688	PINE 23

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5689	PINE 19.5
5690	OAK 20
5691	PINE 20
5692	PINE 19
5693	OAK 24.5
5694	PINE 18.5
5695	POP 24
5697	OAK 22
5698	POP 19
5699	POP 22
5700	POP 23
5701	OAK 27
5702	MAP 25
5703	POP 18.5
5704	OAK 25/PIN
5705	POP 18.5
5706	POP 19
5707	OAK 22.5
5708	POP 22
5709	POP 21.5

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5710	MAP 18.5
5711	OAK 26.5
5712	OAK 19.5
5713	OAK 20.5
5714	POP 18.5
5715	OAK 18.5/PIN
5716	GUM 27.5
5717	DT 27
5718	PINE 21
5719	OAK 23.5
5720	POP 20
5721	POP 19
5722	PINE 21
5723	OAK 22
5724	PINE 27
5725	PINE 19.5
5726	PINE 18.5
5727	PINE 18
5728	PINE 21.5
5729	PINE 20.5

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5730	PINE 22.5
5731	PINE 20
5732	PINE 18
5733	PINE 18
5734	PINE 18
5735	PINE 18
5736	PINE 18
5737	PINE 19
5738	PINE 18
5739	PINE 19
5740	PINE 19
5741	PINE 18.5
5742	PINE 18
5743	OAK 19.5
5744	PINE 22
5745	POP 18
5746	PINE 21
5747	PINE 18
5748	POP 22
5749	POP 18

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5750	OAK 29.5/TWIN
5751	OAK 18
5752	POP 20
5753	PINE 26
5754	PINE 20.5
5755	PINE 19
5756	PINE 18
5757	PINE 23
5758	OAK 19
5759	POP 20
5760	PINE 20
5761	PINE 19
5762	OAK 18
5763	PINE 18.5
5764	PINE 22.5
5765	PINE 19.5
5766	POP 18
5767	PINE 20
5768	PINE 21.5
5769	PINE 20

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5770	OAK 19
5771	PINE 20.5
5772	PINE 20
5773	POP 22.5
5774	OAK 19.5
5775	OAK 18.5/TWIN
5776	PINE 20.5
5777	PINE 21
5778	POP 22
5779	OAK 19
5780	POP 20
5781	PINE 18
5782	PINE 22
5783	PINE 21
5784	PINE 20
5785	PINE 23
5786	PINE 21
5787	PINE 22
5788	OAK 19
5789	OAK 25.5

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5791	POP 20
5792	OAK 20.5
5793	DT 23
5794	OAK 18
5795	OAK 20.5
5796	OAK 18
5797	OAK 19.5
5798	OAK 20.5
5799	OAK 19
5800	POP 21
5801	OAK 18.5
5802	DT 21/TWIN
5803	OAK 18
5804	OAK 21
5805	MAP 19
5806	OAK 25/TWIN
5807	PINE 18
5808	PINE 20.5
5809	OAK 24
5810	OAK 19

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5811	OAK 19.5
5812	OAK 22.5
5813	OAK 19.5
5814	OAK 24
5815	PINE 19
5816	OAK 22
5817	OAK 18.5
5818	OAK 19.5
5819	OAK 19
5820	OAK 19
5821	POP 18
5822	PINE 19
5823	POP 22
5825	PINE 21
5826	POP 20.5
5827	OAK 22.5
5828	PINE 18.5
5829	PINE 18.5
5830	PINE 19
5831	PINE 19

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5832	PINE 18
5833	PINE 21
5834	OAK 18.5
5835	PINE 18
5836	OAK 19
5837	PINE 19
5838	PINE 18
5839	PINE 18.5
5840	PINE 19
5841	PINE 20
5842	PINE 19.5
5843	OAK 20
5844	PINE 19
5845	PINE 21
5846	PINE 27
5848	PINE 25
5849	OAK 18/TWIN
5850	MAP 21.5
5851	GUM 23
5852	PINE 20

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5853	OAK 22
5854	GUM 18
5855	OAK 18.5
5856	OAK 21
5857	OAK 18.5/PIN
5858	PINE 18
5859	PINE 21
5860	PINE 20
5861	PINE 21
5862	PINE 19.5
5863	PINE 20
5864	PINE 20
5865	PINE 20
5866	PINE 20
5867	PINE 18
5868	PINE 18.5
5869	PINE 19
5870	PINE 19
5871	PINE 24
5872	PINE 19

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5873	PINE 18
5874	PINE 25
5875	PINE 19.5
5876	OAK 27.5
5877	PINE 19.5
5880	PINE 23
5881	PINE 20.5
5882	OAK 24.5
5883	PINE 19
5884	PINE 20
5885	PINE 25
5886	OAK 22.5
5887	PINE 23
5888	PINE 20.5
5889	OAK 20
5890	OAK 23.5
5891	PINE 18.5
5892	OAK 18
5893	OAK 18
5894	PINE 21

TREE SUMMARY TABLE

POINT #	DESCRIPTION (TYPE - DBH INCH)
5895	PINE 18.5
5896	OAK 18.5
5897	PINE 18.5
5898	PINE 18
5899	MAP 20.5
5900	PINE 21.5
5901	OAK 20.5
5902	OAK 22.5
5903	PINE 20
5904	DT 21
5906	OAK 18
5907	OAK 19
5908	PINE 22
5909	PINE 20.5

SCALE: 1 IN = 120 FT
120' 60' 0 120' 240'
SCALE IN FEET HORIZONTAL

SEAL 36823
2020.12.28 10:05:39 -05'00'

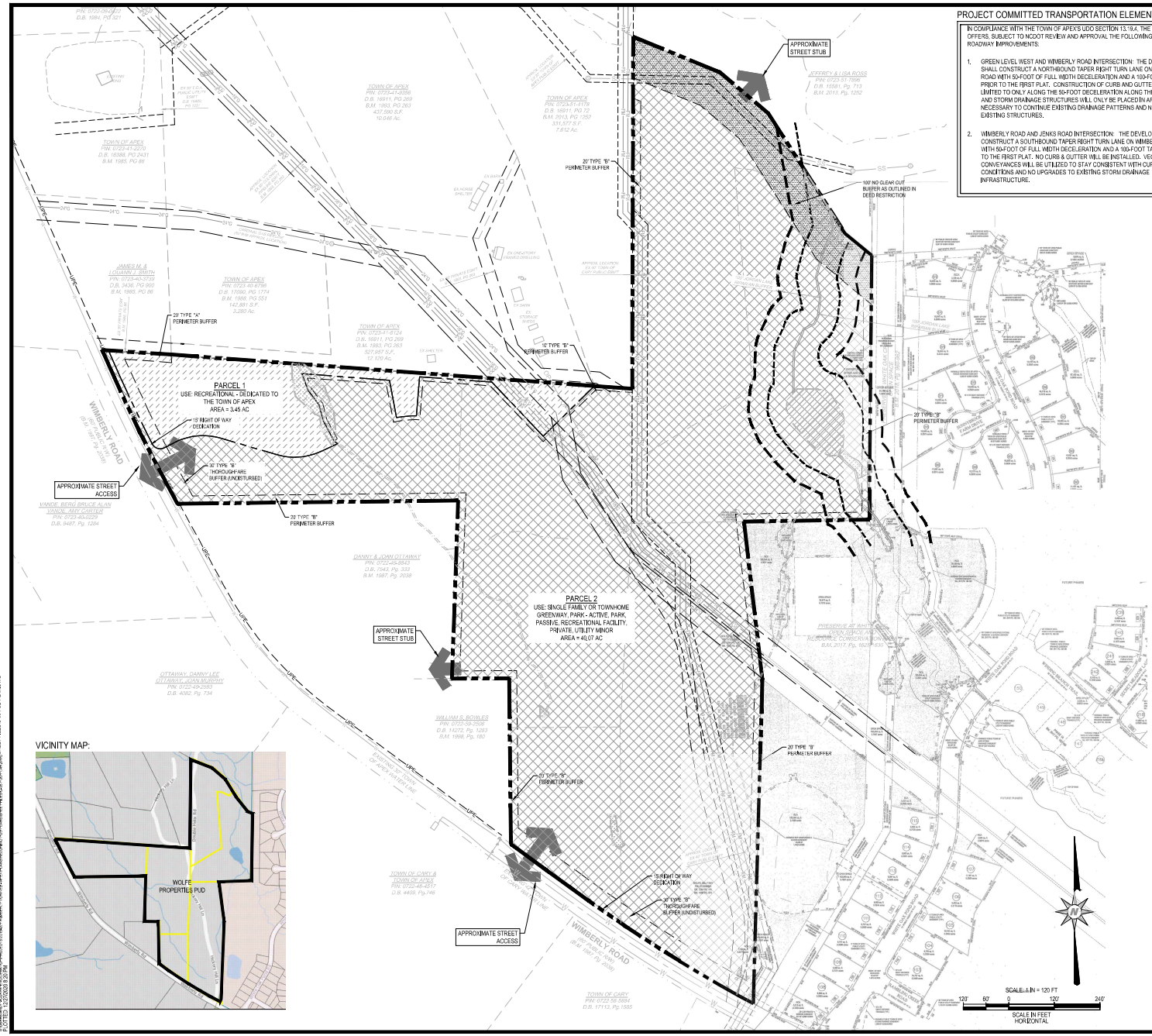
REVISIONS
A TOWN OF APEX COMMENTS 12/6/2019
DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORZ. SCALE: 1" = 120'
ORIG. SHEET SIZE: 24 x 36

WOLFE PROPERTIES PUD - PD PLANS
TREE SURVEY

T (919) 552-0849
F (919) 552-2043
205 S. Fuquay Avenue
Fuquay-Varina, NC 27526
NC LIC. NO. P-0799
Curry ENGINEERING

C-02

PLOTTED: 12/27/2020 8:17 PM



VICINITY MAP:

PROJECT COMMITTED TRANSPORTATION ELEMENTS:

IN COMPLIANCE WITH THE TOWN OF APEX'S UDO SECTION 13.19.4, THE PROJECT OFFERS, SUBJECT TO NCDOT REVIEW AND APPROVAL THE FOLLOWING OFF-SITE ROADWAY IMPROVEMENTS:

1. GREEN LEVEL WEST AND WIMBERLY ROAD INTERSECTION: THE DEVELOPER SHALL CONSTRUCT A NORTHBOUND TAPER RIGHT TURN LANE ON WIMBERLY ROAD WITH 50-FOOT OF FULL WIDTH DECELERATION AND A 100-FOOT TAPER PRIOR TO THE FIRST PLAT. CONSTRUCTION OF CURB AND GUTTER WILL BE LIMITED TO ONLY ALONG THE 50-FOOT DECELERATION ALONG THE SIDEWALK AND STORM DRAINAGE STRUCTURES WILL ONLY BE PLACED IN AREAS AS NECESSARY TO CONTINUE EXISTING DRAINAGE PATTERNS AND NOT RESTRICT EXISTING STRUCTURES.
2. WIMBERLY ROAD AND JENKS ROAD INTERSECTION: THE DEVELOPER SHALL CONSTRUCT A SOUTHBOUND TAPER RIGHT TURN LANE ON WIMBERLY ROAD WITH 50-FOOT OF FULL WIDTH DECELERATION AND A 100-FOOT TAPER PRIOR TO THE FIRST PLAT. NO CURB & GUTTER WILL BE INSTALLED. VEGETATED CONVEYANCES WILL BE UTILIZED TO STAY CONSISTENT WITH CURRENT CONDITIONS AND NO UPGRADES TO EXISTING STORM DRAINAGE INFRASTRUCTURE.

GENERAL NOTES:

1. THIS PLAN IS NOT INTENDED FOR PLATTING OR RECORDATION. THE INTENT OF THIS PLAN IS TO ILLUSTRATE THE EXISTING FEATURES, STRUCTURES AND TOPOGRAPHY OF THE PROPERTY. TOPOGRAPHY SHOWN ON THIS IS PLAN IS PER WAKE COUNTY GIS - FOR PRELIMINARY USE ONLY.
2. THE INFORMATION SHOWN ON THIS PLAN WAS PROVIDED AND DEVELOPED BY OTHERS. CURRY ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION. THE INFORMATION SHOWN REPRESENTS A FIELD SURVEY CONDUCTED SEPTEMBER 2019.
3. THE ENGINEER UNDERSTANDS THE SURVEY INFORMATION PROVIDED TO MEET THE FOLLOWING CRITERIA:
   - MISCLOSURE WAS DISTRIBUTED BY THE COMPASS METHOD. THE DISTANCES ON THIS MAP ARE ADJUSTED HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREA CALCULATED BY COORDINATE COMPUTATION.
   - THIS PLAN HAS BEEN PREPARED FOR LAYOUT AND PERMITTING PURPOSES ONLY.
   - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
   - PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
   - THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
4. EXISTING CONDITIONS SHOWN DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON SITE. CONTRACTOR TO FIELD VERIFY AND LOCATE ALL UNDERGROUND UTILITIES PRIOR TO START OF EXCAVATION.
5. PROPERTY IS LOCATED WITHIN THE PRIMARY WATERSHED OVERLAY DISTRICT.
6. PROPERTIES ARE NOT LOCATED IN A HISTORIC DISTRICT NOR CONTAIN ANY HISTORIC STRUCTURES PER THE "WAKE COUNTY INVENTORY OF HISTORIC STRUCTURES - APEX JURISDICTION."

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SITE DATA:

DEVELOPMENT NAME	WOLFE PROPERTY PUD
PROPERTY ADDRESS	SEE EXISTING CONDITIONS PLAN
PUD TOTAL AREA	43.52 ACRES
PUBLIC ROAD R/W DEDICATION (WIMBERLY ROAD)	0.42 AC
WAKE COUNTY PINS	SEE EXISTING CONDITIONS PLAN
CURRENT ZONING	R-80W (COUNTY) & RR (TOWN)
PROPOSED ZONING	PLANNED UNIT DEVELOPMENT (PUD-CZ)
RCA/BUFFER AREA	
REQUIRED	10.88 AC (25%)
RCA PROPOSED	10.90 AC.(25%)
CURRENT 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL
PROPOSED 2045 LUM DESIGNATION	LOW DENSITY RESIDENTIAL
PROPOSED MAXIMUM BUILDING HEIGHT	42 FEET - SF 50 FEET - TH
PROPOSED TOWNHOME NUMBER OF STORIES	3
PROPOSED RESIDENTIAL DENSITY	3 UNITS/ACRE
PROPOSED PARKING REQUIREMENTS	2 SPACES PER UNIT PLUS GUEST PARKING AT 1SPACE/4 UNITS
WATERSHED DISTRICT	PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT CAPE FEAR

PROPOSED MINIMUM BUILDING SETBACKS

SINGLE FAMILY DETACHED
FROM BUFFER OR RCA - 10'
FRONT YARD - 10' MINIMUM
SIDE YARD - 5' MINIMUM (NO AGGREGATE)
CORNER SIDE YARD - 10' MINIMUM
REAR YARD - 10' MINIMUM
DRIVEWAYS FROM BACK OF SIDEWALK TO GARAGE - 20' MIN.

TOWNHOMES
FROM BUFFER OR RCA - 10'
FRONT YARD - 5' MINIMUM
SIDE YARD (END UNITS) - 5' MINIMUM
REAR YARD - 0' MINIMUM
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 18' MIN. WHERE NO SIDEWALK IS PRESENT
FROM PUBLIC RIGHT-OF-WAY TO GARAGE - 20' MIN. WHERE SIDEWALK IS PRESENT
BUILDING SIDE TO SIDE - 10'
BUILDING SIDE TO REAR - 30'
BUILDING REAR TO REAR - 40'

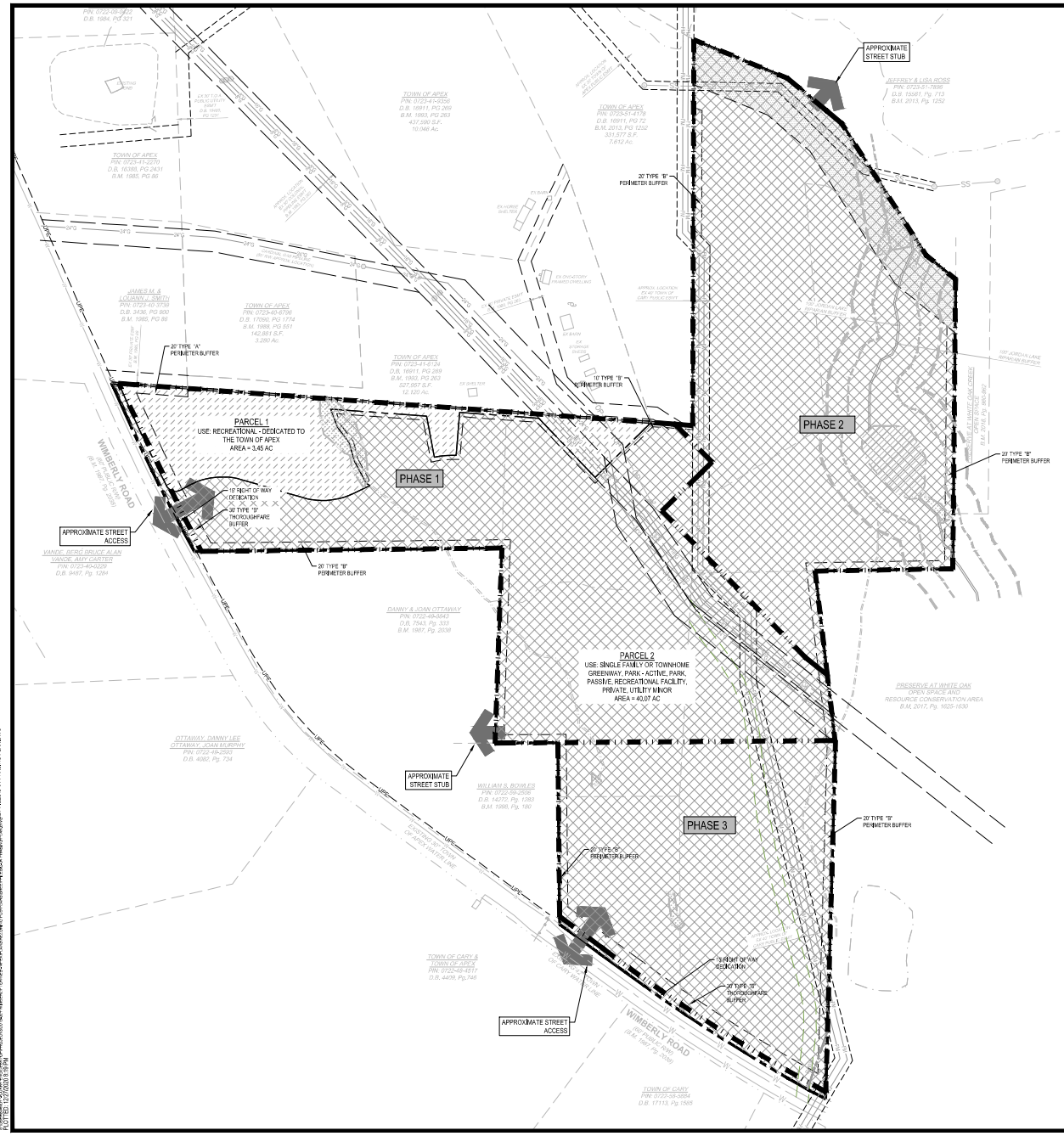
SEAL
2020.12.28 10:06:49 -05'00'

WOLFE PROPERTIES PUD - PD PLANS
PUD PLAN

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
HORIZ. SCALE: 1" = 120'
ORIG. SHEET SIZE: 24 X 36

Curry ENGINEERING
NC LICENSE #C-2719

C-03



PHASING NOTES:

1. THE PHASE LINES SHOWN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE DURING THE MASTER SUBDIVISION PLAN PROCESS.
2. THE PHASE NUMBERS ARE DIAGRAMMATIC ARE ARE NOT NECESSARILY THE ORDER IN WHICH THE PHASES WILL BE CONSTRUCTED. THE DEVELOPER HAS THE ABILITY TO DEVELOP THESE PHASES IN ANY ORDER DEPENDING ON THE AVAILABILITY OF MUNICIPAL SERVICES.

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SCALE: 1IN = 120 FT

120' 60' 0 120' 240'

SCALE IN FEET HORIZONTAL

SEAL

2020.12.28 10:06:17 - 05'00'

REVISIONS	
A	CHANGE APEX COMMENTS

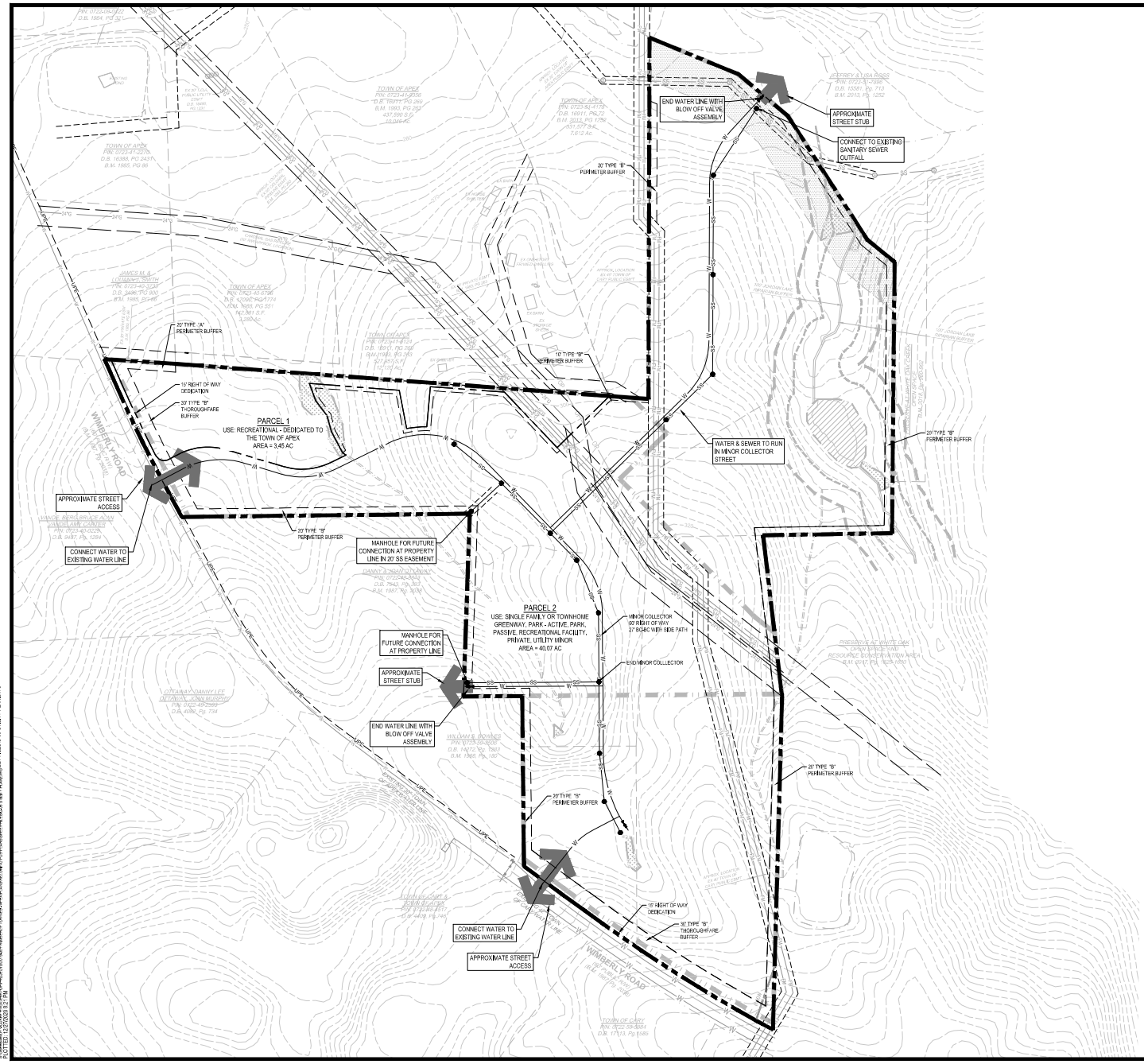
DATE: OCTOBER 1, 2019
FILE NO. 2019-021

H-FOR SCALE 1" = 120'
ORIG. SHEET SIZE: 24 X 36

WOLFE PROPERTIES PUD - PD PLANS
PHASING PLAN

Curry ENGINEERING
2915 Capital Blvd
Raleigh, NC 27604
P (919) 553-4313
F (919) 553-2182
NC LICENSE # C-0178

C-04



GENERAL NOTES:

PLANNING NOTES:

1. THE PARCEL AREAS AND RCA AREAS ARE APPROXIMATE AND MAY CHANGE AT THE TIME OF MASTER SUBDIVISION PLAN APPROVALS.
2. THE LOCATION AND ALIGNMENT OF THE MINOR RESIDENTIAL STREET SHOWN HEREON ARE PRELIMINARY AND MAY CHANGE AT THE TIME OF MASTER PLAN APPROVAL.
3. THE MAINTENANCE OF RCA, COMMON AREAS AND THE STORMWATER DEVICES SHALL BE MANAGED BY THE OWNER/DEVELOPER OF EACH PARCEL.
4. THE MINOR RESIDENTIAL STREET SHALL HAVE SIDEWALK ON ONE SIDE OF THE STREET.INTERNAL PUBLIC STREET CONNECTIONS TO THE MINOR RESIDENTIAL STREET SHALL MEET TOWN OF APEX STANDARDS AND SPECIFICATIONS.
5. THE FUTURE LOCATIONS FOR WATER AND SEWER MAINS ARE APPROXIMATE AND SHALL BE DESCRIBED IN MORE DETAIL AT THE TIME OF MASTER PLANS. THESE UTILITY LOCATIONS ARE ILLUSTRATIVE TO SHOW CONNECTIONS AND SIZING.
6. CONSTRUCTION VEHICLE PARKING SHALL BE LIMITED TO ONE SIDE OF THE ROAD (OPPOSITE OF FIRE HYDRANTS). SIGNS INDICATING "NO CONSTRUCTION VEHICLES THIS SIDE OF STREET" IN ENGLISH AND SPANISH.
7. ONCE THE FIRST LIFT OF ASPHALT IS PASSABLE BY VEHICLES, TEMPORARY STREET SIGNS ARE REQUIRED.
8. INSTALLATION OF SILT FENCE SHALL MAINTAIN 3' OF CLEARANCE AROUND FIRE HYDRANTS.
9. TOWN OF APEX ELECTRIC UTILITIES CONTACT IS RODNEY SMITH AT 919-249-3342.

TOWN REQUIRED PUD NOTES:

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL 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.).
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
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4. NO SIGNS ARE APPROVED AS PART OF A PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED.

SCALE: 1IN = 120 FT

120' 60' 0 120' 240'

SCALE IN FEET HORIZONTAL

SEAL

2020.12.28 10:07:14 -05'00'

4	CONFORM APEX COMMENTS	12/28/20
3		
2		
1		

DATE: OCTOBER 1, 2019
FILE NO. 2019-021
H-VERT. SCALE: 1" = 120'
ORIG. SHEET SIZE: 24 X 36

WOLFE PROPERTIES PUD - PD PLANS
UTILITY PLAN

Curry ENGINEERING
2515 Walnut Hills Dr.
Fuquay-Varina, NC 27526
P (919) 552-9243
F (919) 552-9242
NC LICENSE: C-2719

C-05

WAKE COUNTY PUBLIC SCHOOL SYSTEM

Wake County Residential Development Notification

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

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

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

Developer Company *Information*	
Company *Name*	Envision Homes, LLC
Company Phone *Number*	919-389-7595
Developer Representative *Name*	Josh Swindell
Developer Representative *Phone Number*	919-389-7595
Developer Representative *Email*	josh@envisionhomesnc.com

New Residential Subdivision *Information*	
Date of Application for Subdivision	July 1st, 2020
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	The Park at Jordan
Address of Subdivision (if unknown enter nearest cross streets)	1209 Wimberly Road, Apex, NC
REID(s)	211701, 168101, 108078, 043853, 200674, 168102
PIN(s)	723504154,722595328,722598851,723601654,723508938, 723406397

Projected Dates *Information*	
Subdivision *Completion Date*	1st quarter 2024
Subdivision *Projected First Occupancy Date*	1st quarter 2022

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	55						55	2000	3500	475k	575k	2022	24	2023	31		
Townhomes	74					45	29	1400	2600	285k	450k	2022	30	2023	36	2024	8
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres from Medium Density – Conditional Zoning (MD-CZ) to Medium Density – Conditional Zoning (MD-CZ). The proposed rezoning is located at 8550 Stephenson Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The property to be rezoned is identified as PIN 0750545646.

Attachments

- Vicinity Map
- Application

Rezoning #20CZ12
Colby Crossing
Miramonte
Merion
Merion Station Dr
Lianfair Ln
Smith Rd
Harmony Glen
Summer Ridge Ct
Derry Down Ln
Briarwood Farms COSD
Westford Way
Stephenson Rd
Brook Cross Dr
Cherrystone Ln
Lynnford Dr
Briarwood Farms
Thriftwood Dr
Coralberry Cir
Holly Brook Dr
Indian Hills
Saponi Hills
Arrowhead Dr
Banview Ln
Fair Oaks
0
500
1,000
Feet
November, 2020
September, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE 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 #: 20CZ12 Submittal Date:

2045 LUM Amendment: Fee Paid:

Project Information

Project Name: Felton Grove High School (H-12)

Address(es): 8550 Stephenson Road, Apex, NC

PIN(s): 0750-54-5646

Acreage: 68.06

Current Zoning: MD-CZ Proposed Zoning: MD CZ

Current 2045 LUM Designation: School

Proposed 2045 LUM Designation: School

See next page for LUM Amendment.

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

Area classified as mixed use: Acreage: n/a

Area proposed as non-residential development: Acreage: n/a

Percent of mixed use area proposed as non-residential: Percent: n/a

Applicant Information

Name: Ms. Betty L. Parker, Senior Director, WCPSS Real Estate Services

Address: 5625 Dillard Drive, Attn: Real Estate Services

City: Cary State: NC Zip: 27518

Phone: 919-856-8290 E-mail: bparker@wcpss.net

Owner Information

Name: The Wake County Board of Education

Address: 5625 Dillard Drive, Attn: Real Estate Services

City: Cary State: NC Zip: 27518

Phone: 919-856-8290 E-mail: bparker@wcpss.net

Agent Information

Name:

Address:

City: State: Zip:

Phone: E-mail:

Other contacts: Margaret Sutter, Director, WCPSS Real Estate Services

Phone: 919-856-8290

Email: msutter@wcpss.net

PETITION TO AMEND THE OFFICIAL ZONING MAP & 2045 LAND USE MAP

Application #: 20CZ12 Submittal Date:

2045 LAND USE MAP AMENDMENT (IF APPLICABLE)

The applicant does hereby respectfully request the Town Council amend the 2045 Land Use Map. In support of this request, the following facts are shown:

The area sought to be amended on the 2045 Land Use Map is located at:

N/A

Current 2045 Land Use Classification: N/A

Proposed 2045 Land Use Classification: N/A

What condition(s) justifies the passage of the amendment to the 2045 Land Use Map? Discuss the existing use classifications of the subject area in addition to the adjacent land use classifications. Use additional pages as needed.

N/A

PETITION INFORMATION

Application #: 20CZ12 Submittal Date: _____

An application has been duly filed requesting that the property described in this application be rezoned from MD-CZ to MD-CZ. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. 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. 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	School, Public or Private	21	
2	Communication tower, camouflage stealth (S)	22	
3	Communication tower, public safety (S)	23	
4	Wireless communication facility	24	
5	Wireless support structure	25	
6	Church or place of worship (S)	26	
7		27	
8		28	
9		29	
10		30	
11		31	
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19		39	
20		40	

PETITION INFORMATION

Application #: 20CZ12 Submittal Date:

PROPOSED CONDITIONS:

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

Proposed conditions are listed on the subsequent page which is included herein and incorporated by reference.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed Conditional Zoning District uses are consistent with goals, objectives and policies of the 2045 Land Use Map. The uses proposed are appropriate for this location. A Land Use Map amendment is not required.

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

The proposed Conditional Zoning District uses are appropriate for this location. The uses proposed are compatible with the existing uses in the area.

Rezoning Case #20CZ12 Felton Grove High School

Proposed Conditions (continued): *(rev. 1/26/2021 and resubmitted in response to Town staff comments.)*

1. This project shall preserve trees measuring 18-inches in diameter at breast height or greater to the maximum extent reasonably possible.
2. In compliance with the UDO and to optimize survival of landscaping, an extension of up to 6 months' time may be provided for installation of landscaping after a Certificate of Occupancy would otherwise be issued.
3. To support re-establishment of forest, a reforestation seed mix shall be used in disturbed areas with slopes of 3:1 or less, and not located within RCAs or SCMs. To expedite growth and avoid erosion, a slope stabilizing mix with conservation seed mix shall be used to slopes greater than 3:1 but less than 2:1 and not located within RCAs or SCMs.
4. This project shall dedicate a 20-foot on-site public greenway easement and within it provide a 10-foot greenway path and/or 10-foot sidewalk connection from the driveway connection at Thriftwood Drive to the western property line.
5. This project shall also provide off-site a combined greenway and sanitary sewer easement to accommodate future greenway construction by others. To comply with Section 900 of the Town's Standard Specifications, the combined public utility and greenway easement shall be recorded providing no less than 30 feet in width, or 10 feet beyond the minimum required for the sanitary sewer, whichever is greater. The public greenway easement shall extend from the western boundary of the site, across the landfill site (Wake Co. PIN 0750-44-1182) to the landfill's western boundary.
6. The Vehicular Use Area Shading described in UDO Section 8.2.5.C is not required in the area between the parking deck and parking lot near the site's eastern boundary. Instead, the same number of trees required to meet this standard will be planted elsewhere on the site. The remainder of the site shall meet the requirements of UDO Section 8.2.5.C. to the maximum extent reasonably possible.
7. The 2045 Transportation Plan shows a future north-south Minor Collector along the eastern property line starting at Derry Downs Lane extending to the northern site boundary. This project shall provide half of the required 60-foot right-of-way as shown on the plan.
8. Improvements to the existing public streets known as Thriftwood Drive and Derry Down Lane shall be provided to satisfy such NCDOT requirements made upon review of the traffic study for the project which are minimally necessary to provide adequate public access as state-maintained roadways to Stephenson Road. Consequently, the existing public streets known as Thriftwood Drive and Derry Down Lane are not proposed for upgrades to meet Town of Apex standards nor are they proposed for dedication to the Town of Apex.
9. The northern perimeter buffer shall be a 20-foot Type B buffer, except where segmental retaining wall tie-backs would encroach. In those areas, it shall be no less than a 15-foot Type A buffer.
10. Cast-in-place retaining walls shall be permitted within the western 20-foot Type B buffer, as long as sufficient landscaping is planted around and on top of the walls to meet the requirements of the 20-foot Type B buffer.

Application #: 20CZ12 Submittal Date:

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

The proposed Conditional Zoning (CZ) District uses will comply with Sec 4.4, Supplemental Standards.

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.

Proposed Conditional Zoning District uses will have minimal if any significant adverse impacts on surrounding lands as to trash, odors, service delivery, noise, glare and vibration and will comply with the standards in the UDO to minimize adverse impacts. The proposed uses will comply with the standards of the Transportation Plan and NCDOT requirements to minimize adverse impacts on traffic, parking and loading. Proposed uses will 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.

The proposed Conditional Zoning District uses will comply with local and state guidelines that address environmental impact. The standards pertaining to these items in the UDO will be followed.

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

The proposed Conditional Zoning District uses will not have an adverse impact on public facilities. The Applicant will extend and improve public potable water and sewer infrastructure to minimize any impacts on public facilities. The site will meet the 2045 Land Use and Transportation Plans and NCDOT requirements.

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 development will comply with Town regulations and the requirements of the UDO and will not affect the health, safety or welfare of the residents of the Town or its ETJ.

PETITION INFORMATION

Application #: 20CZ12 Submittal Date:

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

The proposed Conditional Zoning District use will not be substantially detrimental to adjacent properties. The proposed uses are compatible with the uses in the area. The proposed development will comply with the requirements in the UDO.

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 Conditional Zoning District use will not constitute a nuisance or hazard. There will not be a negative impact due to traffic or noise. The site will meet the 2045 Land Use and Transportation Plans, and will comply with the requirements of NCDOT and the UDO to minimize adverse traffic impacts.

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

The proposed Conditional Zoning District use will comply with all relevant standards found in the Town of Apex Ordinances.

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERS

Application #: 20CZ12 Submittal Date: _____

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

	Owner's Name	PIN
1.	See attached list of property owners and HOA contacts which is	
2.	incorporated herein by reference as fully as if set forth herein.	
3.		
4.		
5.		
6.		
7.		
8.		
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10.		
11.		
12.		
13.		
14.		
15.		

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

Date: October 28, 2020 By: _____, Sr. Dir

Betty L. Parker, Sr. Director, WCPSS Real Estate Services

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, on this the 28th day of October, 2020.

_____
Notary Public

Margaret Sutter
Print Name

SEAL

MARGARET SUTTER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires_____

My Commission Expires: 5/7/2022

# of Property Owners	PIN	Real Estate ID	Owner	Mail Address 1	Mail Address 2	Site Address
1	0750643379	159768	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	3008 THRIFTWOOD DR
2	0750644717	159766	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	3016 THRIFTWOOD DR
3	0750663067	159765	AQUA NORTH CAROLINA, INC.	202 MACKENAN DR	CARY NC 27511-6447	5049 DERRY DOWN LN
4	0750642452	175263	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3012 THRIFTWOOD DR
5	0750646366	159769	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3004 THRIFTWOOD DR
6	0750652582	159767	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	0 THRIFTWOOD DR
7	0750657552	067494	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	3468 CHERRYSTONE LN
8	0750664237	159756	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5052 DERRY DOWN LN
9	0750665132	159763	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5045 DERRY DOWN LN
10	0750665218	159755	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5048 DERRY DOWN LN
11	0750665398	159753	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5040 LORRY LN
12	0750665475	159752	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5036 LORRY LN
13	0750666104	159762	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5041 DERRY DOWN LN
14	0750666219	159754	BRIARTAC FAMILY LLC Attn: TONYA C. CUMALANDER, TRUSTEE	PO BOX 1055	FUQUAY VARINA NC 27526-1055	5044 DERRY DOWN LN
15	0750456507	109149	CHAMBLEE, DAVIS B. CHAMBLEE, LEANNE M.	8509 SMITH RD	APEX NC 27539-8169	8509 SMITH RD
16	0750441182	069355	CURRIN BROS INC	PO BOX 547	FUQUAY VARINA NC 27526-0547	4237 SUNSET LAKE RD
17	0750576147	107587	DEAN, JOSEPH W. DEAN, CHRISTINE W.	8317 SMITH RD	APEX NC 27539-8179	8317 SMITH RD
18	0750549090	130747	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4632 ARROWHEAD DR
19	0750631918	130748	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4628 ARROWHEAD DR
20	0750632916	130749	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4624 ARROWHEAD DR
21	0750633913	130750	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4620 ARROWHEAD DR
22	0750634925	130751	DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4616 ARROWHEAD DR
23	0750538989	130746	DEW, JOHNNIE M. DEW, BESSIE W.	4712 JOSEPH MICHAEL CT	RALEIGH NC 27606-9646	4636 ARROWHEAD DR
24	0750466564	109146	EMERY, JASON G. EMERY, JOANNA L.	8409 SMITH RD	APEX NC 27539-8181	8409 SMITH RD

25	0750665745	284548	HARMONY GLEN HOMEOWNERS ASSOC INC	3921 SUNSET RIDGE RD., STE. 201	RALEIGH NC 27607-6679	0 RHYTHM DR
26	0750456175	109150	REVOCABLE LIVING TRUST OF DENNIS MCCOY & RANDY GARREN	8537 SMITH RD	APEX NC 27539-8169	8549 SMITH RD
27	0750466110	107588	SCOTT, RONALD D. SCOTT, MELODY S.	8429 SMITH RD	APEX NC 27539-8181	8429 SMITH RD
28			TOWN OF APEX PLANNING DEPARTMENT	PO BOX 250	APEX, NC 27502	
29	0750545646	018131	WAKE COUNTY BOARD OF EDUCATION	Attn: REAL ESTATE SERVICES, 111 CORNING ROAD, STE. 100	CARY NC 27518	8550 STEPHENSON RD

AGENT AUTHORIZATION FORM

Application #: 20CZ12 Submittal Date: _____

The Wake County Board of Education 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: 8550 Stephenson Road, Apex, NC

The agent for this project is: Betty L. Parker, Sr. Director, WCPSS Real Estate Services

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

Agent Name: Betty L. Parker, Sr. Director, WCPSS Real Estate Services, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

Address: 5625 Dillard Drive, Attn: Real Estate Services, Cary, NC 27518

Telephone Number: 919-856-8290

E-Mail Address: bparker@wcpss.net

Signature(s) of Owner(s)*

Betty L. Parker, Sr. Director, WCPSS Real Estate Services — October 28, 2020

Type or print name — Date

_____

_____ _____

Type or print name — Date

Attach additional sheets if there are additional owners.

*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

AFFIDAVIT OF OWNERSHIP

Application #: 20CZ12 Submittal Date: _____

The undersigned, Betty L. Parker, Senior Director, WCPSS Real Estate Services (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 8550 Stephenson Road 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 9/15/2016, and recorded in the Wake County Register of Deeds Office on 9/16/2016, in Book 16534 Page 545 and 550.

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 9/16/2016, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 9/16/2016, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 28th day of October, 20 20.

Betty L. Parker, Sr. Dir. (seal)

Betty L. Parker, Sr. Director, WCPSS Real Estate Services, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

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 Betty L. Parker, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

MARGARET SUTTER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires_____

[NOTARY SEAL]

Margaret Sutter

Notary Public Margaret Sutter
State of North Carolina
My Commission Expires: 5/7/2022

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 20CZ12 Submittal Date: _____

Insert legal description below.

See legal description attached hereto and incorported herein by reference as fully as if set forth herein.

Town of Apex Rezoning Legal Description: PIN 0750-54-5646

(WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE **POINT OF BEGINNING**, CONTAINING 68.06 ACRES MORE OR LESS.

Instruction Packet and Affidavit for
Neighborhood Meetings

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

T: 919-249-3426
F: 919-249-3338

This packet consists of instructions and templates for conducting a required Neighborhood Meeting. Planning Department staff are available to advise you in the preparation of these materials. Call the Planning Department at (919) 249-3426 for more information.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive initial feedback regarding certain project types prior to submittal to the Planning Department per the standards found in UDO Sec. 2.2.7. The intention of the meeting is to initiate neighbor communication and identify issues and concerns early on and provide the applicant an opportunity to address neighbor concerns about the potential impacts of the project prior to submitting an application. A neighborhood meeting is valid for six (6) months prior to the submission of an application; a delay in submission requires a new neighborhood meeting.

WHEN IS A NEIGHBORHOOD MEETING REQUIRED?

- Rezonings (including Planned Unit Developments);
- Major Site Plans;
- Residential Master Subdivision Plans (excluding exempt subdivisions); or
- Special Use Permits

INSTRUCTIONS

Prior to submitting an application for a Rezoning, Major Site Plan, residential Master Subdivision Plan (excluding exempt subdivisions), or Special Use Permit, the applicant must conduct at least one (1) Neighborhood Meeting. The applicant shall submit all forms included in this packet with the initial application submittal.

The Neighborhood Meeting must be held in accordance with the following rules:

These groups and individuals must be invited to the meeting:

- The applicant is required to notify the Planning Department, all property owners within 300 feet of the subject property, and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall use <u>their own return address</u> on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to either the existing zoning map of the area or preliminary plans of the proposed development (see Handout requirements below).

The meeting must be held within specific timeframes and meet certain requirements:

- The meeting must be held for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period. The meeting cannot be held on a Town recognized holiday (which coincide with the State of North Carolina recognized holidays).
- The meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.
- A sign-in sheet must be used in order to verify attendance. Ensure each attendee signs in. Please note if any person(s) refuses to sign in. Note if no one attended.
- Handout requirements:
  - For rezonings (excluding rezonings to PUD-CZ, TND-CZ and MEC-CZ), a vicinity map and existing zoning map of the area must be provided to help facilitate discussion.
  - For rezonings to PUD-CZ, TND-CZ and MEC-CZ; Major Site Plans; residential Master Subdivision Plans; and Special Use Permits, preliminary plans of the proposed development must be available at the meeting to help facilitate discussion. Neighbors may request emailed/mailed copies of the maps or plans from the applicant by checking the "send plans" box on the sign-in sheet; applicant shall provide reduced copies upon request.
  - Printed copies must equal the number of notices required to be sent.
  - Contact information for the applicant's representative and Town Staff must be provided on the attached "Project Contact Information" form.
  - "Common Construction Issues & Who to Call" sheet (attached) must be included as part of the handout.
  - A copy of the handout must be included as part of the Neighborhood Meeting report.
- The agenda of the meeting shall include:
  - Explanation of all processes the meeting is being held for (rezoning, subdivision, etc.).
  - Explanation of future meetings (additional neighborhood meetings, Planning Board, Town Council, etc.).
  - Explanation of development proposal – uses and conditions for rezonings, layout for subdivision and site plans, and builder/end user if known/public knowledge.
- Questions or concerns by attendees, and responses by the applicant, if any, must be noted. Provide blank comment sheets or notecards for neighbors to submit written comments. The applicant shall also include any questions and concerns received via written correspondence (such as email) or phone call along with responses provided by the applicant.
- The applicant shall be responsible for notifying any neighbors who check the "Send Plans & Updates" box on the sign-in sheet of any additional neighborhood meetings and the actual submittal date to the Town with a link to the Town of Apex's Interactive Development Map.

For accountability purposes, please submit the following with your application:

- A copy of the letter mailed to neighbors and neighborhood organizations (use attached invitation template);
- A list of those persons and neighborhood organizations invited to the meeting;
- A copy of the sign-in sheet (use attached sign-in sheet template);
- A summary of the meeting and a list of any changes made to the project as a result of the neighborhood comments (use attached meeting summary template);
- The affidavit, signed, dated, and notarized (use attached affidavit template); and
- One reduced copy of the maps and/or plans presented to the neighbors at the Neighborhood Meeting.

NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

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

October 14, 2020
Date

Dear Neighbor:

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

8550 Stephenson Road, Apex, NC 27539-9381 — Address(es)

0750-54-5646 — PIN(s)

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

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

	Application Type	Approving Authority
☒	Rezoning (including Planned Unit Development)	Town Council
☐	Major Site Plan	Town Council (QJPH*)
☐	Special Use Permit	Town Council (QJPH*)
☐	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The Applicant proposes to rezone the subject parcel from a Medium Density - Conditional Zoning District (MD-CZ) to a Medium Density - Conditional Zoning District (MD-CZ) with certain land uses permitted by the Town of Apex UDO and subject to proposed zoning conditions to support a public school development (Felton Grove HS).

Estimated submittal date: November 2, 2020

MEETING INFORMATION:

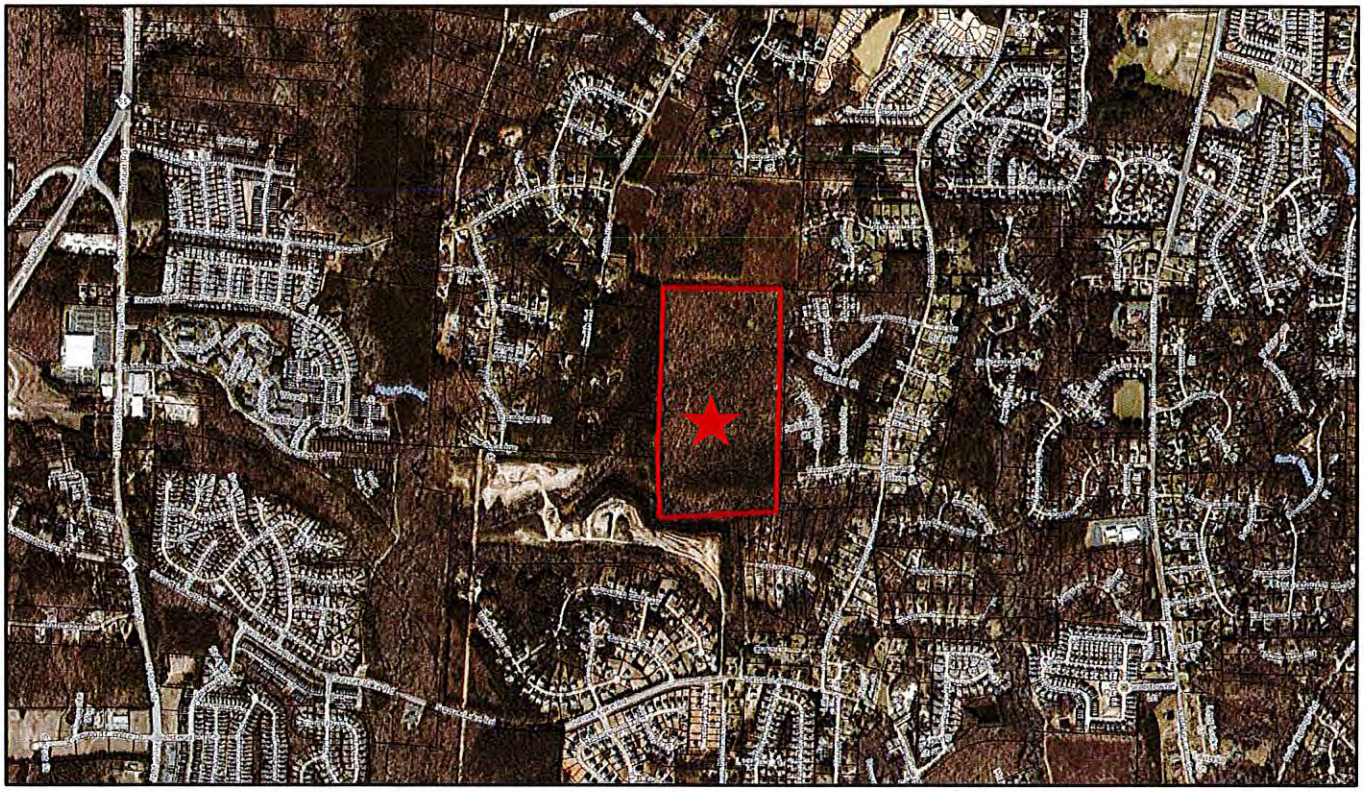
Property Owner(s) name(s):	The Wake County Board of Education
Applicant(s):	Betty L. Parker, Senior Director, WCPSS Real Estate Services
Contact information (email/phone):	Email. bparker@wcpss.net; Tel. 919-856-8290 (9:00-5:00 M-F)
Electronic Meeting invitation/call in info:	Webex Link: https://bit.ly/3lGnBE7 or Phone: 1-408-418-9388
Date of meeting**:	October 27, 2020
Time of meeting**:	5:30 p.m. to 7:30 p.m.

MEETING AGENDA TIMES:

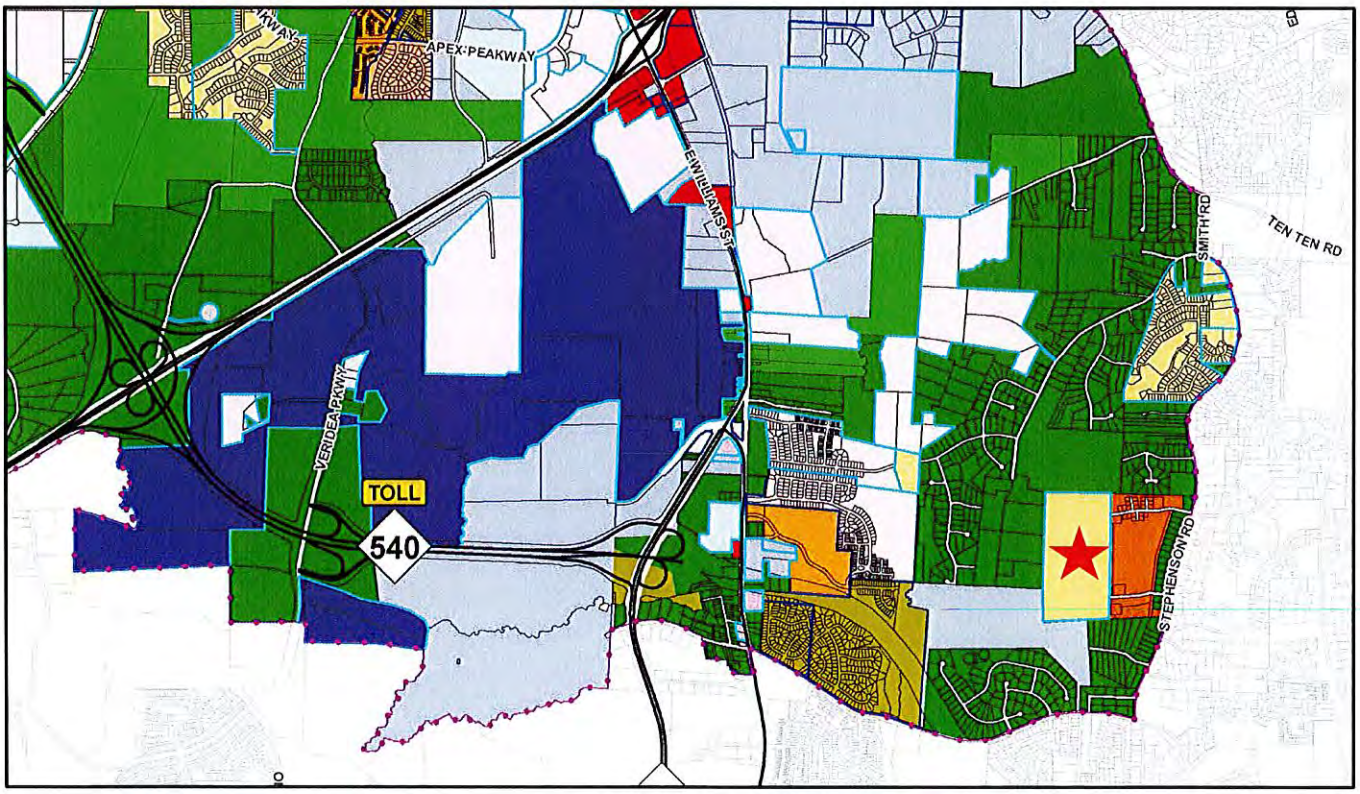
Welcome: 5:30 p.m. Project Presentation: 5:40 p.m. Question & Answer: 6:00 p.m.

**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.

Wake County GIS Aerial Vicinity Map



Town of Apex Official Zoning District Map



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: Felton Grove High School Zoning: MD-CZ

Location: 8550 Stephenson Road, Apex, NC

Property PIN(s): 0750545646 Acreage/Square Feet: ±68.06 acres

Property Owner: The Wake County Board of Education

Address: 5625 Dillard Drive, Attn: Real Estate Services

City: Cary State: NC Zip: 27518

Phone: 919-856-8290 Email: bparker@wcpss.net

Developer: Same as property owner

Address:

City: State: Zip:

Phone: Fax: Email:

Engineer: CLH Design, PA

Address: 400 Regency Forest Dr., Attn: Renee Pfeifer

City: Cary State: NC Zip: 27518

Phone: 919-319-6716 Fax: Email: rpfeifer@clhdesignpa.com

Builder (if known):

Address:

City: State: Zip:

Phone: Fax: Email:

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

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

Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1st and 3rd Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at http://www.apexnc.org/838/Agendas-Minutes). You may also contact Town Council by e-mail at AllCouncil@apexnc.org.

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic:	James Misciagno	919-372-7470

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

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

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

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470

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

Trash:	James Misciagno	919-372-7470

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

Temporary Sediment Basins:	James Misciagno	919-372-7470

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

Stormwater Control Measures:	Mike Deaton	919-249-3413

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation:	Rodney Smith	919-249-3342

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual Meeting

Date of meeting: October 27, 2020 Time of meeting: 5:30 p.m. - 7:30 p.m.

Property Owner(s) name(s): The Wake County Board of Education

Applicant(s): The Wake County Board of Education

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	*No Attendees other than WCPSS staff joined the virtual meeting.*				
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): The Wake County Board of Education

Applicant(s): The Wake County Board of Education

Contact information (email/phone): Betty L. Parker;, WCPSS RES Sr. Director; bparker@wcpss.net/(919)-856-8290

Meeting Address: Virtual

Date of meeting: October 27, 2020 Time of meeting: 5:30 p.m. - 7:30 p.m.

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

Question/Concern #1:

N/A

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

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

I, Betty L. Parker, Sr. Director, WCPSS RES, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.

2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.

3. The meeting was conducted at Virtual Meeting (location/address) on October 27, 2020 (date) from 5:30 p.m. (start time) to 7:30 p.m. (end time).

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

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

October 28, 2020
Date

By: Betty Parker, Sr. Dir.
Betty L. Parker, Sr. Director, WCPSS Real Estate Services

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, on this the 28th day of October, 20 20.

SEAL
MARGARET SUTTER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires

Margaret Sutter
Notary Public
Margaret Sutter
Print Name

My Commission Expires: 5/7/2022

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9,2021

Item Details

Presenter: Shelly Mayo, Planner II

Department: Planning and Community Development

Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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

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

Annexation Petition #700
Wake County Board of Education (Felton Grove High School)

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

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

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

This the 9th day of February 2021.

_____
Jacques K. Gilbert
Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #700
Wake County Board of Education (Felton Grove High School)

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

I, Donna B. Hosch, 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 9th day of February 2021.

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #:	700	Submittal Date:	11/2/2020
Fee Paid	$ N/A	Check #	N/A

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

Owner Information

The Wake County Board of Education	0750-54-5646, DB 16534/PG 545 and DB 16534/PG 550
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-856-8290	bparker@wcpss.net
Phone	E-mail Address
Attn: Betty L. Parker, Sr. Director, Real Estate	
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: Dewberry Engineers, Inc

Phone: 919-424-3715 Fax: 919-881-9923

E-mail Address: ahales@dewberry.com

Annexation Summary Chart

Total Acreage to be annexed:	68.06	Reason for annexation: (select one)	
Population of acreage to be annexed:	vacant parcel	Receive Town Services	x
Existing # of housing units:	0	Other (please specify)	
Zoning District*:	MD-CZ		

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 700 Submittal Date: 11/2/2020

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 15th day of October, 20 20.

Corporate Name The Wake County Board of Education

SEAL

By: Betty L. Parker ~~President (Signature)~~

Sr. Director, Real Estate Services, WCPSS, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

Attest: Betty L. Parker

~~Secretary (Signature)~~

Sr. Director, Real Estate Services, WCPSS, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, this the 15th day of October, 20 20.

Margaret Sutter
Notary Public

SEAL

MARGARET SUTTER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 5/7/2022

My Commission Expires: 5/7/2022

Town of Apex Satellite Annexation Legal Description: PIN 0750-54-5646

(WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE **POINT OF BEGINNING**, CONTAINING 68.06 ACRES MORE OR LESS.

NORTH CAROLINA PROFESSIONAL SEAL L-4980 LAND SURVEYOR ADAM C. HALES

11/16/2020

Wake County Real Estate Data
Account Summary

Real Estate ID **0018131** PIN # **0750545646**

Location Address
8550 STEPHENSON RD

Property Description
RODGERS LD

Property Owner	Owner's Mailing Address	Property Location Address
WAKE COUNTY BOARD OF EDUCATION **BETTY L PARKER** (Use the Deeds link to view any additional owners)	**FACILITIES BLDG** **1551 ROCK QUARRY RD** **RALEIGH NC 27610-4145**	**8550 STEPHENSON RD** **APEX NC 27539-9381**

Administrative Data		**Transfer Information**		**Assessed Value**	
Old Map #	**718--**				
Map/Scale	**0750 04**	Deed Date	**9/16/2016**	Land Value Assessed	**$2,634,884**
VCS	**20AP901**	Book & Page	**16534 0550**	Bldg. Value Assessed	
City		Revenue Stamps			
Fire District	**23**	Pkg Sale Date			
Township	**WHITE OAK**	Pkg Sale Price		Tax Relief	
Land Class	**EXEMPT**	Land Sale Date	**9/16/2016**		
ETJ	**AP**	Land Sale Price	**$4,307,000**	Land Use Value	
Spec Dist(s)				Use Value Deferment	
Zoning	**MD-CZ**	**Improvement Summary**		Historic Deferment	
History ID 1				Total Deferred Value	
History ID 2		Total Units	**0**		
Acreage	**66.48**	Recycle Units	**0**		
Permit Date		Apt/SC Sqft		Use/Hist/Tax Relief	
Permit #		Heated Area		Assessed	
				Total Value Assessed*	**$2,634,884**

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

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

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

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

Annexation Petition #700
Wake County Board of Education (Felton Grove High School)

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 six o'clock p.m. on the 23rd day of February 2021.

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 9th day of February 2021.

_____
Jacques K. Gilbert, Mayor

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC, Town Clerk

Town of Apex Satellite Annexation Legal Description: PIN 0750-54-5646

(WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

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NORTH CAROLINA PROFESSIONAL SEAL L-4980 LAND SURVEYOR ADAM C. HALES

11/16/2020

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 #: 700 Submittal Date: 11/2/2020

Fee Paid $ N/A Check # N/A

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is ☐ contiguous, ☒ non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
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The Wake County Board of Education	0750-54-5646, DB 16534/PG 545 and DB 16534/PG 550
Owner Name (Please Print)	Property PIN or Deed Book & Page #
919-856-8290	bparker@wcpss.net
Phone	E-mail Address
Attn: Betty L. Parker, Sr. Director, Real Estate	
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: Dewberry Engineers, Inc

Phone: 919-424-3715 Fax: 919-881-9923

E-mail Address: ahales@dewberry.com

Annexation Summary Chart

Total Acreage to be annexed:	68.06	Reason for annexation: (select one)	
Population of acreage to be annexed:	vacant parcel	Receive Town Services	x
Existing # of housing units:	0	Other (please specify)	
Zoning District*:	MD-CZ		

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 700 Submittal Date: 11/2/2020

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 15th day of October, 20 20.

Corporate Name The Wake County Board of Education

SEAL

By: Betty L. Parker ~~President (Signature)~~

Sr. Director, Real Estate Services, WCPSS, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

Attest:

~~Secretary (Signature)~~

Sr. Director, Real Estate Services, WCPSS, for and on behalf of the Wake County Board of Education pursuant to duly delegated authority.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Margaret Sutter, a Notary Public for the above State and County, this the 15th day of October, 20 20.

Notary Public

SEAL

MARGARET SUTTER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 5/7/2022

My Commission Expires: 5/7/2022

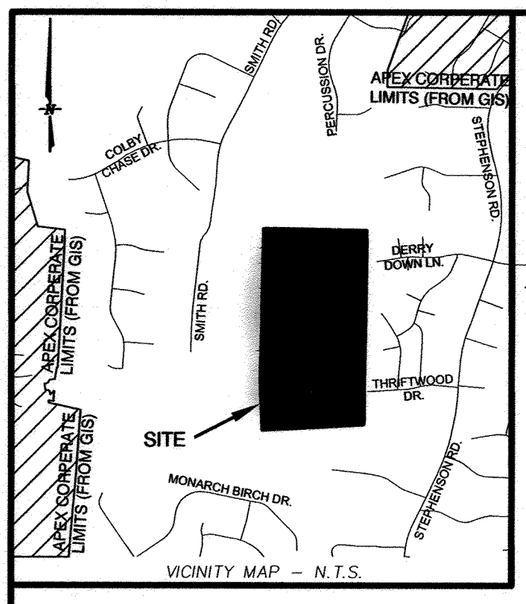
Town of Apex Satellite Annexation Legal Description: PIN 0750-54-5646

(WCPSS: Felton Grove High School, 8550 Stephenson Road, Apex, NC 27539)

BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE **POINT OF BEGINNING**, CONTAINING 68.06 ACRES MORE OR LESS.

NORTH CAROLINA PROFESSIONAL SEAL L-4980 LAND SURVEYOR ADAM C. HALES

11/16/2020



VICINITY MAP – N.T.S.

DB 16534 PG 550

I, ADAM C. HALES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION AND THAT THE INFORMATION SHOWN ON THIS PLAT IS NOT FROM AN ACTUAL GROUND SURVEY. ALL INFORMATION IS TAKEN FROM DEEDS, PLATS AND GIS INFORMATION. THE PURPOSE OF THIS MAP IS TO SERVE AS AN ILLUSTRATIVE AID OF THE PROPOSED ANNEXATION OF LAND INTO THE TOWN OF APEX CORPORATE LIMITS.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 16TH DAY OF NOVEMBER, A.D., 2020.

PROFESSIONAL LAND SURVEYOR LICENSE # L-4980

NORTH CAROLINA PROFESSIONAL SEAL L-4980 LAND SURVEYOR ADAM C. HALES

NOTES:

1. THIS MAP IS EXEMPT FROM NCGS 47-30 MAPPING REQUIREMENTS PER NCGS 47-30 PARAGRAPH (J).
2. THE PURPOSE OF THIS MAP IS TO SERVE AS AN ILLUSTRATIVE AID OF THE PROPOSED ANNEXATION OF LAND INTO THE TOWN OF APEX.
3. APEX CORPORATE LIMITS PROVIDED BY TOWN OF APEX, GIS DEPARTMENT.
4. IT IS THE INTENTION THAT THE ANNEXATION BOUNDARY IS TO FOLLOW THE TITLE BOUNDARY OF THE PARCEL SHOWN HEREON.

ANNEXATION #_____.

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

_____.
DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

–Seal–

LEGAL DESCRIPTION

BEGINNING AT AN IRON SHANK AT THE NORTHEASTERN MOST CORNER OF THE SUBJECT PROPERTY; THENCE, S 00°52'15" W A DISTANCE OF 2337.40' TO AN IRON PIPE; THENCE, S 86°51'34" W A DISTANCE OF 1224.63' TO AN IRON PIPE WITH CAP AND TACK; THENCE, N 02°01'22" W A DISTANCE OF 632.89' TO A 36" OAK STUMP; THENCE, N 01°19'50" E A DISTANCE OF 1795.11' TO AN IRON PIPE; THENCE, S 88°56'30" E A DISTANCE OF 1239.18' TO THE POINT OF BEGINNING, CONTAINING 68.06 ACRES MORE OR LESS.

REFERENCES

1. JOHNIE M. DEW & BESSIE W. DEW
   DB 3265 PG 799
   BM 1983 PG 1064
   PIN: 0750-63-2916
2. JOHNIE M. DEW & BESSIE W. DEW
   DB 3265 PG 799
   BM 1983 PG 1064
   PIN: 0750-63-1918
3. JOHNIE M. DEW & BESSIE W. DEW
   DB 3265 PG 799
   BM 1983 PG 1064
   PIN: 0750-54-9090
4. JOHNIE M. DEW & BESSIE W. DEW
   DB 4952 PG 240
   BM 1983 PG 1064
   PIN: 0750-53-8989

GRAPHIC SCALE

150 0 75 150 300 600

(IN FEET)
1 inch = 150 ft.

JASON G. EMERY & JOANNA L. EMERY
DB 10299 PG 2534
BM 1978 PG 723
PIN: 0750-46-6564

RONALD D. SCOTT & MELODY S. SCOTT
DB 2689 PG 470
BM 1978 PG 723
PIN: 0750-46-6110

DAVIS B. CHAMBLEE & LEANNE M. CHAMBLEE
DB 14545 PG 1437
BM 1978 PG 723
PIN: 0750-45-6507

REVOCABLE LIVING TRUST OF DENNIS MCCOY AND RANDY GARREN
DB 13020 PG 135
BM 1982 PG 529
PIN: 0750-45-6175

CURRIN BROS., INC.
DB 6000 PG 178
BM 1994 PG 161
PIN: 0750-44-1160

CURRIN BROS., INC.
DB 6000 PG 178
BM 1994 PG 161
PIN: 0750-44-1160

JOSEPH W. DEAN & CHRISTINE W. DEAN
DB 2600 PG 666
BM 1978 PG 159
PIN: 0750-57-6147

BRIARTAC FAMILY, LLC.
DB 13812 PG 334
BM 1986 PG 2149
PIN: 0750-65-7552

AQUA NORTH CAROLINA
DB 13547 PG 76
BM 1986 PG 214
PIN: 0750-66-30

BRIARTAC FAMILY, LLC.
DB 13812 PG 334
BM 1986 PG 2149
PIN: 0750-65-2582

BRIARTAC FAMILY, LLC.
DB 13812 PG 334
BM 1986 PG 2149
PIN: 0750-64-2452

PROPOSED ANNEXATION AREA

WAKE COUNTY BOARD OF EDUCATION
DB 16534 PG 550
PIN: 0750-54-5646

2,964,732.34 SQ. FT (68.06 ACRES)
ACREAGE COMPUTED PER COORDINATE METHOD

S 88°56'30" E
1239.18'

N 01°19'50" E
1795.11'

S 00°52'15" W
2337.40'

S 86°51'34" W
1224.63'

N 02°01'22" W
632.89'

IPF 1"
2.75" IRON SHANK
IPF 1"
IPF 1"
36" OAK STUMP
IPF 1"
W/ CAP & TACK
IPF 1"
IPF 1"
IPF 1"
IPF 1"
IPF 1"

DERRY DOWN LN.
60' PUBLIC R/W

CHERRYSTONE LN.
(PRIVATE)

CARLOTTA CT.
(PRIVATE)

THRIFTWOOD DR.
60' PUBLIC R/W

4 3 2 1

RECORDED IN BOOK OF MAPS_____ PAGE_____ WAKE COUNTY DEED REGISTRY

REVISIONS					
No.	DATE	BY	DESCRIPTION	DATE:	11/16/20
				DRAWN BY:	GJD
				APPROVED BY:	ACH
				CHECKED BY:	ACH
				PROJECT #:	50103124
				SCALE:	1" = 150'
				SHEET #:	1 OF 1

SATELLITE ANNEXATION MAP for the TOWN OF APEX

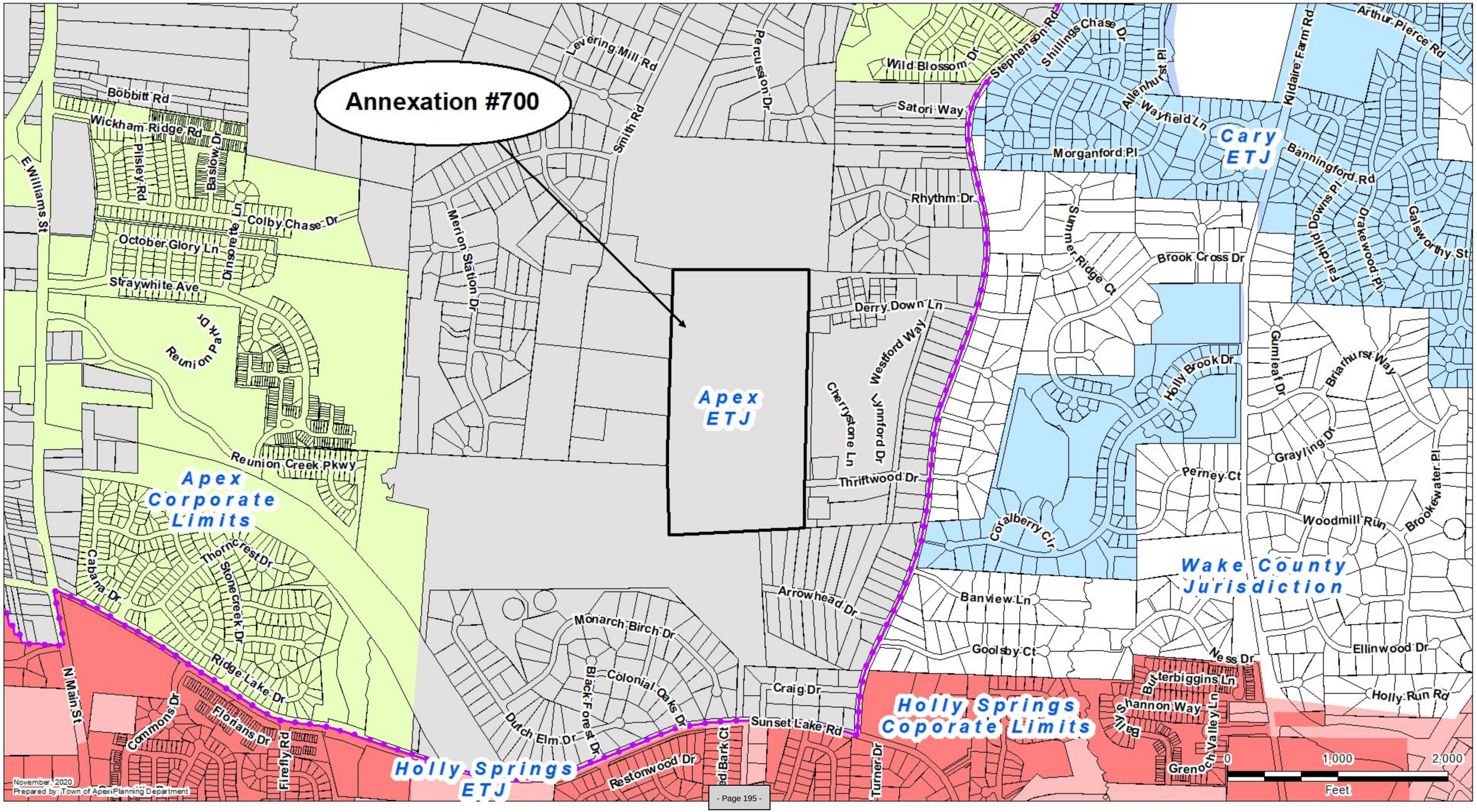
PROPERTY OF

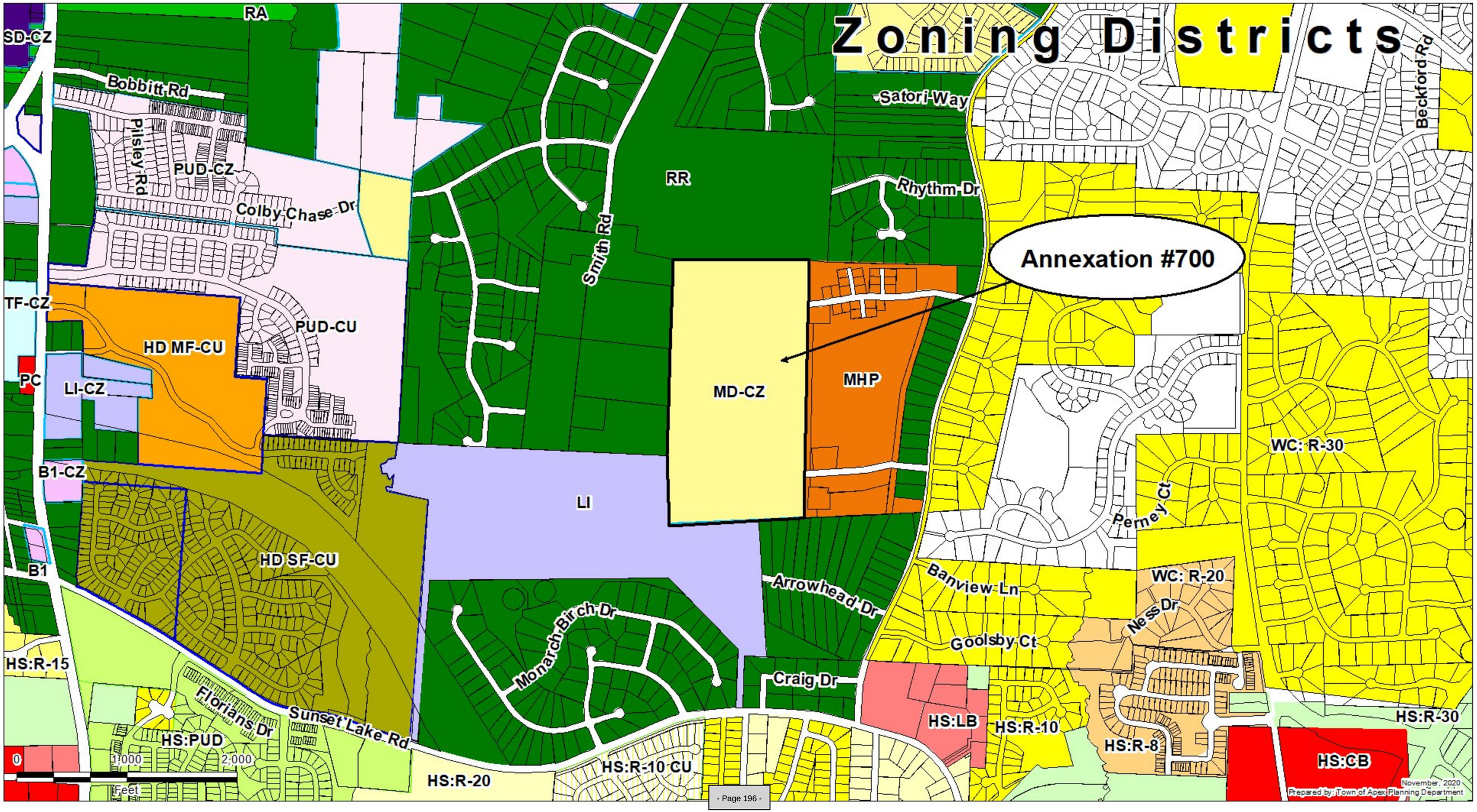
THE WAKE COUNTY BOARD OF EDUCATION
FELTON GROVE HIGH SCHOOL (H-12)

8550 STEPHENSON ROAD, APEX, NC 27539
WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

Dewberry
Dewberry Engineers Inc.
2301 REXWOODS DRIVE
SUITE 200
RALEIGH, NC 27607
PHONE: 919.881.9939
FAX: 919.881.9923
NCBELS #F-0929

Annexation #700
Colby Crossing
Miramonte
Merion
Merion Station Dr
Lianfair Ln
Smith Rd
Harmony Glen
Summer Ridge Ct
Derry Down Ln
Briarwood Farms COSD
Westford Way
Stephenson Rd
Brook Cross Dr
Cherrystone Ln
Lynnford Dr
Briarwood Farms
Thriftwood Dr
Coralberry Cir
Holly Brook Dr
Indian Hills
Saponi Hills
Arrowhead Dr
Banview Ln
Fair Oaks
0
500
1,000
Feet
November, 2020
September, 2020 Aerial Photography
Prepared by: Town of Apex Planning Department


Annexation #700
Apex ETJ
Cary ETJ
Apex Corporate Limits
Wake County Jurisdiction
Holly Springs Coporate Limits
Holly Springs ETJ
Bobbitt Rd
Wickham Ridge Rd
Pilsley Rd
Baslow Dr
E Williams St
Colby Chase Dr
October Glory Ln
Dinsorette Ln
Straywhite Ave
Reunion Park Dr
Reunion Creek Pkwy
Levering Mill Rd
Smith Rd
Percussion Dr
Merion Station Dr
Wild Blossom Dr
Stephenson Rd
Shillings Chase Dr
Satori Way
Allenhurst Pl
Wayfield Ln
Morganford Pl
Kildaire Farm Rd
Arthur Pierce Rd
Banningford Rd
Fairchild Downs Pl
Drakewood Pl
Galsworthy St
Rhythm Dr
Summer Ridge Ct
Brook Cross Dr
Derry Down Ln
Westford Way
Cherrystone Ln
Lynnford Dr
Thriftwood Dr
Holly Brook Dr
Gumleaf Dr
Briarhurst Way
Grayling Dr
Perney Ct
Brookewater Pl
Woodmill Run
Coralberry Cir
Thorncrest Dr
Stonecreek Dr
Cabana Dr
Ridge Lake Dr
Commons Dr
Florians Dr
Firefly Rd
N Main St
Monarch Birch Dr
Colonial Oaks Dr
Black Forest Dr
Dutch Elm Dr
Restonwood Dr
Arrowhead Dr
Banview Ln
Goolsby Ct
Craig Dr
Sunset Lake Rd
Turner Dr
Ness Dr
Butterbiggins Ln
Shannon Way
Ballys Valley Ln
Grenoch Valley Ln
Ellinwood Dr
Holly Run Rd
0
1,000
2,000
Feet
November, 2020
Prepared by: Town of Apex Planning Department


Zoning Districts
Annexation #700
RA
SD-CZ
Bobbitt Rd
Pisley Rd
PUD-CZ
Colby Chase Dr
TF-CZ
HD MF-CU
PUD-CU
PC
LI-CZ
B1-CZ
B1
HS:R-15
HD SF-CU
Florians Dr
HS:PUD
Sunset Lake Rd
HS:R-20
HS:R-10 CU
Smith Rd
RR
Satori Way
Rhythm Dr
MD-CZ
MHP
LI
Monarch Birch Dr
Arrowhead Dr
Craig Dr
Banview Ln
Goolsby Ct
Perney Ct
Ness Dr
WC: R-20
WC: R-30
Beckford Rd
HS:LB
HS:R-10
HS:R-8
HS:R-30
HS:CB
0
1,000
2,000
Feet
November, 2020
Prepared by: Town of Apex Planning Department

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Marty Stone – Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and Matthew Paul Donohue and wife Kacie Smith Donohue to install 75 SF of a 3' wide concrete walkway and 203 SF of concrete driveway that will encroach onto the Town's 20' Public Sanitary Sewer Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

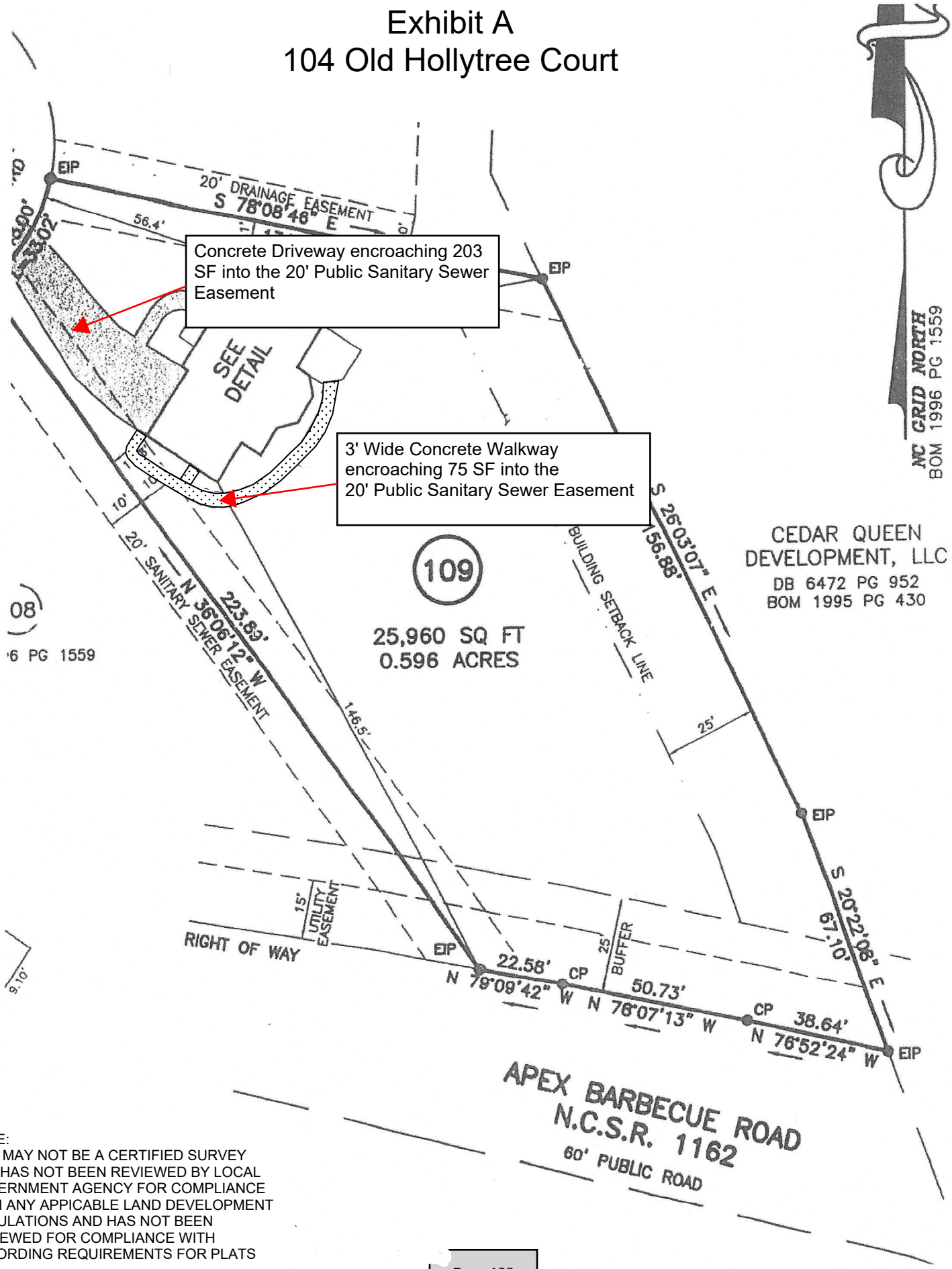
Item Details

Approve Encroachment Agreement between the Town and property owner Matthew Paul Donohue and wife Kacie Smith Donohue (Grantees) for the property described as a residential lot known as Wake County PIN#0731-58-9441, Book of Maps 1996, Page 1559, Lot 109, 104 Old Hollytree Court, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as 75 SF of 3' wide concrete walkway and 203 SF of concrete driveway that will encroach into the Public Sanitary Sewer Easement.

Attachments

- Encroachment Agreement
- Exhibit A

Exhibit A
104 Old Hollytree Court



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

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

STATE OF NORTH CAROLINA **ENCROACHMENT AGREEMENT**
COUNTY OF WAKE

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2021, by and between Matthew Paul Donohue and wife Kacie Smith Donohue, hereinafter referred to as "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 #0731-58-9441** and more particularly described as **Lot 109** of the subdivision known as **Scotts Mill Ph. 1,** which is shown on that certain plat recorded in **Book of Maps 1996, Page 1559**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **104 Old Hollytree Court, 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 20' SANITARY SEWER EASEMENT as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Sanitary Sewer Easement."**

WHEREAS, Grantees wish to install certain improvements, more particularly described as **75 SF of 3' wide concrete walkway and 203 SF of concrete driveway that will encroach into the Public Sanitary Sewer 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 Sanitary Sewer 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 Sanitary Sewer 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. 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 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.

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: Matthew Paul Donohue and wife Kacie Smith Donohue
4103 Haybeck Lane
Apex, NC 27523

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 Sanitary Sewer 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 its 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 Sanitary Sewer Easement,** then no notice shall be required and the Town may remove the Encroachment from the **Public Sanitary Sewer 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 the 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 **Lot 109 Scotts Mill Phase 1 (104 Old Hollytree Court, Apex, NC 27502)**, or by assumption of said obligations by an incorporated property or condominium owners association for **Scotts Mill Phase 1.** 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 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 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 Grantees and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES

By: Matthew Paul Donohue
Matthew Paul Donohue

By: Kacie Smith Donohue
Kacie Smith Donohue

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

I, do hereby certify that Matthew Paul Donohue, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 21st day of January 2021.

Lori A Aveni
[*Signature of Notary Public*]

My Commission Expires: 3/1/2021

LORI A AVENI
NOTARY PUBLIC
WAKE COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 03-01-2021

****

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

I, do hereby certify that Kacie Smith Donohue, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 21st day of January 2021.

Lori A Aveni
[*Signature of Notary Public*]

My Commission Expires: 3/1/2021

LORI A AVENI
NOTARY PUBLIC
WAKE COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 03-01-2021

TOWN OF APEX

_____
Andrew L. Havens
Town Manager

(Corporate Seal)

ATTEST:

_____
Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ *[county in which acknowledgement taken]*

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

Witness my hand and official stamp or seal, this _____ day of _____, 2021.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 11 SF of private sidewalk and 13 SF of a private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

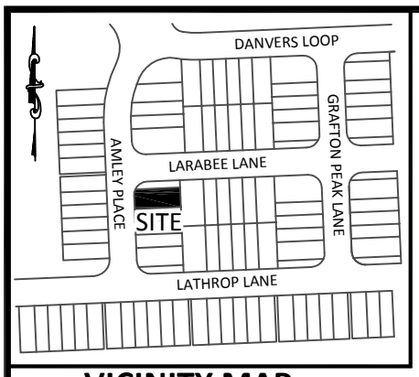
Yes

Item Details

Approve Encroachment Agreement between the Town and property owner Tri Pointe Homes Holdings, Inc.(Grantee) for the property described as a residential lot known as Wake County PIN#0742-67-6999, Book of Maps 2019, Page 00419, Lot 143, 823 Amley Place, Apex, NC 27523. Grantee wishes to install certain improvements, more particularly described as 11 SF of private sidewalk and 13 SF of a private driveway that will encroach upon portions of the 20' Public Storm Drainage Easement.

Attachments

- Encroachment Agreement
- Exhibit A



VICINITY MAP

EXHIBIT A
823 Amley Place

LOT INFORMATION:

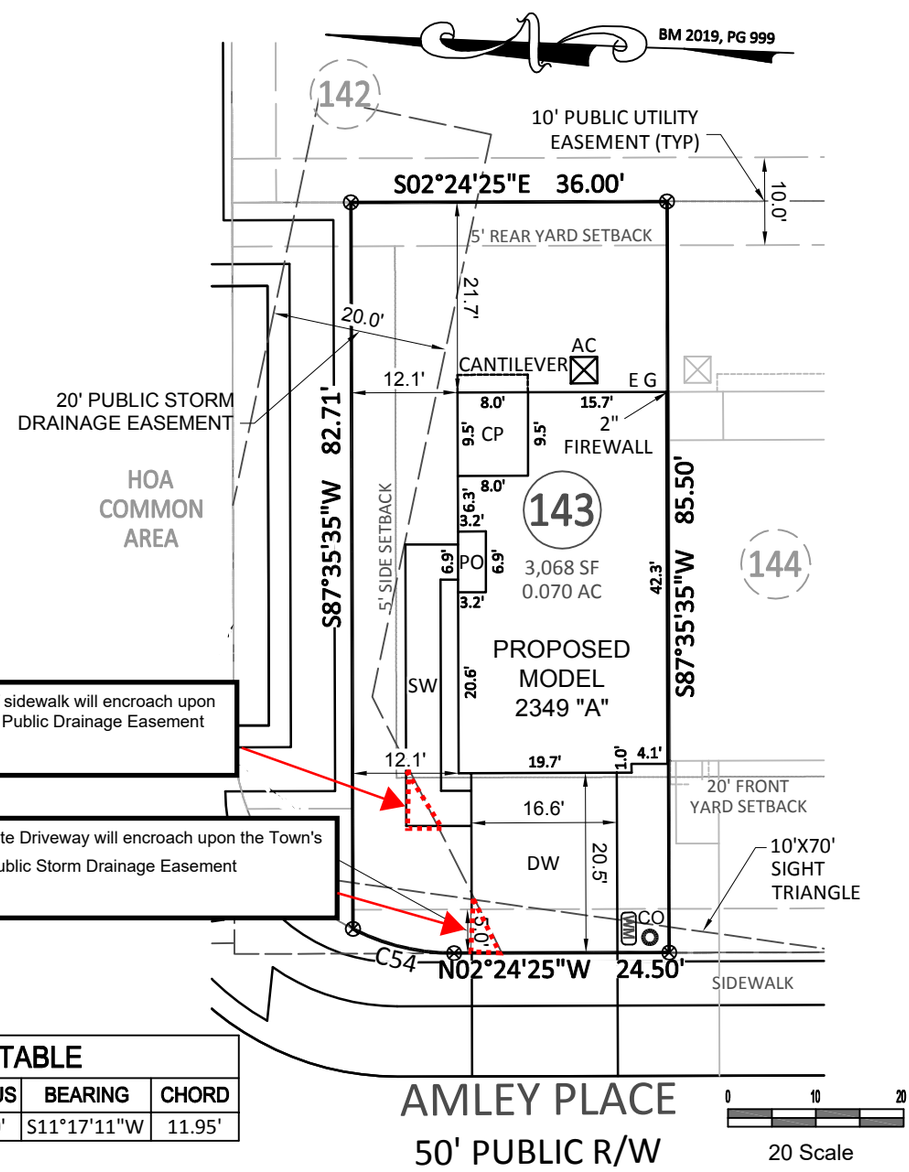
PIN: 0742676999
TOTAL LOT AREA = 0.070 AC = 3,068 SF
HOUSE = 927 SF
PORCH = 22 SF
SIDEWALK = 150 SF
DRIVEWAY = 340 SF
COVERED PORCH = 76 SF
AC PAD = 9 SF
PROPOSED IMPERVIOUS = 1,524 SF
PERCENT IMPERVIOUS = 49.7 %

MINIMUM BUILDING SETBACKS:

FROM BUFFER OR RCA:	10'
FRONT YARD:	5'
SIDE YARD (END UNITS):	5'
REAR YARD:	5'
PUBLIC R/W:	18' **(WHERE NO SIDEWALK IS PRESENT)**
PUBLIC R/W TO GARAGE:	20' **(WHERE SIDEWALK IS PRESENT)**
BUILDING SIDE TO SIDE:	10'
BUILDING SIDE TO REAR:	30'
BUILDING REAR TO REAR:	40'

LEGEND

PO = PORCH
S = CONCRETE STOOP
SW = SIDEWALK
DW = CONC DRIVEWAY
CP = COVERED PORCH
P = CONCRETE PATIO
⊗ = COMPUTED POINT
O = IRON PIPE FOUND(EIP)
◉ = IRON PIPE SET(IPS)
● = DRILL HOLE FOUND
WM = WATER METER
CO = CLEAN OUT
AC = AIR CONDITIONER
Ⓒ = CABLE BOX
Ⓢ = SEWER MANOLE
Ⓣ = TS HANDHOLE
TP = TELEPHONE PEDESTAL
CB = CATCH BASIN
☼ = LIGHT POLE
G = GAS METER
E = ELECTRIC METER
= FIRE HYDRANT (FH)
YI = YARD INLET
= WATER VALVE (WV)
EB = ELECTRIC BOX
Ⓖ = GAS VALVE
FP = FIREPLACE
ST = STORAGE
Ⓦ = WATER VALVE



CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C54	11.84'	25.00'	S11°17'11"W	11.95'

Bateman Civil • Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Avenue, Apex, NC 27539
(919) 577-1080
NCBELS C 2378

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

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 February, 2021, by and between Tri Pointe Homes, Inc. hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as PIN #0742-67-6999 by the Wake County Revenue Department and more particularly described as **Lot 143** of the subdivision known as **Townes at North Salem Phase 2A** as shown on that certain plat recorded in **Book of Maps 2019, Page 00419 (Sheet 4 of 5)**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **823 Amley Place, Apex, NC 27523.** The residential lot described in this paragraph is hereinafter referred to as the **"Residential Lot."**

WHEREAS, the Town is the owner of a **20' Public Storm Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Storm Drainage Easement."**

WHEREAS, Grantee wishes to install certain improvements more particularly described as, **11 SF of private sidewalk and 13 SF of a private driveway that will encroach upon portions of the 20' Public Storm Drainage Easement,** which serves the Residential Lot, hereinafter referred to as the

"**Encroachment**", all as shown on the attached **Exhibit A**. Grantee 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 Storm Drainage Easement.**

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

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

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

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

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

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

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

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

To Grantee: Tri Pointe Homes Holdings, Inc.
Gray Shell
1330 Sunday Drive, Suite 101
Raleigh, NC 27607

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 Storm Drainage Easement**.

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

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or

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

12. Grantee, during the life of this Encroachment Agreement, agree 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 Encroachment 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.

Future devisees, assignees, or transferees taking ownership of the Residential Lot, may, if applicable, satisfy the insurance requirements of this paragraph by showing proof of homeowner's insurance with personal liability coverage in a minimum amount of at least $300,000. Notice of cancellation, non-renewal or material change in coverage shall be provided to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement assumption of said obligations by an incorporated property or condominium owners association for **Townes At North Salem, Phase 2A.** The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever 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.

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

GRANTEE

Tri Pointe Homes Holdings, Inc.

By: _____(SEAL)
Gray Shell
Division President -Carolinas

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

I, Mandy Briley, a Notary Public of Wake County, North Carolina, certify that Leslie Graham Shell, IV., personally appeared before me this day and acknowledged that he/she is the Division President – Carolinas for TRI Pointe Homes Holdings, Inc., a corporation, and that he/she as Division President – Carolinas being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 13th day of January, 2021.

Mandy Briley
[*Signature of Notary Public*]

(Affix Notarial Stamp-Seal)

My Commission Expires: Dec. 15th 2024

MANDY BRILEY
NOTARY
PUBLIC
WAKE COUNTY, NC

TOWN OF APEX

_____
Andrew L. Havens
Town Manager

(Corporate Seal)

ATTEST:

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF_____*[county in which acknowledgement taken]*

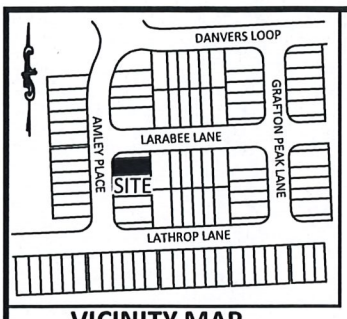
I,_____, a Notary Public of_____County, North Carolina, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing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

Witness my hand and official stamp or seal, this_____day of_____, 2021.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A
823 Amley Place



VICINITY MAP

LOT INFORMATION:

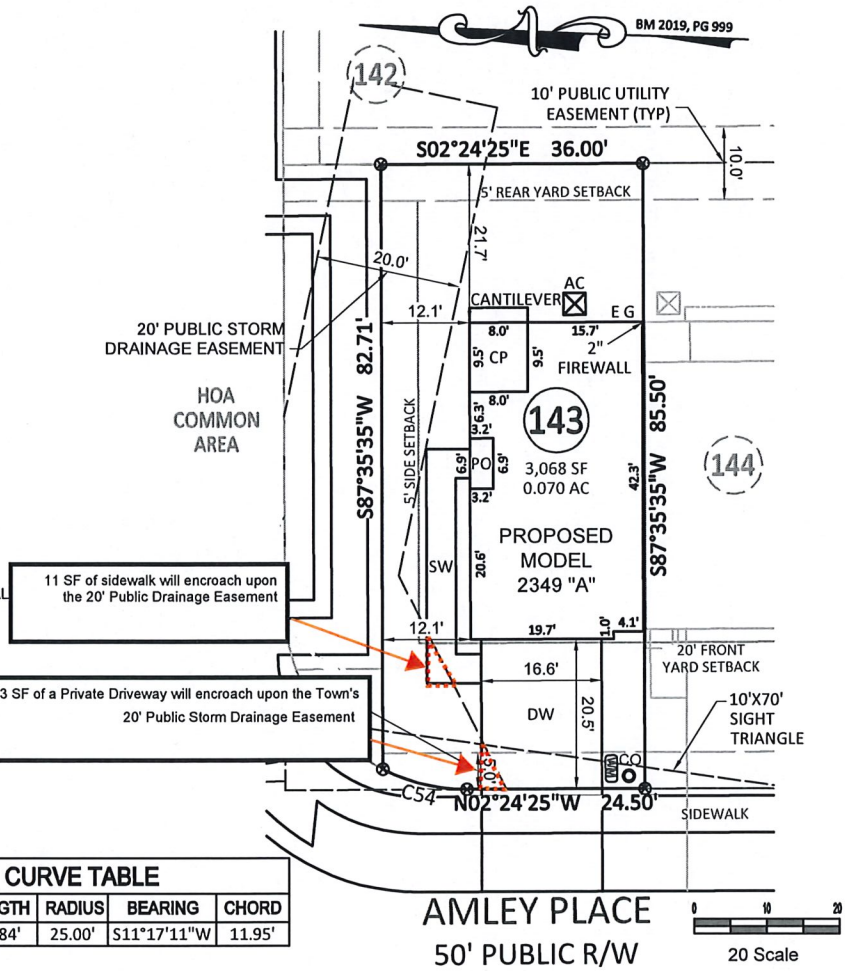
PIN: 0742676999
TOTAL LOT AREA = 0.070 AC = 3,068 SF
HOUSE = 927 SF
PORCH = 22 SF
SIDEWALK = 150 SF
DRIVEWAY = 340 SF
COVERED PORCH = 76 SF
AC PAD = 9 SF
PROPOSED IMPERVIOUS = 1,524 SF
PERCENT IMPERVIOUS = 49.7 %

MINIMUM BUILDING SETBACKS:

FROM BUFFER OR RCA:	10'
FRONT YARD:	5'
SIDE YARD (END UNITS):	5'
REAR YARD:	5'
PUBLIC R/W:	18' **(WHERE NO SIDEWALK IS PRESENT)**
PUBLIC R/W TO GARAGE:	20' **(WHERE SIDEWALK IS PRESENT)**
BUILDING SIDE TO SIDE:	10'
BUILDING SIDE TO REAR:	30'
BUILDING REAR TO REAR:	40'

LEGEND

PO = PORCH
S = CONCRETE STOOP
SW = SIDEWALK
DW = CONC DRIVEWAY
CP = COVERED PORCH
P = CONCRETE PATIO
⊗ = COMPUTED POINT
○ = IRON PIPE FOUND(EIP)
◉ = IRON PIPE SET(IPS)
● = DRILL HOLE FOUND
WM = WATER METER
CO = CLEAN OUT
AC = AIR CONDITIONER
Ⓒ = CABLE BOX
Ⓢ = SEWER MANOLE
Ⓣ = TS HANDHOLE
TP = TELEPHONE PEDESTAL
CB = CATCH BASIN
☼ = LIGHT POLE
G = GAS METER
E = ELECTRIC METER
= FIRE HYDRANT (FH)
YI = YARD INLET
= WATER VALVE (WV)
EB = ELECTRIC BOX
Ⓖ = GAS VALVE
FP = FIREPLACE
ST = STORAGE
Ⓦ = WATER VALVE



CURVE TABLE

CURVE	LENGTH	RADIUS	BEARING	CHORD
C54	11.84'	25.00'	S11°17'11"W	11.95'

Bateman Civil • Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Avenue, Apex, NC 27539
(919) 577-1080
NCBELS C 2378

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

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 52 SF of private sidewalk and 64 SF of private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

Approve Encroachment Agreement between the Town and property owner Tri Pointe Homes Holdings, Inc.(Grantee) for the property described as a residential lot known as Wake County PIN#0742-67-7808, Book of Maps 2019, Page 00419, Lot 147, 831 Amley Place, Apex, NC 27523. Grantee wishes to install certain improvements, more particularly described as 52 SF of private sidewalk and 64 SF of a private driveway that will encroach upon portions of the 20' Public Storm Drainage Easement.

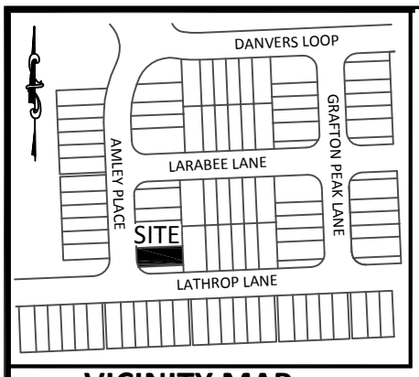
Attachments

- Encroachment Agreement
- Exhibit A

EXHIBIT A
831 Amley Place

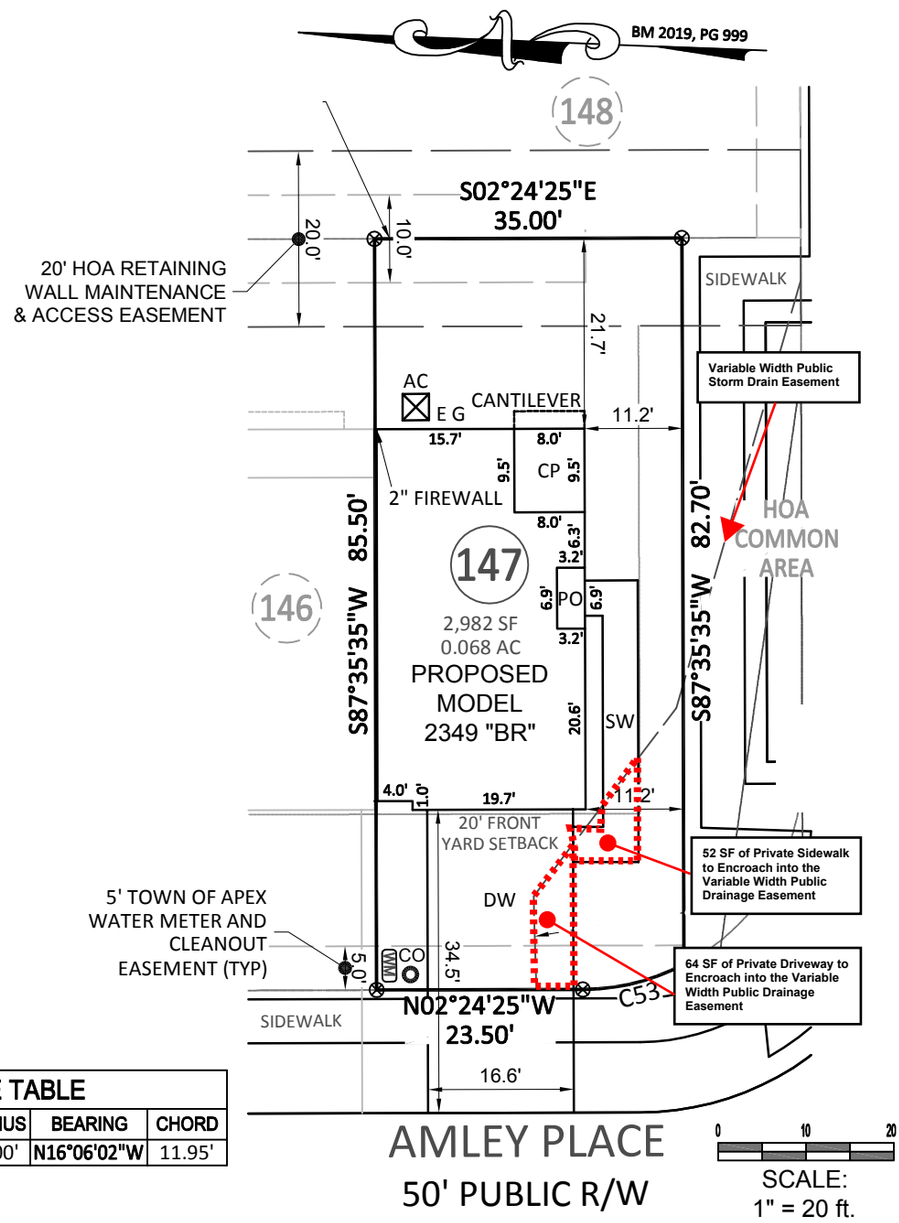
LOT INFORMATION:

PIN: 0742677808
TOTAL LOT AREA = 0.068 AC = 2,982 SF
HOUSE = 924 SF
PORCH = 22 SF
SIDEWALK = 150 SF
DRIVEWAY = 340 SF
COVERED PORCH = 76 SF
AC PAD = 9 SF
PROPOSED IMPERVIOUS = 1,521 SF
PERCENT IMPERVIOUS = 51.0 %



VICINITY MAP

(Not to Scale)



LEGEND

PO = PORCH
S = CONCRETE STOOP
SW = SIDEWALK
DW = CONC DRIVEWAY
CP = COVERED PORCH
P = CONCRETE PATIO
⊗ = COMPUTED POINT
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AC = AIR CONDITIONER
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CB = CATCH BASIN
☼ = LIGHT POLE
G = GAS METER
E = ELECTRIC METER
= FIRE HYDRANT (FH)
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= WATER VALVE (WV)
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FP = FIREPLACE
ST = STORAGE
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CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C53	11.84'	25.00'	N16°06'02"W	11.95'

Bateman Civil • Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Avenue, Apex, NC 27539
(919) 577-1080
NCBELS C 2378

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REFERENCE: BM 2019, PG 999 BCS# 200201 SCALE: 1" = 20'

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 February, 2021, by and between Tri Pointe Homes, Inc. hereinafter referred to as "Grantee," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as PIN #0742-67-7808 by the Wake County Revenue Department and more particularly described as **Lot 147** of the subdivision known as **Townes at North Salem Phase 2A** as shown on that certain plat recorded in **Book of Maps 2019, Page 00419 (Sheet 4 of 5)**, Wake County Registry (hereinafter the **"Subdivision Plat"**). The residential lot is also known as **831 Amley Place, Apex, NC 27523.** The residential lot described in this paragraph is hereinafter referred to as the **"Residential Lot."**

WHEREAS, the Town is the owner of a **20' Public Storm Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the **"Public Storm Drainage Easement."**

WHEREAS, Grantee wishes to install certain improvements more particularly described as, **52 SF of private sidewalk and 64 SF of a private driveway that will encroach upon portions of the 20' Public Storm Drainage Easement,** which serves the Residential Lot, hereinafter referred to as the

"**Encroachment**", all as shown on the attached **Exhibit A**. Grantee 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 Storm Drainage Easement.**

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

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

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

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

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

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

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

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

To Grantee: Tri Pointe Homes Holdings, Inc.
Gray Shell
1330 Sunday Drive, Suite 101
Raleigh, NC 27607

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 Storm Drainage Easement**.

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

11. Grantee agrees to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or

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

12. Grantee, during the life of this Encroachment Agreement, agree 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 Encroachment 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.

Future devisees, assignees, or transferees taking ownership of the Residential Lot, may, if applicable, satisfy the insurance requirements of this paragraph by showing proof of homeowner's insurance with personal liability coverage in a minimum amount of at least $300,000. Notice of cancellation, non-renewal or material change in coverage shall be provided to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement assumption of said obligations by an incorporated property or condominium owners association for **Townes At North Salem, Phase 2A.** The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantee obligations possesses adequate financial resources and ownership interest, and Grantee delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantee duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever 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.

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

GRANTEE

Tri Pointe Homes Holdings, Inc.

By: _____(SEAL)
Gray Shell
Division President -Carolinas

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

I, Mandy Briley, a Notary Public of Wake County, North Carolina, certify that Leslie Graham Shell, IV., personally appeared before me this day and acknowledged that he/she is the Division President – Carolinas for TRI Pointe Homes Holdings, Inc., a corporation, and that he/she as Division President – Carolinas being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 13th day of January, 2021.

[*Signature of Notary Public*]

(Affix Notarial Stamp-Seal)

My Commission Expires: Dec. 15th 2024

MANDY BRILEY
NOTARY
PUBLIC
WAKE COUNTY, NC

TOWN OF APEX

_____
Andrew L. Havens
Town Manager

(Corporate Seal)

ATTEST:

_____

Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF_____*[county in which acknowledgement taken]*

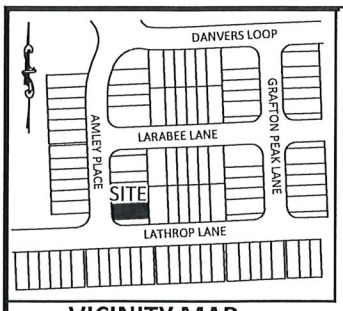
I,_____, a Notary Public of_____County, North Carolina, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing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

Witness my hand and official stamp or seal, this_____day of_____, 2021.

_____
[Signature of Notary Public] *(Seal)*

My Commission Expires: _____

EXHIBIT A
831 Amley Place



VICINITY MAP
(Not to Scale)

LOT INFORMATION:

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LEGEND

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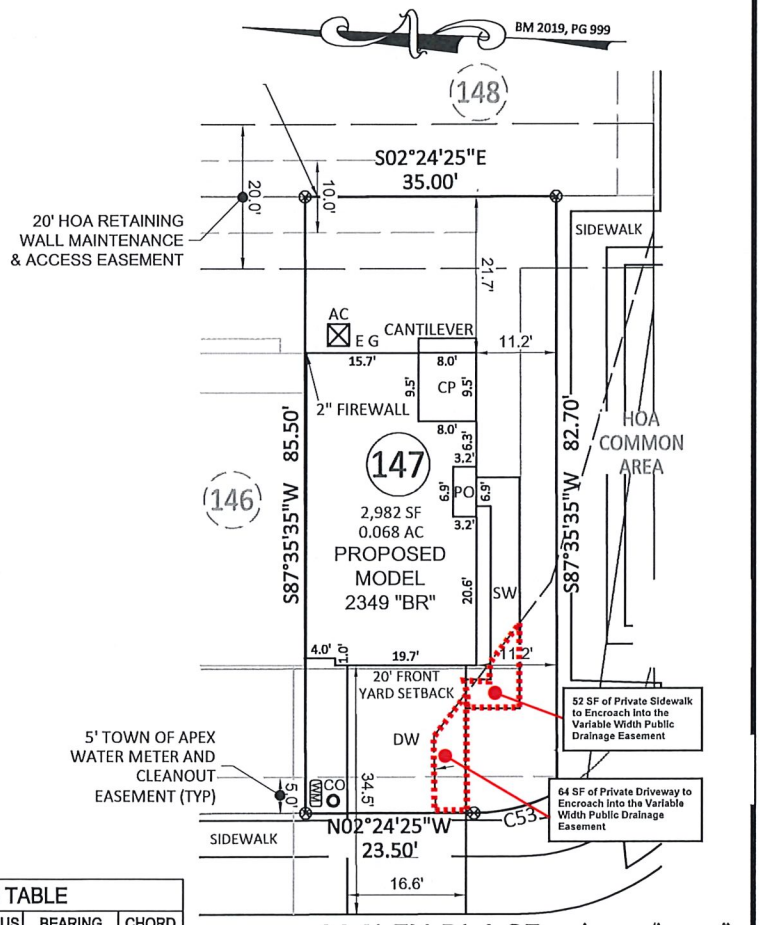

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
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Bateman Civil • Survey Company, PC
Engineers • Surveyors • Planners
2524 Reliance Avenue, Apex, NC 27539
(919) 577-1080
NCBELS C 2378

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REFERENCE: BM 2019, PG 999 BCS# 200201 SCALE: 1" = 20'

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to appoint Assistant Town Manager Shawn Purvis as commissioner for the Town of Apex on the North Carolina Eastern Municipal Power Agency Board of Commissioners and Assistant Town Manager Marty Stone as first alternate to the NCEMPA Board of Commissioners

Approval Recommended?

Yes

Item Details

Town Manager Drew Havens has served as commissioner for Apex on the NCEMPA Board. His departure necessitates an appointment to the Board of Commissioners until Council selects a new town manager. Assistant Manager Shawn Purvis has served as the first alternate and Finance Office Vance Holloman has served as the second alternate. Staff recommends appointing Shawn Purvis as commissioner and Assistant Manager Marty Stone as first alternate while maintaining Vance Holloman as second alternate.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: February 9,2021

Item Details

Presenter(s): Adam Stephenson, Engineering Supervisor
Department(s): Public Works & Transportation

Requested Motion

Motion to award a construction contract, and to authorize the Town Manager to execute same, and to approve corresponding Budget Ordinance Amendment No. 2021-11 and Capital Project Ordinance Amendment 2021-05 for U-5537 Lake Pine Dr Improvements.

Approval Recommended?

Yes

Item Details

This is a locally administered federal-aid project (LAPP) to complete improvements to Lake Pine Drive along the Apex Community Park frontage. Federal grant funds in the amount of $1,697,648 have been committed to construction of the project, of which $462,821 are remaining balance after completion of PE and ROW phase reimbursements and $1,234,827 are newly committed supplemental funds. Sealed bids for construction and furnishing of all materials were received and opened on Thursday, November 5, 2020. It is the recommendation of staff that the contract be awarded to FSC II, LLC dba Fred Smith Company as the lowest responsive bidder. The budget amendment will cover additional construction costs above the original estimate, materials testing, and project contingency funds.

The project's additional funding includes $1,202,875 in appropriated fund balance, $32,000 from interest earnings (already in the project fund) and $1,234,825 in committed Grant funds from CAMPO. The Town anticipates the Town of Cary participating equally in the required cost share to match newly committed federal grant funds up to $617,413.50 (pending action at their February 25, 2021 meeting) in addition to their previously committed $133,000 cost share.

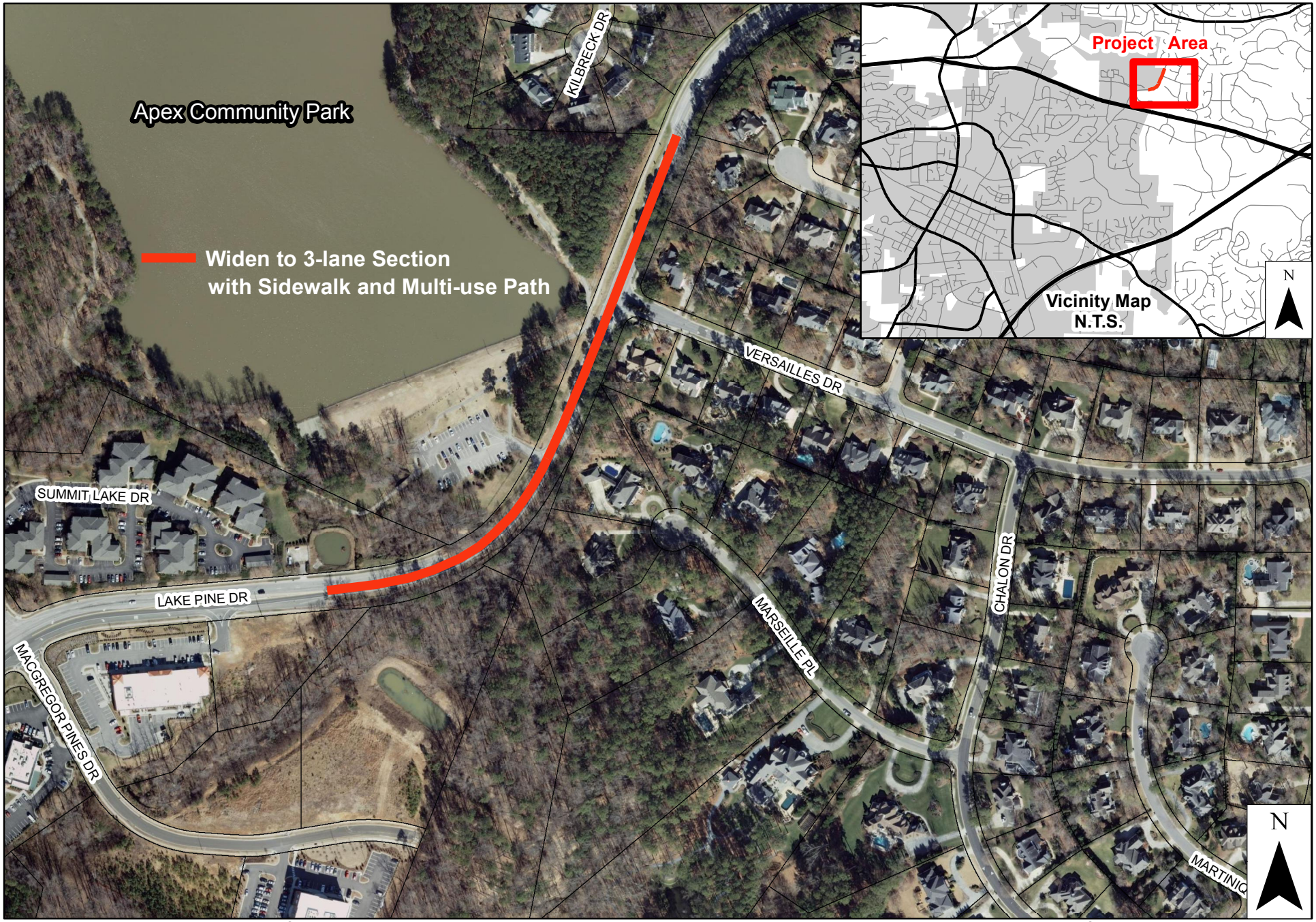
Bid Summary:

Fred Smith Company	**$**	**2,710,000**
S T Wooten Corporation	$	2,956,200
Carolina Sunrock	$	3,268,751

Attachments

- Map
- Bid Tabulation
- Contract document

- Budget Ordinance Amendment No. #2021-11
- Capital Project Ordinance Amendment #2021-05



feet
0 150 300 600

1 inch = 300 feet Scale at 8.5" x 11"

Lake Pine Drive Widening

Town of Apex Planning Department
2010 Aerial Photography
October 24, 2012
rgh

					Engineer's Estimate		Fred Smith Company		S T Wooten Corporation		Carolina Sunrock	
Line Item	Sec No.	Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	800	MOBILIZATION	1	LS	$ 108,600.00	$ 108,600.00	$ 134,000.00	$ 134,000.00	$ 142,530.00	$ 142,530.00	$ 294,030.00	$ 294,030.00
2	801	CONSTRUCTION SURVEYING	1	LS	$ 10,000.00	$ 10,000.00	$ 47,084.00	$ 47,084.00	$ 11,900.00	$ 11,900.00	$ 44,400.00	$ 44,400.00
3	226	UNDERCUT EXCAVATION	600	CY	$ 20.00	$ 12,000.00	$ 25.00	$ 15,000.00	$ 15.00	$ 9,000.00	$ 34.00	$ 20,400.00
4	226	GRADING	1	LS	$ 370,000.00	$ 370,000.00	$ 525,000.00	$ 525,000.00	$ 975,330.40	$ 975,330.40	$ 730,550.00	$ 730,550.00
5	226	SUPP CLEARING & GRUBBING	1	ACR	$ 2,000.00	$ 2,000.00	$ 1.00	$ 1.00	$ 100.00	$ 100.00	$ 15,500.00	$ 15,500.00
6	240	DRAINAGE DITCH EXCAVATION	280	CY	$ 10.00	$ 2,800.00	$ 14.00	$ 3,920.00	$ 20.00	$ 5,600.00	$ 15.00	$ 4,200.00
7	265	SELECT GRANULAR MATERIAL	1500	CY	$ 20.00	$ 30,000.00	$ 14.00	$ 21,000.00	$ 30.00	$ 45,000.00	$ 89.00	$ 133,500.00
8	270	GEOTEXTILE SOIL STABILIZATION	1750	SY	$ 2.00	$ 3,500.00	$ 2.00	$ 3,500.00	$ 4.00	$ 7,000.00	$ 1.60	$ 2,800.00
9	300	FND CONDIT MATL MINOR STRS	90	TON	$ 35.00	$ 3,150.00	$ 35.00	$ 3,150.00	$ 49.38	$ 4,444.20	$ 62.00	$ 5,580.00
10	300	FND CONDIT GEOTEXTILE	280	SY	$ 5.00	$ 1,400.00	$ 3.00	$ 840.00	$ 1.55	$ 434.00	$ 4.60	$ 1,288.00
11	310	15" RCP CULV CLASS III	504	LF	$ 60.00	$ 30,240.00	$ 65.00	$ 32,760.00	$ 61.82	$ 31,157.28	$ 85.50	$ 43,092.00
12	310	18" RCP CULV CLASS III	312	LF	$ 75.00	$ 23,400.00	$ 70.00	$ 21,840.00	$ 69.20	$ 21,590.40	$ 90.00	$ 28,080.00
13	340	PIPE REMOVAL	126	LF	$ 30.00	$ 3,780.00	$ 20.00	$ 2,520.00	$ 34.20	$ 4,309.20	$ 31.00	$ 3,906.00
14	505	SHALLOW UNDERCUT	100	CY	$ 25.00	$ 2,500.00	$ 40.00	$ 4,000.00	$ 22.00	$ 2,200.00	$ 40.00	$ 4,000.00
15	505	CLASS IV SUBGRADE STABILIZATION	175	TON	$ 30.00	$ 5,250.00	$ 23.50	$ 4,112.50	$ 22.00	$ 3,850.00	$ 36.00	$ 6,300.00
16	520	AGGREGATE BASE COURSE	1986	TON	$ 25.00	$ 49,650.00	$ 25.00	$ 49,650.00	$ 27.75	$ 55,111.50	$ 31.00	$ 61,566.00
17	545	INCIDENTAL STONE BASE	25	TON	$ 50.00	$ 1,250.00	$ 60.00	$ 1,500.00	$ 50.00	$ 1,250.00	$ 51.00	$ 1,275.00
18	607	MILLING ASPHALT PVM (1.5")	2680	SY	$ 2.50	$ 6,700.00	$ 5.00	$ 13,400.00	$ 1.95	$ 5,226.00	$ 3.40	$ 9,112.00
19	607	INCIDENTAL MILLING	870	SY	$ 11.00	$ 9,570.00	$ 13.00	$ 11,310.00	$ 5.95	$ 5,176.50	$ 8.50	$ 7,395.00
20	610	ASP CONC BASE CRS B25.0C	465	TON	$ 80.00	$ 37,200.00	$ 100.00	$ 46,500.00	$ 75.00	$ 34,875.00	$ 113.00	$ 52,545.00
21	610	ASP CONC INT CRS I19.0C	1080	TON	$ 60.00	$ 64,800.00	$ 60.00	$ 64,800.00	$ 64.50	$ 69,660.00	$ 72.00	$ 77,760.00
22	610	ASP CONC SURF CRS S9.5C	1400	TON	$ 60.00	$ 84,000.00	$ 80.00	$ 112,000.00	$ 80.50	$ 112,700.00	$ 62.00	$ 86,800.00
23	620	ASP BINDER FOR PLANT MIX	160	TON	$ 440.00	$ 70,400.00	$ 425.00	$ 68,000.00	$ 470.00	$ 75,200.00	$ 405.00	$ 64,800.00
24	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	20	TON	$ 200.00	$ 4,000.00	$ 160.00	$ 3,200.00	$ 130.00	$ 2,600.00	$ 130.00	$ 2,600.00
25	SP	PATCHING EXISTING PAVEMENT	25	TON	$ 250.00	$ 6,250.00	$ 275.00	$ 6,875.00	$ 130.00	$ 3,250.00	$ 130.00	$ 3,250.00
26	840	MASNRY DRNG STRUCT	9	EA	$ 3,000.00	$ 27,000.00	$ 2,800.00	$ 25,200.00	$ 2,422.00	$ 21,798.00	$ 2,710.00	$ 24,390.00
27	840	MASNRY DRNG STRUCT	2.1	LF	$ 350.00	$ 735.00	$ 150.00	$ 315.00	$ 618.00	$ 1,297.80	$ 712.00	$ 1,495.20
28	840	FRM-GRT-HD, STD 840.03, TYPE E	1	EA	$ 770.00	$ 770.00	$ 850.00	$ 850.00	$ 765.00	$ 765.00	$ 697.00	$ 697.00
29	840	FRM-GRT-HD, STD 840.03, TYPE F	4	EA	$ 770.00	$ 3,080.00	$ 850.00	$ 3,400.00	$ 806.00	$ 3,224.00	$ 711.00	$ 2,844.00
30	840	FRM-GRT-HD, STD 840.03, TYPE G	8	EA	$ 770.00	$ 6,160.00	$ 850.00	$ 6,800.00	$ 815.00	$ 6,520.00	$ 710.00	$ 5,680.00
31	846	2'-6" CURB & GUTTER	2750	LF	$ 25.00	$ 68,750.00	$ 20.00	$ 55,000.00	$ 17.20	$ 47,300.00	$ 23.81	$ 65,477.50
32	848	4" CONCRETE SIDEWALK	1280	SY	$ 35.00	$ 44,800.00	$ 35.00	$ 44,800.00	$ 33.30	$ 42,624.00	$ 31.50	$ 40,320.00
33	848	CONCRETE CURB RAMP	4	EA	$ 2,500.00	$ 10,000.00	$ 2,200.00	$ 8,800.00	$ 2,200.00	$ 8,800.00	$ 2,250.00	$ 9,000.00
34	848	6" CONCRETE DRIVEWAY	55	SY	$ 80.00	$ 4,400.00	$ 61.75	$ 3,396.25	$ 61.65	$ 3,390.75	$ 76.50	$ 4,207.50
35	852	5" MONLITHIC CONCRETE ISLAND, KEYED IN	20	SY	$ 100.00	$ 2,000.00	$ 72.00	$ 1,440.00	$ 72.00	$ 1,440.00	$ 76.50	$ 1,530.00
36	848	GREENWAY CURB RAMP	4	EA	$ 2,500.00	$ 10,000.00	$ 3,400.00	$ 13,600.00	$ 3,400.00	$ 13,600.00	$ 3,100.00	$ 12,400.00
37	848	6" CONCRETE SIDEWALK	695	SY	$ 75.00	$ 52,125.00	$ 45.00	$ 31,275.00	$ 41.40	$ 28,773.00	$ 38.25	$ 26,583.75
38	858	ADJ CATCH BASIN	4	EA	$ 800.00	$ 3,200.00	$ 550.00	$ 2,200.00	$ 932.00	$ 3,728.00	$ 1,250.00	$ 5,000.00
39	858	ADJUSTMENT OF MANHOLES	1	EA	$ 880.00	$ 880.00	$ 1,000.00	$ 1,000.00	$ 938.00	$ 938.00	$ 750.00	$ 750.00
40	858	ADJUSTMENT OF METER BOXES OR VALVE BOXES	5	EA	$ 600.00	$ 3,000.00	$ 500.00	$ 2,500.00	$ 933.00	$ 4,665.00	$ 750.00	$ 3,750.00
41	862	ADDITIONL GUARDRAIL POST	5	EA	$ 25.00	$ 125.00	$ 35.00	$ 175.00	$ 35.00	$ 175.00	$ 37.00	$ 185.00
42	862	TEMPORARY STEEL BM GUARDRAIL	500	LF	$ 15.00	$ 7,500.00	$ 12.51	$ 6,255.00	$ 12.50	$ 6,250.00	$ 11.39	$ 5,695.00
43	SP	TEMPORARY GUARDRAIL ANCHOR UNITS, TYPE TL-3	2	EA	$ 3,000.00	$ 6,000.00	$ 2,950.00	$ 5,900.00	$ 2,950.00	$ 5,900.00	$ 2,087.00	$ 4,174.00
44	867	RESET SPLIT RAIL FENCE	55	LF	$ 3.00	$ 165.00	$ 25.00	$ 1,375.00	$ 24.59	$ 1,352.45	$ 5.30	$ 291.50
45	SP	STANDARD METAL SAFETY RAIL W/ VERTICAL PICKETS	330	LF	$ 88.00	$ 29,040.00	$ 56.75	$ 18,727.50	$ 56.75	$ 18,727.50	$ 165.00	$ 54,450.00
46	876	PLAIN RIP RAP, CLASS I	80	TON	$ 75.00	$ 6,000.00	$ 68.00	$ 5,440.00	$ 60.00	$ 4,800.00	$ 79.50	$ 6,360.00
47	876	PLAIN RIP RAP, CLASS II	95	TON	$ 70.00	$ 6,650.00	$ 68.00	$ 6,460.00	$ 70.00	$ 6,650.00	$ 96.00	$ 9,120.00
48	876	PLAIN RIP RAP, CLASS B	80	TON	$ 65.00	$ 5,200.00	$ 66.00	$ 5,280.00	$ 55.00	$ 4,400.00	$ 57.00	$ 4,560.00
49	876	GEOTEXTILE FOR DRAINAGE	930	SY	$ 3.00	$ 2,790.00	$ 3.00	$ 2,790.00	$ 4.00	$ 3,720.00	$ 4.10	$ 3,813.00
50	873	PREFORMED SCOUR HOLE WITH LEVEL SPREADER	1	EA	$ 1,500.00	$ 1,500.00	$ 3,500.00	$ 3,500.00	$ 5,000.00	$ 5,000.00	$ 1,920.00	$ 1,920.00
51	901	CONTRACTOR FURNISHED, TYPE E SIGN	105	SF	$ 35.00	$ 3,675.00	$ 12.50	$ 1,312.50	$ 12.50	$ 1,312.50	$ 12.50	$ 1,312.50
52	903	SUPPORTS, 3-LB STEEL U-CHANNEL	375	LF	$ 9.00	$ 3,375.00	$ 4.20	$ 1,575.00	$ 4.20	$ 1,575.00	$ 4.20	$ 1,575.00
53	904	SIGN ERECTION, TYPE E	17	EA	$ 100.00	$ 1,700.00	$ 165.00	$ 2,805.00	$ 50.00	$ 850.00	$ 50.00	$ 850.00
54	904	SIGN ERECTION, RELOCATE TYPE D (GROUND MOUNTED)	2	EA	$ 300.00	$ 600.00	$ 185.00	$ 370.00	$ 185.00	$ 370.00	$ 185.00	$ 370.00
55	904	SIGN ERECTION, RELOCATE TYPE E (GROUND MOUNTED)	4	EA	$ 300.00	$ 1,200.00	$ 135.00	$ 540.00	$ 135.00	$ 540.00	$ 135.00	$ 540.00
56	907	DISPOSAL OF SUPPORT, WOOD	2	EA	$ 11.00	$ 22.00	$ 11.00	$ 22.00	$ 11.00	$ 22.00	$ 11.00	$ 22.00
57	907	DISPOSAL OF SIGN SYSTEM, U-CHANNEL	13	EA	$ 10.00	$ 130.00	$ 8.00	$ 104.00	$ 8.00	$ 104.00	$ 8.00	$ 104.00
58	907	DISPOSAL OF SUPPORT, U-CHANNEL	7	EA	$ 10.00	$ 70.00	$ 8.00	$ 56.00	$ 8.00	$ 56.00	$ 8.00	$ 56.00
59	SP	RELOCATE EXISTING APEX COMMUNITY PARK SIGN	1	EA	$ 500.00	$ 500.00	$ 1,000.00	$ 1,000.00	$ 1,080.20	$ 1,080.20	$ 400.00	$ 400.00
60	1110	STATIONARY WORK ZONE SIGNS	368	SF	$ 10.00	$ 3,680.00	$ 5.50	$ 2,024.00	$ 4.60	$ 1,692.80	$ 4.60	$ 1,692.80
61	1110	BARRICADE MOUNTED WORK ZONE SIGNS	132	SF	$ 10.00	$ 1,320.00	$ 6.00	$ 792.00	$ 5.00	$ 660.00	$ 6.60	$ 871.20
62	1130	DRUMS	150	EA	$ 40.00	$ 6,000.00	$ 50.00	$ 7,500.00	$ 50.00	$ 7,500.00	$ 32.00	$ 4,800.00
63	1135	CONES	50	EA	$ 45.00	$ 2,250.00	$ 15.00	$ 750.00	$ 18.50	$ 925.00	$ 19.50	$ 975.00
64	1145	BARRICADES (TYPE III)	192	LF	$ 35.00	$ 6,720.00	$ 19.00	$ 3,648.00	$ 16.80	$ 3,225.60	$ 22.50	$ 4,320.00
65	1150	FLAGGER (BY DAY)	250	DAY	$ 400.00	$ 100,000.00	$ 450.00	$ 112,500.00	$ 318.17	$ 79,542.50	$ 231.00	$ 57,750.00
66	1160	TEMP. CRASH CUSHIONS	4	EA	$ 6,000.00	$ 24,000.00	$ 6,800.00	$ 27,200.00	$ 6,956.96	$ 27,827.84	$ 4,350.00	$ 17,400.00
67	1160	RESET TEMP. CRASH CUSHIONS	2	EA	$ 3,000.00	$ 6,000.00	$ 2,200.00	$ 4,400.00	$ 1,500.00	$ 3,000.00	$ 1,500.00	$ 3,000.00
68	1170	PORTABLE CONCRETE BARRIER	320	LF	$ 35.00	$ 11,200.00	$ 40.00	$ 12,800.00	$ 49.95	$ 15,984.00	$ 34.70	$ 11,104.00
69	1170	PORTABLE CONCRETE BARRIER (ANCHORED)	325	LF	$ 50.00	$ 16,250.00	$ 42.00	$ 13,650.00	$ 56.27	$ 18,287.75	$ 36.25	$ 11,781.25
70	1170	REMOVE & RESET PORTABLE CONCRETE BARRIER (ANCHORED)	295	LF	$ 20.00	$ 5,900.00	$ 13.00	$ 3,835.00	$ 12.00	$ 3,540.00	$ 12.00	$ 3,540.00
71	1180	SKINNY DRUM	50	EA	$ 40.00	$ 2,000.00	$ 37.00	$ 1,850.00	$ 33.50	$ 1,675.00	$ 32.00	$ 1,600.00
72	1205	THERMOPLASTIC (4", 90 MILS)	8950	LF	$ 0.70	$ 6,265.00	$ 1.30	$ 11,635.00	$ 1.30	$ 11,635.00	$ 1.30	$ 11,635.00
73	1205	THERMOPLASTIC (8", 90 MILS)	425	LF	$ 2.00	$ 850.00	$ 2.00	$ 850.00	$ 2.00	$ 850.00	$ 2.00	$ 850.00
74	1205	THERMOPLASTIC (24", 120 MILS)	205	LF	$ 11.00	$ 2,255.00	$ 9.50	$ 1,947.50	$ 9.50	$ 1,947.50	$ 9.50	$ 1,947.50
75	1205	THERMO PAVT MARKING SYMBOLS (90 MILS)	8	EA	$ 130.00	$ 1,040.00	$ 115.00	$ 920.00	$ 115.00	$ 920.00	$ 115.00	$ 920.00
76	1202	HEATED-IN-PLACE THERMO SYMBOLS (90 MILS)	12	EA	$ 300.00	$ 3,600.00	$ 320.00	$ 3,840.00	$ 320.00	$ 3,840.00	$ 320.00	$ 3,840.00
77	1205	PAINT PAVEMENT MARKING LINES (4")	22400	LF	$ 0.40	$ 8,960.00	$ 0.10	$ 2,240.00	$ 0.10	$ 2,240.00	$ 0.10	$ 2,240.00
78	1205	PAINT PAVEMENT MARKING LINES (8")	505	LF	$ 1.00	$ 505.00	$ 1.00	$ 505.00	$ 1.00	$ 505.00	$ 1.00	$ 505.00
79	1205	PAINT PAVEMENT MARKING LINES (24")	250	LF	$ 4.00	$ 1,000.00	$ 3.00	$ 750.00	$ 3.00	$ 750.00	$ 3.00	$ 750.00
80	1205	PAINT MARKING SYMBOLS	3	EA	$ 33.00	$ 99.00	$ 40.00	$ 120.00	$ 40.00	$ 120.00	$ 40.00	$ 120.00
81	1205	REMOVAL OF PAVMENT MARKING LINES (4")	22400	LF	$ 0.50	$ 11,200.00	$ 0.20	$ 4,480.00	$ 0.20	$ 4,480.00	$ 0.20	$ 4,480.00
82	1205	REMOVAL OF PAVMENT MARKING LINES (8")	505	LF	$ 3.00	$ 1,515.00	$ 0.75	$ 378.75	$ 0.75	$ 378.75	$ 0.75	$ 378.75
83	1205	REMOVAL OF PAVMENT MARKING LINES (24")	250	LF	$ 4.00	$ 1,000.00	$ 3.00	$ 750.00	$ 3.00	$ 750.00	$ 3.00	$ 750.00
84	1205	REMOVAL OF PAVT MARKING SYMBOLS	3	EA	$ 100.00	$ 300.00	$ 35.00	$ 105.00	$ 35.00	$ 105.00	$ 35.00	$ 105.00
85	1510	DUCTILE IRON WATER PIPE FITTINGS	1535	LB	$ 6.50	$ 9,977.50	$ 7.00	$ 10,745.00	$ 8.44	$ 12,955.40	$ 12.50	$ 19,187.50
86	1510	12" WATER LINE	200	LF	$ 165.00	$ 33,000.00	$ 190.00	$ 38,000.00	$ 99.70	$ 19,940.00	$ 88.00	$ 17,600.00
87	1515	12" VALVE	2	EA	$ 3,850.00	$ 7,700.00	$ 4,250.00	$ 8,500.00	$ 3,584.00	$ 7,168.00	$ 3,525.00	$ 7,050.00
88	1515	RELOCATE FIRE HYDRANT	1	EA	$ 4,000.00	$ 4,000.00	$ 3,600.00	$ 3,600.00	$ 3,794.00	$ 3,794.00	$ 5,365.00	$ 5,365.00
89	1515	RELOCATE GATE VALVE	2	EA	$ 1,650.00	$ 3,300.00	$ 4,150.00	$ 8,300.00	$ 3,430.00	$ 6,860.00	$ 4,640.00	$ 9,280.00
90	1515	12" INSERTION VALVE	1	EA	$ 20,000.00	$ 20,000.00	$ 17,500.00	$ 17,500.00	$ 16,820.00	$ 16,820.00	$ 18,430.00	$ 18,430.00
91	1530	ABANDON 12" UTILITY LINE	200	LF	$ 33.00	$ 6,600.00	$ 25.00	$ 5,000.00	$ 32.22	$ 6,444.00	$ 29.00	$ 5,800.00
92	1605	TEMPORARY SILT FENCE	3570	LF	$ 2.00	$ 7,140.00	$ 2.00	$ 7,140.00	$ 2.00	$ 7,140.00	$ 3.00	$ 10,710.00
93	1610	EROS CONTRL STONE CL A	90	TON	$ 60.00	$ 5,400.00	$ 68.00	$ 6,120.00	$ 54.00	$ 4,860.00	$ 74.50	$ 6,705.00
94	1610	EROS CONTRL STONE CL B	125	TON	$ 30.00	$ 3,750.00	$ 65.00	$ 8,125.00	$ 55.00	$ 6,875.00	$ 78.50	$ 9,812.50
95	1610	SEDIMENT CONTROL STONE	225	TON	$ 20.00	$ 4,500.00	$ 35.00	$ 7,875.00	$ 38.00	$ 8,550.00	$ 52.50	$ 11,812.50
96	1615	TEMPORARY MULCHING	1	ACR	$ 1,000.00	$ 1,000.00	$ 800.00	$ 800.00	$ 1,680.00	$ 1,680.00	$ 1,680.00	$ 1,680.00
97	1620	SEED FOR TEMP SEEDING	100	LB	$ 4.00	$ 400.00	$ 5.00	$ 500.00	$ 3.80	$ 380.00	$ 3.80	$ 380.00
98	1620	FERT FOR TEMP SEEDING	1.5	TON	$ 1,000.00	$ 1,500.00	$ 1,300.00	$ 1,950.00	$ 2,000.00	$ 3,000.00	$ 2,000.00	$ 3,000.00
99	1622	TEMPORARY SLOPE DRAINS	200	LF	$ 15.00	$ 3,000.00	$ 15.00	$ 3,000.00	$ 19.99	$ 3,998.00	$ 23.50	$ 4,700.00
100	SP	SAFETY FENCE	200	LF	$ 3.00	$ 600.00	$ 2.00	$ 400.00	$ 2.00	$ 400.00	$ 1.50	$ 300.00
101	1630	SILT EXCAVATION	250	CY	$ 3.00	$ 750.00	$ 10.00	$ 2,500.00	$ 15.00	$ 3,750.00	$ 40.50	$ 10,125.00
102	1631	MATTING FOR EROS CONTROL	7825	SY	$ 1.50	$ 11,737.50	$ 1.50	$ 11,737.50	$ 1.70	$ 13,302.50	$ 1.70	$ 13,302.50
103	SP	COIR FIBER MAT	100	SY	$ 6.00	$ 600.00	$ 7.00	$ 700.00	$ 12.15	$ 1,215.00	$ 13.50	$ 1,350.00
104	SP	PERM SOIL REINFORCEMENT MATTING	145	SY	$ 7.00	$ 1,015.00	$ 8.00	$ 1,160.00	$ 12.00	$ 1,740.00	$ 5.00	$ 725.00

					Engineer's Estimate		Fred Smith Company		S T Wooten Corporation		Carolina Sunrock	
Line Item	Sec No.	Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
105	1632	1/4" HARDWARE CLOTH	660	LF	$ 4.00	$ 2,640.00	$ 5.15	$ 3,399.00	$ 5.15	$ 3,399.00	$ 4.00	$ 2,640.00
106	SP	24" TEMPORARY PIPE	195	LF	$ 60.00	$ 11,700.00	$ 62.00	$ 12,090.00	$ 58.00	$ 11,310.00	$ 40.00	$ 7,800.00
107	1639	SPECIAL STILLING BASINS	2	EA	$ 500.00	$ 1,000.00	$ 950.00	$ 1,900.00	$ 228.04	$ 456.08	$ 450.00	$ 900.00
108	SP	POLYACRYLAMIDE (PAM)	10	LB	$ 7.00	$ 70.00	$ 15.00	$ 150.00	$ 12.00	$ 120.00	$ 8.90	$ 89.00
109	1640	COIR FIBER BAFFLE	95	LF	$ 8.00	$ 760.00	$ 4.50	$ 427.50	$ 4.50	$ 427.50	$ 8.00	$ 760.00
110	SP	1-1/2" SKIMMER	1	EA	$ 1,600.00	$ 1,600.00	$ 1,300.00	$ 1,300.00	$ 3,800.00	$ 3,800.00	$ 1,135.00	$ 1,135.00
111	1660	SEEDING & MULCHING	3	ACR	$ 1,900.00	$ 5,700.00	$ 1,900.00	$ 5,700.00	$ 3,250.00	$ 9,750.00	$ 3,250.00	$ 9,750.00
112	1660	MOWING	3	ACR	$ 220.00	$ 660.00	$ 150.00	$ 450.00	$ 150.00	$ 450.00	$ 150.00	$ 450.00
113	1661	SEED FOR REPAIR SEEDING	50	LB	$ 7.00	$ 350.00	$ 10.00	$ 500.00	$ 9.25	$ 462.50	$ 9.25	$ 462.50
114	1661	FERT FOR REPAIR SEEDING	0.25	TON	$ 1,650.00	$ 412.50	$ 1,500.00	$ 375.00	$ 1,400.00	$ 350.00	$ 1,400.00	$ 350.00
115	1662	SEED FOR SUPP SEEDING	50	LB	$ 6.00	$ 300.00	$ 7.00	$ 350.00	$ 3.80	$ 190.00	$ 3.80	$ 190.00
116	1665	FERTILIZER TOPDRESSING	0.75	TON	$ 1,450.00	$ 1,087.50	$ 1,200.00	$ 900.00	$ 1,400.00	$ 1,050.00	$ 1,400.00	$ 1,050.00
117	SP	IMPERVIOUS DIKE	198	LF	$ 60.00	$ 11,880.00	$ 75.00	$ 14,850.00	$ 75.00	$ 14,850.00	$ 50.00	$ 9,900.00
118	SP	RESPONSE FOR EROS CONTROL	25	EA	$ 90.00	$ 2,250.00	$ 100.00	$ 2,500.00	$ 256.00	$ 6,400.00	$ 400.00	$ 10,000.00
119	SP	CULVERT DIVERSION CHANNEL	11	CY	$ 50.00	$ 550.00	$ 85.00	$ 935.00	$ 75.00	$ 825.00	$ 50.00	$ 550.00
120	1670	REFORESTATION	0.1	ACR	$ 2,500.00	$ 250.00	$ 10,000.00	$ 1,000.00	$ 17,950.00	$ 1,795.00	$ 10,000.00	$ 1,000.00
121	SP	CONCRETE WASHOUT STRUCTURE	2	EA	$ 700.00	$ 1,400.00	$ 500.00	$ 1,000.00	$ 2,650.00	$ 5,300.00	$ 1,975.00	$ 3,950.00
122	402	REMV EXIST STR -L- STA 19+27.00	1	LS	$ 33,000.00	$ 33,000.00	$ 35,000.00	$ 35,000.00	$ 10,878.00	$ 10,878.00	$ 15,000.00	$ 15,000.00
123	414	CULV EXCAV @ -L- STA 19+27.00	1	LS	$ 20,000.00	$ 20,000.00	$ 75,000.00	$ 75,000.00	$ 50,400.00	$ 50,400.00	$ 105,875.00	$ 105,875.00
124	414	FOUNDATION COND. MTL, BOX CULVERT	260	TON	$ 70.00	$ 18,200.00	$ 35.00	$ 9,100.00	$ 42.80	$ 11,128.00	$ 50.00	$ 13,000.00
125	420	CLASS A CONCRETE (CULVERT)	475	CY	$ 1,000.00	$ 475,000.00	$ 850.00	$ 403,750.00	$ 669.00	$ 317,775.00	$ 1,055.00	$ 501,125.00
126	425	REINF STEEL (CULVERT)	68,900	LB	$ 1.10	$ 75,790.00	$ 1.75	$ 120,575.00	$ 1.48	$ 101,972.00	$ 1.50	$ 103,350.00
127	876	RIP RAP, CLASS II (2'-0" THICK)	180	TON	$ 55.00	$ 9,900.00	$ 68.00	$ 12,240.00	$ 75.00	$ 13,500.00	$ 55.00	$ 9,900.00
128	SP	MSE RETAINING WALL NO 1	1550	SF	$ 75.00	$ 116,250.00	$ 60.00	$ 93,000.00	$ 80.00	$ 124,000.00	$ 20.00	$ 31,000.00
129	SP	SOIL NAIL RETAINING WALL	1610	SF	$ 75.00	$ 120,750.00	$ 56.00	$ 90,160.00	$ 37.96	$ 61,115.60	$ 80.25	$ 129,202.50
					Total:	$ 2,516,961.00	**Total:**	$ 2,710,000.00	**Total:**	$ 2,956,200.00	**Total:**	$ 3,268,751.45

STATE OF NORTH CAROLINA **PURCHASE ORDER #**
COUNTY OF WAKE **STANDARD CONSTRUCTION CONTRACT**

THIS AGREEMENT is entered into this ____ day of **_____,** 2021 by and between, **FSC II, LLC dba Fred Smith Company**, a North Carolina Limited Liability Corporation with its principal business offices located at **701 Corporate Center Dr Ste 101, Raleigh, NC 27607-5111** (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:

The Town and the Contractor, for the consideration stated herein, agree as follows:

1. SCOPE OF SERVICES.

The Contractor shall furnish all labor, material, and equipment necessary to perform and complete the work as identified in the attached "**U-5537 Lake Pine Drive Improvements**" at the locations and to the specifications outlined in attached documents identified in Sections 2 and 29 of this Agreement. In the event of a conflict between any of the attached documents and this Agreement, this Agreement shall control.

2. SPECIFICATIONS.

Contractor shall perform the services in accordance with the attached documents specified below which are hereby incorporated into this Agreement:

1. Plan sheets
2. NCDOT 2018 Standard Specifications for Roads and Structures
3. NCDOT 2018 Roadway Standard Drawings
4. US DOT Manual on Uniform Traffic Control Devices, including any NC Supplement

3. TIME OF COMMENCEMENT AND COMPLETION.

Contractor shall commence and complete the work required in this Agreement as described on page G-1 (SP1 G05B CONTRACT TIME AND LIQUDATED DAMAGES). If Contractor has not satisfactorily performed 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. In the alternate, the Town in its sole discretion may for each calendar day past this contract time receive liquidated damages described in the aforementioned contract provision. Any changes to the schedule(s) provided in this Agreement or the Specifications 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 based on the price and quantities reflected on the "**U-5537 Lake Pine Drive Improvements Bid Tabulation**" as those numbers pertain to the **Fred Smith Company** bid. The total bid, which is not to be exceeded, is in the amount of $ **$2,710,000**. Contractor shall submit a monthly invoice for partial payments based on the components that have been completed.

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 invoice unless a bona fide dispute exists between Town and Contractor concerning the accuracy of said invoice or the services covered thereby.

5. CHANGE ORDERS.

No changes in work may proceed unless a Change Order is approved by the Town. In the event a change in work is requested, Contractor shall provide a complete breakdown of all labor and material costs with the Change Order request. The breakdown shall include the Contractor's allowance for overhead and profit not to exceed 10% of the net cost of the change with work provided directly by the Contractor. All Change Order approvals shall be in writing.

6. 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.

7. 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.

8. 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).

9. 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.

10. 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.

11. 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.

12. PRE-PROJECT SAFETY REVIEW MEETING.

When specified by the Safety and Risk Manager, 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.

13. 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.

14. 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.

15. 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:
Fred Smith Company
Attn: Jeff Allen
701 Corporate Center Drive Suite 101

Raleigh, NC 27607
jeff.allen@fredsmithcompany.net

TO TOWN: Town of Apex
Attn: Adam Stephenson
PO Box 250
Apex, NC 27502
Adam.stephenson@apexnc.org

16. DELAY BEYOND THE CONTROL OF THE PARTIES.

Neither Contractor nor Town 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 fire, acts of God, flood, earthquakes, storms, lightning, epidemic, war, riot, and/or civil disobedience.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. BINDING EFFECT.

The terms of this Agreement shall be binding upon the parties' heirs, successors, and assigns.

24. 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.

25. 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.

26. 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.

27. IRAN DIVESTMENT ACT CERTIFICATION REQUIRED BY N.C.G.S. 147-86.60

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.

28. CONTRACTOR'S WARRANTIES

The Contractor hereby warrants and represents that it will be responsible for the maintenance and correction of any work completed pursuant to this Agreement that is defective at construction or may become defective due to negligence or faulty workmanship or materials for a period of one (1) year after final acceptance by the Town of the work performed.

29. BOND REQUIREMENTS

Contractor agrees to provide the Town of Apex with a contract payment bond and a contract performance bond each in an amount equal to 100 percent of the amount of the Agreement. All bonds shall be in accordance with N.C.G.S. 44A-33. The corporate surety furnishing the bonds shall be authorized to do business in the State of North Carolina. Failure to provide acceptable bonds shall be just cause for rescinding the award of the Agreement and forfeiture of the bid bond or bid deposit.

30. INCORPORATION OF DOCUMENTS

The following attached documents are hereby incorporate by reference into this Agreement as if fully set forth herein:

A. Bid Advertisement
B. Bid Bond
C. Bid Form
D. Bid Form Submission
E. Notice of Award

F. Notice to Proceed
G. Special Provisions/Specifications
H. Plan Sheets/Maps
I. Addenda
J. Certificate of Insurance

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals this ____ day of _____, 2021.

Contractor

Name:_____
Name of Contractor (type or print)

By:_____
(Signature)

Title:_____

Attest:

_____
(Secretary, if a corporation)

Town of Apex

_____
Town Manager

Attest:

_____
Town Clerk

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

_____
Finance Director

Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2021-05

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:

Grant Funding (CAMPO)		1,234,825
Interest Earned - Debt Proceeds		32,000
Transfer from General Fund		1,202,875
Total Revenues	**$**	**2,469,700**

Section 2. The expenditures anticipated are:

47652: Lake Pine Improvements		2,469,700
Total Expenditures	**$**	**2,469,700**

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 9th day of February, 2021.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

Town of Apex

Budget Ordinance Amendment No. 11

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2020-2021 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues:

Fund Balance Appropriated	$1,202,875
Total Revenues	**$1,202,875**

Section 2. Expenditures:

Transfer to 63 - Street Improvements Capital Project Fund	$1,202,875
Total Expenditures	**$1,202,875**

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 9th day of February, 2021.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve revisions to the Town's Drug & Alcohol Testing Policy.

Approval Recommended?

Yes

Item Details

The Town's Drug & Alcohol Policy was last updated in 2015. Since that time, new policy language and training requirements have been released from the Federal Motor Carrier Safety Administration (FMCSA), resulting in the need to update the Town's existing policy. Additionally, discussions with the Town's leadership team supports expanding the policy's random testing program to include safety-sensitive positions and moving to a "zero-tolerance" policy, in regard to illegal drug use and alcohol use while on the job.

FMCSA Requirements

Many of the Town's positions require a Commercial Drivers License to operate equipment needed to perform the job. The Federal Motor Carrier Safety Administration requires employers to provide certain information to employees who are Commercial Drivers (CDL and CLP holders), and to obtain a signed acknowledgement from the Commercial Driver, stating that they have received the information. The required information and acknowledgement form have been added as an appendix to the revised policy.

Random Testing for Safety Sensitive Positions

Historically, the Town has only conducted random drug & alcohol testing for positions that require a Commercial Drivers License (CDL), in accordance with FMCSA regulations. The revised policy adds a new "Safety Sensitive" category of positions that will now be subject to random drug and alcohol testing, due to the nature of their duties and the elevated risk of harm to the public, should a mistake occur. Random drug testing for this safety sensitive category will be conducted at a rate of no less than 25% per year and random alcohol testing at a rate of no less than 10% per year (ex: if a department has 100 employees who perform safety sensitive duties, a minimum of 25 will be randomly selected over the course of the year to submit to drug testing, and a minimum of 10 will be selected for alcohol testing).

The first two groups of positions that will be added to the random testing pool will be Fire Suppression and Sworn Police positions. These positions are included in the random testing pool in many neighboring municipalities, and on-site testing protocols have been put into place to reduce the disruption to the work day and increase the privacy of those being randomly tested. The Town will continue to review other positions for safety-sensitive classification and may add additional positions to the random testing pool in the future. When new positions are determined to be safety sensitive, employees holding those positions will be given 30 days' advance notice, prior to being added to the random testing pool.

Zero-Tolerance Policy

The Town's Drug & Alcohol policy revision includes a "zero-tolerance" position toward illegal drug and alcohol abuse/misuse. This means that, if an employee tests positive for illegal drugs or tests positive for the presence of alcohol while on the job, the result would be termination of employment for the employee. While we understand the significance of taking this stance, we

are committed to providing a safe working environment for our employees and the citizens they serve, and hope that communicating the zero-tolerance position to our employees will help reduce the likelihood of drug and/or alcohol misuse. The zero-tolerance position would only apply to drug tests resulting in a "positive" for illegal drugs or the presence of alcohol. Employees who come forward voluntarily seeking help for a drug or alcohol abuse problem - prior to be called for a drug test - will not be subject to the zero-tolerance policy and the Town would work with that employee to find resources to help them. It is also worth noting that employees who may be taking a drug that has been prescribed to them by a doctor would not be considered a "positive" drug test and would therefore not be subject to the zero-tolerance policy.

Other Updates & Next Steps

The policy revisions also include less significant updates, such as clarification of when an employee is required to notify their supervisor of prescription medication use, and a section of "policy prohibitions" that provides a list of specific actions that would violate the drug and alcohol policy.

If the Personnel Committee approves these changes, the updated policy would be presented to Town Council for approval, and made effective 30 days after all employees have been trained on the new revisions. The training would cover conditions on when an employee may be subject to drug testing, procedures when a drug test occurs, and the Town's zero-tolerance position against illegal drug and alcohol use. We would also include information on how to seek help if an employee has a substance abuse problem, and resources available to them.

This item was presented to the Personnel Committee on January 28, 2021, and unanimously approved.

Attachments

- Drug and Alcohol Policy Revisions 2021

Town of Apex Administrative Policy and Procedure Drug and Alcohol Policy	Administrative Policy Number: 100
	Effective: 11/1/2020
	Supersedes: 11/17/2015
	Prepared by: Mary Beth Manville, HR Director
	Approved by: Apex Town Council

Section	Title	Page Number
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III.	Scope of Drug and Alcohol Testing	2
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V.	Positive Test Results	4
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Appendix A	Town of Apex Safety Sensitive Positions	9
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I. Introduction

The Town of Apex is committed to maintaining a safe and productive working environment. In support of this commitment, the Town has developed this Drug and Alcohol Policy in compliance with North Carolina Drug Testing Acts, N.C. Gen. Stat. §§ 95-230 to 95-235; N.C. Admin Code tit.13, r. 20.0100 to 20.0602, and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities. This policy applies to all Town of Apex employees.

Drug or alcohol abuse affects work performance, workplace safety, and the public's safety. Town of Apex employees have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. The Town does not tolerate the abuse of drugs or alcohol in the workplace and prohibits the use of illegal drugs by its employees both on and off the job.

Any employee suffering from a substance abuse problem (drugs or alcohol) is encouraged to seek help. The Town's Employee Assistance Program (EAP) is available for a confidential evaluation and referral for substance abuse treatment if necessary. Compliance with this Drug and Alcohol Policy is a condition of your hire and continued employment.

Any violations of this policy will subject the employee to disciplinary action, up to and including dismissal. The Town of Apex has "zero" tolerance for drug or alcohol possession or use as described in this policy, and a verified violation of the policy will result in termination from employment by the Town of Apex.

Note: Exceptions to this policy apply for Police Officers acting in accordance with their official duties.

II. Purpose

The purpose of the drug and alcohol policy is to:

1. Identify requirements and actions necessary to eliminate drug abuse and alcohol misuse in the Town of Apex.
2. Ensure full compliance with Federal requirements for establishing a drug-free workplace.
3. Identify when, and under what conditions, Town employees are subject to drug and alcohol testing.
4. Identify when employer notification is required for the use of legally prescribed medications.

III. Scope of Drug and Alcohol Testing

All candidates who have been offered employment with the Town are subject to post-offer pre-employment drug testing. Additionally, all regular employees and limited service employees are subject to:

- reasonable suspicion testing
- return to duty testing
- follow-up testing
- post-accident testing

In addition to the above tests, employees with assignments considered Safety Sensitive are required to participate in random alcohol testing and/or random drug testing. Employees with Safety Sensitive assignments are those:

- who possess a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP), are assigned commercial vehicle driving responsibilities for the Town of Apex, and who are covered under Federal Motor Carrier Safety Administration (hereafter-- FMCSA) drug and alcohol testing regulations.
- whose duties have responsibilities considered by Town of Apex management to be Safety Sensitive. Refer to Appendix A--Town of Apex Safety Sensitive Positions. . (Updates are maintained and available from the HR Department)

IV. Conditions for Testing

Pre-employment Testing

After an offer of employment has been made to the final candidate, the applicable Department directs the applicant to the drug testing collection site and receives notification of the test result. Applicants are not eligible to begin work until the Department receives the negative test result.

Additionally, for commercial drivers:

Under FMCSA regulations a DOT pre-employment drug test must be administered if there is a lapse of more than 30 days when the driver is not registered in a DOT random pool.

Reasonable Suspicion

The Town of Apex may require that an employee undergo drug and alcohol testing when, in the opinion of the Human Resources Director or Safety and Risk Manager and the Department Director and/or the supervisor of the affected employee, there is a reasonable suspicion that the employee may be under the influence of alcohol or controlled substances. The determination to test for reasonable suspicion must be based on the following:

- first hand observations seen or heard by supervisors or Department Directors
- specific, clearly stated observations concerning the appearance, behavior, speech or body odor of the employee
- observations made just before, during, or just after the performance of job duties
- citation or arrest for a drug-related offense if the employee is in a safety-sensitive position, or when citation or arrest is in combination with other factors considered in reasonable suspicion testing

A reasonable suspicion alcohol test should be done within 2 hours of the observed behaviors. If a test cannot be done within 8 hours, it should not be done. A reasonable suspicion controlled substance test should be done no later than 32 hours from the observed behavior and appearance

or as soon as possible if reasonable suspicion testing results from a drug-related citation or arrest. If a reasonable suspicion test cannot be conducted within the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Safety and Risk Manager.

An employee who is required to submit to reasonable suspicion testing will be driven to the testing site and will be placed on a non-disciplinary suspension pending the test results. An employee who refuses to submit to reasonable suspicion testing or avoids meeting the specified time limits will be considered to have a positive result and their employment will be terminated.

Random Testing

Unannounced random tests for commercial drivers will follow requirements of FMCSA drug and alcohol testing regulations. For other Safety Sensitive employee categories, the annual number of unannounced random tests will total no less than 25% of the total number of Safety Sensitive employees in each Department.

The Town of Apex contracts with a third party administrator (TPA) to generate the random test lists and the Human Resources Department coordinates with the TPA to establish the locations and times for the tests.

Upon receipt of notice to appear for a random drug or alcohol test, employees must immediately proceed to the designated test site to complete the screening. Failure to report immediately to the test site will be considered a refusal to test and employment will be terminated.

Post-Accident Testing

Post-accident testing is conducted following any accident involving a Town employee if any one of the following conditions is met:

- A fatality occurs as the result of the accident.
- An individual involved in the accident requires transport or medical treatment at the hospital emergency department. (Exceptions: Non-motor vehicle related, line of duty injuries incurred during emergency responses by Police or Fire and judged by the Department Director and Safety and Risk Manager or HR Director to be the result of unforeseeable or uncontrollable circumstances.)
- The driver of a motor vehicle was cited for a moving traffic violation and a vehicle involved in the accident was disabled to the extent that it must be towed.

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours, it should not be done. Post-accident drug testing must be performed within 32 hours of the accident, or it should not be done. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and reported to the Safety and Risk Manager

An employee who is required to submit to Post-Accident testing will be driven to the testing site and will be removed from performing safety sensitive functions pending the test results. An employee who refuses to be tested or avoids meeting the specified time limits will be considered as having a positive test result and employment will be terminated.

Return to Duty and Follow-Up Testing

Return to Duty and Follow-Up Testing may be authorized and required on a case by case basis. If approved by management, and upon recommendation of the substance abuse professional, an employee who has violated this policy may have an option to complete a substance abuse program to return to work.

Return to Duty drug and/or alcohol testing must be conducted prior to the employee returning to work.

Follow-Up drug and/or alcohol testing is required once the employee successfully completes the prescribed substance abuse or alcohol abuse requirements and returns to work. Follow-up tests will be conducted on an unannounced basis as prescribed by the substance abuse professional.

V. Positive Test Results

Alcohol Tests

A breath alcohol level of 0.04 or higher as measured by a breath alcohol test administered by a technician certified to operate the testing device, is considered a positive alcohol test. A positive breath alcohol test for any on-duty Town of Apex employee will result in the employee's immediate placement on unpaid administrative leave pending determination of disciplinary action up to and including termination from employment with the Town of Apex. If a breath alcohol concentration is .02 or greater but less than .04, the employee must be removed from the work place for a 24-hour period and is subject to disciplinary action up to and including dismissal. Any future incidence of a breath alcohol concentration of .02 or greater, within a three year period, will result in the employee's termination from employment with the Town of Apex.

For commercial drivers; additionally:

Under FMCSA regulations, a breath alcohol test level of 0.039 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 30 minutes after that test. If the screening and confirmation tests are not the same, the confirmation test is deemed to be the final result.

Positive alcohol tests from on-duty employees assigned as commercial drivers (CDL or CLP holders) must be reported to NCDOT and the FMCSA Clearinghouse, and results in the loss of the commercial driver's license.

Drug Tests

Drug tests are performed for at least the following types of drugs:

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines

Drug testing for Law Enforcement Officers, Telecommunicators, Evidence Clerk, and Commercial Drivers must be by urinalysis. Drug tests for all other employees may be urinalysis or other screening method approved by management.

Drug tests requiring an employee to provide a urine specimen will be conducted at an approved collection facility or may be conducted onsite by a certified collector. The collection, analysis, and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every specimen undergoes an initial screening followed by a confirmation test for all positive screening results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO will contact the employee to ensure no factors exist that may have influenced the outcome of the testing process prior to transmission of the results to the Town. The MRO is responsible for confirming test results. A confirmed positive test result for any Town of Apex employee will result in the employee's termination from employment.

For commercial drivers and CDL or CLP applicants; additionally:

Confirmed positive drug tests from on duty employees assigned as commercial drivers (CDL or CLP holders), and from CDL or CLP applicants must be reported to NCDOT and the FMCSA Clearinghouse, and results in the loss of the commercial driver's license.

For Telecommunicators, Law Enforcement Officers, and Applicants for Telecommunications or Law Enforcement positions; additionally:
Confirmed positive drug tests must be reported to the North Carolina Sheriffs' Standards Commission or the North Carolina Criminal Justice Standards Division as applicable, and may result in the loss of certification as a criminal justice officers.

Refusal to test
An employee's refusal to consent to testing as directed under this policy is considered a positive test and will result in the employee's termination from employment.

Attempting to defraud a drug or alcohol test
The use or attempted use of an adulterant (anything added to a specimen to attempt to hide drug use), substitution of a specimen, or attempt to substitute a specimen is considered a refusal to test and a violation of this Policy. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test will be terminated for willful misconduct, or withdrawn from consideration for a job offer.

Defrauding drug and alcohol screening tests; penalty. N.C. Gen. Stat. § 14-401.20.
In NC it is unlawful for a person to:
(1) sell, give away, distribute, market, or transport urine with the intent of using the urine to defraud a drug or alcohol screening test;
(2) attempt to defraud a drug or alcohol test by substituting or adulterating a sample, or the advertising substitute samples or adulterants;
(3) adulterate a test sample with the intent to defraud a drug or alcohol test; or
(4) possess or sell adulterants which are intended to be used to adulterate a test sample for the purpose of defrauding a drug or alcohol screening test.

Individuals convicted under this law are guilty of a Class 1 misdemeanor for the first offense, and a Class 1 felony for a second or subsequent offence.

VI. Use and Reporting of Prescription Drugs, Medications, and other Chemical Substances

All employees are responsible for having a thorough understanding of the effects and potential side effects of medications or other chemical substances they are taking. Any employee taking prescription-medications that may impair their ability to safely perform their job duties, and who works in a safety sensitive position, **or** who has duties requiring them to operate a motor vehicle, power tools, machinery or equipment; or who participates in confined space entry operations, traffic control or work zone operations, or is exposed to electrical or fall hazards shall inform their supervisor of their medication usage and may be required to provide a doctor's note addressing specific limitations while taking the impairing medication. With regard to reporting medication usage to a supervisor, narcotic/opiod prescription usage is of primary concern and should always be reported, however other medication usage that causes the employee to be drowsy, inattentive, faint, or careless should also be reported to the supervisor. All medications should be taken at their prescribed dosage.

If such medication use is not disclosed pre-duty and the employee tests positive for the impairing effect medication, the employee will be immediately placed on unpaid administrative leave pending determination of disciplinary action up to and including termination from employment with the Town of Apex.

Any documentation of an employee's notification to their supervisor of drug or substance use shall be maintained in a secured medical file separate from the employee's personnel file. With the approval of the Department Director, an employee may be temporarily reassigned to other duties if their use of a medication has potential to impair safe performance of their normal job duties.

No employee shall report for duty or remain on duty when using any illegal drug or substance including those identified in 21 CFR 1308.11 Schedule I . Schedule 1 substances are identified by the US Drug Enforcement Administration as having no currently accepted medical use and having a

high potential for abuse. Possession or use of Schedule 1 substances is illegal under Federal law. Schedule 1 substances include, depressants, stimulants, hallucinogenics, and opiates.

Additionally, for Commercial Drivers employed by the Town of Apex to drive a commercial vehicle(s):

- No commercial driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 (other Schedules in 21 CFR 1308 also include, depressants, stimulants, hallucinogenics, and opiates), except when the use is pursuant to the instructions of a *licensed medical practitioner*, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle; and operation of the motor vehicle is approved by management. (As defined in § 382.107, a *licensed medical practitioner* means a person, who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.)

- No employer having actual knowledge that a driver has used a controlled substance shall permit the employee or driver to perform or continue to perform a safety-sensitive function unless specifically authorized by a *licensed medical practitioner* and approved by management as listed above.

VII. Voluntary Referrals for Assistance

The Town is committed to helping those who may struggle with substance abuse or have a substance abuse disorder, and can connect employees to resources for help. If you think you may have a substance abuse problem, you can voluntarily and confidentially contact HR for assistance in getting connected to resources, or call 1-800-662-HELP (4357) to reach the Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline.

The Town's Employee Assistance Program is also a confidential resource that is available to employees who may need help. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP program; however, the Town will assume no direct financial responsibility for counseling or rehabilitation received by an employee. Any costs in addition to available health benefits are the employee's responsibility.

It is important to note that, although the Town encourages employees who may have a drug or alcohol problem to voluntarily seek help, coming forward after being notified to report for drug or alcohol testing is not considered a voluntary admission of needing help, and testing results will be subject to the zero-tolerance provisions of this policy.

VIII. Mandatory Referrals for Assistance

An employee who has voluntarily disclosed a drug or alcohol problem and who has not been dismissed shall be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by a Town of Apex approved assessing agency.

The Town of Apex respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the Town maintains the right and responsibility for taking disciplinary action regarding alcohol and substance abuse and for protecting the public's safety.

IX. Alcohol and Drug-Related Offense Convictions

An employee who has been cited or convicted of a drug or alcohol-related offense must report the citation or conviction to the supervisor immediately. Any drug or alcohol-related conviction which could directly or indirectly affect the employee's credibility or ability to effectively carry out the duties and responsibilities of their position will be reviewed by the Town Manager and may result in disciplinary action up to and including termination.

X. Training

1. Supervisors of commercial drivers will be trained to recognize behaviors that may indicate drug and alcohol abuse and how to take appropriate referral action. In addition, employees will be provided with information regarding the effects of alcohol and controlled substances in the body including the impact on work performance and resources for assistance.

2. Commercial Drivers must receive training information contained in Appendix C of this policy, and must sign and return the certificate attesting to their receipt of the information to the Safety and Risk Manager.

3. FMCSA requires newly hired and re-activated commercial drivers, and current employees in the process of obtaining a commercial driver's license, to create an account on the FMCSA Clearinghouse website. It further requires the employer (TOA) to query the employee's account, prior to the employee driving a commercial vehicle, to verify the employee is not prohibited from driving a commercial vehicle due to unresolved drug or alcohol violations. Additionally, CDL (Commercial Driver's License) and CLP (Commercial Learner's Permit) holders must sign an authorization (Appendix D following) allowing the Town of Apex to query their driver's license annually on the Clearinghouse website. Refusal to sign the authorization will disqualify the driver from operating a commercial vehicle and result in termination of employment.

XI. Policy Prohibitions

1. With respect to illegal drug use, abuse, or possession whether on or off duty, employees are subject to disciplinary action up to and including termination or rejection of their application for employment. The following actions will result in termination or removal from employment consideration with the Town of Apex:

   a. Testing positive on a confirmed drug or alcohol test, or refusing to be tested.

   b. Bringing and/or storing illegal drugs or drug paraphernalia on Town premises or property, including in a desk, locker, personal or Town owned or leased motor vehicle, or other repository,

   c. Having possession of, being under the influence of, testing positive for, or otherwise having in one's system, illegal drugs or medications for which the employee does not have a valid prescription.

   d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs or medications.

   e. Being convicted of, or entering a plea of guilty or no contest to any controlled substance offense. (The employee must notify their supervisor immediately of any controlled substance related arrest, conviction, charge, deferred adjudication, or deferred prosecution.)

   f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using other's prescribed medications. (Prescription medications brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.)

   g. Switching, tampering with, diluting, or adulterating any drug test specimen or sample collected under this Policy, or attempting to do so.

   h. Refusing to cooperate with the terms of this Policy, including drug testing and submitting to

questioning. (A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.)

i. Failure to advise the supervisor or manager of the use of prescription or over-the-counter drugs which may alter the employee's ability to safely perform the essential functions of their job.

j .Failure to notify the supervisor before reporting to work if the employee believes they may be impaired by their use of drugs (prescription drugs or other).

k Use of hemp products that result in a THC positive drug test, ex: CBD oil. (The Town will not consider the use of hemp products a valid medical explanation for a THC positive test result.)

2. With respect to alcohol use, abuse, or possession, employees are subject to disciplinary action up to and including termination or rejection of their application for employment. The following actions will result in termination or removal from employment consideration with the Town of Apex:

a. Bringing and/or storing alcohol in an open or unsealed container on Town premises or property, including in a desk, locker, or Town owned or leased motor vehicle, or other repository. (Except beer, wine, or spirits in a sealed container intended as a gift to a coworker for off duty/off premises consumption may be temporarily stored in a secure location in office areas only, or may be lawfully stored in the employee's personal motor vehicle.)

b. Being under the influence, testing positive, or having alcohol in one's system while on duty. (Commercial Drivers--alcohol may not be consumed during the four (4) hours prior to your scheduled start time),

c. Using, consuming, distributing or attempting to distribute, selling, or dispensing alcohol while in the workplace or on Town property.

d. Switching, tampering with, or adulterating any test specimen or sample collected under this Policy, or attempting to do so.

e. Refusing to cooperate with the terms of this Policy including alcohol testing and submitting to questioning. (A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.)

f. Consuming alcohol within 8 hours following an accident requiring a post-accident alcohol test, or prior to a post-accident test, whichever occurs first.

g. Receiving a conviction or pleading guilty to any criminal alcohol offense, or receiving a temporary or permanent suspension of a driver's license due to an alcohol-based arrest. (The employee must notify their supervisor immediately of any alcohol related arrest, conviction, charge, deferred adjudication, or deferred prosecution.

h. Failure of an employee to notify their supervisor before reporting to work if they believe they may be under the influence of alcohol.

APPENDIX A

Town of Apex Safety Sensitive Positions

Following is a list of safety sensitive positions. These positions were determined to be safety sensitive due to their specific job duties. The Town reserves the right to evaluate the list of safety sensitive positions and to modify, update or otherwise change the designations. Drivers of Town of Apex Commercial Vehicles are considered safety sensitive whether or not their position is specifically listed in Appendix A.

Safety Sensitive Job Classifications	
Fire Department Assistant Fire Chief Deputy Fire Marshall Fire Battalion Chief Fire Captain Fire Chief Fire Engineer Fire Inspector Fire Lieutenant Fire Marshall Fire Training Coordinator Firefighter Senior Firefighter	**Police Department** Telecommunicators of any position Police Officers of any rank Evidence Clerk
Commercial Drivers (CDL and CLP holders)	
Electric Utilities Department Electric Line Technician Apprentice Powerline Right Of Way Technician Powerline Arborist Powerline Arborist Trainee Electrical Operations Manager Journeyman Electric Line Technician I, II, III Electric Crew Field Supervisor Electric Technical Services Supervisor Electric Training and Safety Specialist	**Public Works Operations** **Solid Waste** Equipment Operator Field Crew Supervisor Supervisor **Street Maintenance** Field Crew Supervisor Heavy Equipment Operator Maintenance Technician Maintenance Technician, Senior Sign Technician Sign Worker Supervisor
Facility Services Grounds Crew Field Supervisor Grounds Maintenance Technician **Fleet Services** Fleet Services Mechanic Fleet Services Supervisor Senior Fleet Services Mechanic	**Public Works Water Resources** **Sewer Maintenance** Collection System Supervisor Pump Maintenance Supervisor Pump Maintenance Mechanic **Water Maintenance** Heavy Equipment Operator Senior Utility Maintenance Worker Utility Maintenance Worker Utility Crew Field Supervisor Utility Crew Field Supervisor Utility Technician Utility Maintenance Supervisor Water Quality Supervisor
Park Maintenance Parks Operations Supervisor (if CDL) Parks Operations Team Leader (if CDL)	**Water Reclamation Facility** Water Reclamation Facility Operator/Mechanic Water Reclamation Facility Team Leader

Appendix B

OBSERVED BEHAVIOR – REASONABLE SUSPICION

Employee: Name: _____

Department: _____

Observation: Date: _____ Time: (from _____ am/pm to _____ am/pm)

Location: _____

1. **PRESENCE of Alcohol, Drugs, or related Paraphernalia (*Specify*):**

_____

2. **APPEARANCE:** □ Normal □ Flushed □ Puncture marks
□ Disheveled □ Bloodshot eyes □ Tremors
□ Profuse sweating □ Runny nose □ Dry mouth symptoms
□ Pupils dilated/constricted □ Inappropriate wearing of sunglasses
□ Other _____

3. **BEHAVIOR:**
Speech: □ Normal □ Incoherent □ Slurred □ Silent
□ Confused □ Slowed □ Whispering
□ Other _____

Awareness: □ Normal □ Confused □ Mood swings □ Euphoria
□ Lethargic □ Paranoid □ Disoriented □ Lack of coordination
□ Other _____

4. **MOTOR SKILLS:**
Balance: □ Normal □ Swaying □ Falling □ Staggering
□ Other _____

Walking and Turning: □ Normal □ Swaying □ Arms raised for balance
□ Stumbling □ Falling □ Reaching for support
□ Other _____

5. **ODORS:** □ Alcohol and/or □ Marijuana odor in the immediate vicinity of the person

OTHER OBSERVED ACTIONS OR BEHAVIOR (*Specify*): _____

_____

_____

Witnessed by:

_____ _____ _____ _____ am/pm
(Signature) *(Title)* *(Date)* *(Time)*

Appendix C

Commercial Driver Supplement to the Town of Apex

Drug and Alcohol Policy Q and A

As required by Federal Motor Carrier Safety Administration regulations, this information is provided to Town of Apex (TOA) employees assigned to operate commercial motor vehicles.

(1) Who is designated to answer questions about the TOA Drug and Alcohol Policy and supplemental information?

The HR Director, HR Manager, or the Safety and Risk Manager are designated to answer questions about the Policy and Supplement.

(2) What categories of drivers are subject to the provisions of this FMCSA regulation part?

All CDL and all CLP holders whose job specifications or assignments require the operation of commercial vehicles for the TOA.

(3) What period of the work day is the driver required to be in compliance with FMCSA drug and alcohol regulations?

Whenever a driver is on duty they are required to be free from drugs and alcohol. Within 4 hours of reporting for duty a driver must not consume any alcohol. "On Call" personnel may not report to duty within 4 hours of consuming alcohol.

(4) What drug or alcohol related conduct is prohibited by FMCSA?

A. Alcohol concentration.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

B. On-duty use.

No driver shall use alcohol while performing safety-sensitive functions.

C. Pre-duty use.

No driver shall perform safety-sensitive functions within four hours after using alcohol.

D. Use following an accident.

No driver required to take a post-accident alcohol test required by FMCSA rules shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

E. Refusal to submit to a required alcohol or controlled substances test.

No driver shall refuse to submit to a controlled substance or alcohol test required under FMCSA regulations including pre-employment, post-accident, random, reasonable suspicion, or other test.

F. Controlled substance use (FMCSA §382.213).

(i) No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when using any drug or substance identified in 21 CFR 1308.11 Schedule I. ("Schedule 1 Controlled Substances" are those considered to have a high potential for abuse and have no currently accepted medical use in treatment in the United States.)

(ii) No driver shall report for duty or remain on duty requiring the performance of safety- sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. And operation of the motor vehicle is approved by management.

Note: Under FMCSA regulations §382.213 (d), "An employer may require a driver to inform the employer of any therapeutic drug use."

(5) What are the circumstances under which a commercial driver will be tested for alcohol and/or controlled substances?

Commercial drivers are subject to:

A. Pre-employment drug testing—verification of negative drug test results are required

prior to the operation of a commercial motor vehicle or if there is a lapse of more than 30 days when the driver is not registered in a DOT random pool.

B. Random drug and alcohol testing—commercial drivers are subject to random testing throughout their employment as commercial drivers.

C. Reasonable Suspicion drug or alcohol testing—commercial drivers are subject to drug and alcohol testing when in the opinion of the Human Resources Director or Safety and Risk Manager and the department head and/or the supervisor of the affected employee, there is a reasonable suspicion that the employee may be under the influence of alcohol or controlled substances. The determination to test for reasonable suspicion must be based on the following:

- first hand observations seen or heard by supervisors or department heads
- specific, clearly stated observations concerning the appearance, behavior, speech or body odor of the employee
- observations made just before, during, or just after the performance of job duties
- citation or arrest for a drug-related offense if the employee is in a safety-sensitive position, or when citation or arrest is in combination with other factors considered in reasonable suspicion testing

D. Post Accident testing as defined in the TOA Drug and Alcohol Policy:
Post-accident testing is conducted following any accident involving a Town employee if any one of the following conditions is met:

- A fatality occurs as the result of the accident.
- An individual involved in the accident requires transport or medical treatment at the hospital emergency department.
- The driver of a motor vehicle was cited for a moving traffic violation and a vehicle involved in the accident was disabled to the extent that it must be towed.

Note: Post-Accident and Reasonable Suspicion alcohol testing should be done within 2 hours of the accident or observed behavior. If the test cannot be performed within 8 hours, it should not be done.

Post-Accident and Reasonable Suspicion drug testing must be performed within 32 hours of the accident or observed behavior or it should not be done. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Safety and Risk Manager. An employee who is asked to submit to Post-Accident or Reasonable Suspicion testing will be driven to the testing site and will be placed on a non-disciplinary suspension pending the test results. An employee who refuses to be tested or avoids meeting the specified time limits will be considered as having a positive test result and employment will be terminated.

E. Return to Duty and Follow-Up Testing may be authorized and required on a case by case basis. If approved by management, and upon recommendation of the substance abuse professional, an employee who has violated this policy may have an option to complete a substance abuse program to return to work.

Return to Duty drug/alcohol testing must be conducted prior to the employee returning to work.

Follow-Up drug/alcohol testing is required once the employee successfully completes the prescribed substance abuse or alcohol abuse requirements and returns to work. Follow-up tests will be conducted on an unannounced basis as prescribed by the substance abuse professional.

(6) How does the TOA test for the presence of alcohol and controlled substances? What measures does the TOA take to protect the driver and the integrity of the testing processes,

safeguard the validity of the test results, and ensure that those results are attributed to the correct driver?

The Town of Apex contracts with a Third Party Administrator who provides chain of custody forms and tamper seals for handling of specimens (urine and breath alcohol test results). Specimens are collected at approved collection locations (may be on site) and sent to DOT approved testing laboratories. All positive test results are reviewed by a DOT qualified Medical Review Officer.

(7) What happens if a driver fails to submit to an alcohol or controlled substances test required by FMCSA?

Failure to provide a urine specimen necessary for a required drug test is considered a refusal to test and is considered a positive test. Failure to provide a required breath alcohol specimen is considered a refusal to test and is considered a positive test. In both instances, the refusal will result in termination of employment.

(8) What constitutes a refusal to submit to an alcohol or controlled substances test and what are the consequences?

Failure to provide a sufficient quantity of urine or failure to provide a breath specimen when requested are considered refusals to test. Refusal to submit to an alcohol or controlled substance test will result in a report of the refusal being sent to NCDOT and FMCSA Clearinghouse, and termination of employment.

(9) What are the consequences for drivers who test positive on a controlled substances or alcohol test administered in compliance with FMCSA regulations?

A driver who tests positive for controlled substances or alcohol will be immediately removed from safety sensitive functions and employment will be terminated.

(10) What are the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04?

The employee must be removed from the work place for a 24-hour period (placed on unpaid leave) and is subject to disciplinary action up to and including dismissal. Refer also to TOA Drug and Alcohol Policy, Section V. Positive Test Results.

(11) What additional information does FMCSA require to be communicated to commercial drivers concerning the effects of alcohol and controlled substances use on: a.) an individual's health, work, and personal life; b.) signs and symptoms of an alcohol problem; c.) signs and symptoms of a controlled substances problem and d.) available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation and referral to an employee assistance program and/or referral to management.

a.) <u>Effects of Controlled Substance and Alcohol Misuse on an Individual's Health, Work, and Personal Life</u>

1. Alcohol is a central nervous system depressant. Taken in large quantities, it causes not only the euphoria associated with "being drunk" but also adversely affects judgment, ability to think, and motor functions.

2. Long-term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.

3. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease that left untreated can worsen.

4. Workers who use alcohol and other controlled substances affect others within the workplace and outside the workplace. According to the US Dept. of Health and Human Services, compared to alcohol and controlled substance-free workers, substance abusers are less productive, miss more workdays, and are more likely to injure themselves or someone else, resulting in increased medical injury claims.

5. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. Additional costs include those for diverted supervisory and managerial time, friction among coworkers, damage to equipment, and damage to the entity's public image.

6. Substance abuse can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.

7. If substance abuse affects your work life it could lead to job loss and all of the financial problems that would follow.

8. Signs of illegal controlled substance use may include when a person is carrying controlled substances on their person or has them hidden around the house. Possession of controlled substance paraphernalia is also a likely sign of use.

9. Indications of prescription drug misuse vary according to the type of controlled substance or medication. Controlled substance misuse may lead to dependence, and withdrawal symptoms can be severe if controlled substance use is stopped suddenly.

10. Other signs may include: an abrupt change in mood or attitudes, sudden and continuing decline in attendance or performance at work or in school, impaired relationships with family members or friends, unusual temper flare-ups, increased borrowing of money from parents or friends, stealing from the home or in the workplace, heightened secrecy about actions and possessions, association with a new group of friends, especially with those who use controlled substances.

b.) <u>Signs and Symptoms of Alcohol Misuse</u>

Any one or more of the following signs may indicate a drinking problem:

1. Family or social problems caused by drinking.
2. Job or financial difficulties related to drinking.
3. Loss of a consistent ability to control drinking.
4. "Blackouts" or the inability to remember what happened while drinking.
5. Distressing physical and/or psychological reactions if you try to stop drinking.
6. A need to drink increasing amounts of alcohol to get the desired effect.
7. Marked changes in behavior or personality when drinking.
8. Getting drunk frequently.
9. Injuring yourself or someone else while intoxicated.
10. Breaking the law while intoxicated.
11. Starting the day with a drink.

c.) <u>Signs and Symptoms of a Controlled Substance Problem</u>

Controlled substances can show their effects in many different ways. Some of the most noticeable signs are: drowsiness, respiratory depression, constricted pupils, nausea

slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of controlled substance paraphernalia.

d.) Intervening When a Controlled Substance or Alcohol Problem is Suspected, Including Confrontation, Referral Program, and/or Referral to Management

1. Reasons why you should be concerned if any of your coworkers are using a controlled substance or alcohol on the job:
   (i) Your health and safety may be at risk.
   (ii) Substance abuse can cost you, your coworkers, and your employer money.
   (iii) Substance abuse can create a negative work environment.

2. According to the National Institute on Alcohol Abuse and Alcoholism, controlled substance and alcohol use on the job costs society billions of dollars annually. Since costs related to alcohol and substance abuse may be passed on in the form of higher health insurance rates or in the prices you pay for consumer goods, controlled substance and alcohol use on the job can increase those costs to you and your coworkers.

3. Absenteeism among problem drinkers or alcoholics means you may have to do their jobs in addition to your own.

4. Substance abusers may not function at their full potential. In addition to the absenteeism, at work these employees may have reduced capabilities and productivity.

5. No matter what your position in the organization, you can help ensure that controlled substance and alcohol use on the job never becomes a problem at work. Acceptance of any misuse puts you, the organization, and the public at risk.

6. Employees who request help from the Human Resources Department or the Town's EAP for a drug or alcohol addiction problem prior to receiving a notification to report for a random or reasonable suspicion test and prior to testing positive on employment related drug or alcohol tests will be referred to the Town's EAP provider. Costs associated with the rehab treatment must be paid by the employee.

(12) What information must be reported to the FMCSA Clearinghouse?

(a) A verified positive, adulterated, or substituted drug test result;

(b) An alcohol confirmation test with a concentration of 0.04 or higher;

(c) A refusal to submit to any test required by FMCSA;

(d) An employer's report of actual knowledge of:

(i) On duty alcohol use;

(ii) Alcohol consumption within 4 hours of reporting for duty;

(iii) Alcohol consumption within 8 hours following an accident requiring a post-accident alcohol test, or prior to a post-accident test, whichever occurs first.

(iv) Controlled substance use pursuant to §382.213 [stated in (4)(F) (i) and (ii) above];

(e) A substance abuse professional report of the successful completion of the return-to-duty process;

(f) A negative return-to-duty test; and

(g) An employer's report of completion of follow-up testing.

Appendix D

General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, (Driver Name)_____, hereby provide consent to the Town of Apex to conduct limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

This consent is in effect for all limited queries of my driver's license conducted by the Town of Apex for the duration of my employment with the Town.

I understand that if the limited query conducted by the Town of Apex indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the Town of Apex without first obtaining additional specific consent from me. I further understand that if I refuse to provide consent for the Town of Apex to conduct a limited query of the Clearinghouse, the Town of Apex must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, and my refusal will disqualify me from operating a commercial vehicle, resulting in termination of my employment with the Town.

_____ _____

Employee Signature Date

Appendix E

I certify that I received a copy of the Town of Apex Drug and Alcohol Policy including Appendix C, Commercial Driver Supplement to the Town of Apex Drug and Alcohol Policy which pertains to Federal Motor Carrier Safety Administration Safety Regulations, Part 382 Controlled Substances and Alcohol Use and Testing.

Name (printed):_____

Signature:_____

Date:_____

FMCSA 49 CFR Part 382.601(d) *Certificate of receipt.* Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the signed certificate and may provide a copy of the certificate to the driver.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

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

Department(s): Human Resources Director

Requested Motion

Motion to approve increasing the authorized FTE of the Fire Department's Senior Program Support Specialist position from .875 (35 hrs/week) to 1.00 (40 hrs/week)

Approval Recommended?

Yes

Item Details

The Fire Department's Senior Program Support Specialist has worked for the town since March 25, 1996. Throughout that time, she has been classified as part-time and has worked a schedule of 35 hours per week. While this was sufficient for many years, the growth in size and complexity of the Fire Department now makes it difficult for the position's duties to be completed during a 35-hour week. For some time now, the employee has been regularly working up to 40 hours per week in order to complete all of the job's duties. The budget impact of increasing the position from 35 to 40 hours per week is roughly $14,000, annually.

This item was presented to the Personnel Committee on January 28, 2021, and unanimously approved.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: February 9, 2021

Item Details

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

Requested Motion

Motion to approve the addition of the Athletics & Grounds Maintenance Worker I and II (Grade 13), Athletics Technician (Grade 14), and Parks Operations Worker I and II (Grade 15) to the Town's Position Classification Plan. Approve the reclassification of the Athletics and Grounds Specialist position from Grade 14 to 15, the reclassification of the Parks Operations Technician position from Grade 16 to 15, and the Parks Operations Specialist position from Grade 15 to 16.

Approval Recommended?

Yes

Item Details

The Parks Operations and Athletics & Grounds Divisions of the Parks, Recreation, and Cultural Resources Department are updating their position titles to allow for the continued practice of career progression opportunities, while also recognizing positions that require a higher level of complexity and/or responsibility. For each division (Athletics & Grounds and Parks Operations), there will be a Worker I and Worker II position, where employees can advance in levels by meeting certain criteria, such as achieving certifications and growing in experience in their career field. Both divisions will also have a Technician and Specialist classification, that will not be included in the automatic advancement of the career progression program, but will allow for growth within the department as employees gain experience and meet qualifications to compete for the positions, as they become available.

A summary of the proposed position titles and salary grades are below.

	ATHLETICS & GROUNDS	PARKS OPS
WORKER I AND WORKER II*	13	14
TECHNICIAN**	14	15
SPECIALIST**	15	16

*Career Progression position. Employee advances by meeting defined criteria. Results in 5% increase, but grade remains the same.

**Separate classification requiring a significantly higher level of skill or responsibility, warranting a higher grade. This is not part of the career progression and an employee must apply for and compete to be hired into the position.

If the new positions titles are approved, position titles of existing employees will be updated to reflect the new titles, and employees identified as being within a year of reaching the existing career progression plan may be grandfathered under the existing rules and conditions.

This item was presented to the Personnel Committee on January 28, 2021, and unanimously approved.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 9, 2021

Item Details

Presenter(s): Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Motion to approve the reappointment of Chair and Vice Chair positions on the Environmental Advisory Board

Approval Recommended?

Yes

Item Details

The Chair and Vice Chair appointments to the Environmental Advisory Board are one-year terms. Last year, these positions were held by Hal Langenbach and Katie Schaaf respectively. These two individuals have expressed the desire to serve a second term in these positions which would run through December 31, 2021.

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: February 9, 2021

Item Details

Presenter(s): Russell Dalton, Sr. Transportation Engineer

Department(s): Public Works & Transportation

Requested Motion

Possible Motion to recommend modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a right-in/right-out access as presented; and, Possible Motion to recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Drive/Horton Park Drive.

Approval Recommended?

Yes

Item Details

Apex Transportation and Long Range Planning staff have received public comments on the Jessie Drive Phase 1 final design plans in emails and through a survey that was distributed by mail and available online as well as at the public workshop held July 15, 2020. In response to public comments concerning changing Sweetgum Drive, an existing residential cul-de-sac, to right-in/right-out, the Town's consultant prepared alternatives for evaluation by staff for a new access route to Sweetgum Drive providing for left turn movements. During this time, plans have continued through both the NCDOT and Apex TRC review process, currently at 65% design plans as of December 2020. After NCDOT recommendations in December 2020, staff recommended including the new Sweetgum Access Alternative as a full movement intersection along with right-in/right-out for Sweetgum Drive in the final plans. This would remove the proposed western U-turn bulb-out, currently shown in 65% plans for access to Sweetgum Drive from westbound Jessie Drive.

In addition, Apex staff, NCDOT, and the development team for Horton Park have been coordinating closely on the design for Jessie Drive. Horton Park will provide for improvements and extension of Jessie Drive for approximately 1,700 feet to future Production Drive/Horton Park Drive, along with turn lanes and the commitment of a traffic signal when warranted at the intersection of Ten Ten Road. The Town would later provide additional improvements at the Ten Ten Road intersection and improve existing Jessie Drive east of the Horton Park scope of work. The combination of both projects would provide contiguous 10' side path on the south side of Jessie Drive from Ten Ten Road to future Production Drive/Horton Park Drive. However, there

would be a 1,700' gap in side path on the north side of Jessie Drive east of future Production Drive/Horton Park Drive. Staff recommend adding that side path to the Town's Phase 1 final design plans to ensure it will be completed in a timely manner.

Attachments

- Presentation: Jessie Drive Phase 1 Final Design and Sweetgum Access Alternative
- Letter to property owners
- Email comment summary (as of 2/3/21)
- Emails received (as of 2/3/21)

Public Hearing

Jessie Drive Phase 1 Final Design
and Sweetgum Access Alternative
February 9, 2021

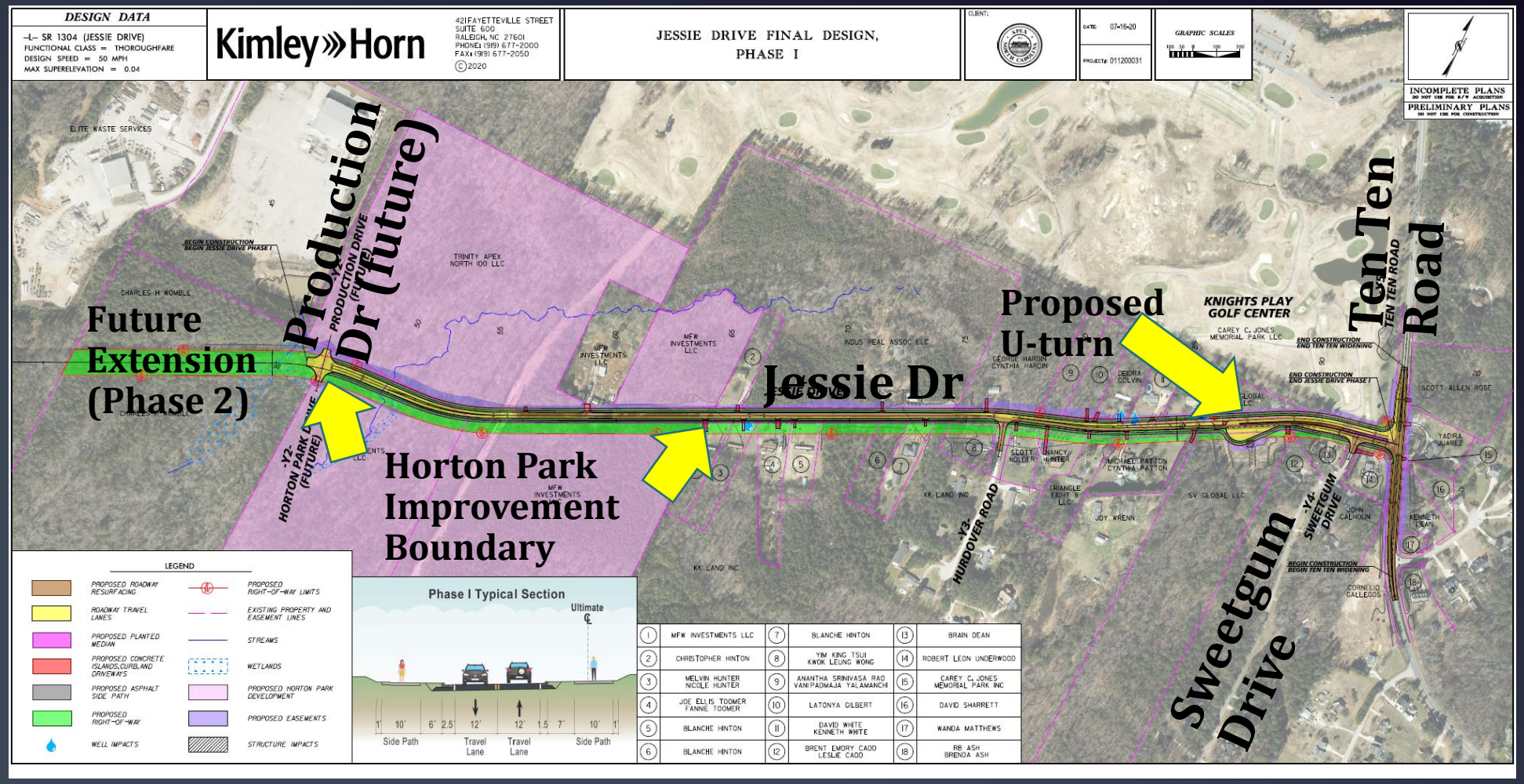
Presentation Highlights

- Review progress since the public meeting
- Highlight public feedback concerning access to Sweetgum Drive
- Discuss preliminary alternatives to address Sweetgum Drive comments
- Discuss preferred alternative and NCDOT recommendations
- Discuss proposed limits of 10-foot side paths and potential gap
- Request public input and Council action

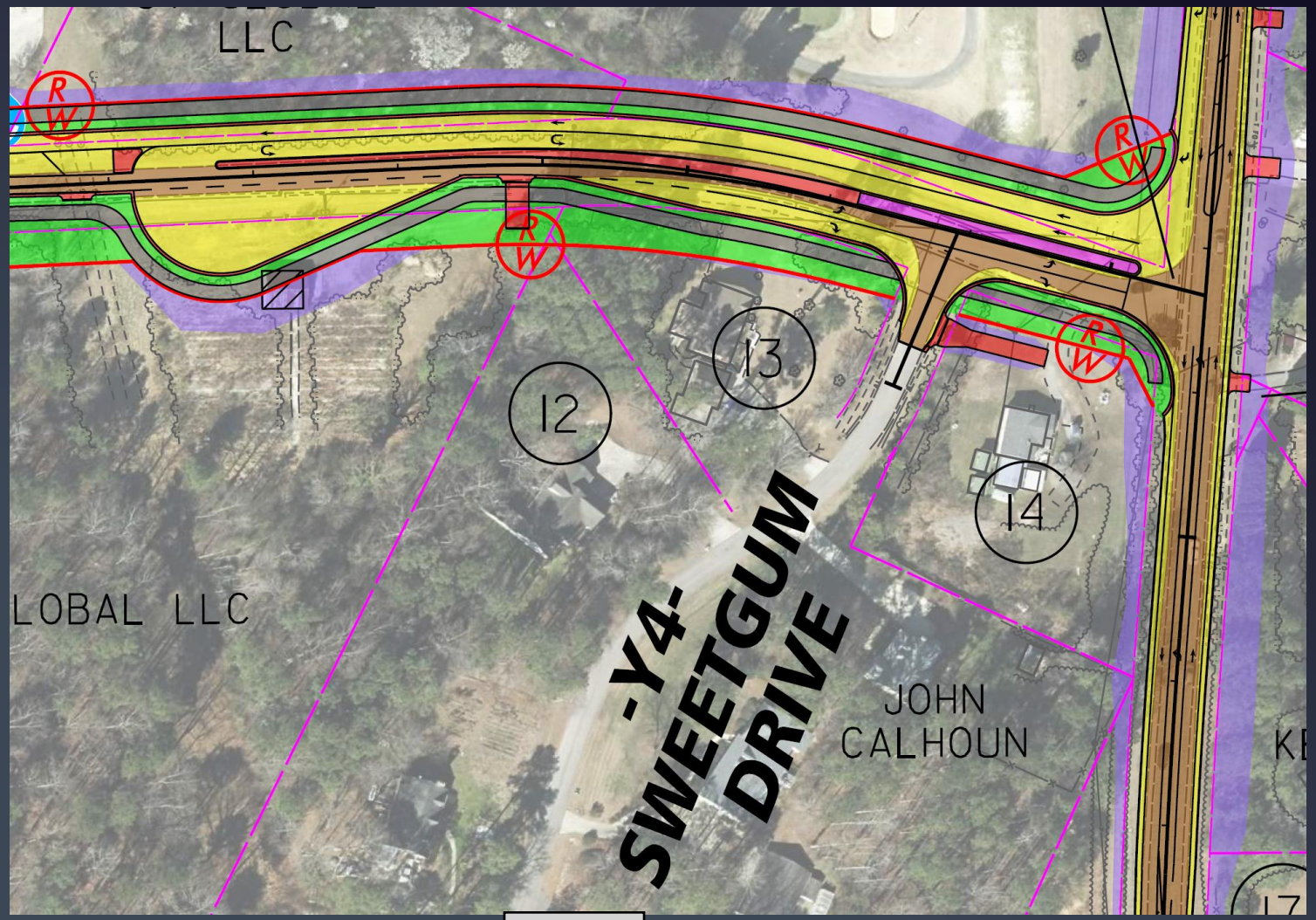
Timeline

- May 6 & July 9 – 1st and 2nd Plan Review Submittals
- Jul 15 – Public Workshop
- Jul 28 – 3rd Plan Review Submittal
- Sept 18 – Apex staff & NCDOT discuss Sweetgum Dr options
- Oct 16 – Town staff review Sweetgum Dr access alternatives
- Oct 29 – Preferred alternative sent to NCDOT for input
- Dec 10 – NCDOT comments received on the alternative
- Dec 14 – 4th Plan Review Submittal (65% plans)

Jessie Drive Phase 1 Public Meeting Map



Sweetgum Drive (RIRO + U-turns)



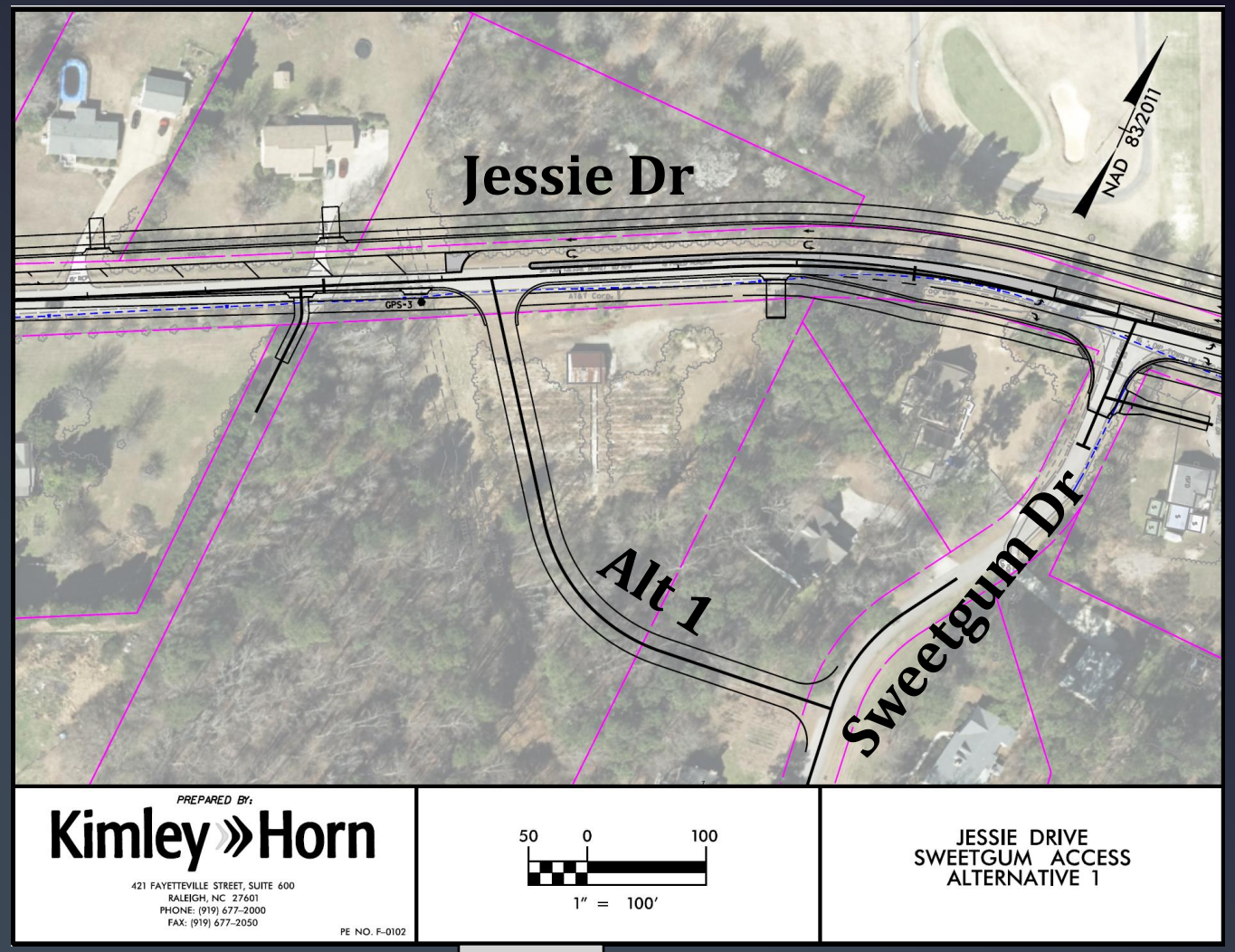
Resident comments & concerns

- No direct lefts in or out: Sweetgum Dr residents have to use the proposed U-turn bulb-out and U-turn at Ten Ten Rd
- Traffic waiting at Ten Ten Rd may be blocking Sweetgum Dr at peak times due to short distance and added traffic
- School bus operations and emergency access
- Sweetgum Drive has no other access (>1,700’ cul-de-sac) so consider an alternative connection to Sweetgum Dr for left turn access
- Walking along & crossing Jessie Drive on foot

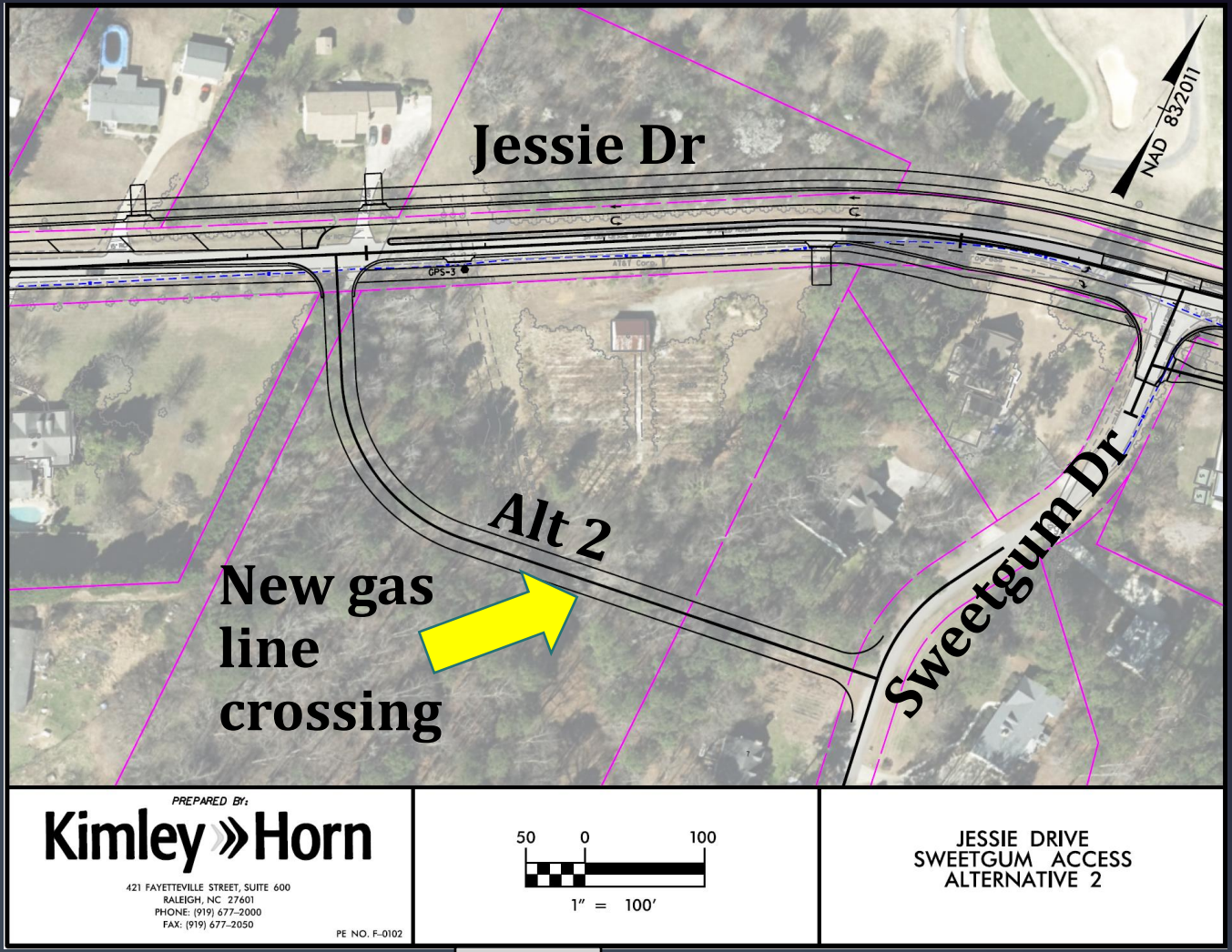
Preliminary Alternatives

- New access road from Sweetgum Dr to Jessie Dr: two versions, with and without additional crossing of gas line corridor
- New access road from Sweetgum Dr to Ten Ten Rd: requires additional improvements on Ten Ten Rd but would eventually become right-in/right-out, plus concerns with traffic congestion and no possibility of a traffic signal

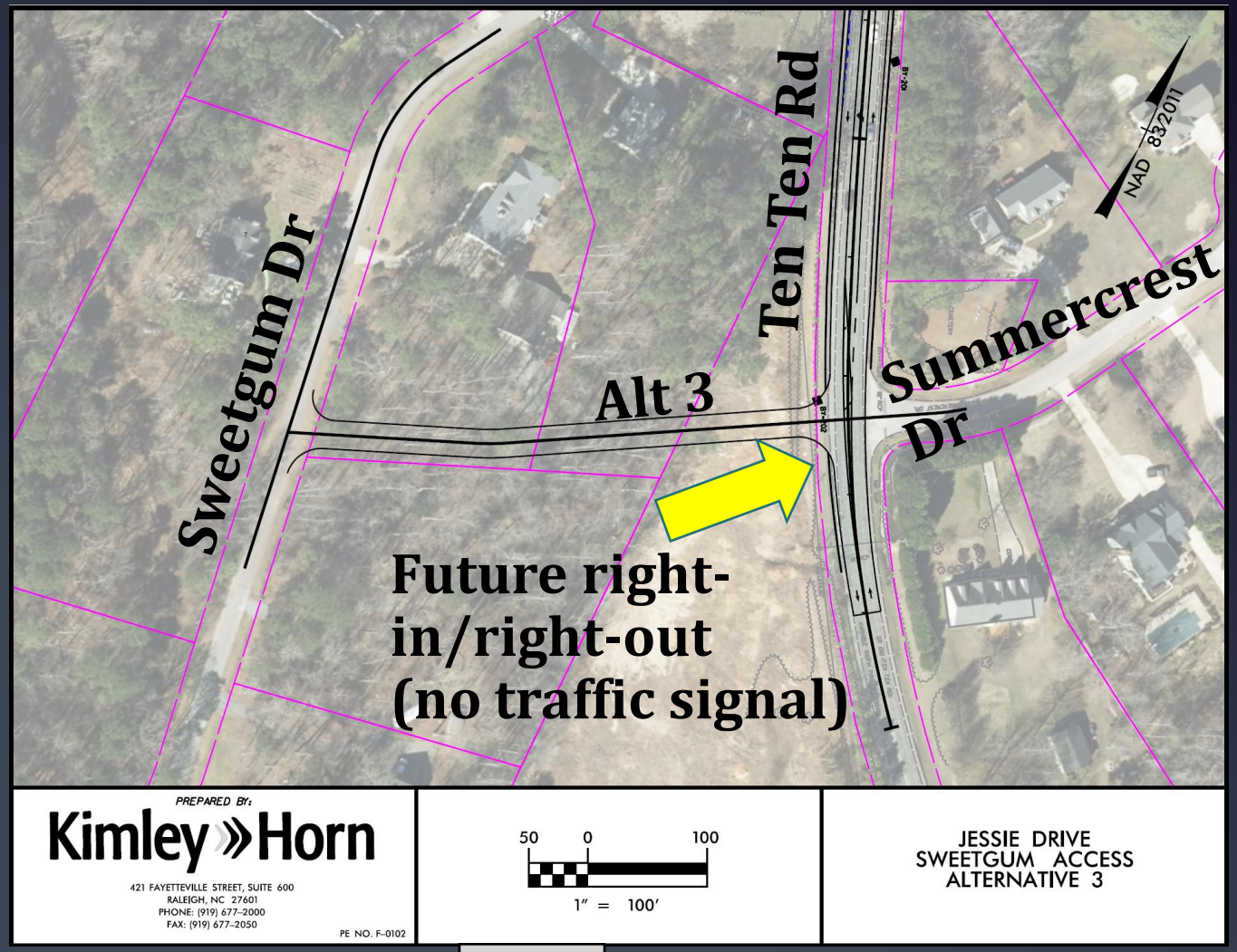
Preliminary Access Alternative 1



Preliminary Access Alternative 2



Preliminary Access Alternative 3



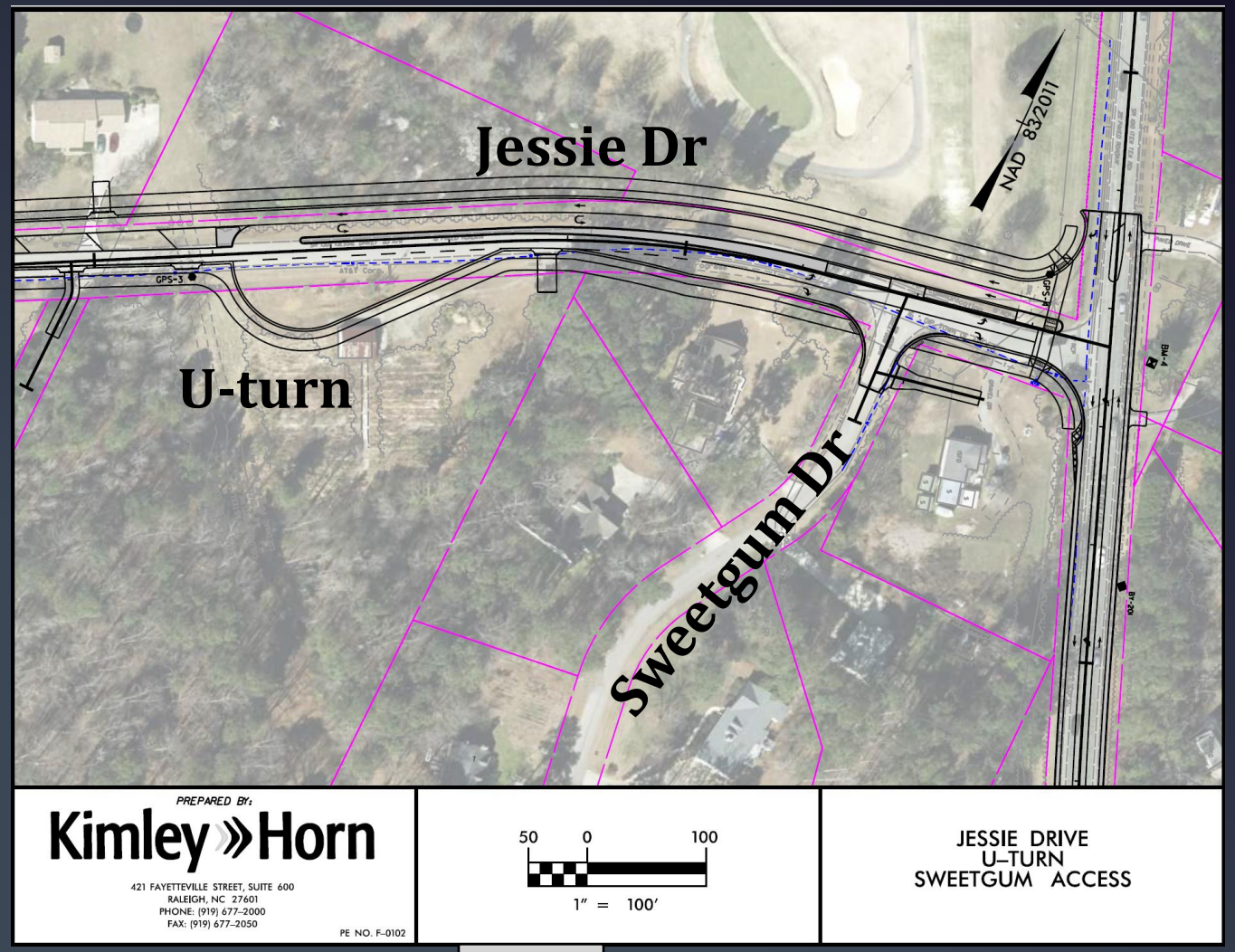
Preferred Access Alternative

- Apex staff recommend Alternative 1, with a full-movement intersection where it connects to Jessie Drive
- AFD recommends Alternative 1 (vs. U-turn) for emergency access to Sweetgum Drive
- Proposed modified Alternative 1 “Sweetgum Access Alternative” to NCDOT for consideration

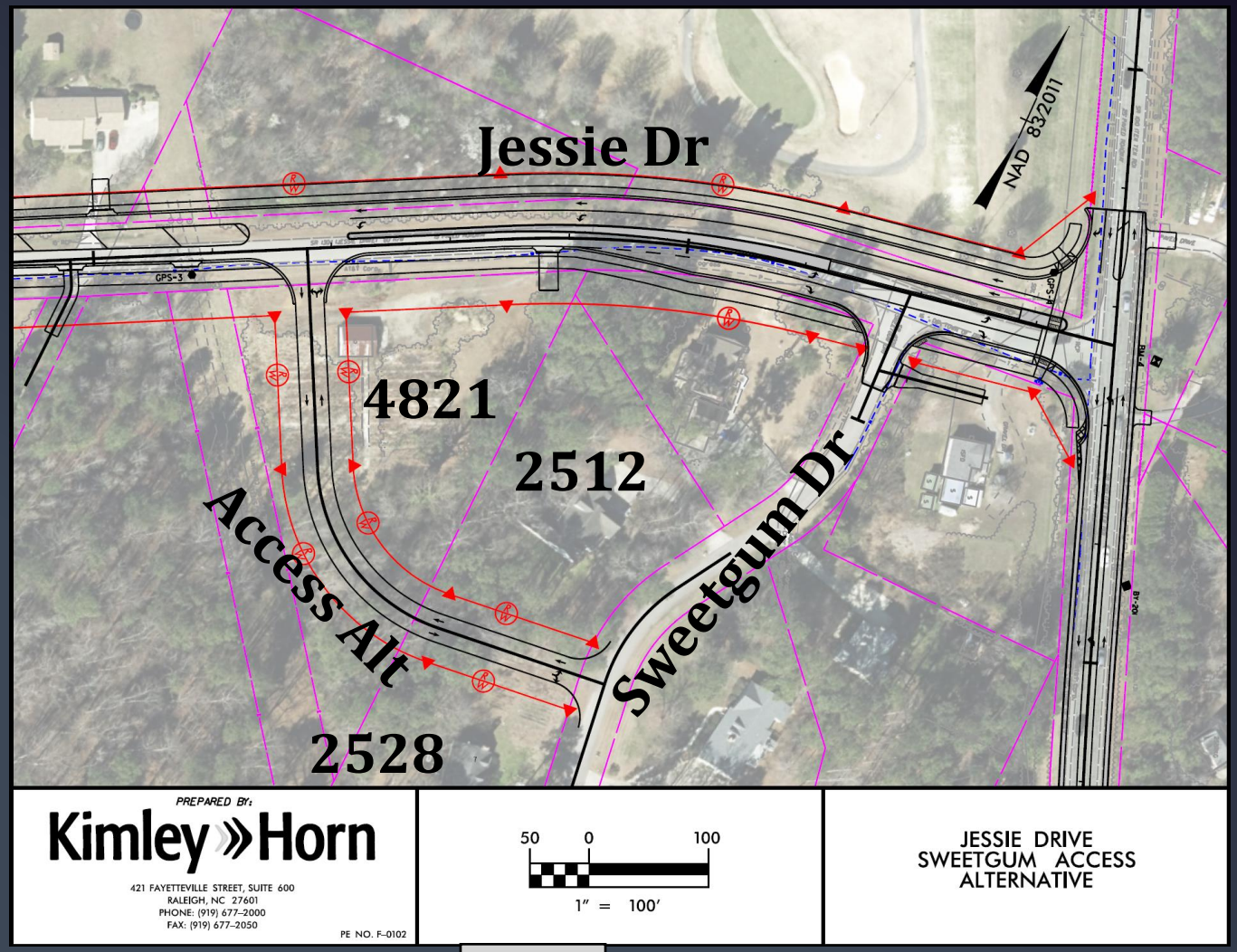
NCDOT comments

- NCDOT prefers the Sweetgum Access Alternative as presented compared to the U-turn
- Recommend a 90-degree tie-in of Sweetgum Access Alternative to Jessie Drive for improved alignment
- Recommend severing the connection of Sweetgum Drive at Jessie Drive, but <u>not required</u> for Phase 1 plan. Noted concerns about later extension to NC 55 increasing traffic volumes at Ten Ten Rd, potentially blocking Sweetgum Drive.

U-turn bulb-out (current plan)



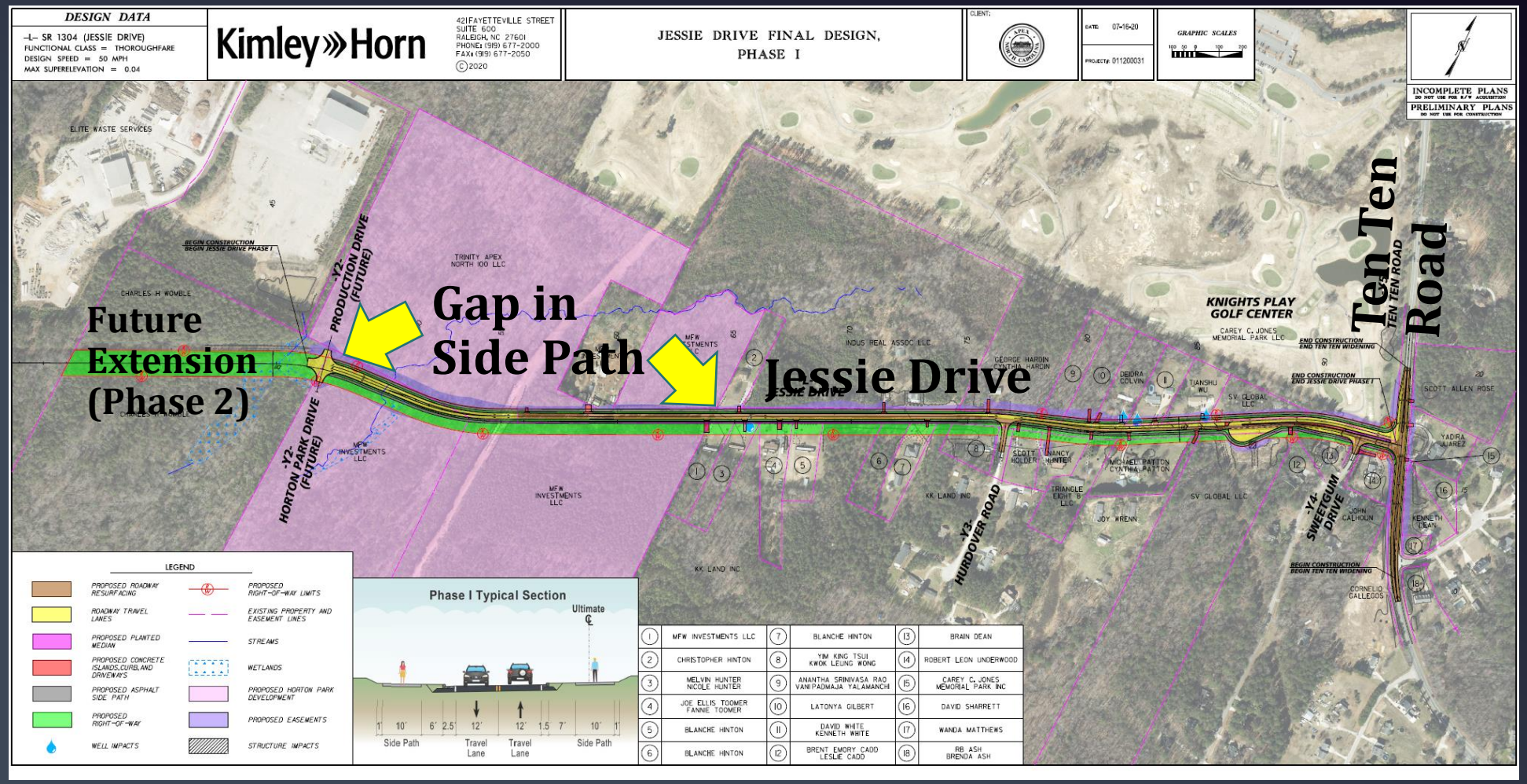
Sweetgum Access Alternative (proposed)



10-foot Side Paths

- Town's roadway plan includes 10-foot side paths on both sides of Jessie Dr
- Horton Park portion of Jessie Dr road improvements and extension includes 10-foot side path on south side of Jessie Dr only
- With the Town's roadway improvements ending at Horton park, it would leave a 1,700-foot gap in side path on the north side, while contiguous to Ten Ten Rd on south side

10-foot Side Path



Public Outreach

- Notices concerning Sweetgum Rd access were mailed/e-mailed the first week of January (from emails received, workshop attendees, survey respondents, and parcel owners along Sweetgum Drive and along the proposed access road)
- The summary and responses to public comments from earlier outreach efforts were published to the Town's website in January following the mailing/e-mailing of notices

Next Steps – Sweetgum Access Alternative

- Requesting public input and possible motion:

  Recommend modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a right-in/right-out access as presented

- Current estimated construction cost of Phase 1 with U-turn $3.7M (new access adds $300,000) plus right of way acquisition

- Alternatively, staff will move forward with the U-turn bulb-out if no changes to are recommended by Council, or as otherwise directed

Next Steps – 10-foot Side Path

- Requesting public input and possible motion:

  Recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Dr/Horton Park Dr

- Current estimated construction cost of additional side path is $500,000 plus right of way acquisition

- Alternatively, staff will not extend the current limits of side path in Jessie Drive Phase 1 and the gap will remain until constructed as future development occurs or as part of Jessie Drive Phase 2

January 4, 2021

Subject: **Jessie Drive Phase 1 Final Design – Sweetgum Access Alternative**

To Whom It May Concern:

The Town of Apex held a public workshop on July 15, 2020 to present the public meeting map for the Jessie Drive Phase 1 (Ten Ten Road to Production Drive) Final Design and receive public input. Comments were received prior to, during, and following the workshop concerning a variety of issues related to the project. Many concerns were related to the median restricting Sweetgum Drive to only right-in/right-out movements at Jessie Drive. This would require U-turn movements east and west of the intersection. Due to the close proximity of Sweetgum Drive to Ten Ten Road, left turns will not be permitted. See Exhibit 1 for an image of the median and U-turn bulb-out.

In the months following the workshop, while roadway design efforts have continued, the Town and our consultants have been exploring options for left turn access to Sweetgum Drive. We received feedback in December 2020 from the NC Department of Transportation concerning our proposal to connect a new access alternative road from Sweetgum Drive to Jessie Drive for a full-movement intersection serving the subdivision. On Jessie Drive, the new road would connect approximately where the U-turn bulb-out would have been located, and on Sweetgum Drive, it would connect along the lot line between 2512 and 2528 Sweetgum Drive. See Exhibit 2 for an image of the Sweetgum Access Alternative that could replace the proposed U-turn bulb-out.

The Town of Apex will hold a public hearing at the regularly-scheduled Town Council meeting, on February 9, 2021 at 6:00 PM. The purpose of this public hearing will be for staff to update Town Council on the current status of the project and for Town Council to consider a possible motion to include the Sweetgum Access Alternative in the roadway plans to replace the proposed U-turn. In addition, there will be a possible motion for keeping the existing Sweetgum Drive access open as a right-in/right-out direct access to Jessie Drive vs. closure and construction of a cul-de-sac.

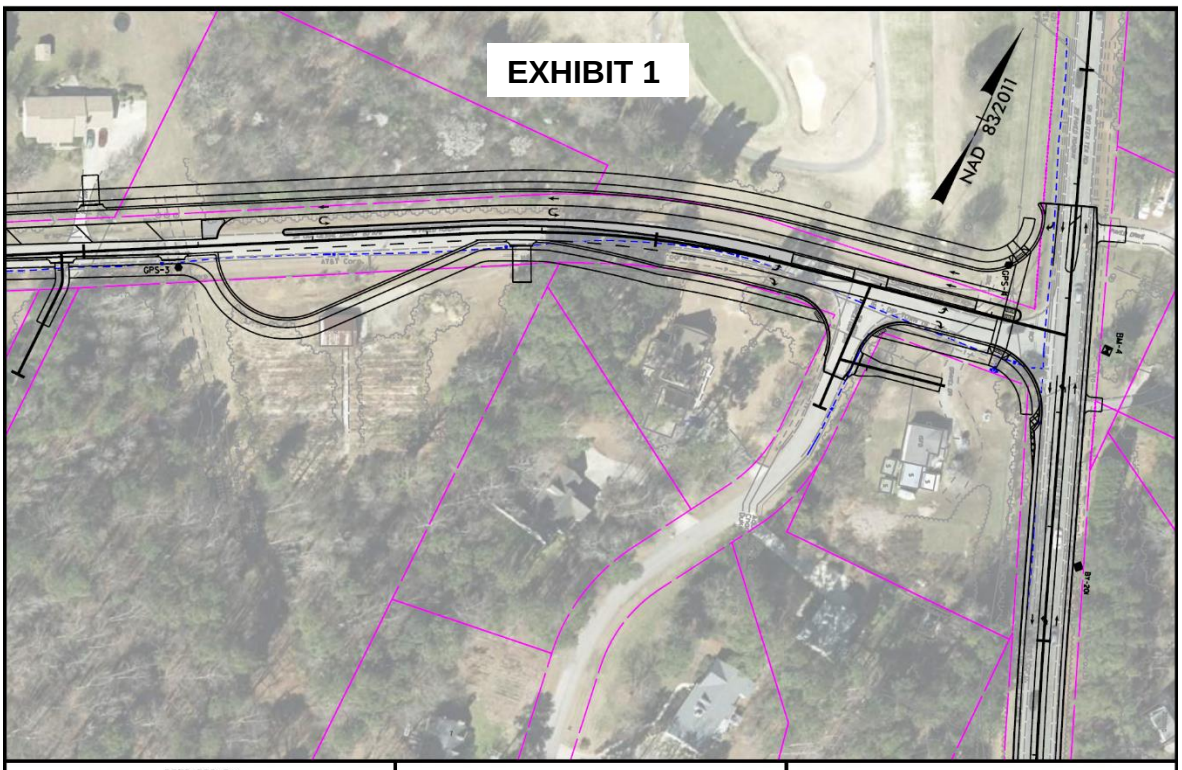
If you wish to speak in person concerning this item during the public hearing you will need to attend the meeting. However, if you wish to provide comments to be read at the meeting on your behalf those can be submitted prior to the meeting. Information concerning Town Council meetings and public input can be found at: http://www.apexnc.org/838/Agendas-Minutes . Project updates will be posted to: http://www.apexnc.org/371/Road-Sidewalk-Projects .

Sincerely,

Russell H. Dalton

Russell H. Dalton, PE, Senior Transportation Engineer
Russell.Dalton@apexnc.org

Attached (see reverse): Exhibit 1 & 2



PREPARED BY:

Kimley »Horn

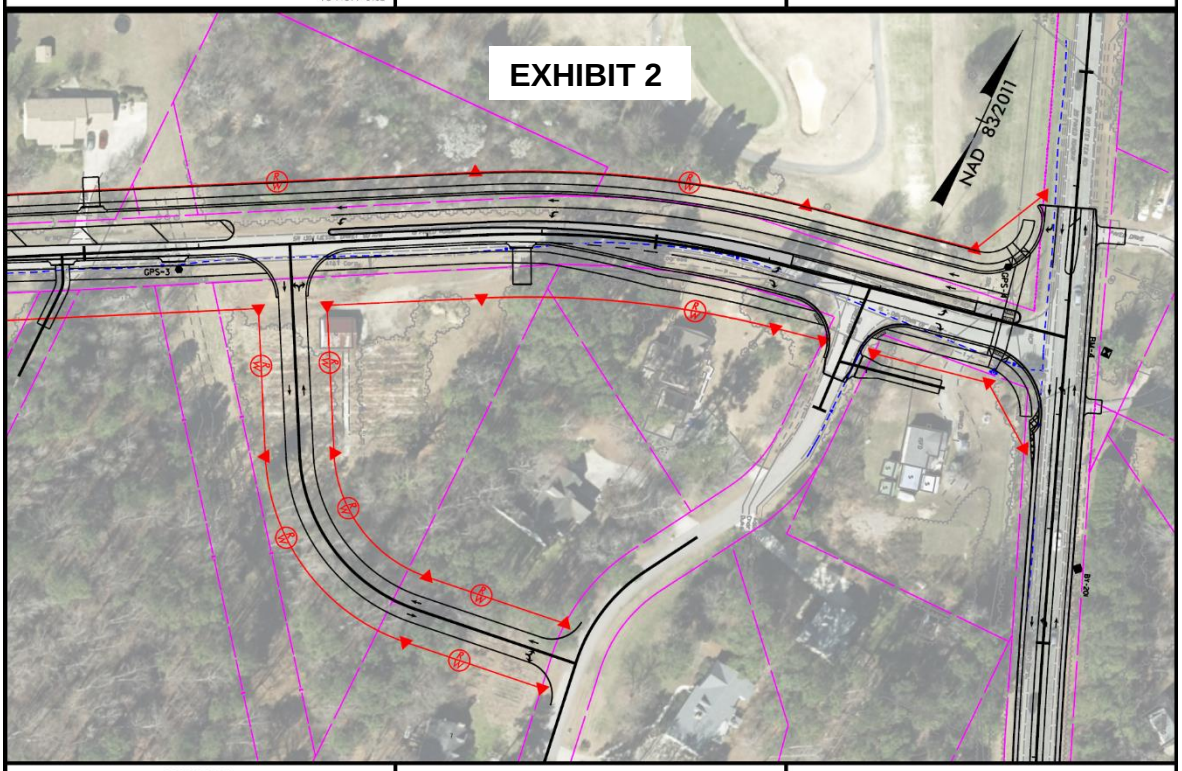
421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: (919) 677-2000
FAX: (919) 677-2050

PE NO. F-0102

50 0 100

NOT TO SCALE

JESSIE DRIVE
U-TURN
SWEETGUM ACCESS



PREPARED BY:

Kimley »Horn

421 FAYETTEVILLE STREET, SUITE 600
RALEIGH, NC 27601
PHONE: (919) 677-2000
FAX: (919) 677-2050

PE NO. F-0102

50 0 100

NOT TO SCALE

JESSIE DRIVE
SWEETGUM ACCESS
ALTERNATIVE

Jessie Drive emailed comment summary for 2/9/21 Council meeting

Brian Dean

2500 Sweetgum Drive

- In favor of Sweetgum access alternate road as proposed.
- Cited ability to avoid traffic backups from Ten Ten Rd if/when those occur and concerns with safety of the U-turn bulb option.

Leslie Cadd

2512 Sweetgum Drive

- Not in favor of either Sweetgum access option as proposed.
- Wants left turns allowed at Jessie Dr and a traffic signal at Ten Ten Rd.
- Suggested relocating Jessie Drive to the Knights Play property.
- Cited direct impact to her home from the new road (traffic, tree removal, property values, marketability to families with children, water meter and electric services, septic field) and is long term resident 30+ years.
- Asked about width of the new road and compensation for impacts.
- Suggested access be considered west of the pipeline and connect to Sweetgum Dr further south where there are no houses, at the well house/pipeline crossing area.

Judy Ward & Nicholas Ward (both emailed separately)

2528 Sweetgum Drive

- Not in favor of either Sweetgum access option as proposed.
- Wants left turns allowed at Jessie Dr and a traffic signal at Ten Ten Rd.
- Asked why it is necessary to extend Jessie Drive to NC 55.
- Asked for consideration of a roundabout at Sweetgum Drive, or the alternate access road be shifted west to be constructed along the pipeline easement clearing and avoid impacts to homes.
- Alternatively, asked why a route further west of the pipeline could not be done if the pipeline route is not an option.

Russell Dalton

From: Brian Dean <briandean19@gmail.com>
Sent: Thursday, January 14, 2021 4:06 PM
To: Russell Dalton
Subject: Re: Jessie Drive extension update

Follow Up Flag: Follow up
Flag Status: Flagged

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Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Thank you for the update and getting back to me. I will look at putting a comment in as well if I cant make the meeting but if you could please let the council know I am in support of the connector road I would appreciate it. Thanks again and have a great weekend!

Brian Dean

On Thu, Jan 14, 2021, 10:51 Russell Dalton <Russell.Dalton@apexnc.org> wrote:

> Brian,
>
> Thank you for your input.
>
> I hope we'll be able to begin right of way acquisition in late 2021 given the current design progress. Summer is ambitious especially if Council approves the new connector road requiring a significant change to the plans.
>
> Your comment would be good to have for the meeting. If you would like to submit your comment online prior to the meeting that would be helpful, but if not I can still keep a record of it to let Council know we received a comment in support of the connector road.
>
> Thank you.
>
> Russell Dalton

From: Brian Dean [mailto:briandean19@gmail.com]
Sent: Thursday, January 14, 2021 10:17 AM
To: Russell Dalton <Russell.Dalton@apexnc.org>
Subject: Jessie Drive extension update

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Good Morning Russell,

I received the letter about the 2 options in the mail for the u turn bulb or the street that will connect jessie and sweetgum between my neighbors houses. I actually think personally that would be a better option for the neighborhood incase traffic is backed up at ten ten we arent waiting in line to get into the neighborhood, less likely for an accident having to make the u turn etc. I do appreciate you guys taking our concerns into consideration and think this option is very resonating. Not sure if you were looking for what our thoughts were via email but I don't know if I can make it to the meeting so I thought I'd let you know. Also was wondering if you guys were still planning on purchasing right of way this spring or summer? Please let me know if you need anything from me. Thanks again!

Brian Dean

2500 Sweetgum Drive

Russell Dalton

From: Russell Dalton
Sent: Monday, February 01, 2021 9:11 AM
To: 'Leslie Cadd'
Subject: RE: Sweetgum Dr/Jessie Dr. Extension

Leslie,

This email can serve for public record of your input at the 2/9 meeting. It will be a virtual (online) meeting so I'm summarizing comments I've received by email to provide to Council so they are aware of that input.

The options begin presented are the U-turn or a connector road, and we've proposed the most direct, shortest, feasible connection avoiding the pipeline and community well to provide the left turns neighbors asked for. It is good to have this input so Council knows the connector road as proposed would face opposition from property owners.

Thank you.

Russell H. Dalton, PE
Senior Transportation Engineer
Public Works & Transportation
Town of Apex
919-249-3358

From: Leslie Cadd [mailto:lescadd@gmail.com]
Sent: Monday, January 18, 2021 1:31 PM
To: Russell Dalton <Russell.Dalton@apexnc.org>
Subject: Sweetgum Dr/Jessie Dr. Extension

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Hello,
I will not be able to be at the public meeting due to work obligations so I'm sending you my thoughts. I just wanted to let you know as the owner of the property on 2512 Sweetgum dr that I definitely disapprove of the access road proposed for Sweetgum off of Jessie Dr. When is the proposed start date of this road and how wide would it be? It's not a better option at all. It merely takes people to the point of the turn around and still makes them go out of the way to get on Sweetgum dr. Not only that, it cuts a road through 2 houses in the neighborhood which is ridiculous. If you insist on refusing access via the current left onto Sweetgum then you should put an access down the far side of the pipeline instead of the near side and cutting up between 2 houses. There is nothing but woods on that far side and if the well house is an issue then cross over the pipeline at the bottom to where Sweetgum gum crosses the pipeline anyway. There really is no reason that we cant leave things alone and have a cut through at the median. Just go look at the intersection on Kildare Farm rd and Lochmere. There is a cut through into those businesses near the intersection that would work just as well for our situation. It has been there

for years. We chose this wooded lot so that it would be away from traffic and peaceful. We have lived here for over 30 years. To cut a road through would definitely decrease the value of this property significantly. We would have roads on basically 3 sides of our property and that would definitely decrease the marketability of this home to especially those with children. In addition our water meter and electrical boxes are at the corner where the road would join Sweetgum. In addition that road would come very close to our septic field area. Are you prepared to pay for the property, and the trees, and the decrease in value, and the reworking of our utilities? It's bad enough that we have to deal with the widening of Jessie. You should make every effort to accommodate the residents on Sweetgum that you're already inconveniencing. Why does this end of Jessie even need to be widened? Why can't the road go through on the far side of Knight's play closer to the parking lot for the club house and go round the back of the golf course so peoples homes are not involved. Just please consider other options besides the ones you have proposed. At most we just need a light at TenTen and a median cut through.

Russell Dalton

From: Russell Dalton
Sent: Monday, February 01, 2021 9:09 AM
To: judyaward@aol.com
Subject: RE: e mail

Judy,

This email can serve for public record of your input at the 2/9 meeting. It will be a virtual (online) meeting so I'm summarizing comments I've received by email to provide to Council so they are aware of that input.

The options begin presented are the U-turn or a connector road, and we've proposed the most direct, shortest, feasible connection avoiding the pipeline and community well to provide the left turns neighbors asked for. It is good to have this input so Council knows the connector road as proposed would face opposition from property owners.

Thank you.

Russell H. Dalton, PE
Senior Transportation Engineer
Public Works & Transportation
Town of Apex
919-249-3358

From: judyaward@aol.com [mailto:judyaward@aol.com]
Sent: Sunday, January 31, 2021 1:20 PM
To: Russell Dalton <Russell.Dalton@apexnc.org>
Subject: e mail

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Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

This is . Judy ward at 2528 sweetgum Dr in apex. I would like to get e mail from what is going on come to this address. Judyaward@aol.com being the old e mail address does not work any more thank you.

I live in the house that you what to put a road through. Have you really though this over. You are really taking away my land that I work hard for and also peace and quite. Will make it hard for me to walk my dog or just go for a walk, Why can you put a round about at the corner if Sweetgum dr and Jessie, Or put a road on the side of the pipe line where no ones lives, My son wrote to you earlier about the different things you guys can do. Nicholas Ward. I think his ideas are smart ones. Please look at what he said.

Thank you

Judy ward

Russell Dalton

From: Russell Dalton
Sent: Tuesday, February 02, 2021 8:32 AM
To: Nicholas Ward
Subject: RE: Jessie Drive Improvements and Extension

Nicholas,

Your email is part of public record for Council and I read a summary of comments received, noting who sent the comments. There is no active public participation (no "live" joining of the meeting) by the public.

For those who do not send email directly to me there will be a link on the page for comment prior to the meeting, and those are in turn forwarded to me by the clerk's office to include.

Russell H. Dalton, PE
Senior Transportation Engineer
Public Works & Transportation
Town of Apex
919-249-3358

From: Nicholas Ward [mailto:nawsom@gmail.com]
Sent: Monday, February 01, 2021 11:28 AM
To: Russell Dalton <Russell.Dalton@apexnc.org>
Subject: Re: Jessie Drive Improvements and Extension

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Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Mr Dalton,

With regards to the online virtual meeting. I understand you will be summarizing comments. However, in my experience, not all summaries are clearly explained on what the message is. Is there clear instruction on how to participate in the virtual meeting? If so where? The online information (http://www.apexnc.org/1414/Remote-Participation) doesn't quite clearly explain how to participate just a youtube link. Will we be able to join (e.g. talk, chat, etc.)?

V/r,
Nicholas Ward
2528 Sweetgum Dr.
nawsom@gmail.com

On Mon, Feb 1, 2021 at 8:10 AM Russell Dalton <Russell.Dalton@apexnc.org> wrote:

> Nicholas,

This email can serve for public record of your input at the 2/9 meeting. It will be a virtual (online) meeting so I'm summarizing comments I've received by email to provide to Council so they are aware of that input.

The options begin presented are the U-turn or a connector road, and we've proposed the most direct, shortest, feasible connection avoiding the pipeline and community well to provide the left turns neighbors asked for. It is good to have this input so Council knows the connector road as proposed would face opposition from property owners.

Thank you.

Russell H. Dalton, PE

Senior Transportation Engineer

Public Works & Transportation

Town of Apex

919-249-3358

From: Nicholas Ward [mailto:nawsom@gmail.com]
Sent: Thursday, January 28, 2021 10:41 PM
To: Public Forum <public.forum@apexnc.org>
Cc: Russell Dalton <Russell.Dalton@apexnc.org>
Subject: Jessie Drive Improvements and Extension

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

To whom it may concern,

Based on the exhibits provided, I am confused why either a roundabout or why a road above the pipeline cannot be done. Why was exhibit 2 even an option when: (Attached image for reference of clear path over pipeline, roundabout, and a section of no homes with a pre-existing connection to Jessie Drive)

1) There is already a cleared path along the pipeline to place a road.

2) A roundabout can be installed at the intersection of Sweetgum Drive and Jesse Drive.

3) An area with no existing homes in immediate close proximity, a pre-existing connection to Jessie Drive, and has minimal disruption to land owners. (if the concern is building a road on top of the pipeline).

In addition, if no light is going to be installed at the intersection of TenTen Rd. and Jessie Drive, what is the city proposing to reduce risk of accidents in addition to reducing congestion for those trying to leave Jessie Drive to get onto TenTen Road, especially since you plan on building a median there?

What I don't understand, and request for the council to explain is:

1) Why is there a requirement for Jessie Drive to connect TenTen Road and HWY 55, when there has never been a need?

2) Why the city engineers would even think of providing exhibit #2 as an option of building a road not only between two houses as they did within the drawing of exhibit #2, but even building the road so close to either houses when there is so much space/options to build the road away from the houses. Did they even do their research on what will be required to be moved/modified if they even think of doing exhibit #2 (e.g. The septic drain field, water supply utilities, and power utilities that exist directly in the path for which they proposed the road to be built), or did they just take the easy way out with the shortest path and no care.

It feels the city is trying to take shortcuts in resolving a solution in efforts to expand Jessie Drive to connect TenTen Road and HWY 55 with minimal to no concern of the current residents that reside on Sweetgum Drive. Still confused on why this even needs to be done. However, I don't understand why there has to be a solid raised median when typically residential roads don't have them, and if one is going to be installed why it can't be installed after Sweetgum Drive.

Very Respectfully,

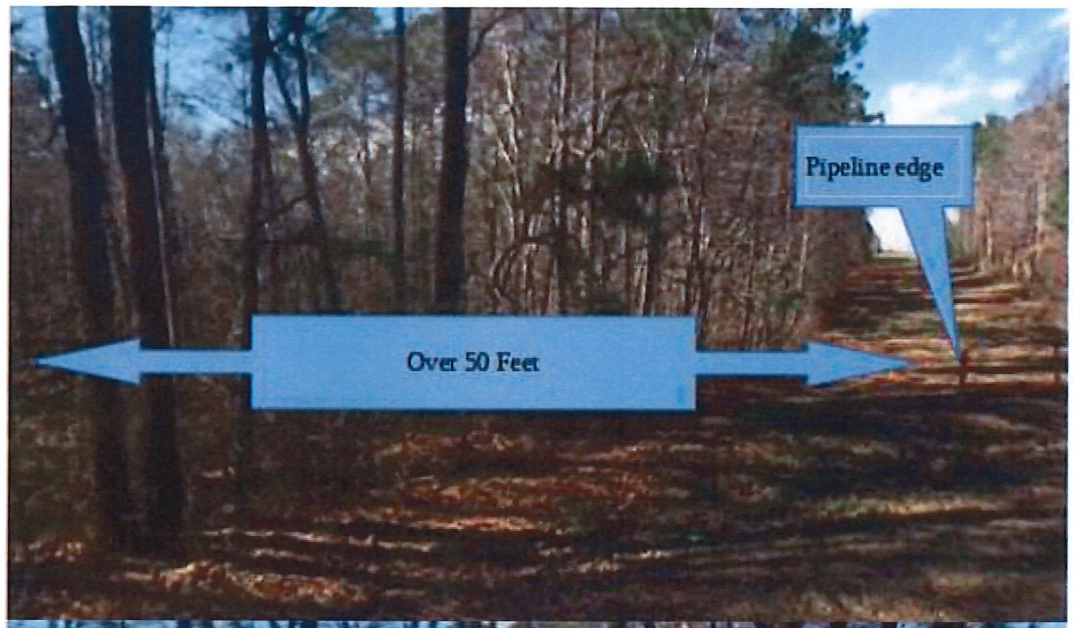
Nicholas Ward

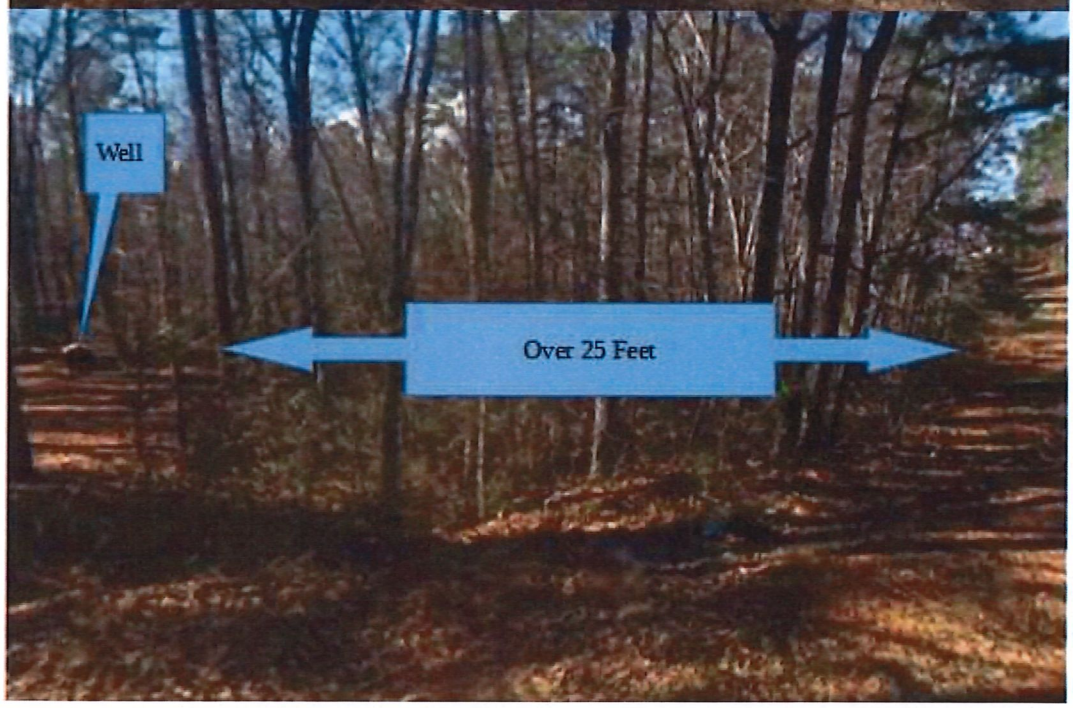
2528 Sweetgum Dr.

Apex, NC 27502

Roundabout
Jessie Dr
Sweetgum Dr
Jessie Dr
Wrenns Ne
cleared field (pipeline)
No houses and pre-existing
road connection
Sweetgum Dr

2 lane road option
Well


Pipeline edge
Over 50 Feet


Well
Over 25 Feet

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: February 9, 2021

Item Details

Presenter(s): Steve Adams, Utilities Acquisition Specialist

Department(s): Administration Department

Requested Motion

Possible motion to go into closed session to establish the Town's negotiation position for acquisition of real property pursuant to NCGS 143-318.11(a)(5)

Approval Recommended?

N/A

Item Details

N/A

Attachments

- N/A

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: February 9, 2021

Item Details

Presenter(s): Drew Havens, Former Town Manager

Department(s): Administration

Requested Motion

Per Council direction, discussion regarding approving vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

Approval Recommended?

Yes

Item Details

Upon retirement, Chief Letteney had 336 hours of accumulated vacation leave which is in excess of the 240 allowed to be carried from year to year. Due to COVID and other factors he was unable to take accumulated leave and it was agreed that we would pay out this additional balance rather than transferring it to sick time to use toward creditable service under the retirement system. All employees were able to carry excess vacation leave forward from 2020 to 2021 due to the general inability of staff to travel for their vacations but there was a statement that this excess time would not be paid out upon separation.

This action ratifies a written agreement with Chief Letteney to pay out this leave time that the Manager made not knowing that the policy did not explicitly grant him the authority to do so. Because the Personnel Policy does not explicitly grant the Town Manager the authority to approve this, we are asking for Council approval of this exception to the Policy.

Attachments

N/A