



AGENDA | REGULAR TOWN COUNCIL MEETING

February 22, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

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

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

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

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](#) Tesa Silver, Deputy Town Clerk

Motion to approve Minutes of the February 08, 2022 Regular Town Council Meeting.

[CN2](#) Tesa Silver, Deputy Town Clerk

Motion to approve the Apex Tax Report dated January 1, 2022

[CN3](#) Sarah Van Every, Senior Planner

Motion to set Public Hearing for the March 8, 2022 Town Council meeting regarding Rezoning Application #21CZ14 Holland Road Mixed Use Assembly PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 28.68 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2236 Old US 1 Hwy; 1001 & 1004, & 1005 Red Cardinal Lane; 3104 & 3116 Holland Road; 7528 Humie Olive Road.

[CN4](#) Motion to approve the attached Resolution authorizing financing by the Housing Authority of the County of Wake in the form of a multifamily housing revenue bond to the affordable housing project located within the corporate limits of the Town of Apex known as Broadstone Walk.

[CN5](#) Adam Stephenson, Transportation Engineering Manager

Motion to approve Budget Ordinance Amendment no. 14 related to rehabilitating pavements at Town facilities (Wastewater Treatment Plant, Fire Station 2, and the Depot).

[CN6](#) Megan Pendell, Sustainability Coordinator

Motion to approve Apex EarthFest site use and parking lot closure.

[CN7](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc. to install a driveway that will encroach 56 square feet (SF) onto the Town's Public Drainage Easement and authorize the Town Manager to execute the same.

[CN8](#) Mary Beth Manville, Human Resources Director

Motion to approve four part-time benefited positions (3 FTEs) for Parks, Recreation and Cultural Resources, two full-time positions (2 FTEs) for Human Resources, fourteen positions (14 FTEs) for the Fire Department, and associated Budget Ordinance Amendment no. 16.

[CN9](#) Laurie Hohe, Town Attorney

Motion to approve ordinance amendment to Section 2-61 of the Code of Ordinances, removing reference to the environmental committee.

[CN10](#) Shawn Purvis, Assistant Town Manager / Erika Sacco, IT Director

Motion to approve and authorize the Town Manager to execute the Service of Work Agreement with our current consulting partner Panorama for the 311 Citizen Engagement project evaluation and approve corresponding Budget Ordinance Amendment No. 15

[CN11](#) Shawn Purvis, Assistant Town Manager and Dianne Khin, Planning and Community Development Director

Motion to approve an Ordinance Amending Section 13-62 of Chapter 13, Article IV "Transient and Mobile Food Vendors", of the Town of Apex Code of Ordinances

PRESENTATIONS

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

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

PUBLIC HEARINGS

- [PH1](#) Dianne Khin, Director of Planning and Community Development
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex The William T. Mills Testamentary Trust-David G. Mills, Trustee[Wake County EMS Main] property containing 5.40 acres located at 0 Apex Barbecue Road, Annexation #721 into the Town's corporate limits.
- [PH2](#) Dianne Khin, Director of Planning and Community Development
Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Bruce L. Thomas property containing 1.13± acres located at 7700 Humie Olive Road, Annexation #725 into the Town's corporate limits.
- [PH3](#) Shelly Mayo, Planner II
Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Stanley Martin Homes (Williams Grove) property containing 63.224 acres located at 4525 Green Level West Road, Annexation #724 into the Town's corporate limits.
- [PH4](#) Shelly Mayo, Planner II
Public hearing and possible motion to approve Rezoning Application #21CZ30 Williams Farm PUD Amendment and Ordinance. The applicant, Jessie Hardesty for McAdams Co., seeks to rezone approximately 1.304 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.
- [PH5](#) Amanda Bunce, Current Planning Manager
Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance (UDO).

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the February 08, 2022 Regular Town Council Meeting.

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 2022.02.08 Minutes





REGULAR TOWN COUNCIL MEETING

February 08, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

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

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and welcomed those in attendance. Council Member Stallings led the invocation, and Mayor Gilbert led the pledge.

PRESENTATIONS

PR1 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program as of December 31, 2021.

Staff provided the quarterly updated on the Town's Customer Assistance Program as of December 31, 2021.

PR2 Jacques K. Gilbert, Mayor

Presentation of the Mayor's Substance Misuse Task Force

Mayor Gilbert stated that an update would be given on the Mayor's Substance Misuse Task Force. He introduced Brenda Steen, member of the Mayor's Substance Misuse Task Force. Mrs. Steen explained how she became a part of the Task force, and provided the mission and goals for the task force. Mrs. Steen explained how the task force has implemented, and will continue to maintain their mission, goals, and objectives. Council thanked Mrs. Steen for her presentation, her hard work and efforts, and for sharing her personal story. William Stevenson Jr. and Diane Stevenson, shared how opioids have affected their personal lives. The Stevenson's stated that they are willing to help in anyway that they can to help save lives.

CONSENT AGENDA

- CN1 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the February 22, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN2 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for February 22, 2022 on the Question of Annexation – Apex Town Council’s intent to annex The William T. Mills Testamentary Trust-David G. Mills, Trustee (Wake County EMS Main) property containing 5.40 acres located at 0 Apex Barbecue Road, Annexation #721 into the Town’s corporate limits.
- CN3 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for February 22, 2022 on the Question of Annexation – Apex Town Council’s intent to annex Bruce L. Thomas property containing 1.13± acres located at 7700 Humie Olive Road Annexation #725 into the Town’s corporate limits.
- CN4 Shelly Mayo, Planner II
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 22, 2022 on the Question of Annexation – Apex Town Council’s intent to annex Stanley Martin Homes, LLC (Williams Grove) property containing 63.224 acres located at 4525 Green Level West Road, Annexation #724 into the Town’s corporate limits.
- CN5 Liz Loftin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ19, 1016 N. Salem, Courtney Landoll, WithersRavenel, petitioner, for the property located at 1016 N. Salem Street (portion of PIN 0742457443).
- CN6 Shelly Mayo, Planner II
Statement of the Town Council and Ordinance for Rezoning Case #21CZ20 3075 Lufkin Road Self-Storage. Al Goodrich of Wigeon Capital, LLC, petitioner, for the property located at 3075 Lufkin Road.

CN7 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ28 Retreat at Cedar Crossing PUD Amendment. Toll Southeast LP Company, Inc., petitioner, for the properties located at: 433 New Hill Olive Chapel Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350, 1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive; 1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.

CN8 Adam Stephenson, Transportation Engineering Manager

Awarded a construction contract upon NCDOT concurrence and authorize the Town Manager to execute same for TM-0026 GoApex Route 1 Bus Stop Improvements

CN9 Shelly Mayo, Planner II

Set the Public Hearing for the February 22, 2022 Town Council meeting regarding Rezoning Application #21CZ30 Williams Farm PUD Amendment. The applicant, Jessie Hardesty for McAdams Co., seeks to rezone approximately 1.304 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

CN10 Samantha Ewens, Building Plans Supervisor and Jenna Shouse, Senior Long Range Planner

Fee schedule for the Electric Vehicle Parking Permit.

CN11 Marty Stone, PE, Assistant Town Manager

Contract with Power System Engineering, Inc. and authorize town manager to execute the same.

CN12 Steve Adams, Real Estate & Public Utilities

Resolution authorizing the sale (donation) of 0.031 acres of land as Right-of-Way and 0.075 acres of Temporary Construction Easement to NCDOT to facilitate the construction of a turn lane extension on the east side of Apex Peakway at intersection of Old Raleigh Road, authorize the donation of the land and easements.

CN13 Tesa Silver, Deputy Town Clerk

Minutes of the January 24, 2022 Special Town Council Meeting and the January 25, 2022 Regular Town Council Meeting.

CN14 Shawn Purvis, Assistant Town Manager

Town of Apex ADA Transition Plan

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

Council Member Gray made the motion to approve the agenda;

Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

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

Council Member Gantt made the motion to

approve the agenda;

Mayor Pro Tem Killingsworth seconded the motion.

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

PUBLIC FORUM

Kassie Langdon expressed why she felt the site plan for Felton Grove High School should be denied and asked for Council support in denying the plan.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that on February 17, 2022 Mike Wiley would be performing Tired Souls at the Halle Cultural Arts Center. The Town is asking for submissions from women led businesses and women owned businesses to be showcased for Women History Month. The survey for ThinkApex is available to submit nominations for non-profits organizations and youths. Town Manager Crosby stated that residents should be on the lookout for information on their utility bills for an electric survey. The annual flushing of the water system will occur from February 25th through April 13th, during this time the Town will also flush hydrants. The Vision Zero survey is currently open and will remain open until the end of February. Town Manager Crosby recognized Assistant Town Manager Purvis for being named the Assistant Town Managers of the year by the NCCCMA.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public Utilities

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

Mayor Gilbert called for a motion to go into closed session.

Mayor Pro Tem Killingsworth made the motion;

Council Member Gantt seconded the motion.

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

Mayor Gilbert called for a motion to return to open session.

Mayor Pro Tem Killingsworth made the motion;

Council Member Stallings seconded the motion.

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

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve the Apex Tax Report dated January 1, 2022

Approval Recommended?

Yes

Item Details

At its regular meeting held on February 7, 2022, the Wake County Board of Commissioners approved the Apex Tax Report dated 01/01/2022.

Attachments

- Tax Report



Board Report

Date : 02/07/2022

Return

Approved By : Kim Rasacher

TO : WAKE COUNTY BOARD OF COMMISSIONERS

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

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	BRIGHT HORIZONS CHILDRENS CENTER 2 WELLS AVE STE 1 NEWTON CENTER MA, 02459 - 3231	0006127270- 2021- 2021- 000000	City County	251.85 387.46	639.31	639.31 Refund
2	CORELOGIC PO BOX 9202 COPPELL TX, 75019 - 9760	0000462653- 2021- 2021- 000000	City County	286.81 441.23	728.04	728.04 Refund
3	CORELOGIC PO BOX 9202 COPPELL TX, 95019 - 9760	0000474012- 2021- 2021- 000000	City County	943.57 1,471.65	2,415.22	2,415.22 Refund
Marcus D. Kinrade			Total City Rebated	1,482.23		
Wake County Tax Administrator			Total County Rebated	2,300.34		
			Total Rebate/Refund	3,782.57	3,782.57	

CC:

*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Print

Lock

Board Report

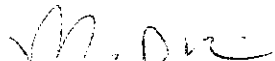
Return

Date : 02/07/2022

Approved By : Kindabacher

TO : WAKE COUNTY BOARD OF COMMISSIONERS

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

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	CORELOGIC PO BOX 9202 COPPELL TX, 75019 - 9760	0000255120- 2021- 2021- 000000	City County	175.50 270.00	445.50	445.50 Refund
	Marcus D. Kinrade		Total City Rebated	175.50		
	Wake County Tax Administrator		Total County Rebated	270.00		
			Total Rebate/Refund	445.50	445.50	

CC:

*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

**Wake County Tax Administration**Rebate Details
12/01/2021 - 12/31/2021

DATE

01/01/2022

TIME

9:36:23 PM

PAGE

1

APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
804572	121.88	0.00	12.19	0.00	134.07	12/30/2021	0006930127	2021	2021	000000	ABC PHONE OF NC
802868	228.95	0.00	22.90	0.00	251.85	12/07/2021	0006127270	2021	2021	000000	BRIGHT HORIZONS CHILDRENS CENTER
SUBTOTALS FOR BUSINESS ACCOUNTS											
350.83		0.00	35.09	0.00	385.92	2	Properties Rebated				
BUSINESS REAL ESTATE ACCOUNTS											
803695	1,614.60	0.00	0.00	0.00	1,614.60	12/16/2021	0000183069	2021	2021	000000	CAPITAL PROPERTIES OF RALEIGH VIII LLC
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS											
1,614.60		0.00	0.00	0.00	1,614.60	1	Properties Rebated				
INDIVIDUAL PROPERTY ACCOUNTS											
803537	6.41	0.00	0.64	0.00	7.05	12/20/2021	0006790882	2021	2021	000000	BABCOCK, DOUGLAS RAY
803536	6.94	0.00	0.69	0.00	7.63	12/20/2021	0006790882	2020	2020	000000	BABCOCK, DOUGLAS RAY
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS											
13.35		0.00	1.33	0.00	14.68	2	Properties Rebated				

**Wake County Tax Administration****Rebate Details**

12/01/2021 - 12/31/2021

APEX

DATE

01/01/2022

TIME

9:36:29 PM

PAGE

2

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
INDIVIDUAL REAL ESTATE ACCOUNTS											
803275	1,012.18	0.00	0.00	0.00	1,012.18	12/16/2021	0000474008	2021	2021	000000	SHANMUGAM, VIJAY
804305	943.57	0.00	0.00	0.00	943.57	12/28/2021	0000474012	2021	2021	000000	CIVITELLA, CHRISTIE ROCHELL
802603	538.12	0.00	0.00	0.00	538.12	12/03/2021	0000229936	2021	2021	000000	WHEELER, NORMA JEAN
803276	941.83	0.00	0.00	0.00	941.83	12/16/2021	0000474011	2021	2021	000000	CARRELHA, JACQUELINE
804445	175.50	0.00	0.00	0.00	175.50	12/29/2021	0000255120	2021	2021	000000	DARLING, CALEB MICHAEL
802348	286.81	0.00	0.00	0.00	286.81	12/01/2021	0000462653	2021	2021	000000	KEANE, DEREK
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS	3,898.01	0.00	0.00	0.00	3,898.01	6	Properties Rebated				
WILDLIFE BOAT ACCOUNTS											
803538	14.26	0.00	0.00	0.00	14.26	12/16/2021	0004205295	2021	2021	000000	JOHNSTON, ROBERT FRANK
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS	14.26	0.00	0.00	0.00	14.26	1	Properties Rebated				
TOTAL REBATED FOR APEX	5,891.05	0.00	36.42	0.00	5,927.47	12	Properties Rebated for City				

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning & Community Development

Requested Motion

Motion to set Public Hearing for the March 8, 2022 Town Council meeting regarding Rezoning Application #21CZ14 Holland Road Mixed Use Assembly PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 28.68 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2236 Old US 1 Hwy; 1001 & 1004, & 1005 Red Cardinal Lane; 3104 & 3116 Holland Road; 7528 Humie Olive Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

The properties to be rezoned are identified as PINs 0720998487, 0730091779, 0730095707, 0731004075, 0731001087, 0731003359, 0720992587.

Attachments

- Vicinity Map
- Application





PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>21CZ14</u>	Submittal Date:	<u>05/03/2021</u>
Fee Paid	<u>\$</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Holland Road Mixed Use Assembly PUD
Address(es): 7528 Humie Olive Rd, 2236 Old US 1 Hwy, 1001, 1004, 1005 Red Cadrinal Lane 3104 & 3116 Holland Rd
PIN(s) 0720992587, 0720998487, 0730095707, 0731001087, 0731003359, 0731004075, 0730091779

Acreage: 28.68 acres

Current Zoning: RR Proposed Zoning: PUD-CZ

Current 2045 LUM Designation: Med & Med-High Density Residential & Commercial Services

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☐ No ☒ Adjustments required to boundaries

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: LG Investments, INC. att: Geno Ray
Address: 5944 Coral Ridge Drive Suite 312
City: Coral Springs State: FL Zip: 33076
Phone: (754) 875-2975 E-mail: geno@lginvest.net

Owner Information

Name: See Attached
Address:
City: State: Zip:
Phone: E-mail:

Agent Information

Name: Peak Engineering & Design, PLLC, Jeff Roach
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 270-6940 E-mail: jroach@peakengineering.com
Other contacts: jedwards@peakengineering.com
jbarron@morningstarlawgroup.com

HOLLAND ROAD ASSEMBLY

Property Owner – Exhibit ‘A’

Property Owner	Contact Information	Site Address	PIN	Real Estate ID (REID)	Acreage	Current Zoning
David Ray Powell	524 Lapis Lane Cary, NC 27219	2236 Old US 1 Highway Apex, NC 27502	0720-99-8487	0197639	5.71 acres	RR
Johnny & Carolyn M. Pendergraft	2212 Old US 1 Hwy #1S Apex, NC 27502	1001 Red Cardinal Lane Apex, NC 27502	0730-09-1779	0160074	8.96 acres	RR
Pamela Purefoy, Francis T. Bullock Ernestine Smith	3116 Holland Road Apex, NC 27502	3116 Holland Road Apex, NC 27502	0730-09-5707	0070103	0.55 acres	RR
Joanne Pendergraft Hearn Heirs	Bonnie Wood 1115 Dycus Road Sanford, NC 27330	1005 Red Cardinal Lane Apex, NC 27502	0731-00-1087	0160076	2.00 acres	RR
RGNC-10, LLC	7307 NW 122 ND Ave Parkland, FL 33076	1004 Red Cardinal Lane Apex, NC 27502	0731-00-4075	0334537	2.10 acres	RR
Annie P. and Billy Stroup	1924 Old US 1 Hwy #1S Apex, NC 27502	3104 Holland Road Apex, NC 27502	0731-00-3359	0087601	7.36 acres	RR
Shelba W. Clem, P. Dianne Williams, Lisa W. Krummel	3007 Buckingham Way Apex, NC 27502	7528 Humie Olive Road Apex, NC 27502	0720-99-2587	0193211	2.00 acres	RR

Applicant and Owners’ Representative:

LG Investments, Inc.
Mr. Geno Ray
5944 Coral Ridge Drive Suite 312
Coral Springs, FL 33076
(754) 875-2975
(geno@lginvest.net)

Civil Engineer

Peak Engineering & Design, PLLC
Jeff Roach, P.E.
1125 Apex Peakway
Apex, NC 27502
(919) 439-0100
(jroach@peakengineering.com)

Real Estate Representative:

Billy Mills
Edwards Commercial Real Estate
2401 Weston Parkway Suite 103
Cary, NC 27513
(919) 618-3859
(billymills0715@gmail.com)

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ14

Submittal Date: 05/03/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

Answered within the PD Text document

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

Answered within the PD Text document

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

Answered within the PD Text document

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ14

Submittal Date: 05/03/21

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

Answered within the PD Text document

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

Answered within the PD Text document

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

Answered within the PD Text document

PETITION PROCESS INFORMATION

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

Answered within the PD Text document

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

Answered within the PD Text document

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

Answered within the PD Text document

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

Answered within the PD Text document

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

Answered within the PD Text document

PETITION PROCESS INFORMATION

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

Answered within the PD Text document

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

Answered within the PD Text document

CERTIFIED LIST OF NEIGHBORING PROPERTY OWNERSApplication #: 21CZ14Submittal Date: 05/03/2021

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.	See Attached Sheets	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		


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

Date: February 22, 2021By: 

COUNTY OF WAKE STATE OF NORTH CAROLINA

Sworn and subscribed before me, DANIEL WOODS, a Notary Public for the above State and County, on this the 22 day of FEBRUARY, 2021.




 Notary Public
DANIEL H WOODS
 Print Name

My Commission Expires: 11/18/2023

BELLA CASA HOMEOWNERS ASSOCIATION INC
OMEGA ASSOCIATION MANAGEMENT
160 NE MAYNARD RD STE 210
CARY NC 27513-9676
0721904649, 0721909863, 0731000924, 0731007839

DONNIE & DEBBIE CLARK
7608 HUMIE OLIVE RD
APEX NC 27502-9670
0720895858

THOMAS & JODI CLARKE
2219 VASARI DR
APEX NC 27502-9681
0731003635

ALBERTO DIAZ
OLIVER & OLIVER PLLC
PO BOX 10349
RALEIGH NC 27605-0349
0731004075

MICHAELA & SENTELL WILLIAMS
2211 VASARI DR
APEX NC 27502-9681
0731003841

HEARN, JOANN PENDERGRAFT HEIRS
BONNIE WOOD
1115 DYCUS RD
SANFORD NC 27330-7566
0731001087

MELVIN & JENNIFER HUGHES
2400 VETRINA WAY
APEX NC 27502-7747
0721908881

JOYCE KELLY
2217 OLD US 1 HWY
APEX NC 27502-8408
0730093122

TONY MCDONALD
1825 N MAIN ST
HOLLY SPRINGS NC 27540-9003
0731110157

MILLER LAND GROUP LLC
1922 NAPOLI DR
APEX NC 27502-9660
0720999210

MARIANNA & CHARLES BURT
7601 HUMIE OLIVE RD
APEX NC 27502-9670
0720896485

DONNIE & DEBBIE CLARK TRUSTEE
7608 HUMIE OLIVE RD
APEX NC 27502-9670
0720897818

SHELBA CLEM & DIANE WILLIAMS
3007 BUCKINGHAM WAY
APEX NC 27502-9341
0720992587

ALAN ECKARD
7609 HUMIE OLIVE RD
APEX NC 27502-9670
0720894498

JAMES & CLYDE EVANS
3020 HOLLAND RD
APEX NC 27502-9151
0731005747

MARK & LESLIE HOPKINS
3017 HOLLAND RD
APEX NC 27502-9151
0731102964

JVI BUILDING & DEVELOPMENT, INC
2509 SOUTHWINDS RUN
APEX NC 27502-6512
0720990292

RICHER & RICHERE LEVERT
2309 OLD US 1 HWY
APEX NC 27502-8410
0720985958, 0720988948

DENNIS & MELISSA MCGURK
2216 VASARI DR
APEX NC 27502-9681
0731001764

DEREK & KIMBERLY MORGAN
2411 VETRINA WAY
APEX NC 27502-7747
0721905775

MARC CHADWICK
2220 VASARI DR
APEX NC 27502-9681
0731001666

ELIZABETH GANELL & ELIZABETH RENEE CLARK
4034 120TH AVE N
ROYAL PALM BEACH FL 33411-8917
0721902492

COOL POOLS NC, LLC
2300 OLD US 1 HWY
APEX NC 27502-8409
0730096271

JAMES & MARY EVANS
2712 BUTTERFINGER LN
APEX NC 27502-8978
0731007820

DANIEL & ELLEN GRIFFIN
2401 VETRINA WAY
APEX NC 27502-7747
0721908740

ERIC & NIDAA HOSSENLOPP
2212 VASARI DR
APEX NC 27502-9681
0731001862

KENTON & DEVON KAPLAN
2208 VASARI DR
APEX NC 27502-9681
0731001941

WALTER MCCLAMB
PO BOX 243
APEX NC 27502-0243
0730097826, 0730097922, 0730098773,
0730098936, 0730099807, 0731007076

JEFFREY & AUDRA MCRAE
2215 VASARI DR
APEX NC 27502-9681
0731003743

KEVIN & KATHRYN NASH
2410 VETRINA WAY
APEX NC 27502-7747
0721906933

NDJ VENTURES LLC
7201 APEX BARBECUE RD
APEX NC 27502-7788
0720898988, 0720899911, 0720993901

JOHNNY & CAROLYN PENDERGRAFT
2212 OLD US 1 HWY #1S
APEX NC 27502-8407
0730091779

DAVID POWELL
524 LAPIS LN
CARY NC 27519-8576
0720993254, 0720998487

PAMELA PUREFOY & FRANCES BULLOCK
3116 HOLLAND RD
APEX NC 27502-6680
0730095707

CRISTINA & SETH ROBERTS
2323 MANZONI DR
APEX NC 27502-9674
0731003914

THE ROMAN CATHOLIC DIOCESE OF
RALEIGH NC
7200 STONEHENGE DR
RALEIGH NC 27613-1622
0731006698, 0731101525

OLIVER & LISA SCHABENBERGER
2153 VECCHIO LN
APEX NC 27502-9704
0721907889

PETER SIMPSON & PATRICIA GOTSHALL
2415 VETRINA WAY
APEX NC 27502-7747
0721904787

ANNIE & BILLY STROUP
1924 OLD US 1 HWY #1S
APEX NC 27502-7765
0731003359, 0730190468

MATTHEW & KERRY SYKES
2319 MANZONI DR
APEX NC 27502-9674
0731003980

TERRY & TINA VITHOULKAS
2405 VETRINA WAY
APEX NC 27502-7747
0721907619

WESTERN WAKE BIBLE CHAPEL
7612 HUMIE OLIVE RD
APEX NC 27502-9670
0731009204

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ14

Submittal Date: 05/03/2021

Fee for Initial Submittal: No Charge

Fee for Name Change after Approval: \$500*

Purpose

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

Guidelines

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

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

Existing Development Titles, Recurring

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

*excludes names with Green Level

DEVELOPMENT NAME APPROVAL APPLICATIONApplication #: 21CZ14Submittal Date: 05/03/2021**Proposed Subdivision/Development Information**Description of location: Multiple properties at the intersection of Humie Olive Road and Old US 1 HighwayNearest intersecting roads: Humie Olive Road, Old US 1 Highway and Holland RoadWake County PIN(s): 0720992587, 0720998487, 0730095707, 0731001087, 0731003359, 0731004075Township: Buckhorn 0730-09-1779**Contact Information (as appropriate)**Contact person: Peak Engineering & Design, Jeff Roach and Morningstar Law Group, Jason BarronPhone number: (919) 439-0100

Fax number: _____

Address: 1125 Apex Peakway, Apex, NC 27523E-mail address: jroach@peakengineering.comOwner: LG Investments, INC. att: Geno RayPhone number: (754) 875-2975

Fax number: _____

Address: 5944 Coral Ridge Drive Suite 312, Corral Springs, FL 33076E-mail address: geno@lginvest.net**Proposed Subdivision/Development Name**1st Choice: Holland Road Mixed Use Assembly (final name is being coordinated with property owners)2nd Choice (Optional): _____**Town of Apex Staff Approval:**_____
Town of Apex Planning Department Staff_____
Date

TOWN OF APEX UTILITIES OFFER AND AGREEMENT

Application #: 21CZ14

Submittal Date: 05/03/2021

Town of Apex
73 Hunter Street
P.O. Box 250 Apex, NC 27502
919-249-3400

WAKE COUNTY, NORTH CAROLINA CUSTOMER SELECTION AGREEMENT

At the intersection of Humie Olive Road & Old US 1 Highway, and the
intersection of Old US 1 Highway and Holland Road.
(the "Premises")

The Town of Apex offers to provide you with electric utilities on the terms described in this Offer & Agreement. If you accept the Town's offer, please fill in the blanks on this form and sign and we will have an Agreement once signed by the Town.

LG Investments, Inc. (Geno Ray), 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: LG Investments, Inc. (Geno Ray)

TOWN OF APEX

BY:

[Signature]
Authorized Agent

BY:

Authorized Agent

DATE:

4/30/2021

DATE:

AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21

David Ray Powell 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: 2236 Old US 1 Highway, Apex, NC 27502

The agent for this project is: Peak Engineering & Design, PLLC

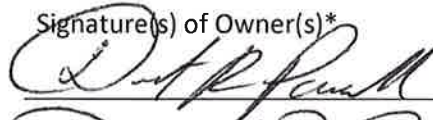
☐ I am the owner of the property and will be acting as my own agent

Agent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-04100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

David R. Powell
 Type or print name

29 Apr 21
 Date

 Type or print name

 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, David R. Powell (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 2236 Old US 1 Highway, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 8/19/1993, and recorded in the Wake County Register of Deeds Office on 8/23/1993, in Book 5746 Page 0146.
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 8/23/1993, 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 8/26/1993, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the _____ day of _____, 20____.

David R. Powell
David R. Powell

(seal)

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



Daniel H. Woods

Notary Public

State of North Carolina

My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21

Johnny Pendergraft 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: 3104 Holland Road, Apex, NC 27502The agent for this project is: Peak Engineering & Design, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)Address: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-04100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Johnny Pendergraft
JOHNNY PENDERGRAFT Type or print name

4/28/2021
 Date

Carolyn M. Pendergraft
CAROLYN M. PENDERGRAFT Type or print name

4-28-21
 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21/CZ14Submittal Date: 5/3/21

The undersigned, JOHNNY PENDERGRAFT (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 3104 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1301-1303.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 28 day of APRIL, 2021.

JOHNNY PENDERGRAFT (seal)
JOHNNY PENDERGRAFT
 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 JOHNNY PENDERGRAFT, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Daniel H. Woods
 Notary Public
 State of North Carolina
 My Commission Expires: 11/18/2023

AGENT AUTHORIZATION FORM

Application #: 21CZ14Submittal Date: 5/3/21

Nelson R. Smith 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: 3116 Holland Road, Apex, NC 27502

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-04100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Nelson R Smith

Type or print name

APR 30, 2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, Nelson R Smith (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of April, 2021.

Nelson R. Smith

(seal)

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Cumberland

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

KONIEKA DAVIS
Notary Public
Cumberland Co., North Carolina
My Commission Expires Nov. 16, 2022

[NOTARY SEAL]

[Signature]

Notary Public

State of North Carolina

My Commission Expires: 11/16/22

AGENT AUTHORIZATION FORM

Application #: 21CZ14

Submittal Date: 5/3/21

Frances Bullock and Fionneka Purefoy 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: 3116 Holland Road, Apex, NC

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-04100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Frances T. Bullock
Frances T. Bullock

Type or print name

5/2/2021
 Date

Fionneka Purefoy
Fionneka Purefoy

Type or print name

5/2/2021
 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 #: 21CZ14Submittal Date: 5/3/21

The undersigned, _____ (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 2 day of May, 2021.

Shelia M. Thomas
Shelia M. Thomas
 SHELIA M THOMAS
 NOTARY PUBLIC
 WAKE COUNTY, NC
 My Commission Expires 3-16-2024

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 Frances T. Bullock, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Frances T. Bullock, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

SHELIA M THOMAS
 NOTARY PUBLIC
 WAKE COUNTY, NC
 My Commission Expires 3-16-2024

Shelia M. Thomas

Notary Public

State of North Carolina

My Commission Expires: 3-16-2024

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ14Submittal Date: 5/3/21

The undersigned, _____ (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 2 day of MAY, 2021.

Shelia M. Thomas
Shelia M. Thomas

SHELIA M THOMAS
 NOTARY PUBLIC
 WAKE COUNTY, NC
 My Commission Expires 3-16-2024

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

SHELIA M THOMAS
 NOTARY PUBLIC
 WAKE COUNTY, NC
 My Commission Expires 3-16-2024

Shelia M. Thomas

Notary Public

State of North Carolina

My Commission Expires: 3-16-2024

AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21

_____ 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: _____

The agent for this project is: Peak Engineering & Design, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)Address: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-04100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Robert W. Walker, Jr.
 Robert W. Walker, Jr. Type or print name

5/5/21
 Date

Shanie B. Walker
 Shanie B. Walker Type or print name

05/05/21
 Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, _____ (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 5 day of May, 2021.

Sharie B. Walker (seal)
Sharie B. Walker
 Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Gerrile

I, the undersigned, a Notary Public in and for the County of Vance, hereby certify that

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



[Signature]
 Notary Public
 State of North Carolina
 My Commission Expires: 7/18/23

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, _____ (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 5 day of May, 2021.

Robert W. Walker Jr. (seal)
Robert W. Walker Jr.

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Granville

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



Kristian A. Wilkerson
Notary Public
State of North Carolina
My Commission Expires: 7/18/23

AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21

Crystal Purefoy 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: 3116 Holland Road, Apex, NC 27502The agent for this project is: Peak Engineering & Design, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)Address: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-0100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Crystal Purefoy
Crystal Purefoy

Type or print name

5-3-2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ14Submittal Date: 5/3/21

The undersigned, Crystal Purefoy (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 3116 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1304-1306.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 23 day of July, 2021.

(seal)

Crystal Purefoy

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

JENNIFER M TORRES

Notary Public
Wake County, NC

[NOTARY SEAL]

[Signature]
Notary Public

State of North Carolina

My Commission Expires: 2-18-2024

AGENT AUTHORIZATION FORM

PIN

0731-00-1087

Application #: 21CZ14

Submittal Date: 5/3/21

Bonnie H. Wood 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: 1005 Red Cardinal Lane

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-04100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Bonnie H. Wood

Bonnie H. Wood

Type or print name

5-4-21

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

Application #: 21CZ14Submittal Date: 5/3/21

The undersigned, Bonnie H. Wood (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 1005 Red Cardinal Lane, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 2/13/2016, and recorded in the Wake County Register of Deeds Office on 2/13/2016, in Book 16-E Page 835.
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 2/13/2016, 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 2/13/2016, 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 4th day of May, 2021.

Bonnie H. Wood (seal)

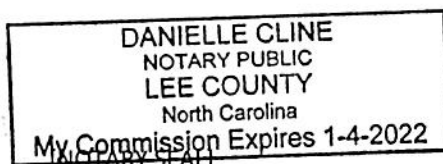
Bonnie H. Wood

Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Lee

I, the undersigned, a Notary Public in and for the County of Lee, hereby certify that Bonnie H. Wood Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's drivers license, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Danielle Cline
Notary Public
State of North Carolina
My Commission Expires: 1-4-2022

AGENT AUTHORIZATION FORM

Application #: 21CZ14

Submittal Date: 5/3/21

RGNC-10, LLC

is the owner* of the property for which the attached

application is being submitted:

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

The property address is: 104 Red Cardinal Lane (PIN 0731-00-4075)

The agent for this project is: Peak Engineering & Design, PLLC

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

Agent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-04100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*



Type or print name

1/5/22

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, RGNC-10, LLC (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 1004 Red Cardinal Lane, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/25/2021, and recorded in the Wake County Register of Deeds Office on 10/25/2021, in Book 18763 Page 1063 - 1066.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/25/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/25/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

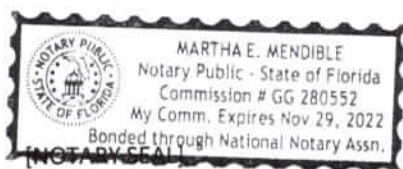
This the 5th day of Jan, 2022.

Rich Leonard (seal)
Rich Leonard

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF Broward

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



Notary Public Florida
State of North Carolina
My Commission Expires: 11/29/2022

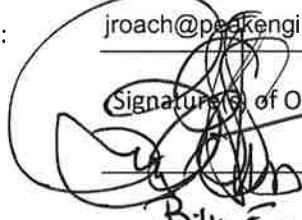
AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21Billy E. STROUP

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: 3104 Holland Road, Apex, NC 27502The agent for this project is: Peak Engineering & Design, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)Address: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-04100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Billy E. STROUP

Type or print name

4-28-2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

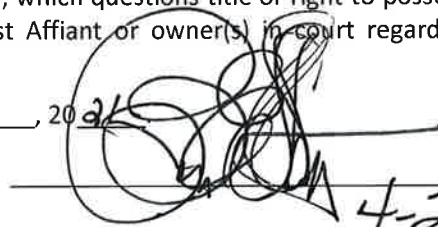
Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature.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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, Billy E. Stroup (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 3104 Holland Road, Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 10/26/2000, and recorded in the Wake County Register of Deeds Office on 10/27/2000, in Book 8718 Page 1301-1303.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 10/27/2000, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 10/27/2000, 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 28 day of APRIL, 2021



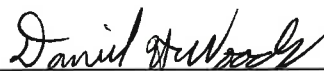
(seal)

4-28-2021
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 STROUP, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's DRIVERS LICENSE, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Notary Public

State of North Carolina

My Commission Expires: 11/18/2023

[NOTARY SEAL]

AGENT AUTHORIZATION FORMApplication #: 21CZ14Submittal Date: 5/3/21

See owners listed below _____ 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: 7528 Humie Olive Road, Apex, NC 27502The agent for this project is: Peak Engineering & Design, PLLC☐ I am the owner of the property and will be acting as my own agentAgent Name: Jeff Roach, P.E. (Peak Engineering & Design, PLLC)Address: 1125 Apex Peakway, Apex, NC 27502Telephone Number: (919) 439-04100E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

P. Diane Williams P. Diane Williams June 9, 2021
Shelba W. Clem Shelba Clem
 Type or print name Date

Jeff Krummel Lisa W. Krummel June 9, 2021
Jeff Krummel Lisa W. Krummel
 Type or print name Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ14Submittal Date: 5/3/21

The undersigned, _____ (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 7528 Humie Olive Road, Apex, NC 27502 and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/1/2015 and recorded in the Wake County Register of Deeds Office on 7/7/2015, in Book 16078 Page 788-790.
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 7/7/2015, 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 7/7/2015, 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 9 day of June, 2021 P. Diane Williams
Shelba W. Clem

Wakel
P. Krummell

(seal)

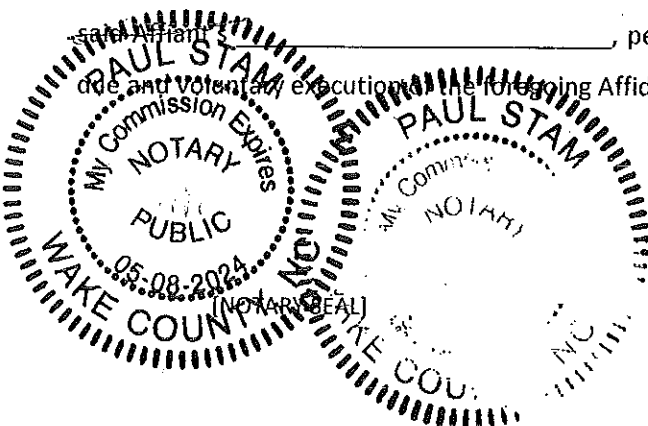
Type or print name

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that P. Diane Williams, Shelba W. Clem, Lisa Krummell & Jeff Krummell, Affiant, personally known to me or known to me by said Affiant's presentation of

said Affiant's, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Paul Stam

Notary Public

State of North Carolina

My Commission Expires: May 8, 2024

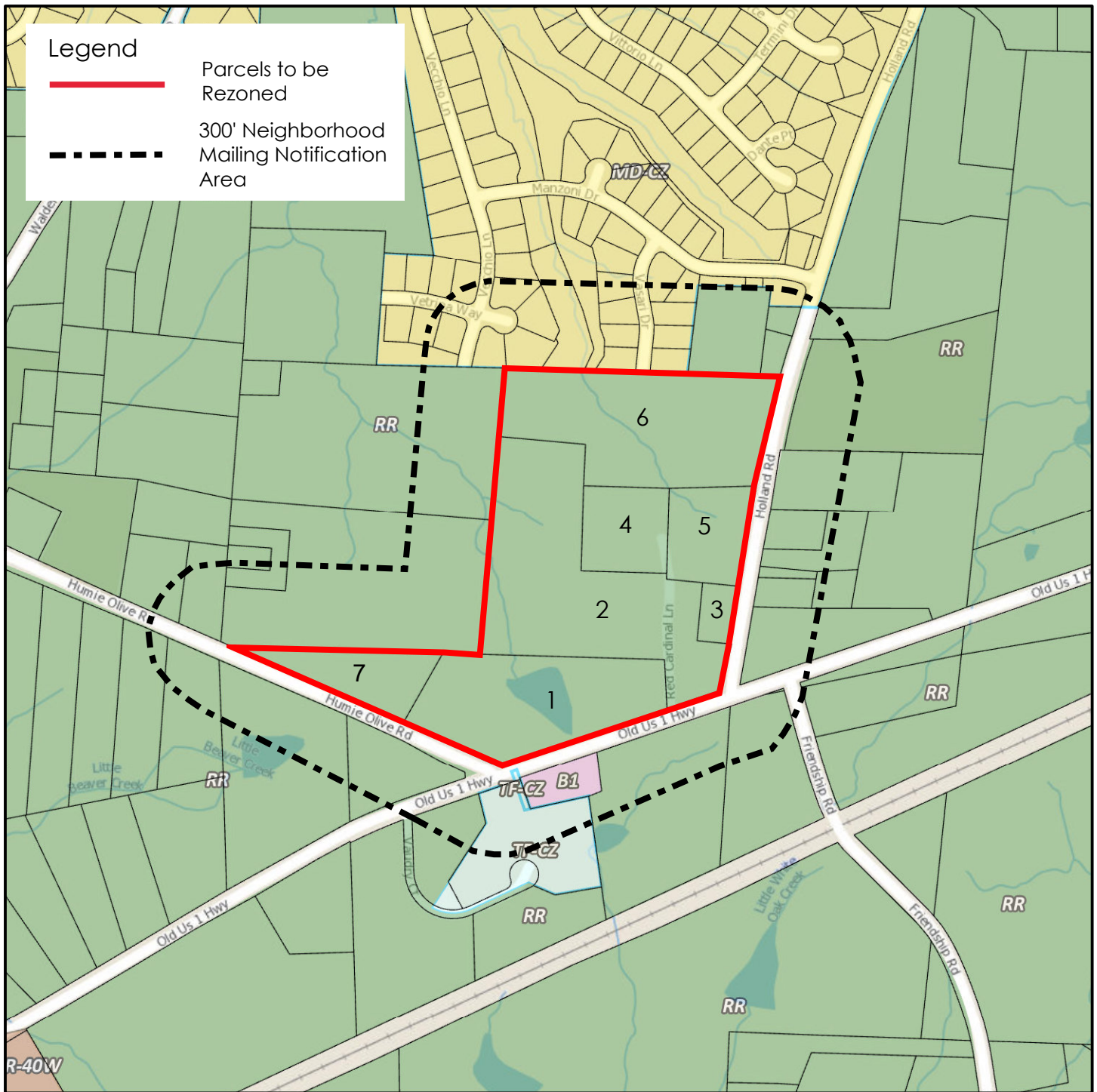
AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ14

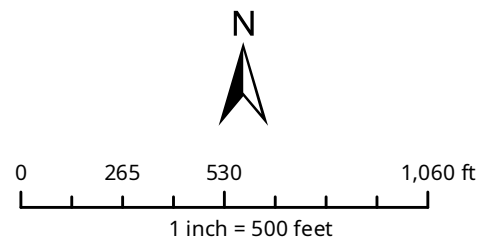
Submittal Date: 5/3/21

Insert legal description below.

1. N/F David Ray Powell - PIN 0720-99-8487 - DB 5746 Pg 146
2. N/F Johnny & Carolyn M Pendergraft - PIN 0730-09-1779 - DB 8718 Pg 1292
3. N/F Pamela Purefoy, Frances T. Bullock, Ernestine Smith - PIN 0730-09-5707 - DB 8718 Pg 1304
4. N/F Joann Pendergraft Hearn Heirs - PIN 0731-00-1087 - DB 16 Pg 835
5. N/F RGNC-10, LLC - PIN 0731-00-4075 - DB 18763 Pg 1063
6. N/F Annie P & Billy E Stroup - PIN 0731-00-3359 - DB 8718 Pg 1301
7. N/F Shelba W. Clem, P. Diane Williams, Lisa W. Krummel - PIN 0720-99-2587 - DB 16078 Pg 0788



Holland Road Assembly



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.

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	LG Investments, Inc.
Company Phone Number	(754) 875-2975
Developer Representative Name	Mr. Geno Ray
Developer Representative Phone Number	(754) 875-2975
Developer Representative Email	geno@lginvest.net

New Residential Subdivision Information	
Date of Application for Subdivision	November 2021
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	TBD (Holland Road Mixed Use Assembly)
Address of Subdivision (if unknown enter nearest cross streets)	Holland Road @ Old US 1 @ Humie Olive Road
REID(s)	0197639, 0160074, 0070103, 0160076, 0334537, 0087601, 0193211
PIN(s)	See zoning application and REIDs above for properties

Projected Dates Information	
Subdivision Completion Date	August 2026
Subdivision Projected First Occupancy Date	January 2024

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	10							2500				2023	5	2024	5		
Townhomes	100							2100				2023	15	2024	50	2025	35
Condos																	
Apartments																	
Other					<small>See Plan, general notes, 2024.07.01</small>												



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?

- Rezoning (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 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 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 NEIGHBORHOOD MEETING

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

April 14, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
2236 Old US 1 Hwy, 1001, 1004 & 1005 Cardinal Lane, 0720-99-8487, 0731-00-3359, 0730-09-1779,
3104 & 3116 Holland Road 0731-00-1087, 0731-00-4075, 0730-09-5707

Address(es)

PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. 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
<input checked="" type="checkbox"/>	Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/>	Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/>	Special Use Permit	Town Council (QJPH*)
<input checked="" type="checkbox"/>	Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

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

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

The purpose of this meeting is to discuss the upcoming Rezoning, Land Use Amendment, Site Plan and Residential Master Subdivision Plan, for the properties listed and shown on the attached map.

Meeting to be held virtually, Zoom link provided below.

Estimated submittal date: May 3, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Please see attached map.

Applicant(s): LG Investments, INC. att: Jeff Roah @ Peak Engineering & Design

Contact information (email/phone): jroach@peakengineering.com / (919) 439-0100

Meeting Address: <https://us02web.zoom.us/j/82370025263?pwd=SCtqcUQvbnl1amZFbVhmNW5iS2lVdz09>

Date of meeting**: April 27, 2021

Time of meeting**: 5:00

MEETING AGENDA TIMES:

Welcome: 5:00 Project Presentation: 5:05 Question & Answer: 5:30 -

**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: Holland Road Assembly Zoning: RR

Location: Humie Olive Road, Old US 1 Hwy, Holland Road

Property PIN(s): Please see attached sheet Acreage/Square Feet: 26.68

Property Owner: Please see attached map

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Developer: LG Investments, INC. att: Geno Ray

Address: 5944 Coral Ridge Drive Suite 312

City: Coral Springs State: FL Zip: 33076

Phone: (754) 875-2975 Fax: _____ Email: geno@lginvest.net

Engineer: Peak Engineering & Design, Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 270-6940 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): _____

Address: _____

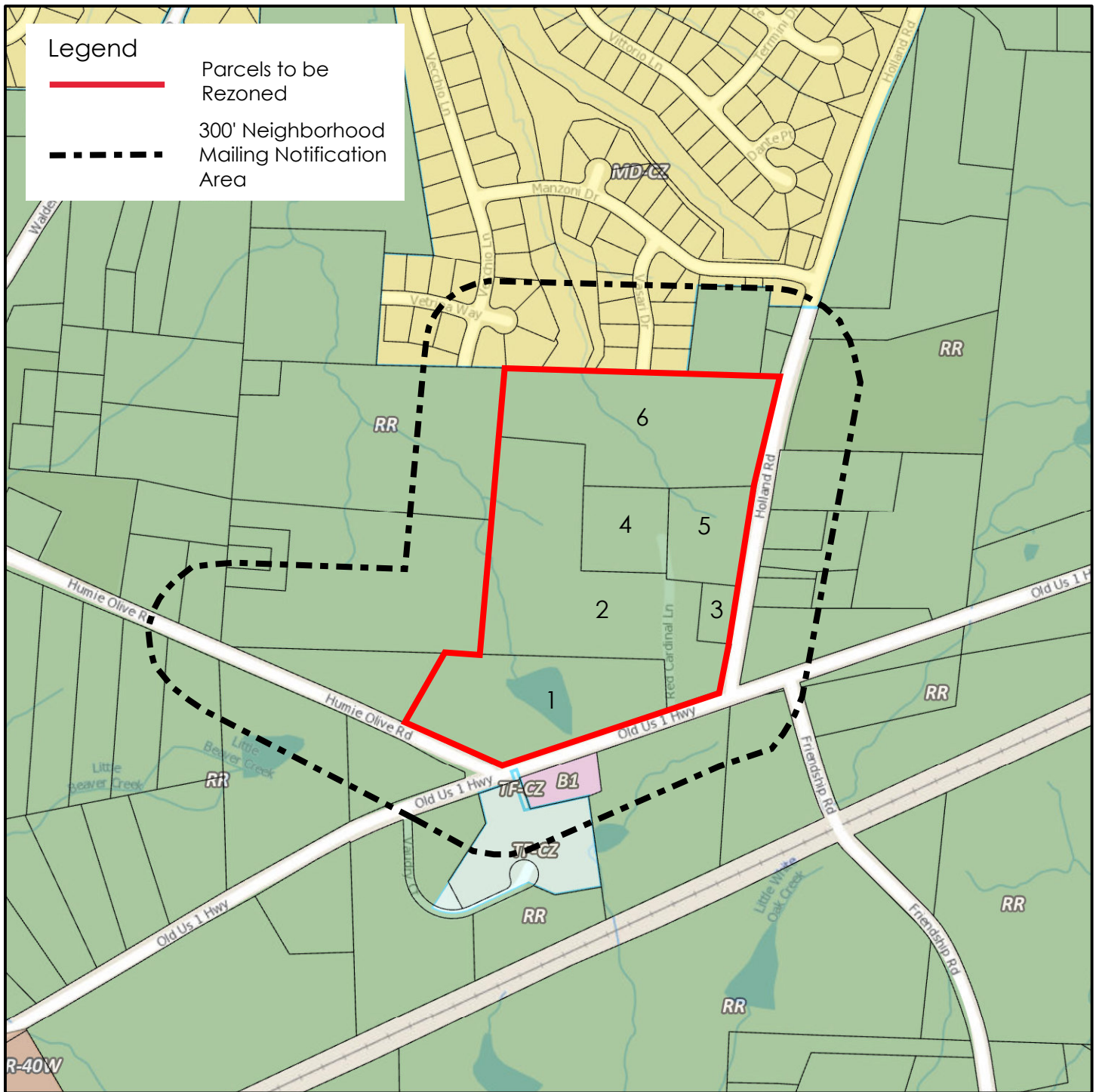
City: _____ State: _____ Zip: _____

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.

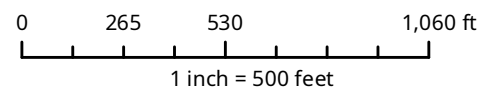
Town of Apex Department Contacts

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 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



Holland Road Assembly

1. DAVID POWELL, 2236 OLD US 1 HWY LAPIS LN, APEX, NC 27502, 0720-99-8487
2. JOHNNY & CAROLYN PENDERGRAFT, 1005 RED CARDINAL LANE APEX, NC 27502, 0730-09-1779
3. PAMELA ETAL PUREFOY & FRANCES T BULLOCK, 3116 HOLLAND RD, APEX, NC 27502, 0730-09-5707
4. JOANN PENDERGRAFT HEARN HEIRS, 1005 RED CARDINAL LANE, APEX NC 27502, 0731-00-1087
5. ALBERTO DIAZ, OLIVER AND OLIVER, PLLC, 1004 RED CARDINAL LANE, APEX, NC 27502, 0731-00-4075
6. ANNIE P & BILLY E STROUP, 3104 HOLLAND ROAD, APEX NC 27502, 0731-00-3359



Disclaimer

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

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Zoom meeting hosted by Morningstar Law Group and Peak Engineering & Design

Date of meeting: April 27, 2021 Time of meeting: 5:00 - 7:00

Property Owner(s) name(s): See attached list of property owners

Applicant(s): LG Investments, Inc.

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.	A list of meeting attendees is included within the PUD application				
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

NEIGHBORHOOD MEETING ELECTRONIC SIGN-IN LIST

John Bang	
Ellen Griffin	2401 Vetrina Way
Dennis McGurk	2216 Vasari Drive
Melissa McGurk	2216 Vasari Drive
Jonathan Peck	7612 Humie Olive Road
Michael Wengenroth	Roman Catholic Diocese
Elizabeth Clark	0 Humie Olive Road
david powell	2236 Old US 1 Hwy
greg hoff	
Julia Kopacz	
Lisa Schabenberger	2153 Vecchio Lane
mark Hopkins	3017 Holland Road
Nelson Clark	
Dwight Clark	
Sean McRae	2215 Vasari Drive
audra mcrae	
Donnie Clark	7536 Humie Olive Road
Kimberly Morgan (Derek)	2411 Vetrina Way
debbie clark	
Marc Chadwick	2220 Vasari Drive
Ken O'Berry	
Kenton Kaplan	2208 Vasari Drive
Lily Ryzebol	2141 Vecchio Lane
Brady Townsend	
Jodi Clarke	2219 Vasari Drive
Jason Barron	
Jeff Roach	
Geno Ray	
Richard Leonardi	
Jonathan Edwards	
Billy Mills	
Matt Leonardi	

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): See PUD application for list of property owners

Applicant(s): LG Investments, Inc.

Contact information (email/phone): Geno Ray; geno@lginvest.net; (724) 875-2975

Meeting Address: Zoom meeting

Date of meeting: April 27, 2021 Time of meeting: 5:00 - 7:00 pm

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

Question/Concern #1:

A list of questions or concerns is included within the PUD application.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

Introduction and Housekeeping:

A ZOOM meeting was held on Tuesday, April 27, 2020 for the Holland Road Assembly. The meeting started around 5:00 pm. Jason Barron with Morningstar Law Group hosted the meeting along with Jeff Roach with Peak Engineering & Design. An introduction to the property assembly and the proposed zoning request was made with exhibits provided (exhibits are included in the zoning submittal package). After introduction of the project, Mr. Barron answered questions which were emailed to the design team or provided in the ZOOM meeting “chat box”. Upon completion of the written question, the meeting was open for anyone to ask questions for the residents to hear. The meeting ended just after 7:00 pm when all questions were answered and the attendees all left the meeting. Below is a list of the questions with answers which were provided.

Email questions were received from Melissa McGurk prior to the meeting

Has the use for the land at the end of Vasari Drive been determined already?

- A row of SF detached homes backing up to the end of Vasari Drive with townhomes further sound of the single family detached lots.

How much buffer zone should we expect, if any, between the homes at the end of Vasari Drive and new construction? What mechanism exists for us to contribute our preferences, if any.

- 10’ buffer is being provided between like uses along the Vasari Drive extension since SF homes are proposed.

How will the developers deal with the creek that runs through the woods beyond Vasari Drive, and how far is the creek from the end of the current road?

- The project will not touch the channel/creek within the Bella Casa subdivision with the exception of connecting to the existing sanitary sewer outfall. The site is being evaluated for the presence of creeks, streams and wetlands for minimization of impacts and avoidance where possible..

We request that the road not go all the way through to US Hwy 1 to keep traffic patterns light for a safe area for the MANY children living on our street and in the neighborhood. Has the road structure been determined yet?

- The design is being evaluated to provide access throughout the property but the concept is not to provide a straightline street connection to Old US 1 – there will be twists and turns. The final layout will be put together after zoning is heard through the Town Council process.

What is the timeline for development of the area to start?

- Design will take 12-15 months from now and permits/approvals could be obtained by the Fall of 2022. Start construction in the Fall of 2022 with home construction beginning in the Springs of 2023. Residential build-out could take 2 years with the non-residential section along Old US 1 starting as soon as the owner has commitments from tenants or outparcel users.

For the different parcels of land on the map, how will they be grouped together for use and by whom?

- The properties have all been assembled for the rezoning process. As the Site Plans/Master Subdivision Plans are being reviewed, the final uses – residential vs non-residential – will be identified in the Site Plan documents.

Question from the Zoom Meeting Chat Box:

From Jonathan Peck to Everyone: 05:08 PM

Will the sewer line for the development go along Holland Road or elsewhere?

- The current plan is to connect sewer to the existing main located west of Varari Drive and serve the area west of Holland Road, east of the NDJ Ventures property, and north of Old US 1.

From Dennis McGurk to Everyone: 05:11 PM

If current "dead-end" streets become through streets, is there flexibility for whether those streets go all the way to Salem Rd (old US1) versus going onto less major roads (e.g., Holland Road)?

- The internal network of streets will route drivers through the property to multiple access points to public streets including Holland Road, Old US 1 and Humie Olive Road. The PUD sheets will show connection points around the property but do not go into detail for exactly how the streets will be routed within the site (this will continue through sketch plan production).

From Dwight Clark to Everyone: 05:18 PM

"What are the required number of entry points for the proposed development?"

- There is a minimum per the UDO but the project exceeds the minimums and provides access points in various locations to improve traffic and pedestrian mobility within the area. Final access points are reviewed with staff during zoning and site plans.

From Lisa Schabenberger to Everyone: 05:24 PM

Can you please repeat the number or percent of attached homes to total of 115?

- Total number of lots noted as 115 with approximately 10 single family detached homes along the Bella Casa neighborhood. Final lot count may vary slightly.

From Lily Ryzebol to Everyone: 05:26 PM

Have you considered the sites north of site 6 for the development?

- This is the Evans properties (PIN 0731-00-5747) and yes, the realtor reached out to the property owners who are not currently interested in selling the property. We will continue discussions but do not anticipate brining the property into the zoning request at this time.

From Jonathan Peck to Everyone: 05:27 PM

There was talk in the past about Holland Rd being turned a bit to meet up with Friendship Rd across from it. Will this influence this?

- The long-range plans are for Holland Road and Friendship Road to align. This is not something that this project will be involved with as it would likely require condemnation and major roadway work. The Holland Road Assembly design does not hinder the future realignment or off-site improvements.

From Lily Ryzebol to Everyone: 05:31 PM

On the draft detailed plan, what does RCA stand for? How about SCM?

- RCA is Resource Conservation Area. SCM is Stormwater Control Measure.

From mark hopkins to Everyone: 05:31 PM

what is the impact on total traffic added to Holland road from the cumulative increase in this development on top of bella casa, Holland farm, etc? Do we anticipate stop lights, etc to aid getting out onto US1?

- The proposed improvements from the TIA were discussed with the neighbors. This included turn lane improvements along Humie Olive Road, Old US 1 frontage improvements, Holland Road access improvements and extended/added turn lanes. A traffic signal is not proposed at Holland/Friendship and Old US 1.

From Julia Kopacz to Me: (Privately) 05:31 PM

Would there be fencing along the NDJ property?

- The location of a fence along the NDJ Ventures property is being discussed separately with the owners of the property. Final location will be committed to either as a zoning condition or as a contractual obligation with the property owners as the design progresses.

From Dwight Clark to Everyone: 05:33 PM

“Will a traffic impact study be completed as part of this rezoning?”

- A TIA has been completed and will be submitted as part of the zoning application. Conditions will be added to the zoning package once reviewed by Apex staff and NCDOT.

From Jodi Clarke to Everyone: 05:34 PM

What is the lot size of the single family homes?

- Current lots are shown around 6,000 SF but that could change as we move further into the project design/Master Subdivision Plan.

From Lily Ryzebol to Everyone: 05:36 PM

Do you know (yet) whether you will need to work on the sewer line that is off of that north west corner in the detailed plan?

- Not yet. As part of the zoning, we investigate the existing utilities but have not expanded to include a full detailed study of the downstream system. We will be looking at the entire sewer outfall – likely to the Nature Park – to confirm there is capacity within the system.

From debbie clark to Everyone: 05:39 PM

I am concerned about trees being cut, noise pollution in addition from the noise from the school. Traffic increased, to be honest this is turning this land into a concrete jungle and I am totally against this. Apex does not need to be turned into a big city. it makes me ill.

- The rezoning is looking at the land use options within the property assembly associated with the Town’s 2045 Land Use Plan and UDO. All designs will comply with Town standards and the design team will continue to coordinate with the surrounding property owners, staff and other vested partners to minimize impacts to the items noted in the comments.

From Jodi Clarke to Everyone: 05:39 PM

Are there any plans underway to develop the vicious fishes property that you are aware of?

- Nothing has been filed that we are aware of with the Vicious Fishes property. But that could change at any point and we would not be aware of it.

From Dwight Clark to Everyone: 05:40 PM

“What are the price point of the SFD product and what type of superior architectural adders will be attached to the zoning to ensure property values are raised by this rezoning?”

- Price point is unknown as that is market-driven. There will be building elevations included in the zoning submittal package for the single family, townhomes and retail/commercial buildings which will dictate construction options within the site – thus setting the price of the homes and office/retail space. There is also a list of architectural conditions within the zoning application.

From Donnie Clark to Everyone: 05:42 PM

Has an environmental impact study ben done, along with a traffic safety impact study along Humie olive road, keeping the school in mind.

- An environmental study has been completed on the property and environmental issues onsite will be further studied as the project moves through the zoning and eventual Site Plan/Master

Subdivision Plan review. A traffic impact analysis has also been completed (draft is being reviewed by the buyers) and will be submitted as part of the zoning application.

From Kimberly Morgan to Everyone: 05:43 PM

We completely agree with debbie Clark's comment

- No response.

From Jonathan Peck to Me: (Privately) 05:46 PM

Would LG Investments be open to allowing a sewer tie-in or extension to cross under Holland Rd and serve a property across Holland Rd (it is the property owned by Western Wake Bible Chapel)?

- That is something that we can evaluate through zoning and during the Master Subdivision Plan designs. If this is reasonable, we believe something can be worked out with the adjacent property owners.

From Julia Kopacz to Everyone: 05:49 PM

Regarding the access point and single family/ Retail Commercial & Retail property backing up to NDJ property. Would there be privacy fencing separating properties.

great, thanks

- That is being discussed with the NDJ Ventures property owners through the zoning process.

From Dwight Clark to Everyone: 05:50 PM

Do density and/or commercial components trigger a certain number of access & exit points? To ensure adequate entry points for emergency vehicles or residents to exit the community in case of an emergency?"

- There are no thresholds within the UODO for commercial but we have 5 access points shown to surrounding public streets to assure there is adequate public safety access to the site. Great point that the site along a main corridor has sufficient emergency access. This will also be coordinated with staff (Police, Fire, Transportation and Planning) during the Site Plan design stage.

From Lisa Schabenberger to Everyone: 05:54 PM

Are there plans to distinguish the new development from the Bella Casa subdivision by creating signs for example? This could impact our property value.

- A sign easement will be provided at the entrance to the development. The builder will determine if a sign is installed, a project "pillar/post" or something else is added to differential the projects.

From Jodi Clarke to Everyone: 05:55 PM

I live in the last home on Vasari Drive, I want to see the houses adjacent to my home rather than them backing up to my house.

- That is a great comment from Ms. Clarke – one that the design team will investigate the option of "turning" the homes to provide more of an integrated development rather than different home/lot configuration.

From Lisa Schabenberger to Everyone: 05:56 PM

It looks like there is still property that is not part of this development nor part of the Evans Road development - is that correct?

- That is correct. There are a number parcels west of the Holland Road Assembly and east of the Evans Road Assembly which are not included in either rezoning application. The property owners are not interested in participating in the rezoning or development at this time.

From Ellen Griffin to Me: (Privately) 05:57 PM

Can you please share your email. I apologize if I missed it.

- Jason Barron and Jeff Roach both shared their emails for correspondence after the meeting.

From Lily Ryzebol to Everyone: 05:59 PM

Who is the residential developer?

- The applicant is currently working with a number of builders interested in the lots. Final builder selection will come during the Master Subdivision Plan design to incorporate additional builder-specific standards within the development.

From mark hopkins to Everyone: 06:03 PM

Have the 6 parcels already been acquired by the developer?

- The applicant does not own the parcels at this time. Each parcel is under contract and will not close until – at earliest – a decision has been made related to zoning.

From Jonathan Peck to Everyone: 06:17 PM

Whatever happened to the 25-50ft tree buffers between developments?

- The buffers between developments is controlled by various sections within the UDO. The proposed buffers are those which the Town requires for the uses proposed and noted within the PD Text document.

From Lily Ryzebol to Everyone: 06:24 PM

Hmm...how is any traffic study taking the pandemic situation into account? (Since current traffic is nowhere near reality)

- Information was provided to the group as we understand it from NCDOT and the Town of Apex transportation staff. Typically the traffic consultants obtain recent counts (pre-pandemic) and add an annual growth rate to the trips. That information is then used for “existing” conditions and the TIA completed. Recommendations are based upon the project’s impact on existing traffic with additional projects in the design process included.

From Jodi Clarke to Everyone: 06:27 PM

Thank you for the information - More single family homes, adjacent to existing homes.

- We continue to evaluate the sketch plan to determine the lot distribution for single family attached and single family detached homes. Numbers may vary slightly as we evaluated additional layouts.

From Ellen Griffin to Everyone: 06:27 PM

Is there anyone we can contact to seek additional buffer given that we have none?

- In reference to the buffer on the Bella Casa property, that is something designed by the original developer of Bella Casa. We do not have any control over the Bella Casa property. The buffers on the Holland Road Assembly properties are along the boundary of the site and meet or exceed the UDO standards for perimeter buffers.

From mark hopkins to Everyone: 06:28 PM

Sounds like a number of folks might like to see a lower density development here. Has the ship sailed in terms of providing any input to the town to consider in their plan? If there was an opportunity, is that something that should be done ahead of August?

- The sketch plan and layout continues to move to determine the best lot distribution within the property providing the transition from Bella Casa to the retail/office section. The density for the project is within the medium density zoning standard for the overall PUD designation including the non-residential component of the project.

From Jonathan Peck to Everyone: 06:31 PM

Being we are at the expanding front of Apex development, this development will be adding substantial traffic, and Old US 1 could see thousands of homes south of Friendship and west on Humie Olive, are there any plans to widen Old US 1 to four lanes?

- The Transportation Master Plan was discussed where Old US 1 Highway is planned to be a 4 lane, median divided thoroughfare from downtown Apex to the Humie Olive Road intersection and beyond. Roadway improvements will be completed as part of the Holland Road Assembly along Humie Olive Road, Old US 1 and Holland Road per the TIA which will be submitted with the zoning documents.

Additional Comments from attendees (asked after all the written comments were addressed)

Jodi Clark:

Asked about the option to turn the new single family homes along Vasari Way to face Vasari Way and not “back up to” the her property and the Chadwick property?

- This is something that the design team/applicant will look into with the sketch plans and turn if possible to accommodate the request

Dennis McGurk:

Asked about the look of the SCM which would be close to Bella Casa? Would there be any trees left along the border of the Bella properties and what plantings would be within the SCM?

- Trees would be left within the buffer north of the SCM near Bella Casa. The SCM would then have a grass slope to the top of dam with the pond on the upside of the slope. The concept is to plan the SCM with native vegetation to supplement the look of the SCM.

Derek Morgan:

Why the high density with townhomes and lot count?

- The density of the project remains within the medium density land use designation of the 2045 Land Use Map. Townhomes are permitted

Why do you have to connect to Bella Casa? Higher end homes dropping down to lower priced homes in the new development. Custom Homes adjacent to smaller SF and townhomes – why?

- The Town of Apex UDO requires the extension of stub streets into adjacent properties. A change of product is needed at some point and the developers see the single family homes adjacent to Bella Casa, moving to townhomes then to retail on the southern end of the property as a reasonable transition from one property to another.

Is there an option to gate Bella Casa and stop the through streets?

- The Town of Apex does not outright “ban” gates but there are not gated communities in Apex. And Apex will most likely not approve a gate for this area.

Kenton Kaplan:

Can we look to add more SF detached homes into the development?

- That is a great question. We can look into the layout and location of lots to see if there is an option to adjust the lot distribution.

The sketch plan shows a small “open space area” directly south of the Vasari Drive stub – can that be increased in size?

- Again, great thought that we will evaluate with the application/builder to see how we can increase the size of the open space area.

Sean McRae

Can we stop Vasari from extending into the development? How would the development access Old US 1 both from the property and Holland Road?

- The neighbors can request the stub street not extend but the UDO requires any new developments extend streets. Unless directed otherwise by staff/Council, Vasari Drive will extend into the property. The project plans to have multiple access points to Old US 1, Holland Road and Humie Olive to allow residents to access the non-residential areas without needing to use one of the major collector streets in the area.

Lisa

There is a buffer shown along the north side of the new development. What is the buffer width and is that combined with the existing Bella Casa buffers?

- The proposed buffer between single family homes with similar lot sizes is 10'. This is what is proposed for the development. Any buffers by the Holland Road Assembly developers would be contained wholly on the project side – not on the Bella Casa side. Any buffers on the Bella Casa side would remain untouched.

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

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

I, Jeffrey A. Roach, 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 a virtual ZOOM meeting (location/address) on April 27, 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.

April 30, 2021


Date

By: 

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL H. WOODS, a Notary Public for the above State and County, on this the 3 day of MAY, 2021.




Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

Holland Road Mixed Use PUD

PD PLAN

APEX, NORTH CAROLINA

Submitted:

May 3, 2021

Resubmitted: June 10, 2021

Resubmitted: July 9, 2021

Resubmitted: January 14, 2022

PREPARED BY:



Section 1: Table of Contents – PUD Text

Section 1: Table of Contents

Section 2: Vicinity Map

Section 3: Project Data

Section 4: Purpose Statement

Section 5: Permitted Uses

Section 6: Design Controls

Section 7: Architectural Controls

Section 8: Parking and Loading

Section 9: Signage

Section 10: Natural Resource and Environmental Data

Section 11: Stormwater Management

Section 12: Parks and Recreation

Section 13: Public Facilities

Section 14: Phasing Plan

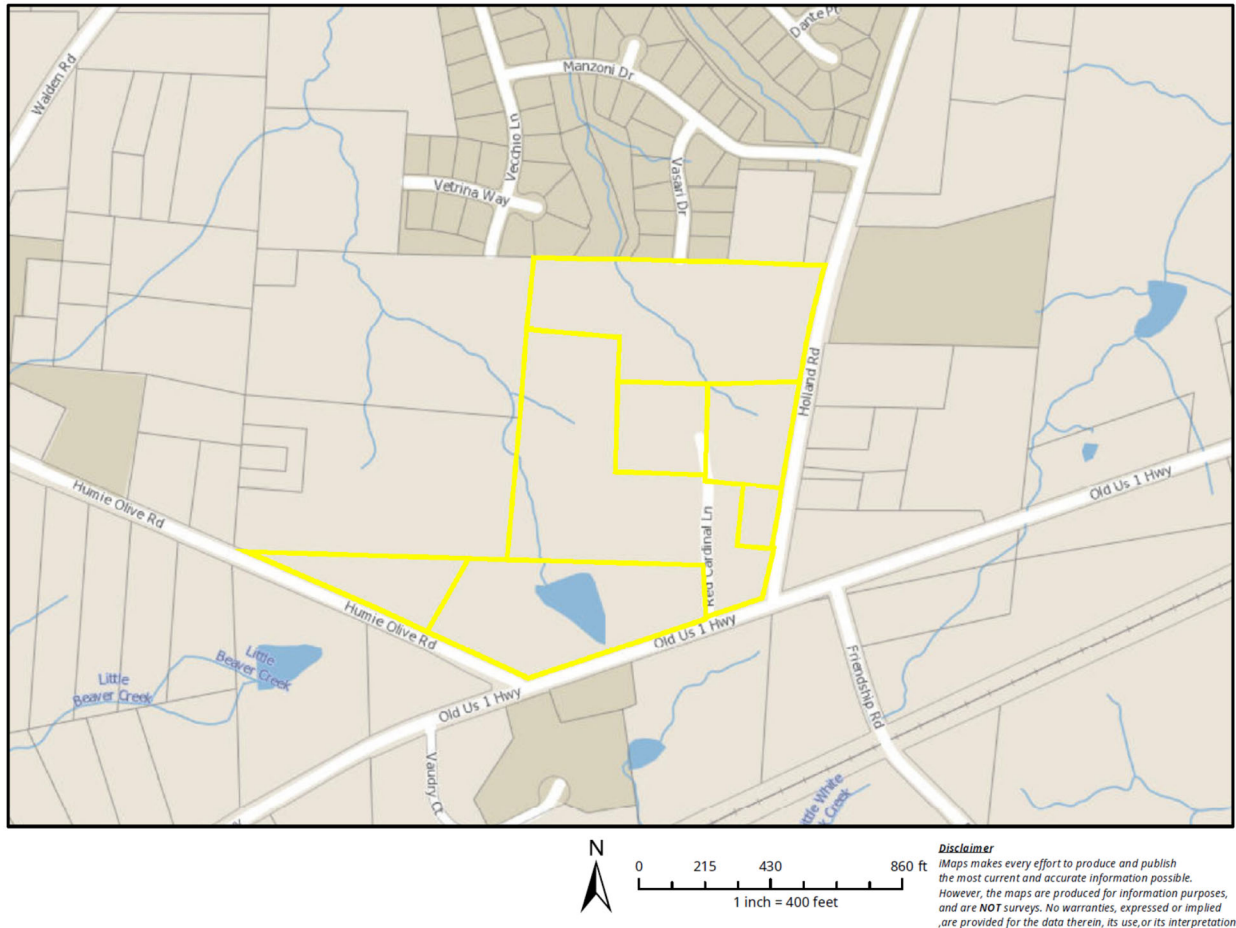
Section 15: Consistency with 2045 Land Use Plan

Section 16: Compliance with UDO

Section 17: Compliance with Apex Bicycle Plan

Section 18: Public Art

Section 2: Vicinity Map



The Holland Road Mixed Use PUD is located in the Town of Apex, along the west side of Holland Road north of Old US 1 and Humie Olive Road. The subject properties are south of the Bella Casa residential community, and has underdeveloped parcels to the west, east and south. Advance Apex: The 2045 Land Use Map Update calls for nonresidential uses on the southern portion of the property along Old US 1 Highway and medium density development along the northern portion of the property as it transitions to the existing residential community. In that regard, the Holland Road Mixed Use PUD - with up to 76,500 square feet of commercial/retail uses, inclusive of four (4) non-residential outparcels and convenience store with up to ten (10) fueling stations, and a maximum of 110 residential dwelling units developed as medium density - fulfills the long-term planning vision that has existed for these properties for the better part of fifteen years, albeit with a modification to the line between the residential and non-residential uses.

Section 3: Project Data

A. Name of Project:

Holland Road Mixed Use PUD

B. Property Owners:

David Ray Powell (0720-99-8487)
Johnny and Carolyn M. Pendergraft (0730-09-1779)
Pamela Purefoy, Frances T. Bullock, Ernestine Smith (0730-09-5707)
Joanne Pendergraft Hearn Heirs (0731-00-1087)
RGNC-10, LLC (0731-00-4075)
Billy and Annie P. Stroup (0731-00-3359)
Shelba W Clem, P Diane Williams and Lisa W. Krummel (0720-99-2587)

C. Prepared By:

Jason Barron, Partner
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

D. Current Zoning Designation:

Rural Residential (RR)

E. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

F. Current 2045 Land Use Map Designation:

Commercial Services; Medium Density Residential; Medium-High Density Residential

G. Proposed 2045 Land Use Map Designation:

Commercial Services and Medium Density Residential (with revised boundaries)

H. Proposed Use

Up to 76,500 square feet of commercial/retail uses, inclusive of four (4) non-residential outparcels and convenience store with up to ten (10) fueling stations, and a maximum of 110 residential dwelling units

I. Size of Project

A total of +/- 28.68 acres

Section 4: Purpose Statement

The Holland Road Mixed Use PUD will be a mix of non-residential and medium density residential uses in keeping with the Town's long-range plans for a mix of such uses, with a modification to the boundaries for the same. The southern portion of the Property as identified on the PUD Plans will permit the development of up to 76,500 square feet of commercial/retail uses, four (4) non-residential outparcels, a convenience store with up to ten (10) fueling stations. The northern portion of the property is permitted for up to 110 residential dwelling units, with a minimum of 10 single-family detached dwellings and the remainder comprised of townhouses.

This concept is consistent with the Town's stated PUD goals to provide site-specific, high-quality neighborhoods that preserve natural features and exhibit compatibility with, and connectivity to, surrounding land uses. More specifically, this plan shall:

- Allow uses that are compatible with Section 4.2.2, *Use Table* of the UDO;
- Provide for the preservation of existing environmentally sensitive areas;
- Provide appropriate buffering and screening from the proposed use to the existing residential areas;
- Offer a mix of medium density residential and commercial uses in an area planned for the same;
- Deliver goods and services within walking and biking distance of planned residences along with existing residences, thereby reducing traffic congestion;
- Demonstrate dimensional standards that are consistent with the UDO, and where variations occur, said variations will be included herein and subject to Council approval;
- Provide a high-quality community that is linked by a network of connected streets and pedestrian sidewalks that promotes connectivity, walkability and healthy lifestyles;
- Exhibit character and quality that is compatible with surrounding communities, which is expected to enhance the value of surrounding land uses; and
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

All site-specific standards and conditions of this PUD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, *Conditional Zoning Districts* and UDO Section 2.3.4.F.1, *Planned Unit Development (PUD-CZ) District*, except where noted. The proposed PUD shall provide a development density and intensity that is consistent with principles found throughout *Advance Apex 2045*.

ENVIRONMENTAL ADVISORY BOARD (EAB) RECOMMENDATIONS:

A meeting was held with the EAB on April 15, 2021 in which the project was discussed. The following notes are provided directly from the EAB. The final zoning conditions have been included in PD Text Section 6 for enforceability:

- Increase design storm for retention basins in flood-prone areas.
 - Option 2: Increase design storm pre- and post-attenuation requirement to the 25-year storm.
- Install signage near environmental sensitive areas in order to:
 - Reduce pet waste near SCM drainage areas.
 - Eliminate fertilizer near SCM drainage areas.
- Increase biodiversity.
 - Option 1: Plant pollinator-friendly flora.
 - Option 2: Plant native flora (Refer to the Apex Design & Development Manual for approved native species).
- Include landscaping that requires less irrigation and chemical use.
 - Option 1: Plant warm season grasses for drought-resistance.
- Improve soil quality to be amenable for a variety of native and non-invasive plantings.
- Install pet waste stations in neighborhoods.
- Include solar conduit in building design.
- Include energy efficient exterior lighting in building design.
- Install timers or light sensors or smart lighting technology for exterior lighting.
- Include International Dark Sky Association compliance standards.
 - Outdoor lighting shall be shielded in a way that focuses lighting to the ground.
- Lighting that minimizes the emission of blue light to reduce glare shall be used. Incorporate natural lighting techniques into building design whether residential or non-residential.
- Maintain connections between RCAs to preserve habitat if possible.
- Move play area to residential side (north side) for better accessibility of open green space.

Section 5: Permitted Uses and Zoning Conditions

The development shall include office, retail, and residential uses. The Rezoned Lands may be used for, and only for, the uses listed below. The permitted uses are subject to the limitation and regulations stated in the UDO and any additional limitation or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply. Specifically, the permitted uses include:

Residential Tract:

- Accessory apartment
- Townhouse (as shown on the PUD Map)
- Single-family (as shown on the PUD Map)
- Greenway
- Recreation Facility, private
- Park, active
- Park, passive
- Utility, minor

Commercial Tract:

- Drop-in or short-term day care
- Botanical garden
- Entertainment, indoor
- Youth or day camps
- Restaurant, drive-through
- Restaurant, general
- Medical or dental office or clinic
- Office, business or professional
- Publishing office
- Artisan Studio
- Barber and beauty shop
- Book store
- Convenience store
- Convenience store with gas sales
- Dry cleaners and laundry service
- Nursing or convalescent facility
- Financial institution
- Floral shop
- Greenhouse or nursery, retail
- Grocery, general
- Grocery, specialty
- Health/fitness center or spa
- Laundromat
- Newsstand or gift shop
- Personal service
- Pharmacy
- Printing and copying service
- Real estate sales
- Retail sales, general
- Studio for art
- Tailor shop
- Upholstery shop
- Pet services
- Microbrewery
- Greenway
- Park, active
- Park, passive
- Utility, minor

The following Zoning conditions shall apply to the project:

- A. A maximum of 100 townhouse dwellings shall be permitted.
- B. A minimum of 10 single-family detached dwellings shall be permitted.
- C. A maximum of 76,500 square feet of commercial/retail uses, inclusive of up to four (4) non-residential outparcels and a convenience store with up to ten (10) fueling stations.
- D. All single-family detached and non-residential buildings shall provide solar conduit for the installation of rooftop solar panels.
- E. No covenant shall be placed on the property which prohibits accessory apartment as a use.
- F. The uses Restaurant, drive-through and Convenience store with gas sales shall not be permitted within 100' of residential properties within the development.
- G. A 20' landscape easement shall be provided between the commercial/retail area and the residential area. This area shall be landscaped to a Type 'A' buffer standard with a berm as permitted by UDO 8.2.6.B.5.
- H. A Type 'A' buffer shall be provided along the northern boundary with the Bella Casa subdivision. The Type 'A' buffer will remove and replace the existing vegetation while permitting the buffer to count towards overall RCA requirements. A berm shall be installed along with additional buffer improvements per UDO Section 8.2.6.B.5.
- I. The project shall install at least one (1) sign per SCM about not using fertilizer near an SCM drainage area. The sign(s) shall be installed in locations that are publicly accessible, such as adjacent to amenity centers, sidewalks, greenways, or side paths.
- J. The project shall install one (1) sign near each SCM about cleaning up pet waste.
- K. The project shall increase biodiversity within the development by:
 - a. Selecting and installing tree, shrub and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.; or
 - b. Planting only native plant species as listed in the Apex Design and Development Manual.
- L. The project shall include landscaping that requires less irrigation and chemical use by planting warm season grasses for drought-resistance.
- M. A minimum of three (3) pet waste stations shall be installed within the development located around the SCMs, play lawns, and gathering areas.
- N. The exterior lighting for all non-residential buildings and parking lots will consist entirely of LED fixtures. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lots.
 - a. The project shall use full cutoff LED fixtures that have a maximum color temperature of 3,500 for all exterior lighting, including, but not limited to, parking lot and building mounted fixtures.

Section 6: Proposed Design Controls

A. Non-Residential Design Controls

Parcel Size – +/- 11 acres (approximate size)

Density – The overall maximum non-residential uses permitted upon the property shall be 76,500 square feet inclusive of four (4) outparcels and a convenience store with gas sales with no more than ten (10) fueling stations

Design Controls – At a minimum, all non-residential uses shall comply with the following dimensional standards:

Maximum Built-Upon Area:	70%
Maximum Building Height:	50'
Minimum Building Setbacks:	
Street	20 feet
Rear	20 feet
Side	20 feet
From Buffer/RCA:	10 feet for Buildings
	5 feet for Parking Areas

B. Residential Design Controls

Parcel Size – +/-17 acres (approximate size)

Density - The overall gross residential density shall not exceed 110 units

Design Controls – At a minimum, all residential uses shall comply with the following dimensional standards:

Maximum Density:	6.0 Dwelling Units/Acre (Includes RCA and rights-of-way)
Maximum Number of Units:	110
Maximum Built-Upon Area:	60%
Minimum Lot Size:	6,000 square feet for single-family detached
Minimum Lot Width:	50' for single-family detached 22' for townhouse
Maximum Building Height:	Single-family detached: 36' Townhouse: 40'

Note: Porches, patios, decks and other accessory structures may encroach into building setbacks as allowed by the Town of Apex UDO.

Single-Family Detached:

Minimum Building Setbacks:

- Front:	10 feet
- Front (garage):	20 feet
- Side:	5 feet
- Corner side:	10 feet
- Rear:	10 feet
- From Buffer/RCA:	10 feet for Buildings
	5 feet for Parking Areas

Single-family Attached (townhouse): Front Loaded

Minimum Building Setbacks:

- Front: 10 feet
- Front (garage): 20 feet
- Side: 3 feet (0 feet between townhouse units)
- Corner side: 10 feet
- Rear: 10 feet
- From Building to Building: 10 feet
- From Buffer/RCA: 10 feet for Buildings
5 feet for Parking Areas

Single-family Attached (townhouse): Rear/Alley Loaded

Minimum Building Setbacks:

- Front: 10 feet
- Side: 3 feet (0 feet between townhouse units)
- Corner side: 10 feet
- Rear: 5 feet from alley R/W
- From Building to Building: 10 feet
- From Buffer/RCA: 10 feet for Buildings
5 feet for Parking Areas

C. Buffers

	Residential	Non-residential
Northern boundary	Adjacent to Bella Casa: 20' Type A buffer; 20' Type B buffer; OR 30' Type A buffer	
Holland Road	20' Type B	20' Type E
Old US 1	N/A	20' Type E
Humie Olive Road	N/A	30' Type E
Western boundary	10' Type B	Adjacent to PIN 0720-99-3901: 10' Type B buffer is proposed although no buffer is required if a public street or private driveway straddles or is located along the property line between the parcels

Note: Where perimeter buffers coincide with stream buffers or 100-year floodplain, existing vegetation shall be used to meet the buffer width and opacity.

Section 7: Proposed Architectural Controls

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of development plan submittal. The following conditions shall apply:

A. Residential Development

Single-family Detached:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
2. Primary building materials shall be brick, stone, and fiber cement siding.
3. Windows that are not recessed shall be trimmed. Windows shall vary in size and/or type.
4. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
5. A varied color palette shall be utilized throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
6. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
7. Front facing garage doors must have windows, decorative details, or carriage-style adornments.
8. Entrances for units with front-facing garages shall have a prominent covered porch/stoop area leading to the front door.
9. Porches constructed with a dwelling unit shall be a minimum of six feet (6') deep.
10. The front façade of any front-loaded garage shall not protrude farther than one foot forward of (i) the front façade of the dwelling unit, or (ii) the front porch of the dwelling unit, whichever is closer to the right-of-way from which the dwelling unit is addressed.

Single-Family Attached (Townhouse):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
5. The garage cannot protrude more than 1 foot out from the front façade or front porch.
6. Building facades shall have horizontal relief achieved by the use of recesses and projections.
7. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three (3) color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
8. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around windows.

9. At least four of the following decorative features shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
10. The visible side of a townhouse on a corner lot facing the public street shall contain at least 3 decorative elements, such as, but not limited to, the follow 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

B. Commercial Development

1. Predominant exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. Materials shall comply with UDO Section 9.3.5.
2. Additional exterior materials may include stone accents, aluminum storefronts with anodized or pre-finished colors, EIFS cornices and parapet trim, and precast concrete.
3. The building shall have more than one (1) parapet height.
4. The building exterior shall have more than one (1) material color.
5. No more than 20% of any building façade may consist of EIFS material.
6. EIFS or synthetic stucco shall not be used in the first 4 feet above grade.
7. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.

Section 8: Parking and Loading

Parking for the development shall meet the requirements of UDO Section 8.3.

Section 9: Signage

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The properties are all located within the Cape Fear River/Jordan Lake Watershed. The Town's Watershed Protection Overlay District Map shows the property are part of the Primary Watershed within the Beaver Creek Basin.

B. Resource Conservation Areas (RCA) – Required and Provided

This PUD shall be subject to, and meet the requirements of Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The site shall provide 25% RCA for the non-residential portion of the development based upon the standards set forth within UDO Section 8.1. The development provides a non-residential component to the development and per UDO Section 2.3.4.F.1.c.i is requesting a RCA reduction to 25% minimum from the 30% minimum required for single-family and townhouse developments. Development shall not be subject to additional RCA requirement for mass grading of single-family detached lots per UDO 7.2.5.B.8.

Off-site RCA per 8.1.2.a.1 may be used to comply with the approved RCA standards outlined by the Unified Development Ordinance.

In response to a request from adjacent Bella Casa property owners. the buffer along the northern boundary may be cleared and replanted per previous PD Text conditions and shall count as Resource Conservation Area (RCA) for the development.

The overhead Duke Energy electric line and easements along Humie Olive Road, Old US 1 Highway, and Holland Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections.

C. Historic Structures

As confirmed by the North Carolina State Historic Preservation Office, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

This PUD shall meet all stormwater management requirements for quality and quantity treatment in accordance with Section 6.1.7 of the UDO, such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year 24-hour storm events.

Section 12: Parks and Recreation

The Parks, Recreation and Cultural Resources Advisory Commission reviewed the project on June 30, 2021 and unanimously recommended fee-in-lieu of dedication with a credit for construction of greenway trail if an opportunity is identified at the time of Master Subdivision Plan review and approval. The recommendation is based on the 2021-2022 rates and proposed maximum lot count provided:

Single-family detached Units:	$\$3,495.24 \times 10 = \$34,952.40$
Single-family attached Units:	$\$2,354.05 \times 100 = \$235,405.00$
Total residential fee in lieu per current unit count:	\$270,357.40

(Final PRCR amount shall be coordinated with staff during Master Subdivision Plan and Construction Document reviews)

Per Article 14 of the UDO, credit for greenway against fees requires the approval of construction plans, contingent upon approval of an engineer's estimate of probable cost for greenway construction. The greenway shall be completed prior to 25% of the total units for the project receiving building permits.

Section 13: Public Facilities

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4.F.1.f and be designed according to sound engineering standards and shall comply with Town of Apex Sewer and Water Master Plan and the Town of Apex Standards and Specifications. Specifically, road and utility infrastructure shall be as follows:

A. General Roadway Infrastructure

Developer shall provide minimum dedication of public right-of-way along each of Holland Road, Old US 1, and Humie Olive Road. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area indicate that a through street is not essential in the location of the proposed cul-de-sac, or where sensitive environmental areas such as streams, floodplains, and wetlands would be substantially disturbed by making road connections. Sidewalks shall be provided on both sides of streets internal to the site per UDO standards. Refer to the concept plan of the PUD plan for proposed access points, stub streets, and planned vehicular connectivity. All access and circulation is conceptual and shall be finalized at the time of Master Subdivision Plan or Minor Site Plan review and approval.

A 10' side path shall be constructed and installed along Humie Olive Road.

B. Transportation Improvements

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Minor Site Plan, Master Subdivision Plan, and construction plan approval process. A Traffic Impact Analysis (TIA) has been performed as part of this PUD rezoning consistent with the Town's standards for the same. Based upon the recommendations of the TIA and approval by Town staff and NCDOT, the final transportation improvement zoning conditions shall be provided.

1. Developer shall widen Holland Road along the project frontage as development occurs based on a minimum 41-foot curb and gutter roadway section with 5-foot sidewalk and dedication based on a minimum 80-foot right-of-way.
2. Developer shall propose a maximum of two (2) access points to Holland Road. A full-movement access shall be located approximately 950 feet north of Old US 1. A right-in/right-out access shall be located approximately 350 feet north of Old US 1 with right-turn channelization designed according to Apex and NCDOT standards.
3. Developer shall provide additional frontage widening along Holland Road to extend the exclusive southbound right turn lane at Old US 1 to the right-in/right-out access when that right-in/right-out access is constructed for an approximate total length of 350 feet.

4. Developer shall propose a maximum of one (1) access point to Old US 1. The right-in/right-out access point shall be proposed approximately 275 feet west of Holland Road and restricted by installation of a concrete median along the center of Old US 1, based on NCDOT standards.
5. Developer shall widen Old US 1 at the time the access point is constructed by adding a second westbound through-lane starting at Holland Road and terminating at the westbound right-turn lane at Humie Olive Road, and a 6-foot paved shoulder for a future bike lane, with a 5-foot sidewalk, and dedication based on a minimum 110-foot right-of-way.
6. Developer shall widen Humie Olive Road along the project frontage as development occurs based on a minimum 41-foot curb and gutter roadway section with 10-foot side path and dedication based on a minimum 80-foot right-of-way.
7. Developer shall propose a maximum of one (1) access point to Humie Olive Road. The full-movement access point shall be proposed approximately 600 feet west of Old US 1 Highway and Developer shall provide additional widening to construct a westbound right turn lane with 75 feet of storage and an eastbound left-turn lane with 175 feet of storage, plus applicable full-width deceleration and taper length. Developer shall provide separate left- and right-turn lanes exiting the access point with 150 feet of internal protected storage, measured from the edge of Humie Olive Road to the first crossing internal access.
8. Developer shall extend the eastbound left-turn lane on Old US 1 at Humie Olive Road to provide a minimum of 225 feet of storage plus applicable full-width deceleration and taper length prior to the Site Plan Final first certificate of occupancy in the commercial phase.
9. Developer shall extend the northbound left-turn lane on Friendship Road at Old US 1 to provide a minimum of 150 feet of storage plus applicable full-width deceleration and taper length prior to the first certificate of occupancy in the commercial phase.

C. Water and Sanitary Sewer

All development within the project shall be served by the Town of Apex for water and sanitary sewer. The utility design will be finalized at the time of development plan review and approval based upon available facilities adjacent to the site at that time. A conceptual utility plan is included in the PUD plan for reference. All utility infrastructure shall meet current Town water and sewer master plans.

D. Other Utilities

Electricity will be provided by Apex Electric. Phone, cable, and gas shall be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Section 14: Phasing Plan

This PUD may be completed in multiple phases, with construction anticipated to begin in 2022-23. Project phasing shall ensure the points of access are provided in accordance with the UDO and emergency services are always available for the property.

Section 15: Consistency with the 2045 Land Use Map

The proposed land use is consistent with the 2045 Land Use Map as amended by this rezoning.

Section 16: Compliance with the UDO

The development standards adopted for this PUD are in compliance with those set forth in the current version of the Town's Unified Development Ordinance (UDO). Any deviations from UDO requirements have been specifically defined within this document.

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

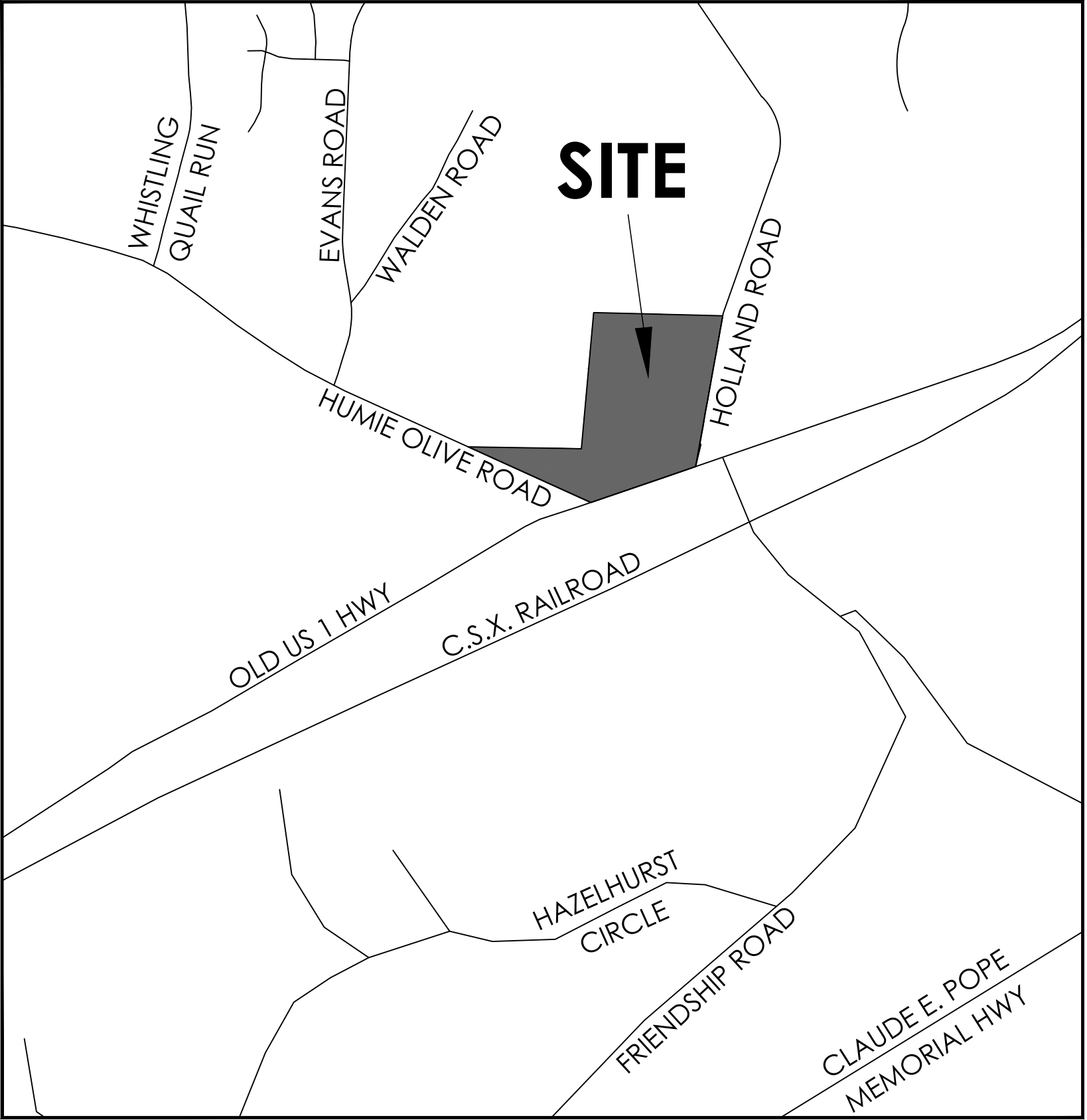
Development plan review for any development to be made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the development plan approval as provided for in the Unified Development Ordinance. Further, development of the Property shall be consistent with the Town's adopted Bicycle and Pedestrian System Plan.

HOLLAND ROAD MIXED USE ASSEMBLY

PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING HOLLAND ROAD @ OLD US 1 HIGHWAY APEX, NORTH CAROLINA PROJECT NUMBER: 200304 MAY 3, 2021



AERIAL MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



DRAWING INDEX:

C000	COVER SHEET
C001	EXISTING CONDITIONS
C100	CONCEPTUAL SITE PLAN
C200	CONCEPTUAL UTILITY PLAN

SITE INFORMATION:

Property Owner/Site Address	PIN	REID	Deeded Acreage	DB/Plat Book & Page
David Ray Powell 2236 Old US 1 HWY Apex, NC 27502	0720-99-8487	197638	5.71	DB 5746, PG 146
Johnny & Carolyn M. Pendergraft 1001 Red Cardinal Lane Apex, NC 27502	0730-09-1779	160074	8.96	DB 8718, PG 1292
Pamela Purefoy, Frances T. Bullock & Ernestine Smith 3116 Holland Road Apex, NC 27502	0730-09-5707	70103	0.55	DB 8718, PG 1304
Joann Pendergraft Hearn Heirs 1005 Red Cardinal Lane Apex, NC 27502	0731-00-1087	160076	2.00	DB 16-E, PG 835
RGNC-10 LLC attn: Rich Leonardi 1004 Red Cardinal Lane Apex, NC 27502	0731-00-4075	334537	2.10	DB 18763, PG 1063 BM 2005 Pg 1522
Annie P. & Billy E. Stroup 3104 Holland Road Apex, NC 27502	0731-00-3359	87601	7.36	DB 8718, PG 1301
Shelba W. Clem, P. Diane Williams, Lisa W. Krummel 7528 Humie Olive Road Apex, NC 27502	0720-99-2587	0193211	2.00	DB 16078, PG 0788

Total acreage: 28.68 acres

Existing Zoning: RR (Rural Residential)
Proposed Zoning: PUD-CZ (Planned Unit Density - Conditional Zoning)
Current 2045 Land Use Map: Medium Density Residential, Commercial Services
Proposed 2045 Land Use Map: Medium Density Residential, Commercial Services
Existing Use: Vacant and Single Family Residential

Township: Buckhorn

Flood Zone Information: Firm Panel 3720072000J, 3720072100J, 3720073000J and 3720073100J do not show the presence of flood zones on the properties.
Watershed Information: Primary Watershed Protection Overlay District, Beaver Creek Basin, Cape Fear River Basin

Historical: No historical structures on site

Residential:
Proposed Uses: Single Family Detached and Attached (Townhomes)

Buildings: 110 total residential lots
10 Single Family Detached, 100 Single Family Attached

Residential Max Building Height: 40'
Maximum BUA: 60%
Single Family Detached:
Maximum Building Height: 36'
Minimum Lot Size: 6,000 SF
Minimum lot width: 50'
Building Setbacks
Front: 10'
Front - Garage: 20'
Rear: 10'
Side: 5'
Side (Corner Lot): 10'

Single Family Attached (Townhouses):
Maximum Building Height: 40' / 3 stories
Minimum lot width: 22'
Front loaded
Rear/alley loaded
Front: 10'
Front - Garage: 20'
Rear: 10'
Side: 5'
Side - unit or corner lot: 3'

Parking Summary:
Single Family Detached
Required Spaces: 2 spaces per dwelling unit
10 dwelling units x 2 spaces/unit = 20 spaces
Single Family Attached
Proposed Spaces: 20 spaces (spaces will be provided within garages and driveways)
Required Spaces: 2 spaces per dwelling unit plus .25 per unit for guest parking
2 spaces/unit x 100 units = 200 spaces
.25 spaces/unit x 100 units = 25 spaces
225 spaces required

Commercial / Retail:
Proposed Uses: See PD Text for list of non-residential uses

Non Residential Square Footage: 76,500 SF plus convenience store with no more than ten (10) fueling stations
Maximum Building Height: 50'
Building Setbacks:
Front: 20'
Rear: 20'
Side: 20'
From Buffer/RCA: 10' for Buildings/5' for Parking Areas
Parking: Per UDO Section 8.3

OWNER/DEVELOPER

LG INVESTMENTS, INC.
GENO RAY
5944 CORAL RIDGE DRIVE SUITE 312
CORAL SPRINGS, FL 33076
(754) 875-2975

CIVIL ENGINEER

PEAK ENGINEERING & DESIGN, PLLC
JEFF ROACH, P.E.
1125 APEX PEAKWAY
APEX, NC 27502
PHONE: (919) 439-0100

SURVEYOR

BATEMENT CIVIL SURVEYING COMPANY
STEVEN CARSON, PLS
2424 RELIANCE AVENUE
APEX, 27539
PHONE: (919) 577-1080
FAX: (919) 577-1081
WEBSITE: www.BatemanCivilSurvey.com

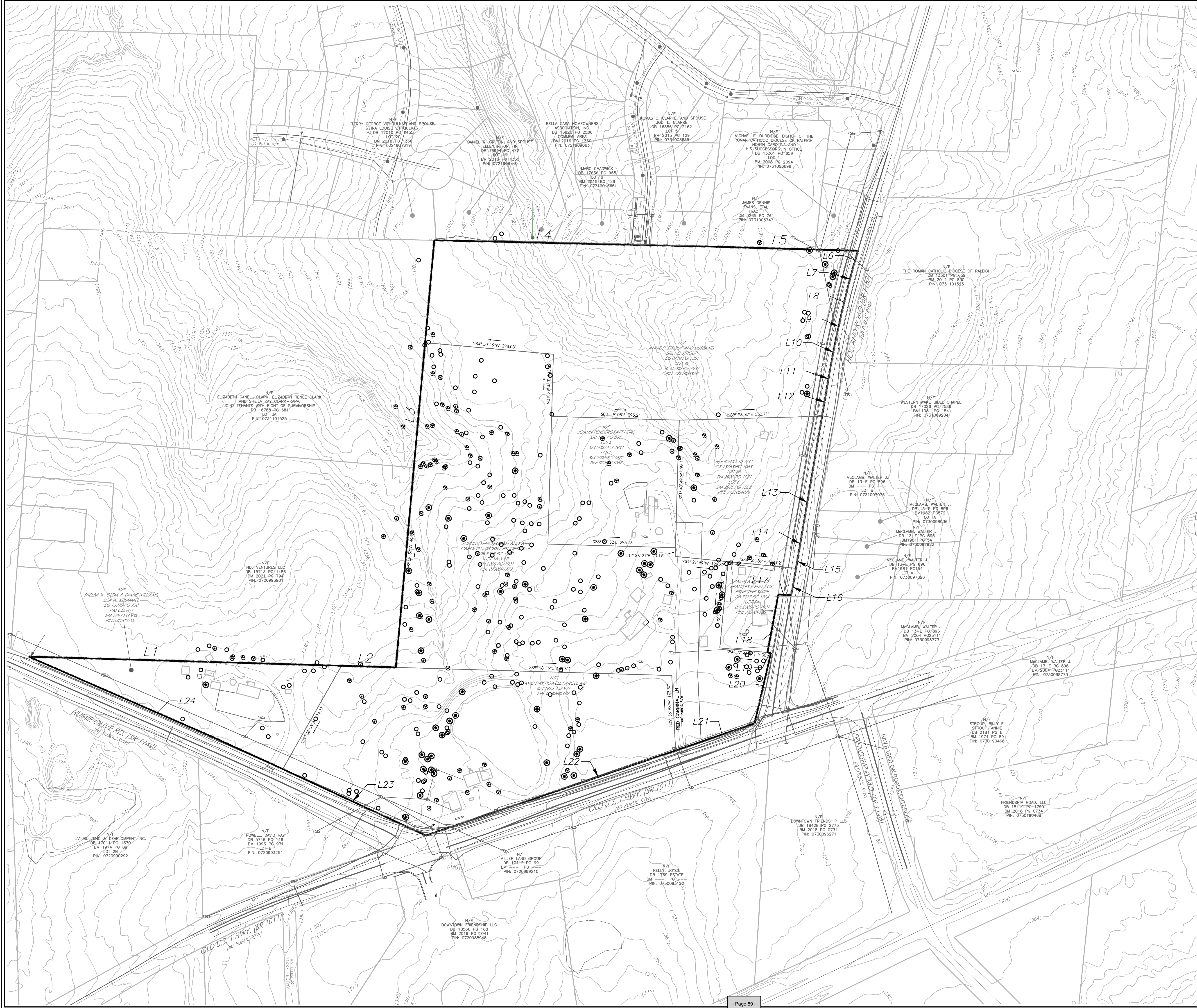
TRANSPORTATION ENGINEER

RAMEY KEMP & ASSOCIATES
RYNAL STEPHENSON, P.E.
5808 FARRINGDON PLACE SUITE 100
RALEIGH, NC 27609
FAX: (919) 872-5115
FAX: (919) 878-5416
WEBSITE: www.RameyKemp.com

1	JANUARY 14, 2022	TOWN OF APEX ZONING COMMENT REVISIONS	JR	BY
				REVISION
				DATE
				NO.

title:
COVER SHEET

proj #:
200304
date:
May 3, 2021
dwg by: chkd by:
JE JR
scale:
As Noted
sheet:



BOUNDARY LINE TABLE

Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	724.03'	S88° 19' 24"E	L21	193.15'	N71° 00' 58"E
L2	125.81'	S88° 18' 19"E	L22	610.28'	S71° 12' 44"W
L3	991.75'	N5° 08' 57"E	L23	365.03'	N65° 06' 16"W
L4	630.83'	S88° 41' 36"E	L24	453.23'	N66° 24' 58"W
L5	349.72'	S88° 22' 38"E			
L6	37.39'	S16° 36' 31"W			
L7	56.31'	S14° 47' 09"W			
L8	57.80'	S13° 34' 48"W			
L9	58.93'	S12° 15' 11"W			
L10	57.13'	S10° 51' 46"W			
L11	56.07'	S10° 06' 24"W			
L12	68.29'	S9° 41' 43"W			
L13	228.76'	S9° 41' 43"W			
L14	98.06'	S9° 46' 21"W			
L15	30.07'	S9° 44' 05"W			
L16	62.67'	S9° 56' 33"W			
L17	30.31'	N88° 20' 16"W			
L18	136.11'	N10° 28' 10"E			
L19	7.97'	S84° 27' 46"E			
L20	167.32'	N13° 06' 20"E			

TREE LEGEND

-
-
-

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



1
C001
EXISTING CONDITIONS
SCALE: 1"= 100'

NC License #P-0673

project:
**HOLLAND ROAD MIXED USE
ASSEMBLY**
HOLLAND ROAD @ OLD US 1 HIGHWAY
APEX, NORTH CAROLINA 27502

seal:

DATE		BY	
REVISION			
1	JANUARY 14, 2022	TOWN OF APEX ZONING COMMENT REVISIONS	JR

title:

**EXISTING
CONDITIONS**

proj #:

200304

date:

May 3, 2021

dwg by: chkd by:

JE JR

scale:

As Noted

sheet:

C001

ZONING DOCUMENT



Building A - West Elevation 2
1/8" = 1'-0"



BUILDING A - SW PERSPECTIVE VIEW 1



Building B/C - South Elevation 2
1/8" = 1'-0"



BUILDING B/C - SE PERSPECTIVE VIEW 1



Building D - East Elevation 2
 1/8" = 1'-0"



BUILDING B - SE PERSPECTIVE VIEW 1



BRICK 1



DARK BRONZE ALUMINUM
CANOPY & STOREFRONT



30%



CEMENTITIOUS SIDING

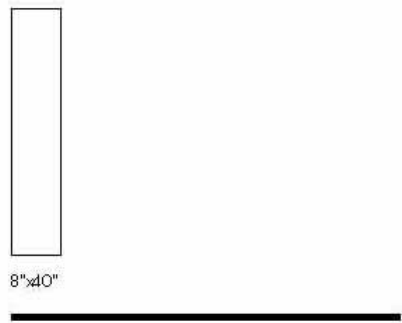


70%

BRICK 2
COMBINATION OF TWO
BRICK TYPES



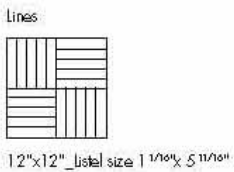
COCOA
Nonreflect



28



DECORS



WALL TILE - WOOD LOOK

REVIVE

29

Non-Residential Design Guidelines:

- Buildings shall be arranged to define, create and activate edges and public spaces.
- Every effort shall be made to locate service and loading areas in the rear of the structures. Where these features are located between the building and a piblicroad, they will be designed in suca a way that they do not distract from the character of the development and they will be screened in accordance with the UDO.
- Drive-thru lanes, pick-up windows and other like functions shall be allowable if located facing an adjacent street or drive. Landscaping and/or other architectural features should be used to create screening for these types of uses.
- Elevations of building facing a street shall incoporate detailing in keeping with the character and style of other architectural features.
- Elevations of corner buildings shall utilize design features such as variations in wall plane, variation in building mass and window placement to generate street interest.
- Architectural treatments such as varying roof forms, facade articulation, breaks in roof, walls with texture material and ornamental details as well as landscaping shall be incorporated to add visual interest.
- Differences in roof height, pitch, ridgelines and materials may be used to create visual interest and avoid repetition.

Non-residential exteriors shall incoporate variation in materials. The primary (front) facade of the buildings tobe considered may include:

- Brick and/or stone masonry
- Decorative concrete block (integral color or textured)
- Stone accents
- Aluminum storefront with anodized or pre-finished colors
- EIFS cornices and parapet trim
- EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to 25% of each building facade
- Precast concrete
- Roof features may include flat roofs with parapet, hip roofs or awings with metal or canvas material
- Soffit and facia materials to be considered include EIFS with crown trim elements
- Cementitious siding
- Tile
- Heavy Timber accent elements

Non-residential buildings visible fomr the public view shall be constructed with compatible materials. Rear elecations of non-residential buildings facing opaque landscape buffers or not visible from vehicular use areas or public rights-of-way may incorporate decorative concrete masonry, metal coping, and EIFS trim.

Exterior materials that are not allowed as part of the development are as follows:

- Vinyl siding
- Painted, smooth faced concrete block
- Metal walls

COLUMBIA



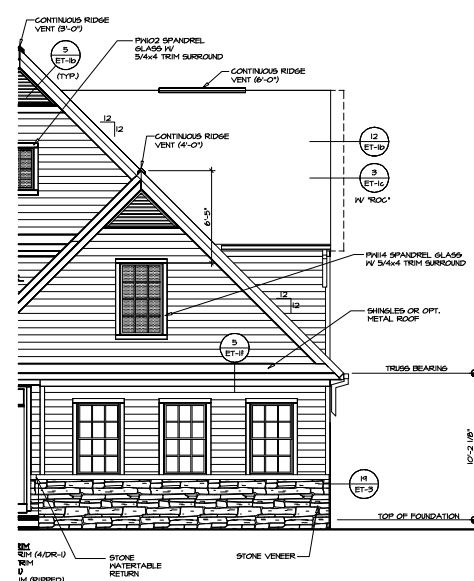
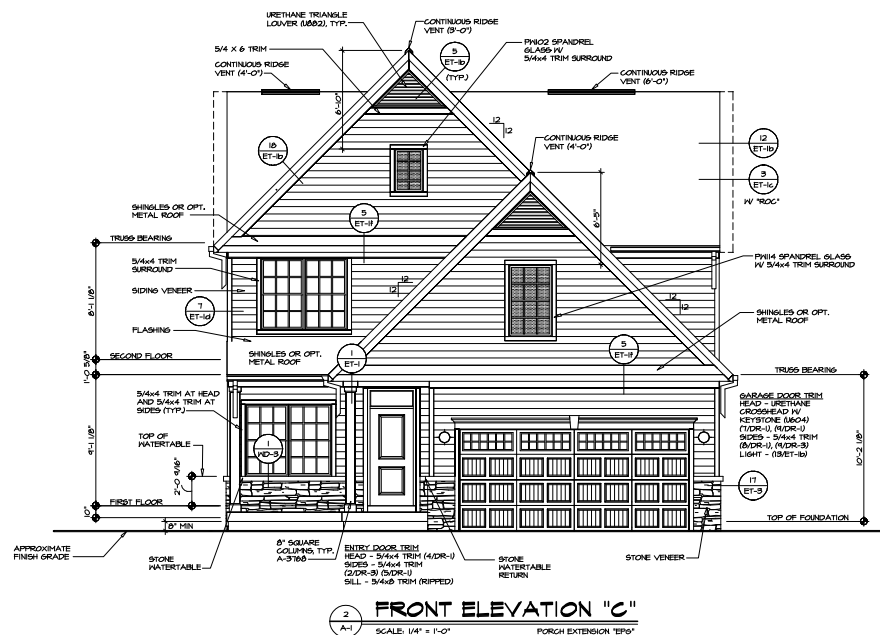
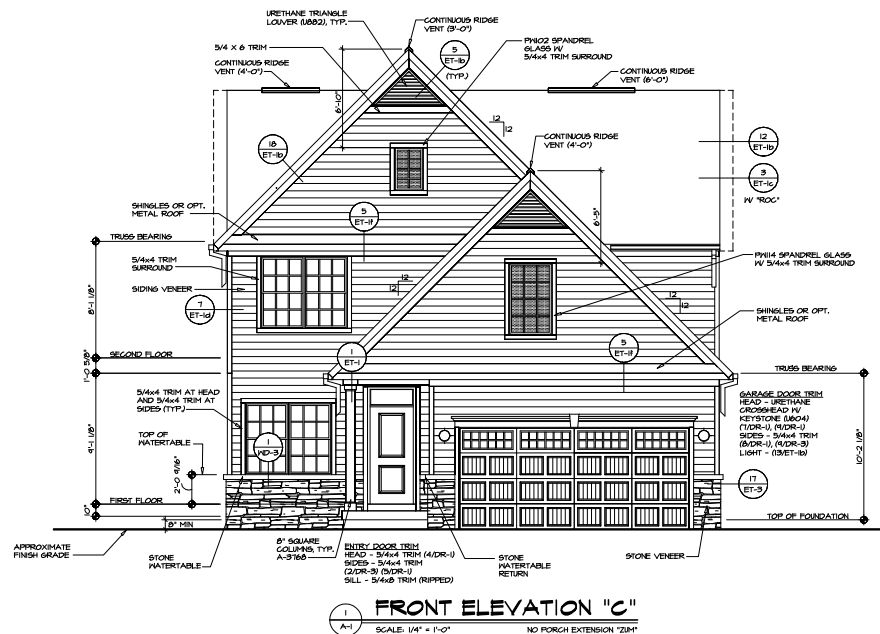
HUDSON






SENECA

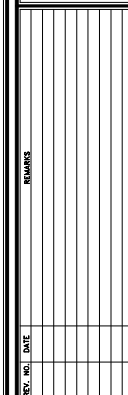
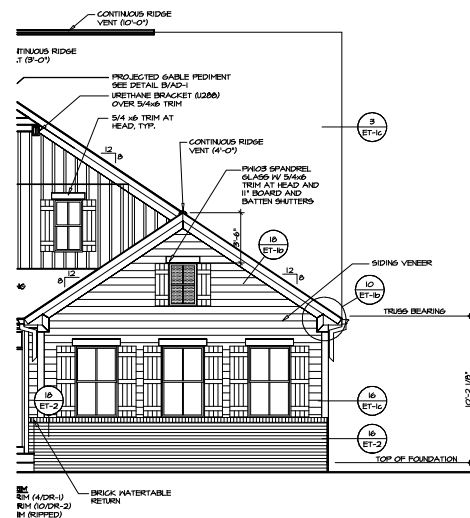




NOTE:
GARAGE DOOR GLASS
DESIGN MAY VARY BY
MANUFACTURER

BALLENGER

SHEET NO.	MODEL	SET NO.	REV. NO.	DATE	REMARKS
	BALLENGER	VERSION C			
A-1	DRAWN BY	DATE	 <p> NVR, Inc. 5255 Piedmont Ave., Suite 100 Atlanta, GA 30328 </p> <p> <small> NVR, Inc. is a registered provider of continuing education for registered professionals. This course is approved for 1.0 CEU. </small> </p>		
	OPTION	DATE			
	DESCRIPTION	ELC			
7	ELEVATION 'C'				



© MYR, Inc. The owner expressly reserves its copyright and other property rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to any third party, without first obtaining the expressed written consent of MYR, Inc.

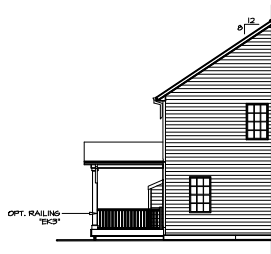


SET NO. ELG00
VERSION 01
DRAWN BY PVM
DATE: 10/11/18
OPTION

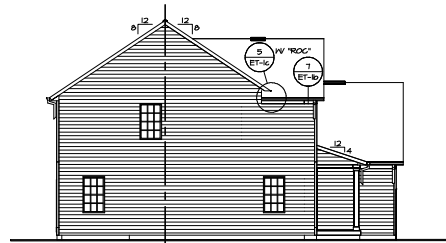
SHEET NO.	MODEL
A-1	BALLENGER
	DRAWING TITLE
	FRONT ELEVATIONS
	OPTION DESCRIPTION



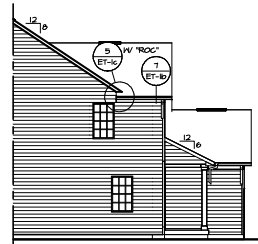
SHEET NO.	MODEL	SET NO.	DATE	REV. NO.	DATE	REMARKS
	BALLENGER	VERSION C1				
A-2	DRAWING TITLE	DRAWN BY	DATE			
	RIGHT ELEVATIONS	PLD	07/12/17			
9	OPTION DESCRIPTION	OPTION				



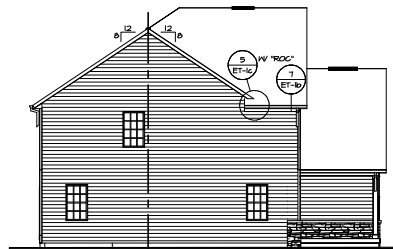
3
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
GAS FIREPLACE FAMILY
ROOM REAR LEFT
COVERED PORCH "EPB"



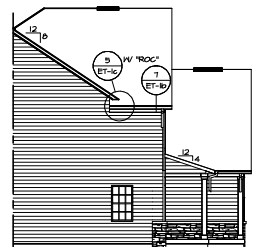
1
A-26
LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "A" "ELA"
SIDING VENEER "EVA"



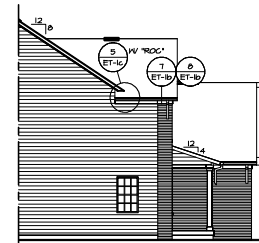
5
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "B" "ELB"
SIDING VENEER "EVB"



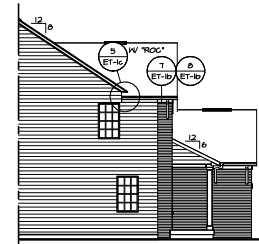
8
A-26
LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
NO PORCH EXTENSION "ZMB"



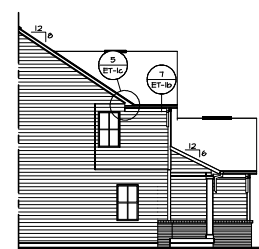
4
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
PORCH EXTENSION "EPB"



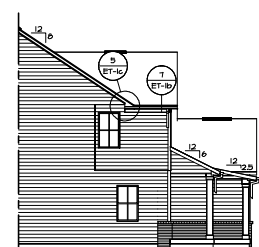
2
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "A" "ELA"
BRICK VENEER "EVA"



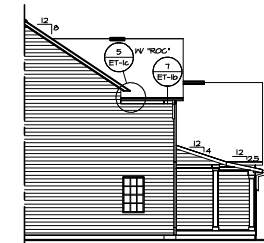
4
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "B" "ELB"
BRICK VENEER "EVB"



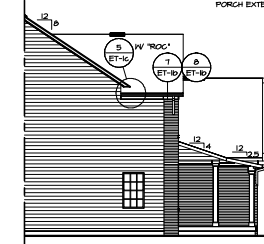
7
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
NO PORCH EXTENSION "ZMB"



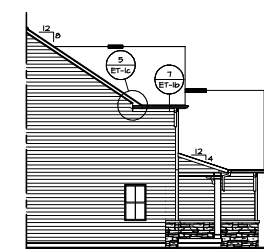
10
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
PORCH EXTENSION "EPB"



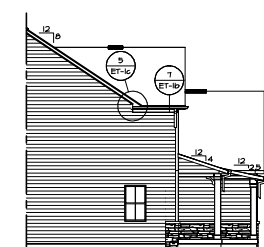
12
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "A" "ELA"
SIDING VENEER "EVB"
PORCH EXTENSION "EPB"



15
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "A" "ELA"
BRICK VENEER "EVA"
PORCH EXTENSION "EPB"



6
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
NO PORCH EXTENSION "ZMB"



11
A-26
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0"
ELEVATION "C" "ELC"
PORCH EXTENSION "EPB"

REVISIONS

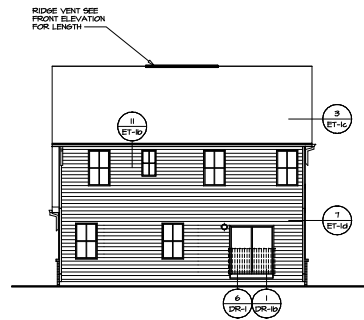
1. This set of drawings was prepared by NVR, Inc. for the use of the client. It is the client's responsibility to ensure that the drawings are used in accordance with the intended purpose and that all necessary permits are obtained. NVR, Inc. is not responsible for any errors or omissions in these drawings.

NVR
NVR, Inc.
1500
Pawcatuck, CT 06259

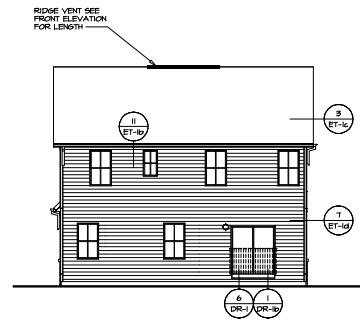
SET NO. B-2000
DRAWING NO. P-10
DATE: 07/12/17
OPTION

DESIGNER: CHALLENGER
DRAWING TITLE: LEFT ELEVATIONS
OPTION DESCRIPTION

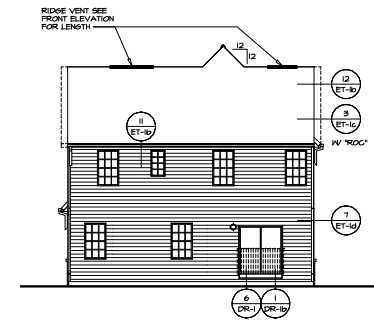
SHEET NO. A-26
10



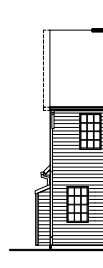
5 REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" ELEVATION 'L' 'ELL'



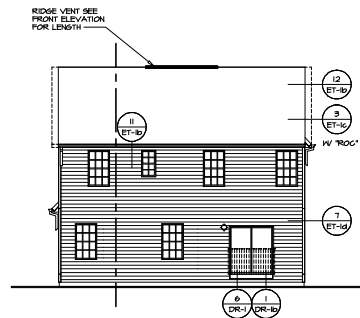
4 REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" ELEVATION 'K' 'ELK'



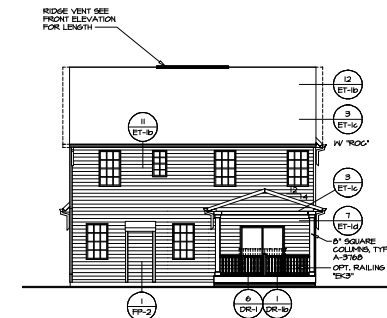
3 REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" ELEVATION 'C' 'ELC'



6 PARTIAL REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" GAS FIREPLACE FAMILY ROOM SIDE 'ELA'



1 REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" ELEVATION 'M' 'ELM'



2 REAR ELEVATION
A-2c SCALE: 1/8" = 1'-0" COVERED PORCH 'ELA' GAS FIREPLACE FAMILY ROOM REAR 'ELA' SHOW 'M' ELEVATION 'ELA'

SHEET NO.		DATE		REVISIONS	
A-2c					
DRAWN BY		DATE		CHECKED BY	
P. CHALLENGER		07/12/17		P. CHALLENGER	
PROJECT TITLE		OPTION		OPTION	
REAR ELEVATIONS					
OPTION DESCRIPTION					
II					

NVR, Inc. is a registered professional engineering firm in the State of Maryland. The design of this project was prepared by NVR, Inc. under the supervision of a Professional Engineer. The design of this project was prepared by NVR, Inc. under the supervision of a Professional Engineer. The design of this project was prepared by NVR, Inc. under the supervision of a Professional Engineer.

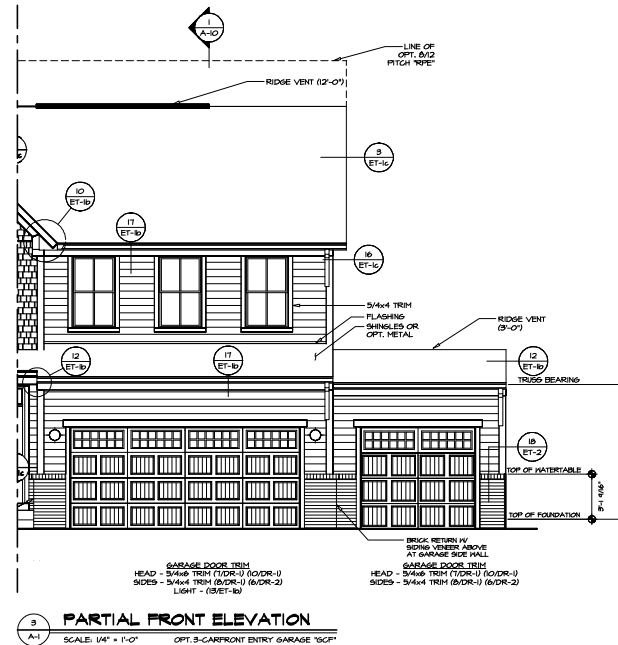
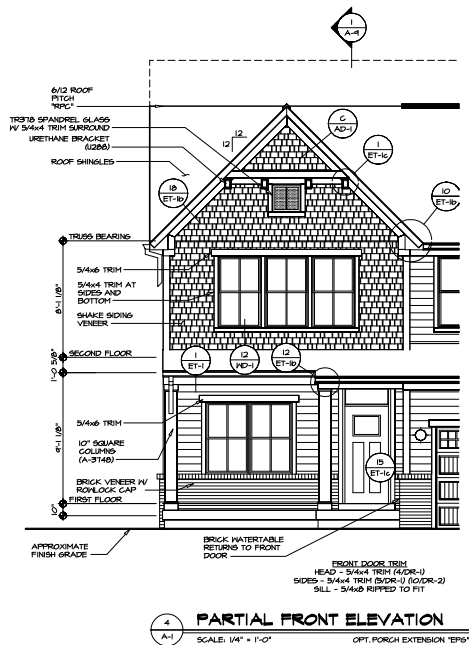
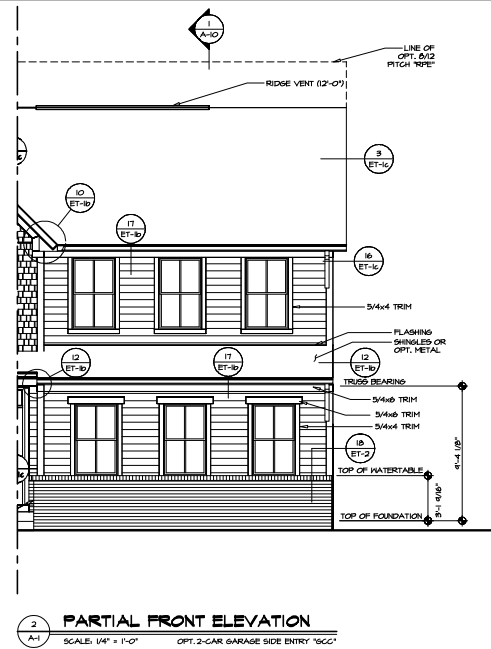
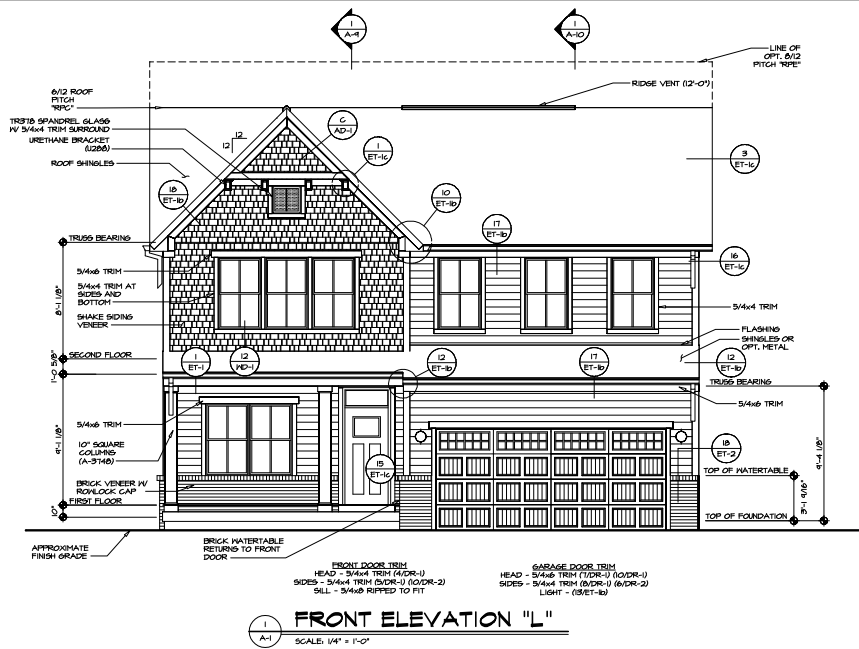
NVR, Inc.
 1500 Pennsylvania Avenue, Suite 100
 Silver Spring, MD 20910
 301.581.1000

SET NO. BLDG
 DRAWING NO. P.L.D.
 DATE: 07/12/17
 OPTION

10/1/17 - 10/2/17

[illegible]

SHEET NO.	A-1	MODE	CCC
		DRAW	FRC
9		OPTION	ELE



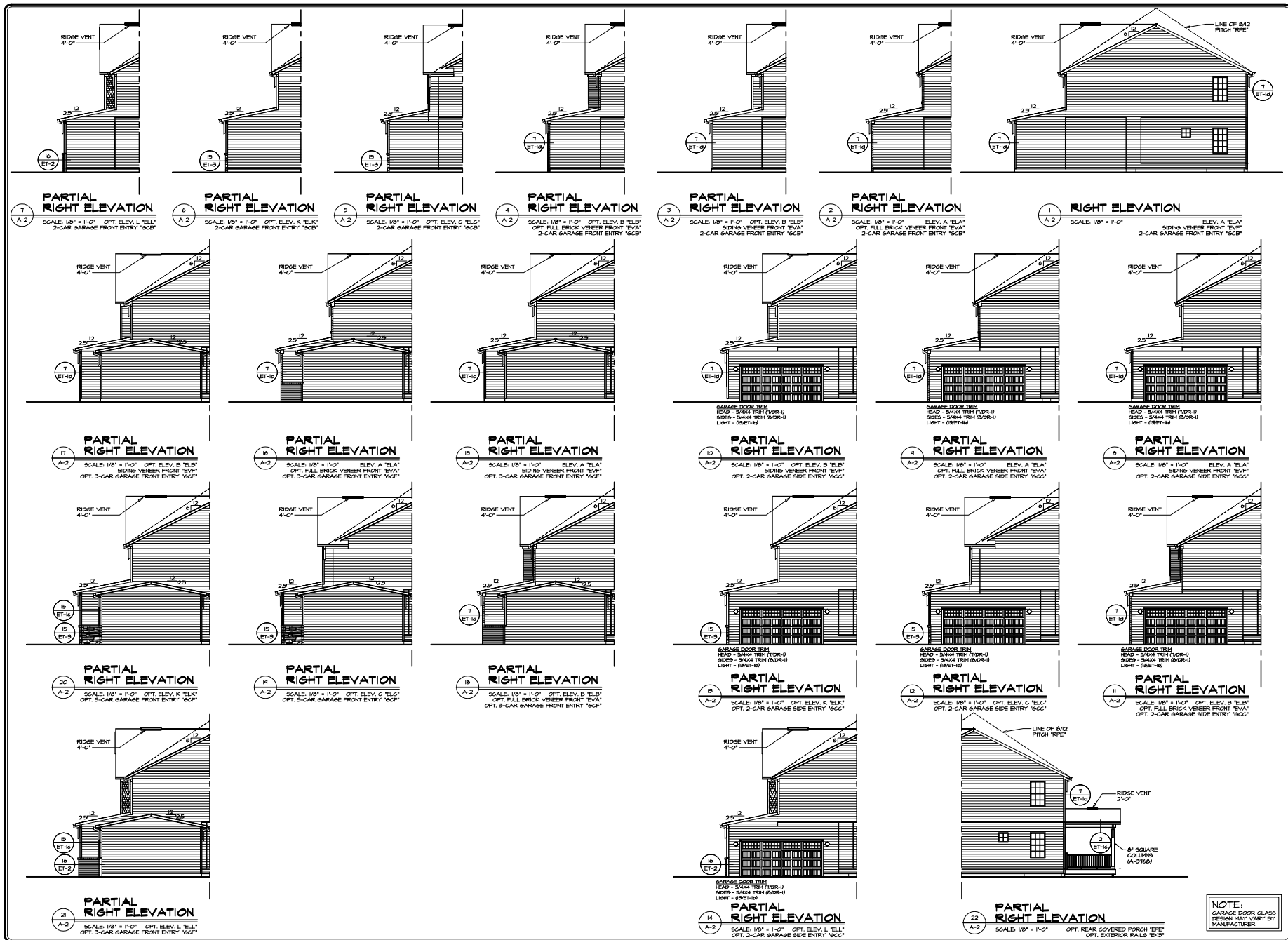
NOTE:
GARAGE DOOR GLASS
DESIGN MAY VARY BY
MANUFACTURER

[illegible]

© NVE, Inc.;
The owner, expressly reserves its
copyright and other property rights
in these plans. These plans are not
to be reproduced, changed, or
copied in any form or manner
whatsoever, nor are they to be
assigned to any third party, without
first obtaining the expressed written
consent of NVE, Inc.



SHEET NO.	MODEL	SET NO. C-1000
A-1	COLUMBIA	VERSION 01
	DRAWING TITLE	DRAWN BY ARDM
	FRONT ELEVATION	DATE: 8/16/77
	OPTION DESCRIPTION	OPTION
10	ELEVATION "L"	ELL

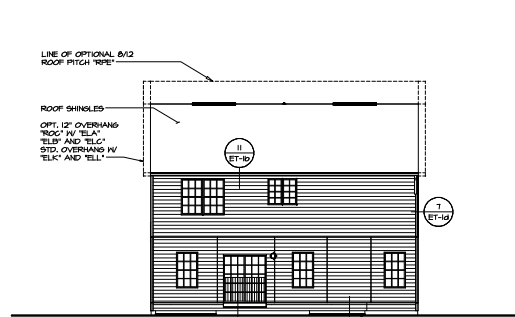


REMARKS	
REV. NO.	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	

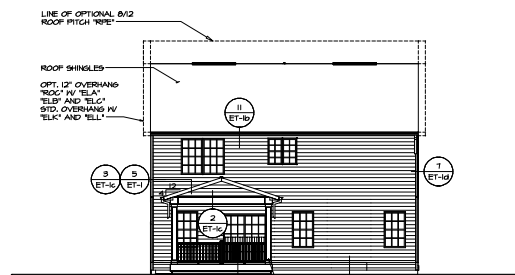
SET NO. **COLUMBIA**
 DRAWING TITLE **RIGHT SIDE ELEVATION**
 DATE: **8/2/17**
 OPTION

SHEET NO. **A-2**
 TOTAL SHEETS **11**

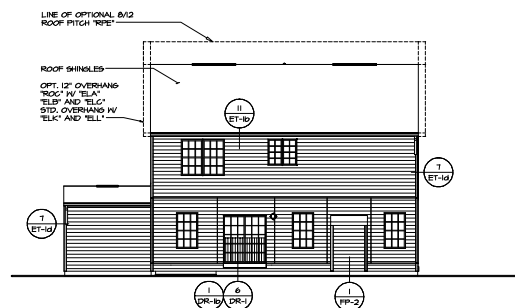
PROJECT: **10/17/16 - 1538 PM**
 10/17/16 - 1538 PM



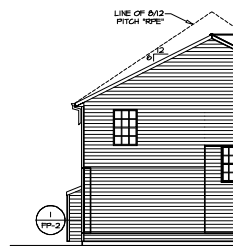
REAR ELEVATION
SCALE: 1/8" = 1'-0"



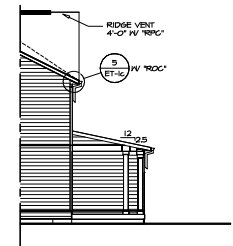
REAR ELEVATION
SCALE: 1/8" = 1'-0"
OPT. REAR COVERED PORCH "EP" OPT. EXTERIOR RAILS "EK3"



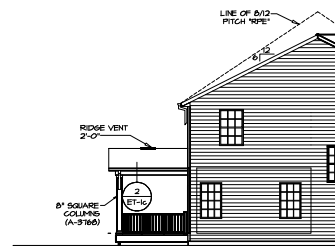
REAR ELEVATION
SCALE: 1/8" = 1'-0"
OPT. GAS FIREPLACE FAMILY ROOM REAR "L6P" OPT. 3-CAR GARAGE FRONT ENTRY "SCP"



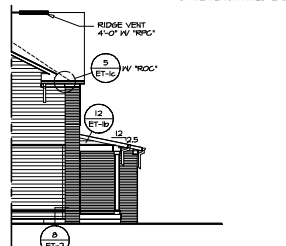
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. GAS FIREPLACE FAMILY ROOM REAR "L6P"



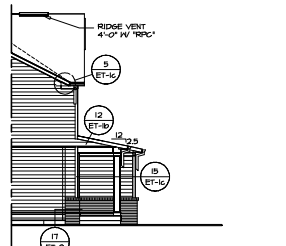
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" ELEV. A "ELA" OPT. PORCH EXTENSION "EP6"



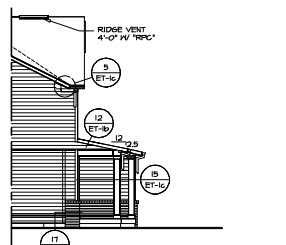
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. REAR COVERED PORCH "EP6" OPT. WINDOWS FAMILY ROOM SIDE "W6P" OPT. EXTERIOR RAILS "EK3"



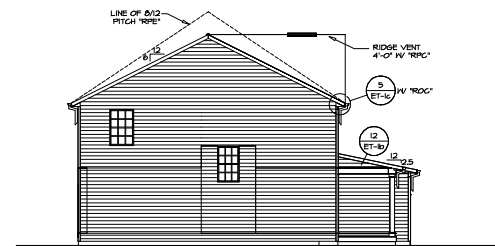
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. B "ELB" OPT. FULL BRICK VENEER FRONT "EV1"



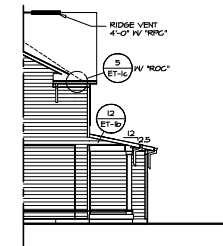
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. L "ELL"



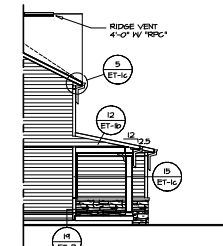
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. L "ELL" OPT. PORCH EXTENSION "EP6"



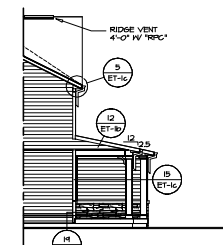
LEFT ELEVATION
SCALE: 1/8" = 1'-0" ELEV. A "ELA" SIDING VENEER FRONT "EV1"



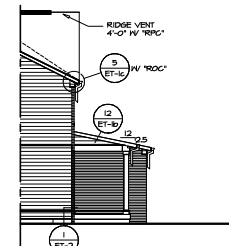
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. B "ELB" SIDING VENEER FRONT "EV1"



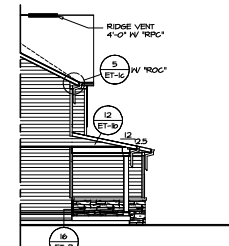
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. K "ELK"



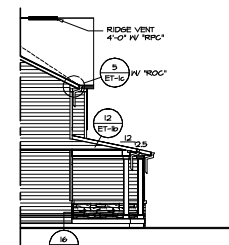
PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. K "ELK" OPT. PORCH EXTENSION "EP6"



PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" ELEV. A "ELA" OPT. FULL BRICK VENEER FRONT "EV1"



PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. G "ELG"



PARTIAL LEFT ELEVATION
SCALE: 1/8" = 1'-0" OPT. ELEV. G "ELG" OPT. PORCH EXTENSION "EP6"

REV.	NO.	DATE	REMARKS

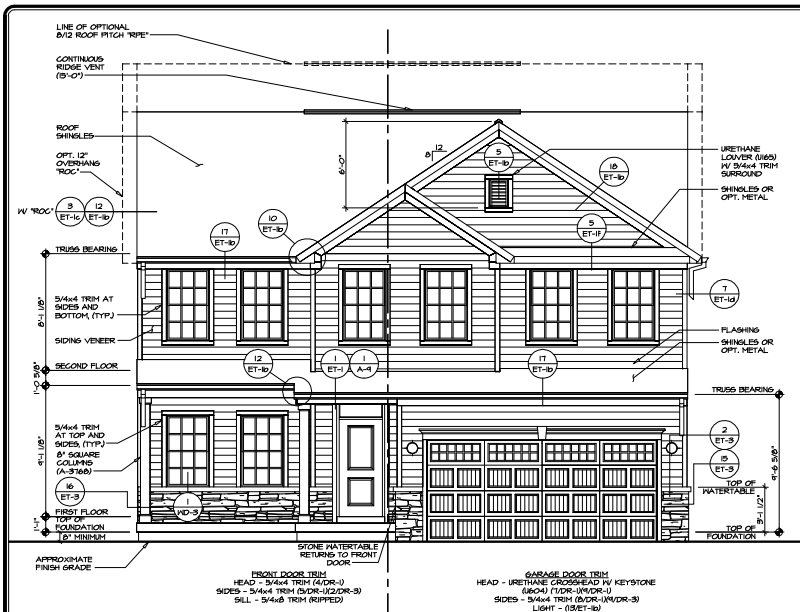
1. The owner, architect, engineer, contractor and other parties to this contract shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.



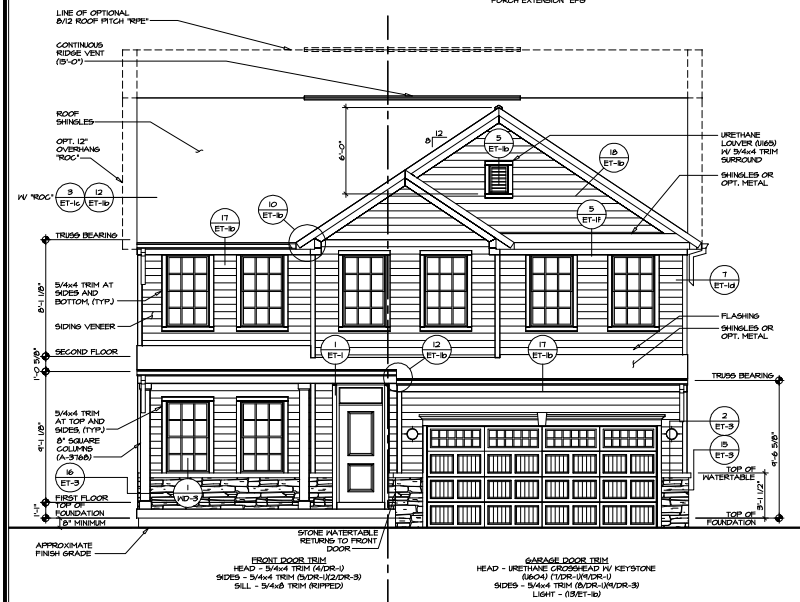
SHEET NO.	12
PROJECT NO.	2010000000
DATE	8/2/17
OPTION	OPTION

SET NO.	CLND00
DATE	8/2/17
OPTION	OPTION
DESCRIPTION	LEFT SIDE ELEVATIONS REAR ELEVATIONS

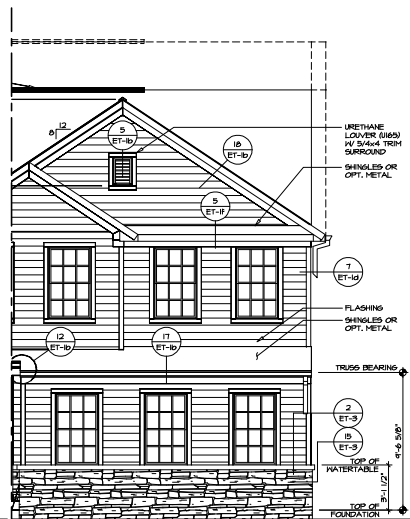
SHEET NO.	12
-----------	----



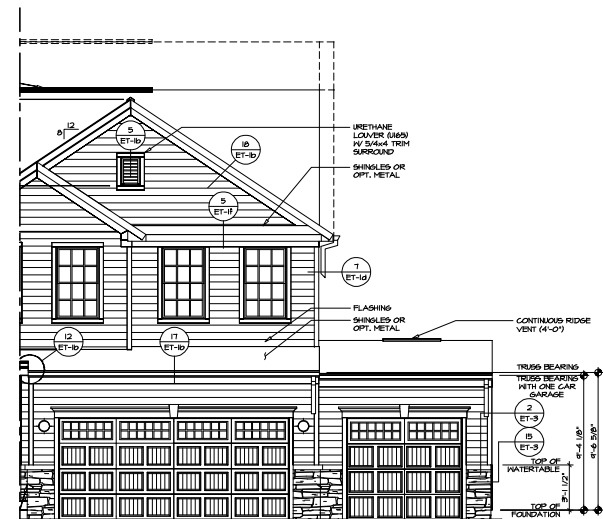
FRONT ELEVATION "C"
SCALE: 1/4" = 1'-0"
TWO CAR FRONT ENTRY GARAGE "SCB"
PORCH EXTENSION "EPB"



FRONT ELEVATION "C"
SCALE: 1/4" = 1'-0"
TWO CAR FRONT ENTRY GARAGE "SCB"
SHOWN WITH NO PORCH EXTENSION



PARTIAL FRONT ELEVATION
SCALE: 1/4" = 1'-0"
TWO CAR SIDE ENTRY GARAGE "SCC"
SHOWN WITH NO PORCH EXTENSION



PARTIAL FRONT ELEVATION
SCALE: 1/4" = 1'-0"
THREE CAR FRONT ENTRY GARAGE "SCF"
SHOWN WITH NO PORCH EXTENSION

HUDSON

NOTE:
GARAGE DOOR GLASS
DESIGN MAY VARY BY
MANUFACTURER

REVISION	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		



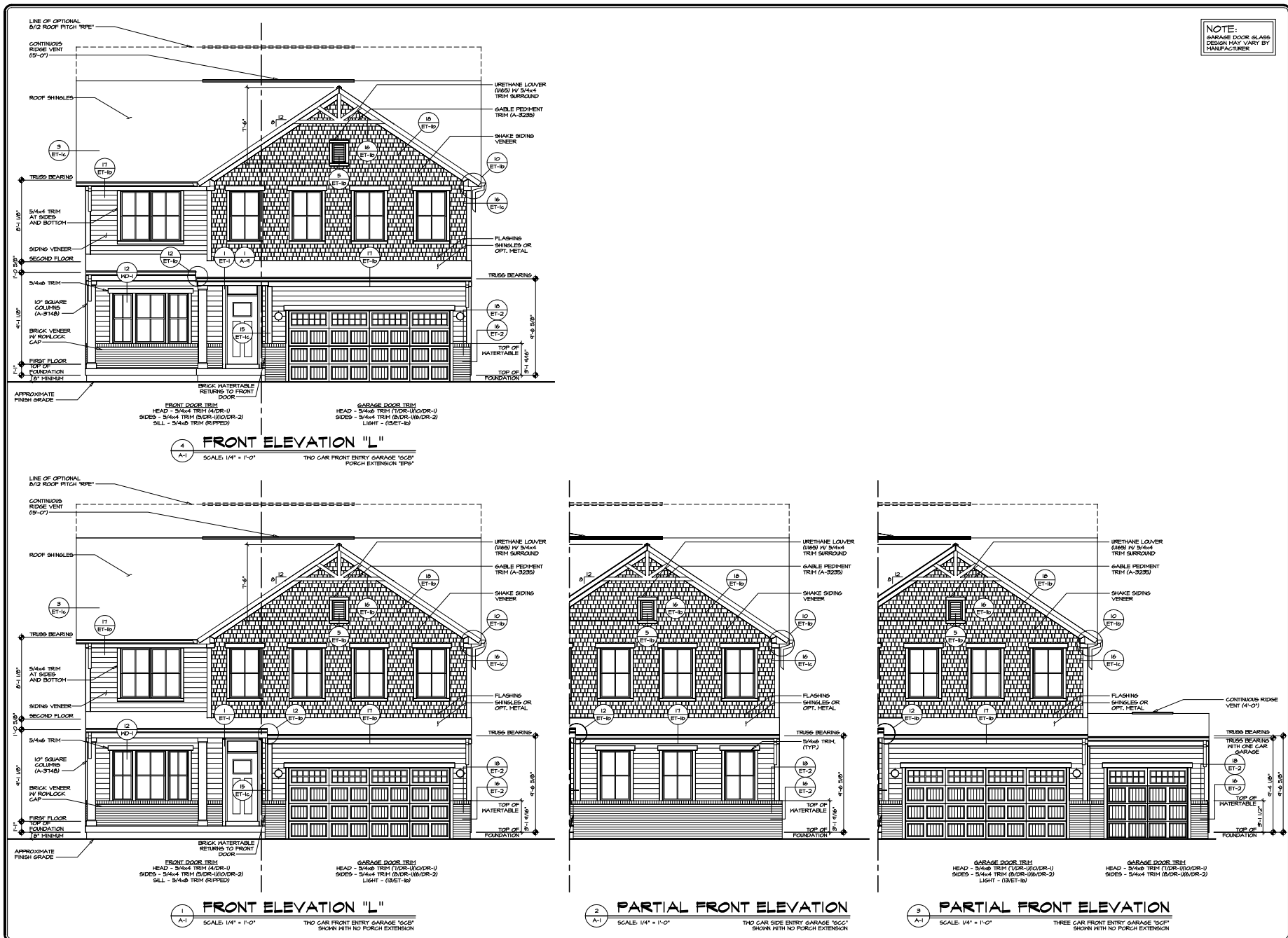
SHEET NO.	1000		SET NO. 14000	DATE	10/2/20	REV. NO.	DATE	10/2/20	SQA - ASSET REVISIONS	REMARKS
	1000									
A-1	DRAWING TITLE		DRAWN BY SQA	DATE	10/2/20	REV. NO.	DATE	10/2/20	SQA - ASSET REVISIONS	REMARKS
	DRAWING TITLE									
p	OPTION DESCRIPTION		OPTION	DATE	10/2/20	REV. NO.	DATE	10/2/20	SQA - ASSET REVISIONS	REMARKS
	ELEVATION "C"									

NVR

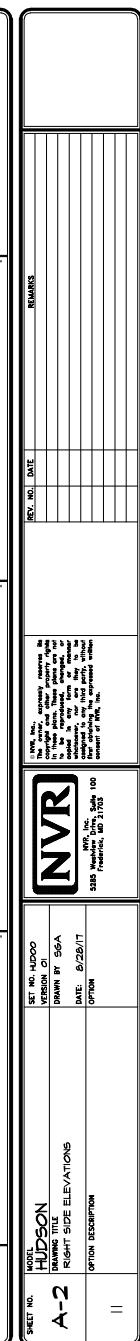
5385 North 15th, Suite 100
Tomball, TX 77375
Tel: 281.356.7700
Fax: 281.356.7701
www.nvr.com

10/2/20 - 7:38 am


10/2/20 - 7:38 am



REV.	NO.	DATE	DESCRIPTION	REMARKS
1	1	10/17/20	10/17/20	10/17/20
2	2	10/17/20	10/17/20	10/17/20
3	3	10/17/20	10/17/20	10/17/20
4	4	10/17/20	10/17/20	10/17/20
5	5	10/17/20	10/17/20	10/17/20
6	6	10/17/20	10/17/20	10/17/20
7	7	10/17/20	10/17/20	10/17/20
8	8	10/17/20	10/17/20	10/17/20
9	9	10/17/20	10/17/20	10/17/20
10	10	10/17/20	10/17/20	10/17/20
11	11	10/17/20	10/17/20	10/17/20
12	12	10/17/20	10/17/20	10/17/20
13	13	10/17/20	10/17/20	10/17/20
14	14	10/17/20	10/17/20	10/17/20
15	15	10/17/20	10/17/20	10/17/20
16	16	10/17/20	10/17/20	10/17/20
17	17	10/17/20	10/17/20	10/17/20
18	18	10/17/20	10/17/20	10/17/20
19	19	10/17/20	10/17/20	10/17/20
20	20	10/17/20	10/17/20	10/17/20
21	21	10/17/20	10/17/20	10/17/20
22	22	10/17/20	10/17/20	10/17/20
23	23	10/17/20	10/17/20	10/17/20
24	24	10/17/20	10/17/20	10/17/20
25	25	10/17/20	10/17/20	10/17/20
26	26	10/17/20	10/17/20	10/17/20
27	27	10/17/20	10/17/20	10/17/20
28	28	10/17/20	10/17/20	10/17/20
29	29	10/17/20	10/17/20	10/17/20
30	30	10/17/20	10/17/20	10/17/20
31	31	10/17/20	10/17/20	10/17/20
32	32	10/17/20	10/17/20	10/17/20
33	33	10/17/20	10/17/20	10/17/20
34	34	10/17/20	10/17/20	10/17/20
35	35	10/17/20	10/17/20	10/17/20
36	36	10/17/20	10/17/20	10/17/20
37	37	10/17/20	10/17/20	10/17/20
38	38	10/17/20	10/17/20	10/17/20
39	39	10/17/20	10/17/20	10/17/20
40	40	10/17/20	10/17/20	10/17/20
41	41	10/17/20	10/17/20	10/17/20
42	42	10/17/20	10/17/20	10/17/20
43	43	10/17/20	10/17/20	10/17/20
44	44	10/17/20	10/17/20	10/17/20
45	45	10/17/20	10/17/20	10/17/20
46	46	10/17/20	10/17/20	10/17/20
47	47	10/17/20	10/17/20	10/17/20
48	48	10/17/20	10/17/20	10/17/20
49	49	10/17/20	10/17/20	10/17/20
50	50	10/17/20	10/17/20	10/17/20
51	51	10/17/20	10/17/20	10/17/20
52	52	10/17/20	10/17/20	10/17/20
53	53	10/17/20	10/17/20	10/17/20
54	54	10/17/20	10/17/20	10/17/20
55	55	10/17/20	10/17/20	10/17/20
56	56	10/17/20	10/17/20	10/17/20
57	57	10/17/20	10/17/20	10/17/20
58	58	10/17/20	10/17/20	10/17/20
59	59	10/17/20	10/17/20	10/17/20
60	60	10/17/20	10/17/20	10/17/20
61	61	10/17/20	10/17/20	10/17/20
62	62	10/17/20	10/17/20	10/17/20
63	63	10/17/20	10/17/20	10/17/20
64	64	10/17/20	10/17/20	10/17/20
65	65	10/17/20	10/17/20	10/17/20
66	66	10/17/20	10/17/20	10/17/20
67	67	10/17/20	10/17/20	10/17/20
68	68	10/17/20	10/17/20	10/17/20
69	69	10/17/20	10/17/20	10/17/20
70	70	10/17/20	10/17/20	10/17/20
71	71	10/17/20	10/17/20	10/17/20
72	72	10/17/20	10/17/20	10/17/20
73	73	10/17/20	10/17/20	10/17/20
74	74	10/17/20	10/17/20	10/17/20
75	75	10/17/20	10/17/20	10/17/20
76	76	10/17/20	10/17/20	10/17/20
77	77	10/17/20	10/17/20	10/17/20
78	78	10/17/20	10/17/20	10/17/20
79	79	10/17/20	10/17/20	10/17/20
80	80	10/17/20	10/17/20	10/17/20
81	81	10/17/20	10/17/20	10/17/20
82	82	10/17/20	10/17/20	10/17/20
83	83	10/17/20	10/17/20	10/17/20
84	84	10/17/20	10/17/20	10/17/20
85	85	10/17/20	10/17/20	10/17/20
86	86	10/17/20	10/17/20	10/17/20
87	87	10/17/20	10/17/20	10/17/20
88	88	10/17/20	10/17/20	10/17/20
89	89	10/17/20	10/17/20	10/17/20
90	90	10/17/20	10/17/20	10/17/20
91	91	10/17/20	10/17/20	10/17/20
92	92	10/17/20	10/17/20	10/17/20
93	93	10/17/20	10/17/20	10/17/20
94	94	10/17/20	10/17/20	10/17/20
95	95	10/17/20	10/17/20	10/17/20
96	96	10/17/20	10/17/20	10/17/20
97	97	10/17/20	10/17/20	10/17/20
98	98	10/17/20	10/17/20	10/17/20
99	99	10/17/20	10/17/20	10/17/20
100	100	10/17/20	10/17/20	10/17/20





SHEET NO.	MODEL	SET NO. 14000	 <small>NVR, Inc. 5355 Westchester, Suite 100 Fremont, CA 94555</small>	<small>100% Inc. NVR, Inc. is a wholly owned subsidiary of NVR, Inc. and is not a separate legal entity. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of NVR, Inc.</small>	REV. NO.	DATE	REMARKS
	A-26 DRAWING TITLE LEFT SIDE ELEVATIONS	VERSION C1 DRAWN BY SSA DATE: 8/28/17 OPTION					
12	OPTION DESCRIPTION						



SHEET NO.	MODEL HUDSON	SET NO. H-0000 VERSION C1	YEAR AT 56A REAR ELEVATIONS	DATE: 8/28/17	OPTION DESCRIPTION	<div><div><div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div></div></div></div>
-----------	------------------------	------------------------------	--------------------------------	---------------	--------------------	--



LEHIGH



REV. NO.	DATE	REMARKS
----------	------	---------

© NVF, Inc.,
The owner, expressly reserves its
copyright and other property rights
in these plans. These plans are not
to be reproduced, changed, or
copied in any form or manner
whatsoever, nor are they to be
assigned to any third party, without
first obtaining the expressed written
consent of NVF, Inc.


NVR
NVR, Inc.
5285 Westview Drive, Suite 100
Cincinnati, OH 45241-1000
419.733.2000

SET NO. LG400	VERSION 01	DRAWN BY ALLU	DATE: 6/10/17	OPTION
---------------	------------	---------------	---------------	--------

SHEET NO.	MODEL
A-1	LEHIGH
	DRAWING TITLE
	FRONT ELEVATION
	OPTION DESCRIPTION

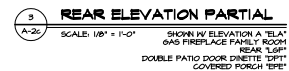


NOTE:
GARAGE DOOR GLASS
DESIGN MAY VARY BY
MANUFACTURER

SHEET NO.	10050	SET NO. LAND		 NVR, Inc. 5335 Newmarket Road Frederick, MD 21703	This is a preliminary estimate. Removal of the material shown on this plan is subject to the results of field investigation. There are no warranties or representations made by NVR, Inc. regarding the accuracy of this estimate. The estimate is based on the information provided by the client and is subject to change without notice.	REV.	NO.	DATE	REMARKS
	A-2	RIGHT ELEVATION	DRAWN BY: ALJ						
		DATE: 8/10/77							
		OPTION DESCRIPTION							
	12								



SHEET NO.	MODEL	SET NO.	REV. NO.	DATE	REMARKS
	LEIGH	VERSION 0			
A-2b	DRAWN BY ALLJ				
	LEFT ELEVATION	DATE: 5/10/77			
	OPTION				
13					

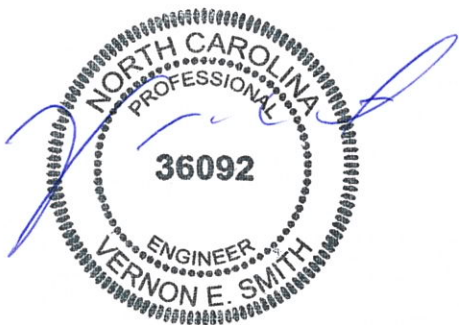


SHEET NO.	MODEL	SET NO.	VERSION	DATE	REV. NO.	REMARKS
	LEIGH	CI	CI			
A-2c	DRAWING TITLE	DESIGNED BY	DATE			
	FOUR ELEVATION	ALLU	8/10/77			
14	OPTION DESCRIPTION	OPTION				

Typical building elevations. Number of units, window configurations, garage door style, colors, and other architectural standards will vary from townhome unit to townhome unit.



SCALE NOTE:
LARGE FORMAT PRINTS ARE TO SCALE AS NOTED.
11"x17" PRINTS ARE ONE HALF THE NOTED SCALE



TOWNHOME PRODUCT



1
A-1
2025 AMBERGATE II - 5 UNIT BUILDING ELEVATION
SCALE: 3/16" = 1'-0"

A 12" front facade off-set is provided between all townhome units within a common building "block". This includes the roof line and common building walls.

RLH / AM / 2025A-E

SHEET NO. A-1	MODEL COMPOSER SERIES II	SET NO. CTB2- VERSION 01	DRAWN BY CLS
	DRAWING TITLE BUILDING STRIP ELEVATIONS	DATE: 4/27/2	OPTION
	5 - UNIT BUILDING		
	OPTION DESCRIPTION		

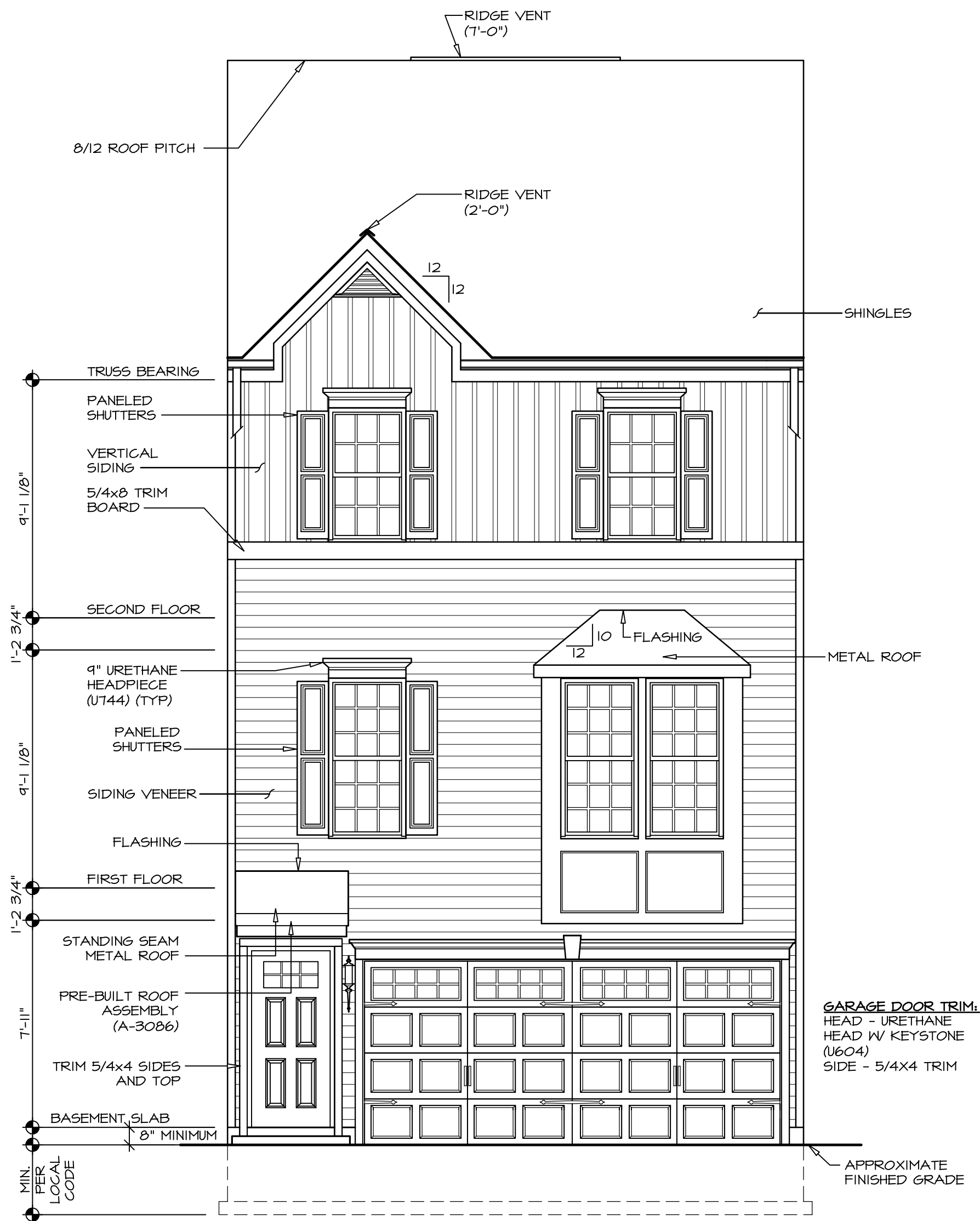
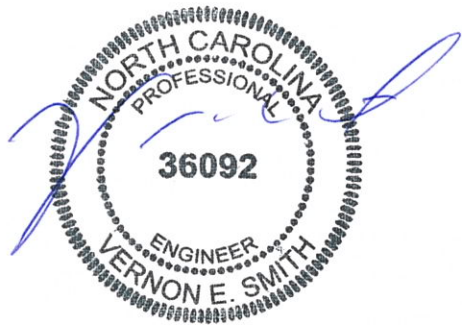
RYAN
HOMES

NVR, Inc.
Architectural Services
21 Parkview Circle, A
Frederick, MD 21702

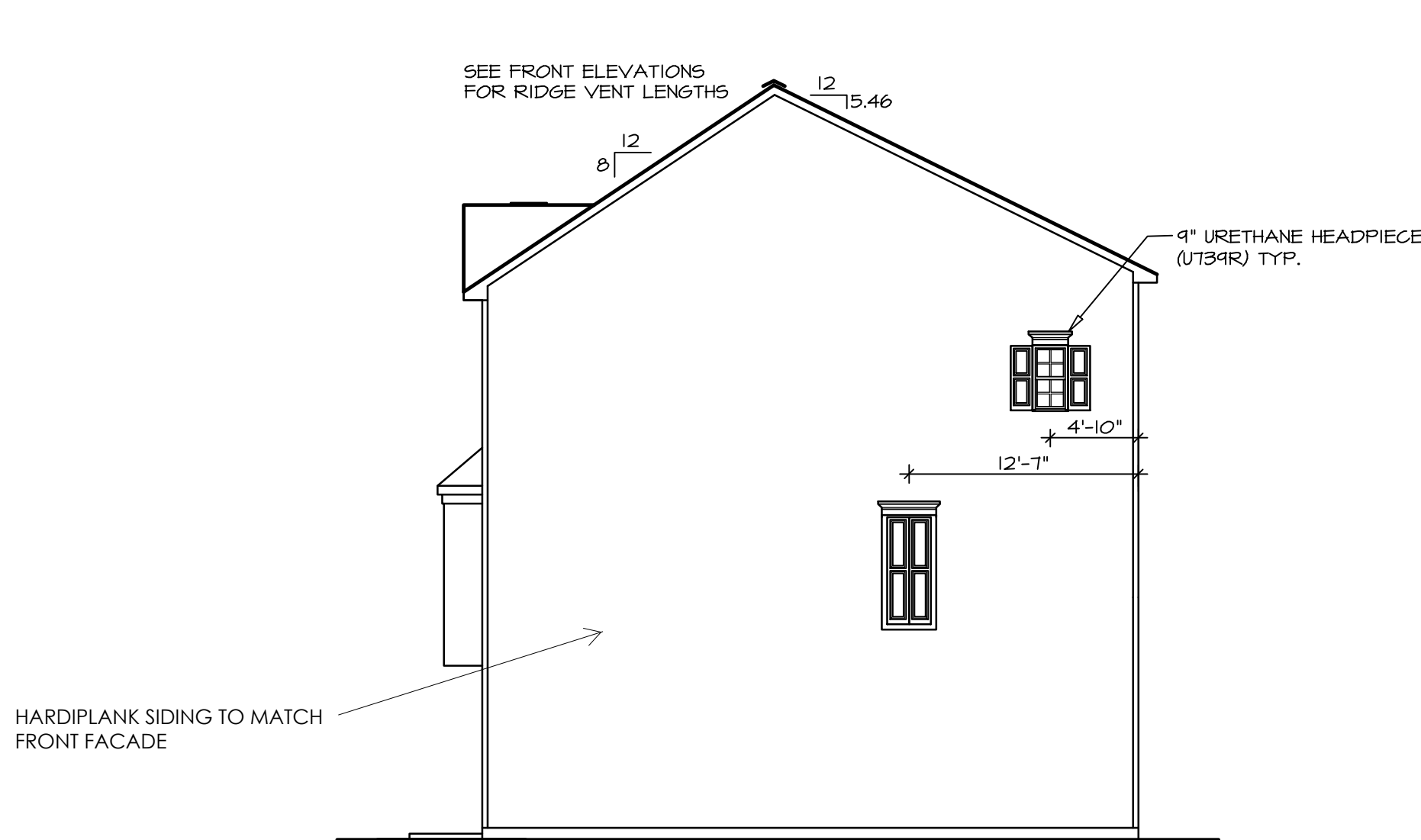
NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be copied, reproduced, or otherwise used in any way without the expressed written consent of NVR, Inc.

REV. NO.	DATE	REMARKS
1	5/6/24	BCL - RLH / AM / 2025A-E

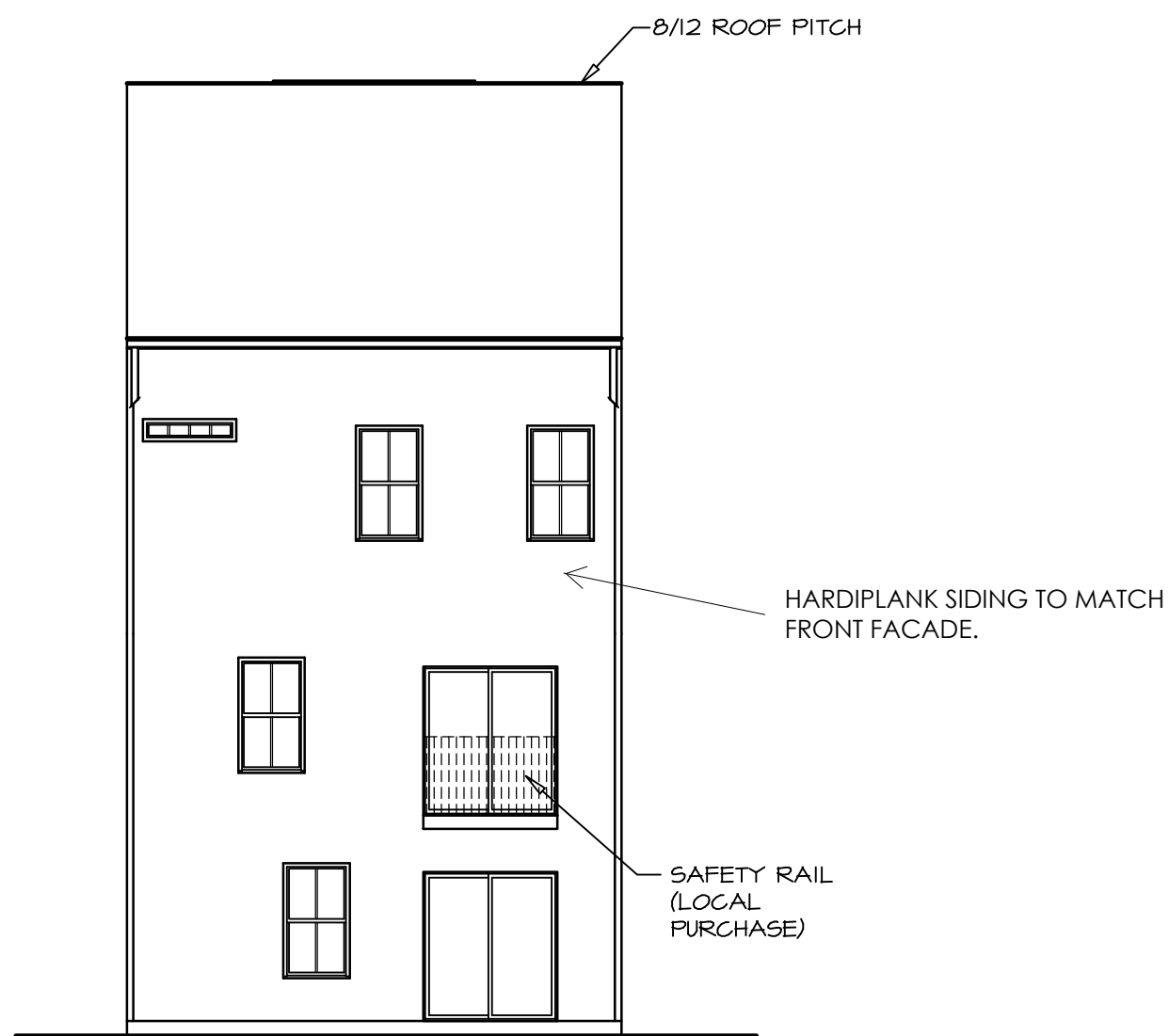
SCALE NOTE:
LARGE FORMAT PRINTS ARE TO SCALE AS NOTED.
11"x17" PRINTS ARE ONE HALF THE NOTED SCALE



1
A-1.1
ELEVATION "E"
SCALE: 1/4" = 1'-0"



2
A-1.1
SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3
A-1.1
REAR ELEVATION
SCALE: 1/8" = 1'-0"

RLH / AM / 2025A

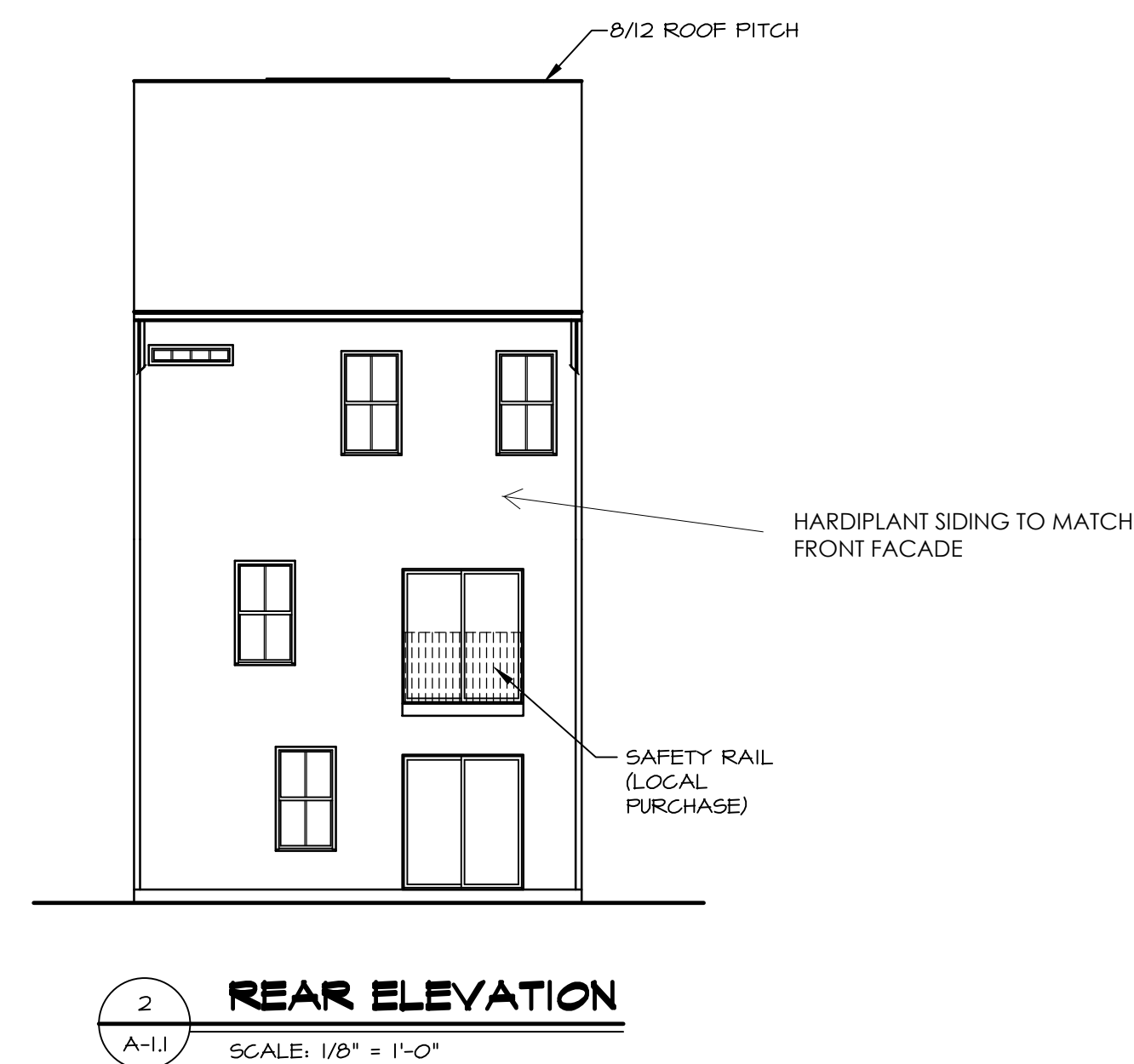
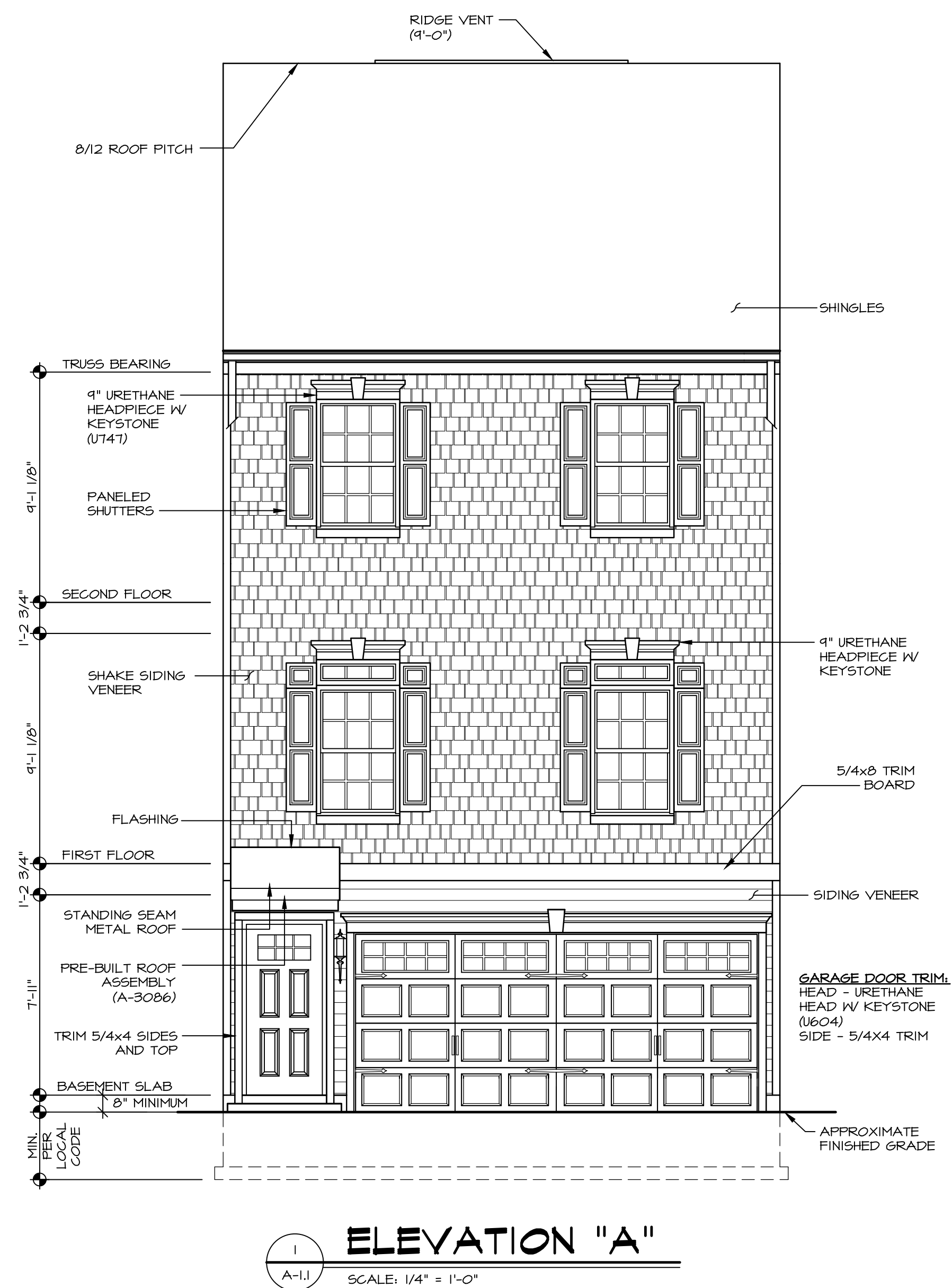
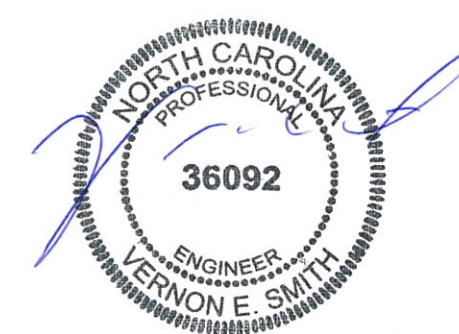
SHEET NO. A-1.1	MODEL MEDELSSOHN DRAWING TITLE ELEVATIONS	SET NO. MDLOO VERSION 01	DRAWN BY	DATE:	OPTION
		OPTION DESCRIPTION	6		



NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be copied, reproduced, or otherwise used in whole or in part, without first obtaining the expressed written consent of NVR, Inc.

REV. NO.	DATE	REMARKS
1	5/27/19	BCL - RLH / AM / 2025A

SCALE NOTE:
LARGE FORMAT PRINTS ARE TO SCALE AS NOTED.
11"x17" PRINTS ARE ONE HALF THE NOTED SCALE



RLH / AM / 2025B

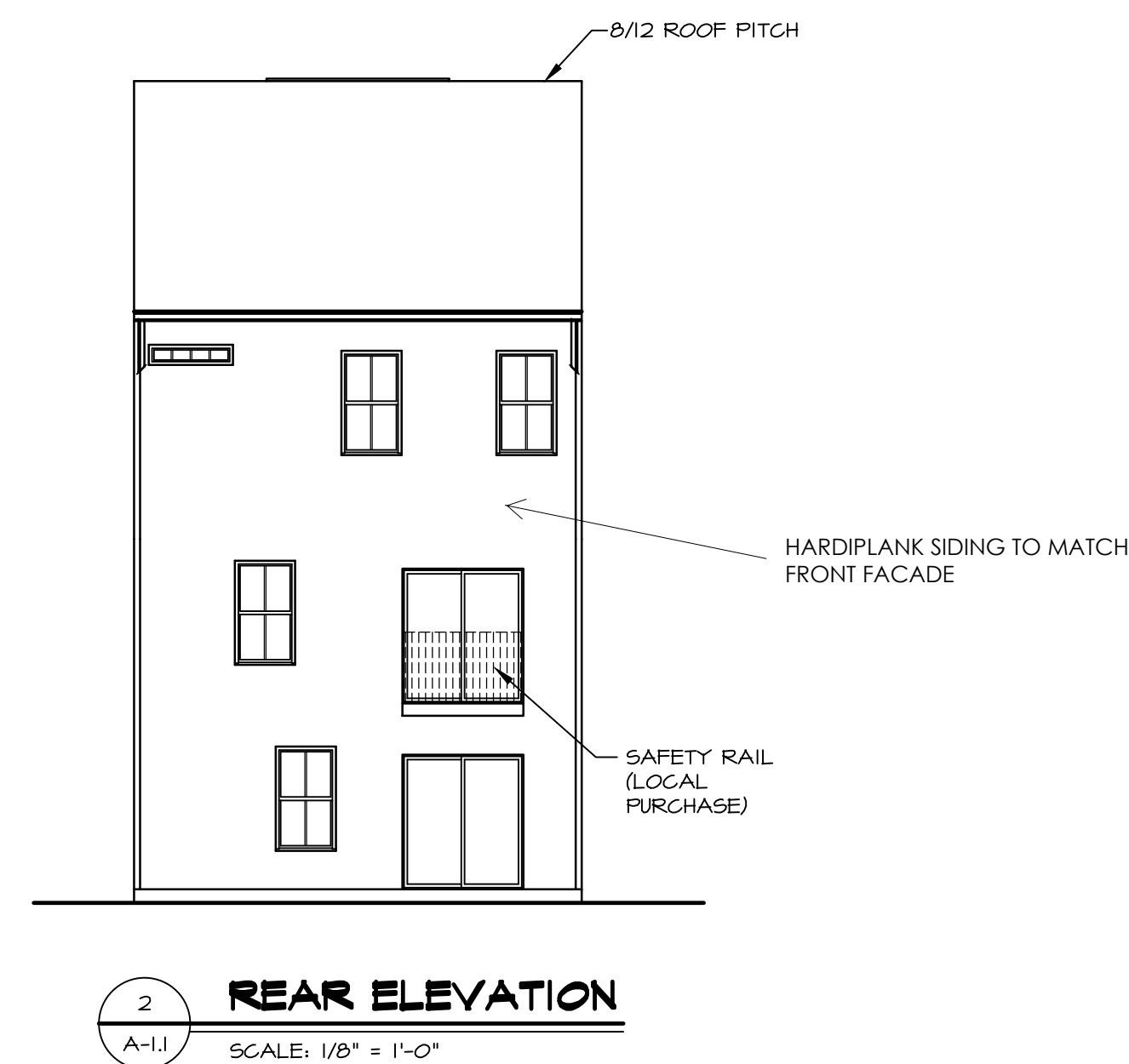
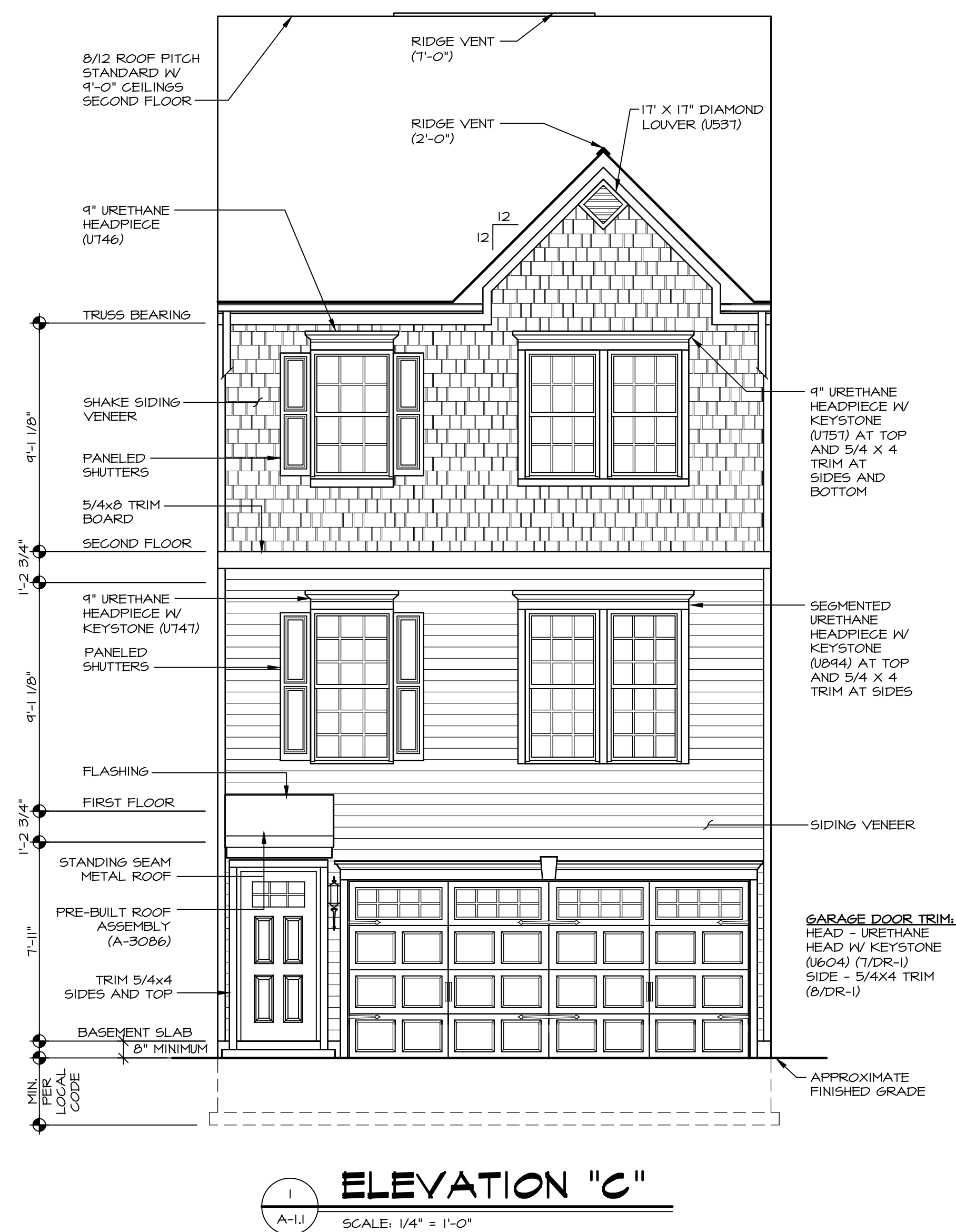
SHEET NO. A-11	MODEL MENDELSSOHN DRAWING TITLE ELEVATIONS	SET NO. MDLOO VERSION 01 DRAWN BY DATE: OPTION
4		



NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to any third party, without first obtaining the expressed written consent of NVR, Inc.

[illegible]

SCALE NOTE:
LARGE FORMAT PRINTS ARE TO SCALE AS NOTED.
11"x17" PRINTS ARE ONE HALF THE NOTED SCALE

[illegible]

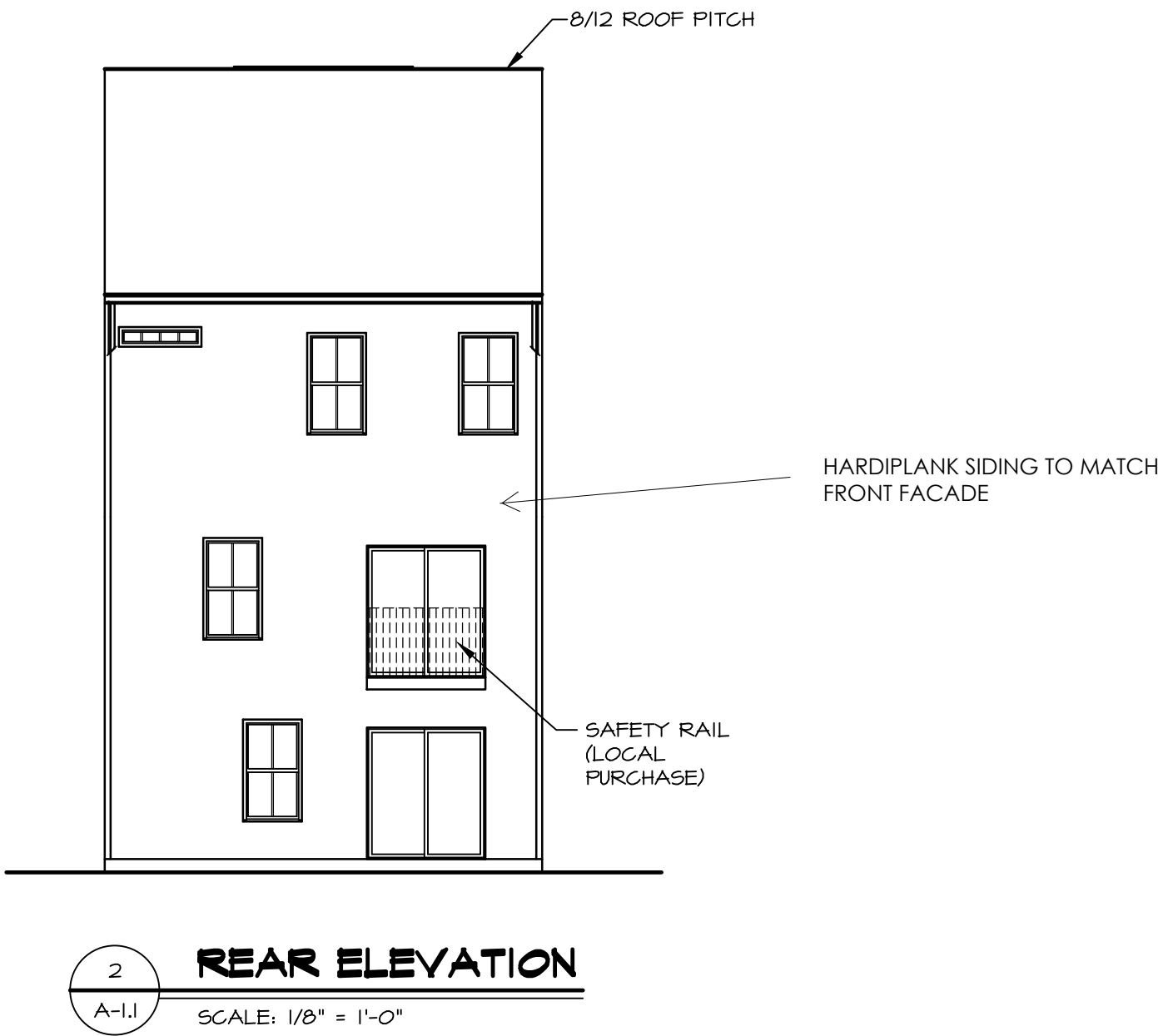
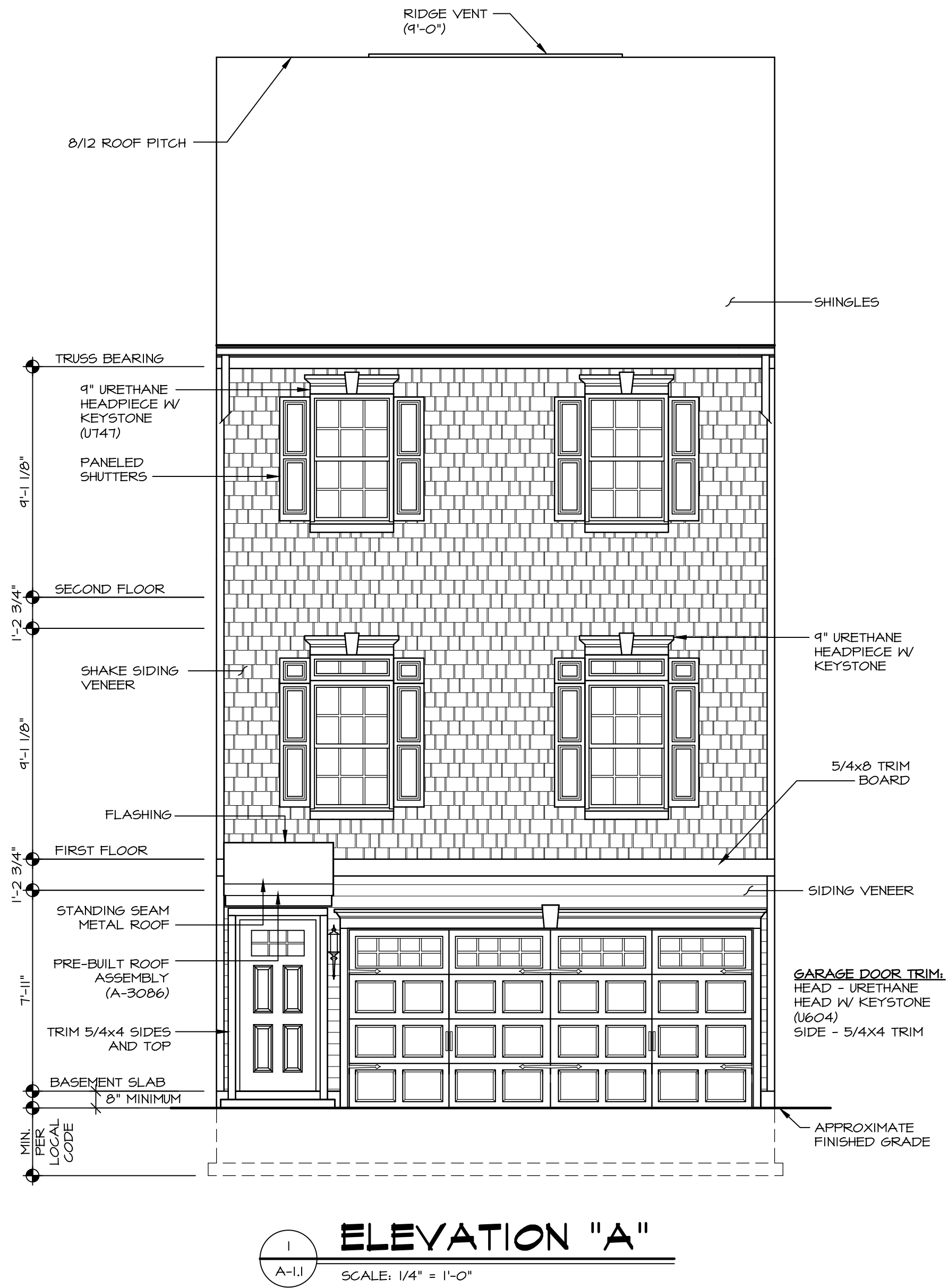
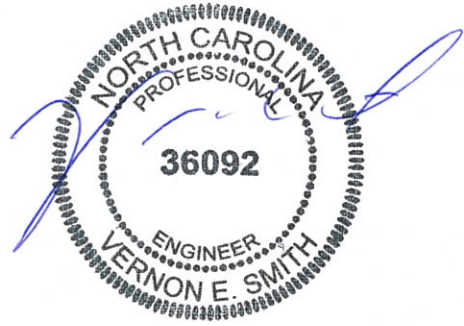
NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, without the express written consent of NVR, Inc.



SHEET NO.	MODEL	SET NO. MDL00
A-1.1	MENDELSSOHN	VERSION 01
	DRAWING TITLE	DRAWN BY
	ELEVATIONS	DATE:
	OPTION DESCRIPTION	OPTION
4		

H:\2019 FIRST HALF APEX TOWNHOME\AM_2025 A-E\UNIT C\A-1.1.dwg 05/31/19 - 11:47 am

SCALE NOTE:
LARGE FORMAT PRINTS ARE TO SCALE AS NOTED.
11"x17" PRINTS ARE ONE HALF THE NOTED SCALE



RLH / AM / 2025D

SHEET NO. A-1.1	MODEL MEINDELSSOHN	SET NO. MDLOO VERSION 01
	DRAWING TITLE ELEVATIONS	DRAWN BY
		DATE:
	OPTION DESCRIPTION	OPTION
4		

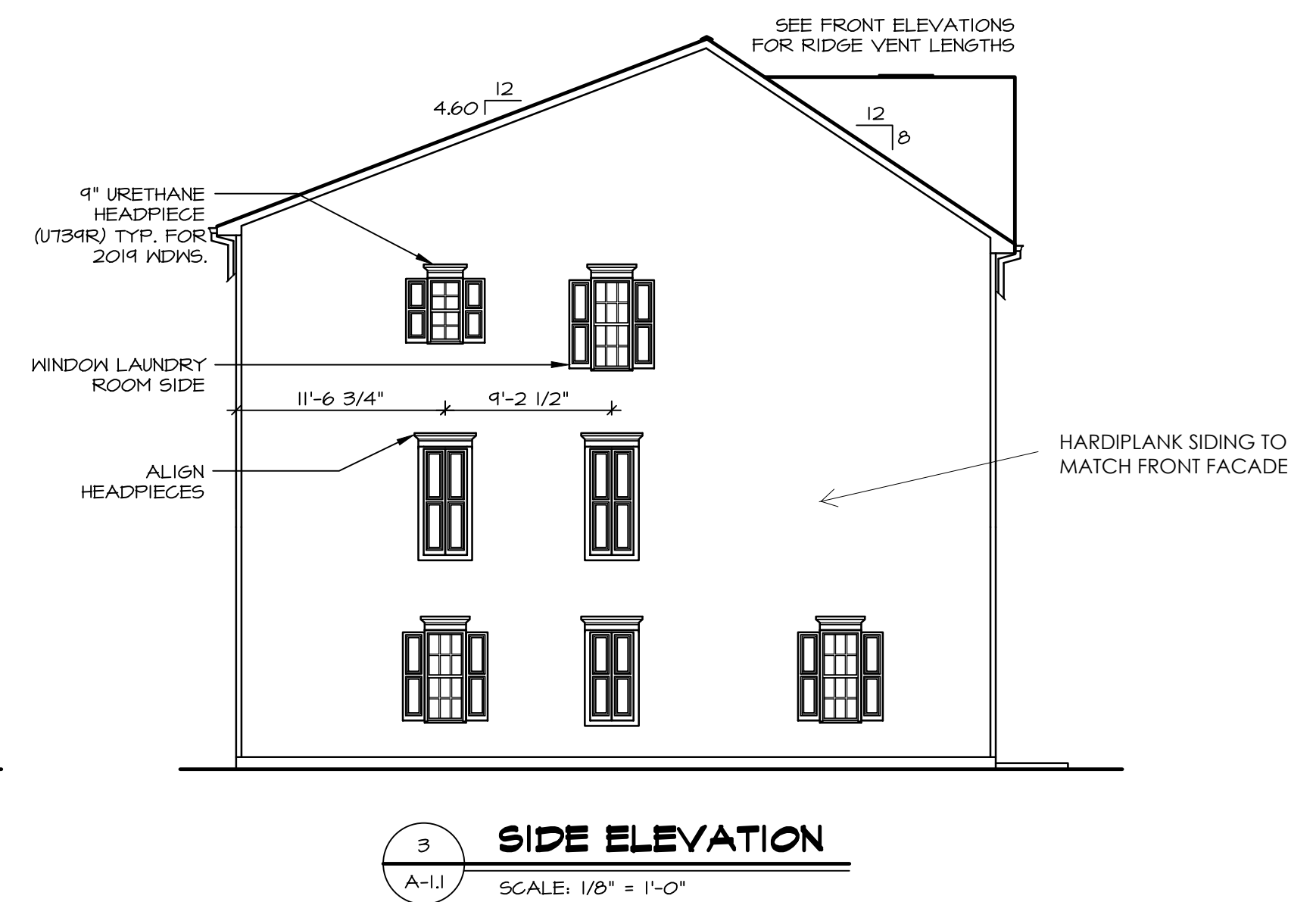
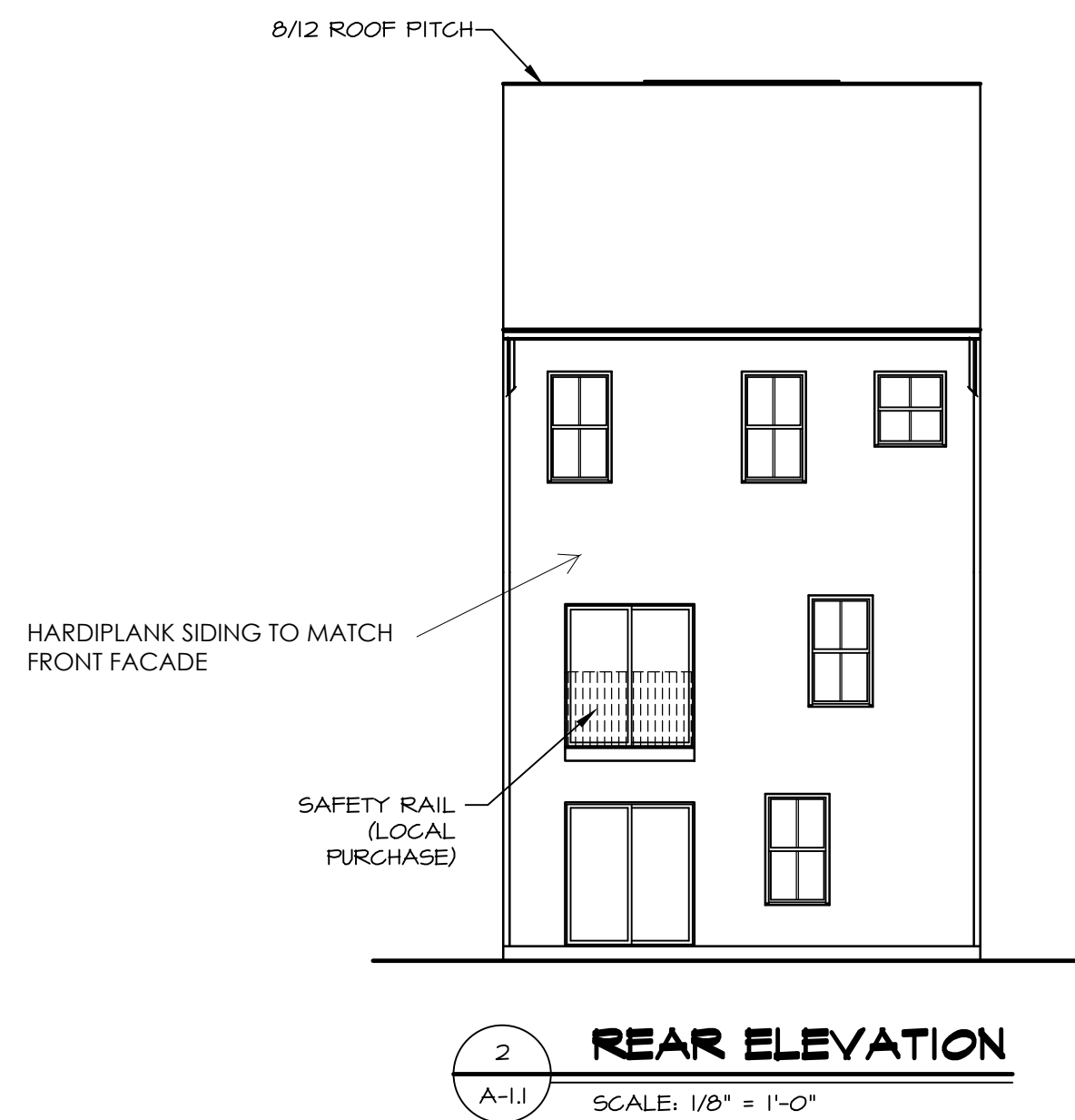
Ryan
Homes

NVR, Inc.
Architectural Services
21 Parkway
Frederick, MD 21702

NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be copied, reproduced, or otherwise used in any way without the expressed written consent of NVR, Inc.

REV. NO.	DATE	REMARKS
1	5/27/14	BCL - RLH / AM / 2025D

A circular professional engineer seal for the State of North Carolina. The outer ring contains the text "NORTH CAROLINA" at the top and "PROFESSIONAL ENGINEER" at the bottom. In the center, the number "36092" is prominently displayed. Below the number, the name "VERNON E. SMITH" is inscribed. The seal is surrounded by a decorative border of small dots. Two blue ink signatures are written across the seal.



RLH / AM / 2025E

SHEET NO.	MODEL SCHUBERT DRAWING TITLE A-1.1 ELEVATIONS	SET NO. 59700 VERSION 01
	OPTION DESCRIPTION	DRAWN BY DATE: OPTION
119		

H:\2019 FIRST HALF APEX TOWNHOME\AM-2025 A-E UNIT E-A-1.1.dwg 05/31/19 - 2:19 pm

NVR, Inc., owner, expressly reserves its common law copyright and other property rights in these plans. These plans are not to be reproduced, changed, or copied in any form or manner whatsoever, nor are they to be assigned to any third party, without first obtaining the expressed written consent of NVR, Inc.

Ryan
Homes

NVR, Inc.
Architectural Services
Architects
21 Byte Court, Suite A
Frederick, MD 21702

[illegible]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to approve the attached Resolution authorizing financing by the Housing Authority of the County of Wake in the form of a multifamily housing revenue bond to the affordable housing project located within the corporate limits of the Town of Apex known as Broadstone Walk.

Approval Recommended?

Yes

Item Details

The Housing Authority of the County of Wake (Housing Authority) intends to issue a multifamily housing revenue bond to provide a portion of the financing for the affordable housing project known as Broadstone Walk. Under the North Carolina Housing Authorities Law, the Housing Authority has the ability to issue bonds for projects located anywhere within Wake County; provided that, if the project is also located within the boundaries of any municipality in the County, the Housing Authority can only issue bonds for that project if the governing body of the municipality adopts a Resolution consenting to the issuance of bonds by the Housing Authority for a project located in its corporate limits (NCGS 157-39.1). Since this affordable housing project is located within the Town of Apex corporate limits, the Housing Authority requires a resolution of the Town Council consenting to the Housing Authority issuing bonds for the Broadstone Walk project.

Attachments

- Staff Report
- Resolution



STAFF REPORT

Broadstone Walk Affordable Housing Project

February 22, 2022 Town Council Meeting



On January 11, 2022 Town Council approved a final funding allocation to DHIC, Inc. through Budget Ordinance Amendment No. 12 for the 164-unit affordable housing multifamily rental development known as Broadstone Walk (Project) from the Town's Affordable Housing Fund (AHF). To-date, Town Council has approved a total of \$2,015,000 to DHIC, Inc. for the Project. Like most affordable housing developments, there are several funding sources needed in order to fully fund a project. For this Project, the funding sources include: (1) Town of Apex, (2) Wake County, (3) permanent loan, (4) DHIC, Inc. deferred developer fee and (5) North Carolina Housing Finance Agency (NCHFA) four-percent (4%) Low-Income Housing Tax Credit (LIHTC) which includes a tax-exempt revenue bond.

On August 13, 2021 DHIC Inc. was awarded a four-percent (4%) LIHTC which includes a tax-exempt revenue bond allocation through NCHFA for the Project. This is a vital source of funding necessary to complete the Project. Although DHIC, Inc. was approved for a four-percent (4%) LIHTC through NCHFA, in order for this funding to be distributed to the Project, the Housing Authority of the County of Wake (Housing Authority) is the actual entity responsible for issuing the multifamily housing revenue bond. As a result, the Housing Authority intends to issue a multifamily housing revenue bond to provide a portion of the financing for the Project. Under the North Carolina Housing Authorities Law, the Housing Authority has the ability to issue bonds for projects located anywhere within Wake County; provided that, if the project is also located within the boundaries of any municipality in the County, the Housing Authority can only issue bonds for that project if the governing body of the municipality adopts a Resolution consenting to the issuance of bonds by the Housing Authority for a project located in its corporate limits (NCGS 157-39.1). Since the Project is located within the Town of Apex (Town) corporate limits, the Housing Authority requires a resolution of the Town Council consenting to the Housing Authority issuing bonds for the Project.

Staff Recommendation:

Planning staff recommends approval of the resolution authorizing the financing of a multifamily housing revenue bond by the Housing Authority for the Project located within Town corporate limits.

RESOLUTION AUTHORIZING THE FINANCING BY THE HOUSING
AUTHORITY OF THE COUNTY OF WAKE OF AN AFFORDABLE
MULTIFAMILY HOUSING DEVELOPMENT WITHIN THE
BOUNDARIES OF THE TOWN OF APEX

WHEREAS, the Town Council (the “Town Council”) of the Town of Apex, North Carolina (the “Town”) met in Apex, North Carolina at 6:00 p.m. on the 22nd day of February, 2022; and

WHEREAS, the Housing Authority of the County of Wake (the “Wake Housing Authority”), a public body and body corporate and politic organized and operating pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”), has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed \$23,000,000 (the “Bonds”), for the purpose of financing the acquisition, construction and equipping by Broadstone Walk, LLC, a North Carolina limited liability company, or an affiliated or related entity, of a low income multifamily residential rental facility to be known as Broadstone Walk (the “Development”); and

WHEREAS, the Development will consist of approximately 164 units, located on an approximately 14.2-acre site at 950 S. Hughes Street in the Town of Apex, Wake County, North Carolina; and

WHEREAS, in accordance with Section 157-39.1 of the Act, the Wake Housing Authority is authorized to finance affordable housing within the boundaries of the Town by issuing its bonds or notes to finance the same, but only if the Town Council has adopted a resolution authorizing the Wake Housing Authority to do so; and

WHEREAS, the Town acknowledges that the acquisition, construction and equipping of the Development will satisfy a need for affordable housing within the Town, and further the Town desires to consent to the issuance by the Wake Housing Authority of the Bonds to finance the Development within the borders of the Town;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF APEX, NORTH CAROLINA:

1. The Town Council hereby consents to and approves the issuance by the Wake Housing Authority of its multifamily housing revenue bonds to provide financing for the acquisition, construction and equipping of the Development within the jurisdiction of the Town.

2. The Town Council’s approval is solely to satisfy the requirements of the Act, and shall in no event constitute an endorsement of the Bonds or the Development. This approval shall not be construed as approval of the Development for any other purpose, including, but not limited to, zoning, land use, financial assistance, or any other aspect of the Development that may require consent from or approval by the Town.

3. This resolution shall take effect immediately.

Council Member _____ moved the passage of the foregoing resolution and Council Member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not voting:_____

* * * * *

CERTIFICATION

I, Tesa Silver, Interim Town Clerk of the Town of Apex, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the Town Council for the Town of Apex, North Carolina, in regular session convened on February 22, 2022.

WITNESS my hand and the corporate seal of the Town of Apex, North Carolina, this the 22nd day of February, 2022.

Town Clerk

(SEAL)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Adam Stephenson, Transportation Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve Budget Ordinance Amendment no. 14 related to rehabilitating pavements at Town facilities (Wastewater Treatment Plant, Fire Station 2, and the Depot).

Approval Recommended?

Yes

Item Details

Bids for construction and furnishing of all materials were received on Monday, February 14, 2022. Award will be made to Eastern Services, LLC dba Raleigh Paving as the lowest responsive bidder.

Contractor	WWTP	FS#2	Depot	Total
RALEIGH PAVING	\$ 141,814.00	\$ 112,699.00	\$ 21,790.00	\$ 276,303.00
S T WOOTEN CORPORATION	\$ 151,672.70	\$ 98,301.30	\$ 39,225.00	\$ 289,199.00
STATE CONTRACTING	\$ 172,150.00	\$ 109,895.00	\$ 18,203.20	\$ 300,248.20
PAVING PROFESSIONALS	\$ 196,729.38	\$ 136,440.15	\$ 26,654.73	\$ 359,824.26
TRIANGLE GRADING & PAVING	\$ 202,048.00	\$ 160,129.00	\$ 40,280.00	\$ 402,457.00
HOLLINS CONSTRUCTION	\$ 216,322.00	\$ 158,392.00	\$ 47,684.00	\$ 422,398.00

Additional funding needed for the project will come from appropriate fund balance.

Attachments

- Budget Ordinance Amendment No. 14
- Bid Tabulation





Town of Apex

Budget Ordinance Amendment No. 14

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

10. General Fund

Section 1. Revenues:

Appropriated Fund Balance	\$135,000
Total Revenues	\$135,000

Section 2. Expenditures:

Facility Services	\$135,000
Total Expenditures	\$135,000

32. Water / Sewer Fund

Section 1. Revenues:

Appropriated Fund Balance	\$142,000
Total Revenues	\$142,000

Section 2. Expenditures:

Water Treatment Plant	\$142,000
Total Expenditures	\$142,000

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

Adopted this the 8th day of February, 2022.

Attest:

Jacques K. Gilbert, Mayor

Tesa Silver, Interim Town Clerk

ImpB511.tmp

						RALEIGH PAVING		S T WOOTEN CORPORATION		STATE CONTRACTING		PAVING PROFESSIONALS		TRIANGLE GRADING & PAVING		HOLLINS CONSTRUCTION		
ITEM #	SECTION	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
BASE BID																		
WASTEWATER TREATMENT PLANT																		
1	226	GRADING	1	LS	\$ 2,400.00	\$ 2,400.00	\$ 15,000.00	\$ 15,000.00	\$5,000.00	\$ 5,000.00	\$18,998.00	\$ 18,998.00	\$28,000.00	\$ 28,000.00	\$ 40,000.00	\$ 40,000.00		
2	226	UNDERCUT EXCAVATION	269	CY	\$ 80.00	\$ 21,520.00	\$ 39.00	\$ 10,491.00	\$50.00	\$ 13,450.00	\$71.75	\$ 19,300.75	\$109.00	\$ 29,321.00	\$ 30.00	\$ 8,070.00		
3	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	4,040	SY	\$ 4.20	\$ 16,968.00	\$ 5.00	\$ 20,200.00	\$4.00	\$ 16,160.00	\$10.61	\$ 42,864.40	\$7.50	\$ 30,300.00	\$ 11.50	\$ 46,460.00		
4	270	GEOGRID FOR SOIL STABILIZATION	808	SY	\$ 4.50	\$ 3,636.00	\$ 5.15	\$ 4,161.20	\$6.50	\$ 5,252.00	\$7.77	\$ 6,278.16	\$11.00	\$ 8,888.00	\$ 5.00	\$ 4,040.00		
5	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5C	378	TN	\$ 90.00	\$ 34,020.00	\$ 88.00	\$ 33,264.00	\$127.00	\$ 48,006.00	\$105.50	\$ 39,879.00	\$79.00	\$ 29,862.00	\$ 104.00	\$ 39,312.00		
6	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I19.0C	496	TN	\$ 70.00	\$ 34,720.00	\$ 80.00	\$ 39,680.00	\$122.00	\$ 60,512.00	\$88.02	\$ 43,657.92	\$77.00	\$ 38,192.00	\$ 100.00	\$ 49,600.00		
7	620	ASPHALT BINDER FOR PLANT MIX	47	TN	\$ 600.00	\$ 28,200.00	\$ 594.50	\$ 27,941.50	\$500.00	\$ 23,500.00	\$540.45	\$ 25,401.15	\$775.00	\$ 36,425.00	\$ 570.00	\$ 26,790.00		
8	1205	PAINT PAVEMENT MARKING LINES 4-INCH	300	FT	\$ 1.00	\$ 300.00	\$ 2.20	\$ 660.00	\$0.80	\$ 240.00	\$1.00	\$ 300.00	\$3.00	\$ 900.00	\$ 6.00	\$ 1,800.00		
9	1205	PAINT PAVEMENT MARKING SYMBOLS	1	EA	\$ 50.00	\$ 50.00	\$ 275.00	\$ 275.00	\$30.00	\$ 30.00	\$50.00	\$ 50.00	\$160.00	\$ 160.00	\$ 250.00	\$ 250.00		
						SUBTOTAL:	\$ 141,814.00	SUBTOTAL:	\$ 151,672.70	SUBTOTAL:	\$ 172,150.00	SUBTOTAL:	\$ 196,729.38	SUBTOTAL:	\$ 202,048.00	SUBTOTAL:	\$ 216,322.00	
FIRE STATION #2																		
1	226	GRADING	1	LS	\$ 1,250.00	\$ 1,250.00	\$ 9,500.00	\$ 9,500.00	\$2,000.00	\$ 2,000.00	\$38,890.00	\$ 38,890.00	\$17,500.00	\$ 17,500.00	\$ 51,000.00	\$ 51,000.00		
2	226	UNDERCUT EXCAVATION	104	CY	\$ 90.00	\$ 9,360.00	\$ 39.00	\$ 4,056.00	\$50.00	\$ 5,200.00	\$80.27	\$ 8,348.08	\$114.00	\$ 11,856.00	\$ 30.00	\$ 3,120.00		
3	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	1,556	SY	\$ 16.50	\$ 25,674.00	\$ 5.00	\$ 7,780.00	\$4.00	\$ 6,224.00	\$4.07	\$ 6,332.92	\$15.50	\$ 24,118.00	\$ 12.00	\$ 18,672.00		
4	270	GEOGRID FOR SOIL STABILIZATION	1,556	SY	\$ 4.50	\$ 7,002.00	\$ 5.15	\$ 8,013.40	\$6.50	\$ 10,114.00	\$7.70	\$ 11,981.20	\$11.00	\$ 17,116.00	\$ 5.00	\$ 7,780.00		
5	520	AGGREGATE BASE COURSE	677	TN	\$ 29.00	\$ 19,633.00	\$ 25.00	\$ 16,925.00	\$29.00	\$ 19,633.00	\$37.07	\$ 25,096.39	\$45.00	\$ 30,465.00	\$ 20.00	\$ 13,540.00		
6	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5C	174	TN	\$ 95.00	\$ 16,530.00	\$ 90.85	\$ 15,807.90	\$127.00	\$ 22,098.00	\$78.18	\$ 13,603.32	\$91.00	\$ 15,834.00	\$ 115.00	\$ 20,010.00		
7	610	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE I19.0C	266	TN	\$ 70.00	\$ 18,620.00	\$ 80.00	\$ 21,280.00	\$122.00	\$ 32,452.00	\$70.74	\$ 18,816.84	\$90.00	\$ 23,940.00	\$ 110.00	\$ 29,260.00		
8	620	ASPHALT BINDER FOR PLANT MIX	24	TN	\$ 600.00	\$ 14,400.00	\$ 594.50	\$ 14,268.00	\$500.00	\$ 12,000.00	\$540.45	\$ 12,970.80	\$775.00	\$ 18,600.00	\$ 570.00	\$ 13,680.00		
9	1205	PAINT PAVEMENT MARKING LINES 4-INCH	180	FT	\$ 1.00	\$ 180.00	\$ 2.20	\$ 396.00	\$0.80	\$ 144.00	\$1.67	\$ 300.60	\$3.00	\$ 540.00	\$ 6.00	\$ 1,080.00		
10	1205	PAINT PAVEMENT MARKING SYMBOLS	1	EA	\$ 50.00	\$ 50.00	\$ 275.00	\$ 275.00	\$30.00	\$ 30.00	\$100.00	\$ 100.00	\$160.00	\$ 160.00	\$ 250.00	\$ 250.00		
						SUBTOTAL:	\$ 112,699.00	SUBTOTAL:	\$ 98,301.30	SUBTOTAL:	\$ 109,895.00	SUBTOTAL:	\$ 136,440.15	SUBTOTAL:	\$ 160,129.00	SUBTOTAL:	\$ 158,392.00	
						BASE TOTAL:	\$ 254,513.00	BASE TOTAL:	\$ 249,974.00	BASE TOTAL:	\$ 282,045.00	BASE TOTAL:	\$ 333,169.53	BASE TOTAL:	\$ 362,177.00	BASE TOTAL:	\$ 374,714.00	
ALTERNATE 1																		
CHAMBER OF COMMERCE																		
1	226	GRADING	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 9,500.00	\$ 9,500.00	\$1,500.00	\$ 1,500.00	\$4,814.00	\$ 4,814.00	\$12,900.00	\$ 12,900.00	\$ 20,000.00	\$ 20,000.00		
2	226	UNDERCUT EXCAVATION	46	CY	\$ 90.00	\$ 4,140.00	\$ 39.00	\$ 1,794.00	\$50.00	\$ 2,300.00	\$113.67	\$ 5,228.82	\$122.00	\$ 5,612.00	\$ 35.00	\$ 1,610.00		
3	250	REMOVAL OF EXISTING ASPHALT PAVEMENT	690	SY	\$ 6.50	\$ 4,485.00	\$ 9.00	\$ 6,210.00	\$4.00	\$ 2,760.00	\$8.39	\$ 5,789.10	\$9.00	\$ 6,210.00	\$ 12.00	\$ 8,280.00		
4	270	GEOGRID FOR SOIL STABILIZATION	138	SY	\$ 4.50	\$ 621.00	\$ 5.15	\$ 710.70	\$6.50	\$ 897.00	\$7.81	\$ 1,077.78	\$11.00	\$ 1,518.00	\$ 5.00	\$ 690.00		
5	610	ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5C	77	TN	\$ 105.00	\$ 8,085.00	\$ 219.00	\$ 16,863.00	\$127.00	\$ 9,779.00	\$87.77	\$ 6,758.29	\$114.00	\$ 8,778.00	\$ 150.00	\$ 11,550.00		
6	620	ASPHALT BINDER FOR PLANT MIX	5	TN	\$ 600.00	\$ 3,000.00	\$ 594.50	\$ 2,972.50	\$122.00	\$ 610.00	\$540.45	\$ 2,702.25	\$775.00	\$ 3,875.00	\$ 570.00	\$ 2,850.00		
7	1205	PAINT PAVEMENT MARKING LINES 4-INCH	409	FT	\$ 1.00	\$ 409.00	\$ 2.20	\$ 899.80	\$0.80	\$ 327.20	\$0.61	\$ 249.49	\$3.00	\$ 1,227.00	\$ 6.00	\$ 2,454.00		
8	1205	PAINT PAVEMENT MARKING SYMBOLS	1	EA	\$ 50.00	\$ 50.00	\$ 275.00	\$ 275.00	\$30.00	\$ 30.00	\$35.00	\$ 35.00	\$160.00	\$ 160.00	\$ 250.00	\$ 250.00		
						ALT 1 TOTAL:	\$ 21,790.00	ALT 1 TOTAL:	\$ 39,225.00	ALT 1 TOTAL:	\$ 18,203.20	ALT 1 TOTAL:	\$ 26,654.73	ALT 1 TOTAL:	\$ 40,280.00	ALT 1 TOTAL:	\$ 47,684.00	
NOTE: The Town of Apex may award the contract to the lowest, responsible, responsive bidder for one of the following options: a) Base Bid Total;					BASE	\$ 254,513.00	BASE	\$ 249,974.00	BASE	\$ 282,045.00	BASE	\$ 333,169.53	BASE	\$ 362,177.00	BASE	\$ 374,714.00		
					BASE+ALT1	\$ 276,303.00	BASE+ALT1	\$ 289,199.00	BASE+ALT1	\$ 300,248.20	BASE+ALT1	\$ 359,824.26	BASE+ALT1	\$ 402,457.00	BASE+ALT1	\$ 422,398.00		

NOTE: The Town of Apex may award the contract to the lowest, responsible, responsive bidder for one of the following options:
a) Base Bid Total;

	WWTP	FS#2	BASE TOTAL:
S T WOOTEN CORPORATION	\$ 151,672.70	\$ 98,301.30	\$ 249,974.00
RALEIGH PAVING	\$ 141,814.00	\$ 112,699.00	\$ 254,513.00
STATE CONTRACTING	\$ 172,150.00	\$ 109,895.00	\$ 282,045.00
PAVING PROFESSIONALS	\$ 196,729.38	\$ 136,440.15	\$ 333,169.53
TRIANGLE GRADING & PAVING	\$ 202,048.00	\$ 160,129.00	\$ 362,177.00
HOLLINS CONSTRUCTION	\$ 216,322.00	\$ 158,392.00	\$ 374,714.00

	ALT1-DEPOT	BASE+ALT1
RALEIGH PAVING	\$ 21,790.00	\$ 276,303.00
S T WOOTEN CORPORATION	\$ 39,225.00	\$ 289,199.00
STATE CONTRACTING	\$ 18,203.20	\$ 300,248.20
PAVING PROFESSIONALS	\$ 26,654.73	\$ 359,824.26
TRIANGLE GRADING & PAVING	\$ 40,280.00	\$ 402,457.00
HOLLINS CONSTRUCTION	\$ 47,684.00	\$ 422,398.00

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Megan Pendell, Sustainability Coordinator

Department(s): Water Resources

Requested Motion

Motion to approve Apex EarthFest site use and parking lot closure.

Approval Recommended?

Yes

Item Details

The Town's first ever Earth Day celebration, Apex EarthFest, is a community engagement event scheduled for April 23, 2022. In order to move forward on next steps in the festival's planning stage, there are 2 key items that require approval:

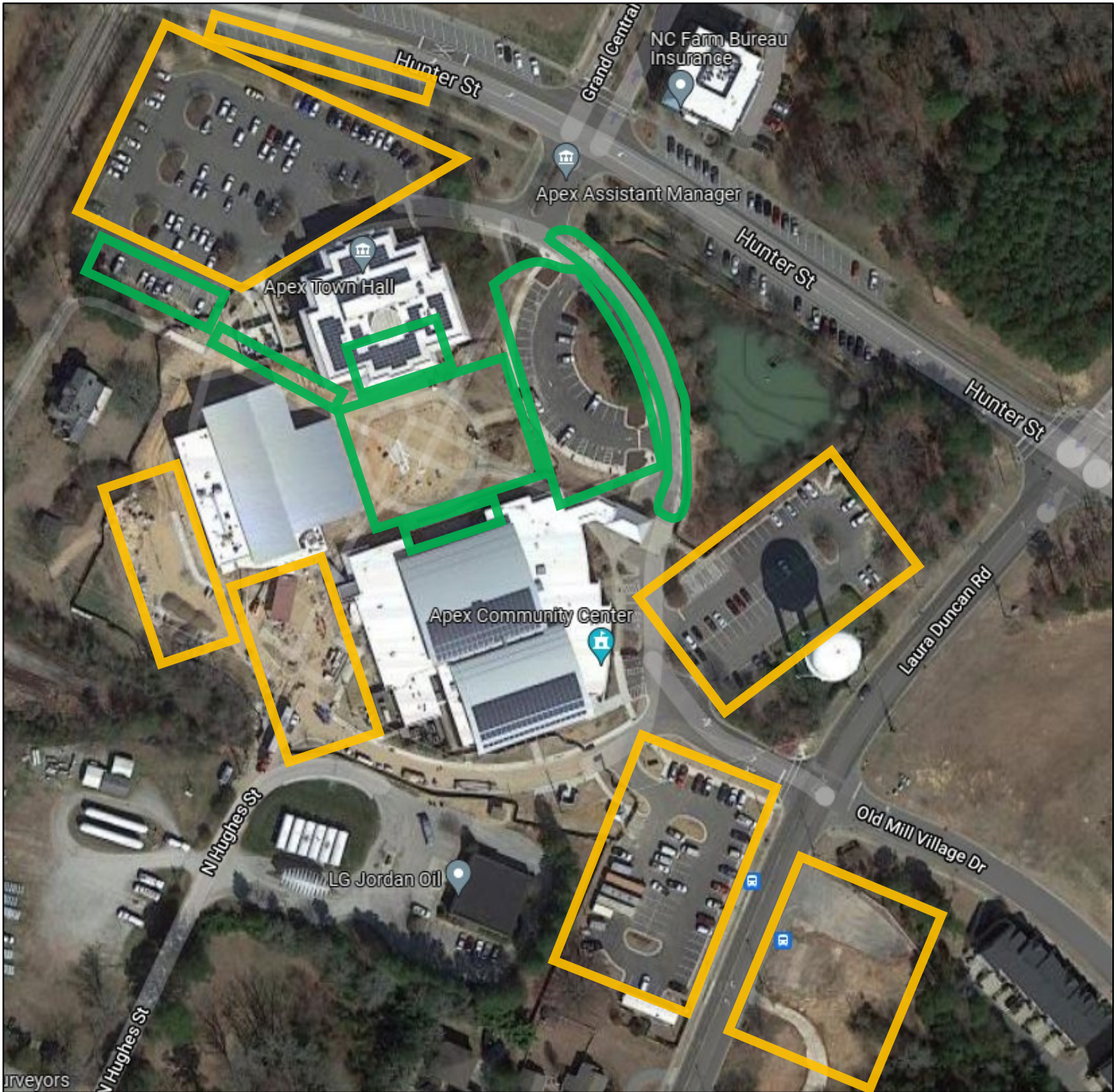
1. **Site Use:** The Festival will be hosted at the Town Hall, Community & Senior Center courtyard, new half-moon parking lot section located east of the courtyard, the adjacent thoroughfare between parking lots, electric vehicle station area, Town Hall southeast entrance, and Town Hall presentation rooms. Please see attachment for visual representation (green).
2. **Parking Lot Closure:** Close the new half-moon parking lot section located east of the courtyard, the adjacent thoroughfare between parking lots, electric vehicle station area, and Hunter Street-side parking strip. Maintain all other open parking lots for festival and Community Center attendee parking. Temporarily relocate Town vehicles from all parking lots. Please see attachment for visual representation (gold).

Attachments

- EarthFest Site Use & Parking Plan



Apex EarthFest 2022: Site Use & Parking Plan



Apex Town Hall, Community & Senior Center Courtyard
73 Hunter Street, Apex, NC 27502

Green = Festival space

Gold = Parking availability (Town vehicles temporarily relocated from these areas)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve an encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc. to install a driveway that will encroach 56 square feet (SF) onto the Town's Public Drainage Easement and authorize the Town Manager to execute the same.

Approval Recommended?

Yes

Item Details

The proposed Encroachment Agreement is between the Town and property owner Taylor Morrison of Carolinas, Inc., (Grantee) for the property described as a residential lot known as Wake County PIN #0722-77-5130, Book of Maps 2019, Page 02166, lot is also known as 840 Patriot Summit Lane, Apex, NC 27523. Grantee wishes to install certain improvements, more particularly described as a driveway that will encroach 56 square feet (SF) onto the Town's Public Drainage Easement

Attachments

- Encroachment Agreement
- Exhibit A



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

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

ENCROACHMENT AGREEMENT

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

WHEREAS, the Grantee is the owner of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-77-5130** by the Wake County Revenue Department and more particularly described as **Lot 72** of the subdivision known as **Townes at Westford Phase 1B** as shown on that certain plat recorded in **Book of Maps 2019, Page 02166 (Sheet 4 of 6)**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **840 Patriot Summit Lane, 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 Drainage Easement** as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Drainage Easement.**"

WHEREAS, Grantee wishes to install certain improvements more particularly described as a driveway that will encroach 56 SF onto the **Public Drainage Easement**, which serves the Residential Lot, hereinafter referred to as the "**Encroachment**", all as shown on the attached **Exhibit A**. Grantee desires to make certain agreements and covenants regarding the Encroachment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Notwithstanding Section 14 below, Grantee shall be released from its obligation under this Encroachment Agreement assumption of said obligations by an incorporated property or condominium owners association for **Townes at Westford, Phase 1B**. 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

Taylor Morrison of Carolinas, Inc.

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

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

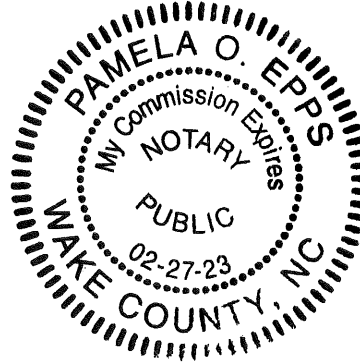
I, Pamela O. Epps, a Notary Public of Wake County, North Carolina, certify that Christian Sheppard, personally appeared before me this day and acknowledged that he is the Land Development Director for Taylor Morrison of Carolinas, Inc., a corporation, and that he as Vice President being authorized to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

Witness my hand and official stamp or seal, this 27th day of January, 2022.

Pamela O. Epps
[Signature of Notary Public]

(Affix Notarial Stamp-Seal)

My Commission Expires: 2-27-23



TOWN OF APEX

Catherine Crosby
Town Manager

(Corporate Seal)

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ [county in which acknowledgement taken]

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

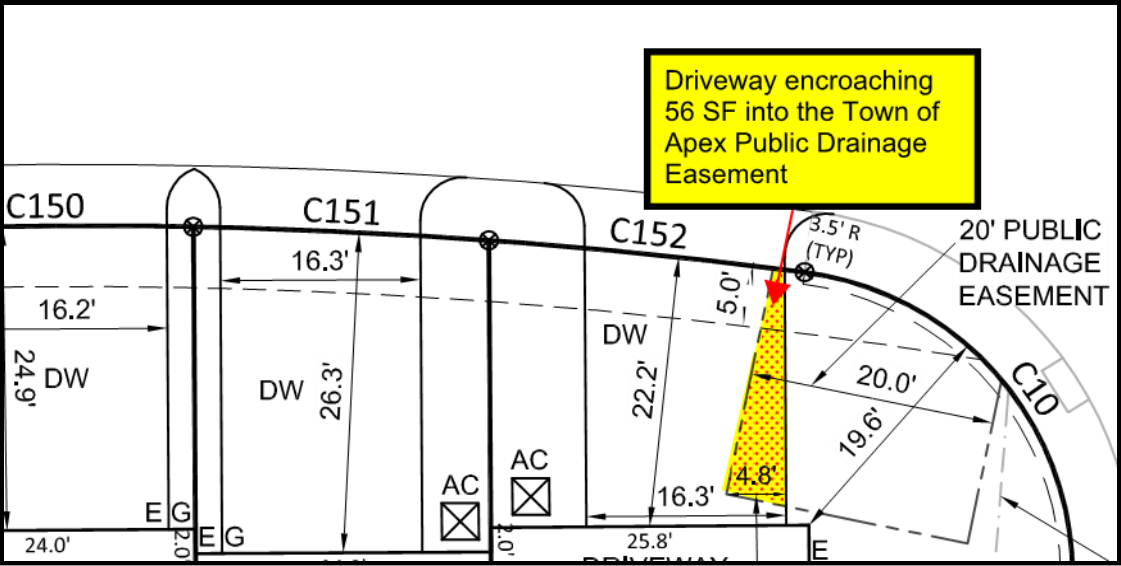
Witness my hand and official stamp or seal, this _____ day of _____, 2022.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

Easement Area Enlargement



Enlargement Area Not to Scale

LOT 72 INFORMATION:

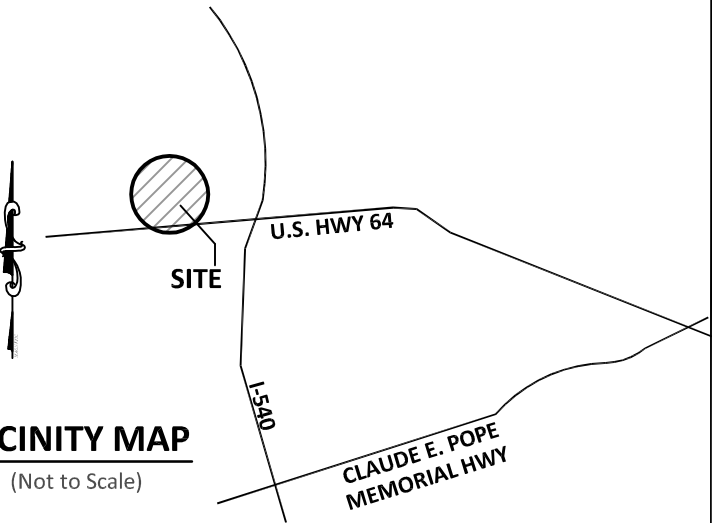
PIN: 0722775130
ADDRESS: 840 PATRIOT SUMMIT LANE
TOTAL LOT AREA = 0.085 AC = 3,724 SF
HOUSE = 1,330 SF
PORCH = 41 SF
SIDEWALK = 69 SF
DRIVEWAY = 357 SF
AC PAD = 9 SF
TOTAL PROPOSED IMPERVIOUS = 1,806 SF
PERCENT IMPERVIOUS = 48.5 %



Bateman Civil Survey Company

Engineers • Surveyors • Planners

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



VICINITY MAP

(Not to Scale)

LEGEND

- PO = PORCH
- SP = SCREENED PORCH
- CP = COVERED PORCH
- WD = WOOD DECK
- SW = SIDEWALK
- DW = CONC DRIVEWAY
- P = CONC PATIO
- ⊗ = COMPUTED POINT
- ⊙ = IRON PIPE FOUND
- ⊙ = IRON PIPE SET (IPS)
- = DRILL HOLE FOUND
- ⦿ = FIRE HYDRANT
- WM = WATER METER
- CO = CLEAN OUT
- AC = AIR CONDITIONER
- ⊙ = SEWER MANHOLE
- EB = ELECTRIC BOX
- ⊙ = CABLE BOX
- TP = TELEPHONE PEDESTAL
- E = ELECTRIC METER
- G = GAS METER
- ⊙ = LIGHT POLE
- CB = CATCH BASIN
- DI = DROP INLET

BUILDING SETBACKS:

FRONT = 3 ft
REAR = 5 ft
SIDE = 0'

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

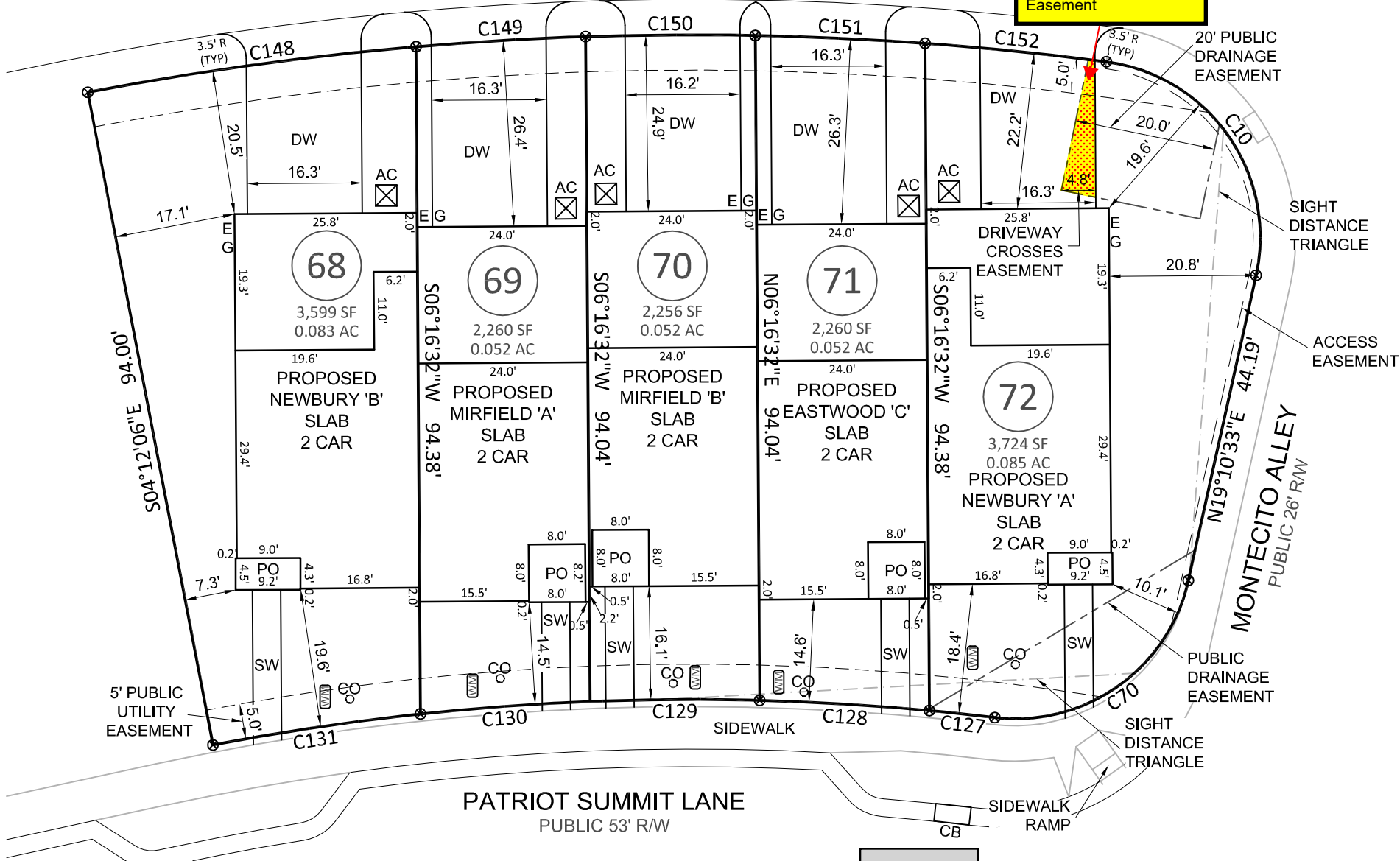
TOWNES AT WESTFORD PH. 1B - LOTS 68-72

PATRIOT SUMMIT LANE, APEX, NC
WHITE OAK TOWNSHIP, WAKE COUNTY

DATE: 11/30/21 DRAWN BY: MJA CHECKED BY: SPC

REFERENCE: BM 2019, PGS. 2163-2168 BCS# 190363 SCALE: 1" = 20'

Driveway encroaching 56 SF into the Town of Apex Public Drainage Easement



SCALE:
1" = 20 ft.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve four part-time benefited positions (3 FTEs) for Parks, Recreation and Cultural Resources, two full-time positions (2 FTEs) for Human Resources, fourteen positions (14 FTEs) for the Fire Department, and associated Budget Ordinance Amendment no. 16.

Approval Recommended?

Yes

Item Details

Town Administration met with the Personnel Committee on February 8, 2022 to discuss the need for additional positions in the Parks, Recreation, and Cultural Resources, Human Resources, and Fire departments. These positions are being requested mid-year because the recruitment and start dates will need to occur prior to the adoption of the FY23 budget. Details of each request can be found in the attachment, "Personnel Committee Background Information 02082022." All position requests were unanimously approved by the Personnel Committee.

Budget Ordinance Amendment no. 16 includes personnel costs for the positions including salary and benefits for the prorated portion of the fiscal year based on anticipated hiring date.

Attachments

- Personnel Committee Background Information 02082022
- Budget Ordinance Amendment No. 16





Town of Apex

Budget Ordinance Amendment No. 16

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	85,000
Total Revenues	\$ 85,000

Section 2. Expenditures:

Human Resources Personnel Expenses	65,000
Parks, Recreation & Cultural Resources Personnel Expenses	20,000
Total Expenditures	\$ 85,000

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

Adopted this the 22nd day of February, 2022.

Attest:

Jacques K. Gilbert, Mayor

Tesa Silver, Interim Town Clerk

**Personnel Committee
February 8, 2022**

Item 1: LSE to Part-time Positions in Parks, Recreation, and Cultural Resources

Staff Recommendation: Approve the authorization of 4 part-time (3 FTEs), benefited Customer Service Specialist positions for the Parks, Recreation, and Cultural Resources Department.

Background

Over the course of the COVID 19 pandemic the Parks, Recreation and Cultural Resources Department has faced an unprecedented reduction in limited service employee (LSE) numbers. Hiring and retention related to the John M. Brown Community Center, Halle Cultural Arts Center, and the Senior Center have become increasingly challenging during this time. Our current pool of LSE's covering weeknights and weekends has dropped over 50% from 12 to 5 employees. Over-time coverage from fulltime team members has been necessary to ensure staff for the facilities regular evening and weekend operating hours. Our intent is for the Senior Center to operate on the same schedule as the Community Center, but due to a lack of LSE's the facility has been restricted to only operating two nights per week. Town policy allows for LSE's to work no more than 1000 hours annually which amounts to an average 20 hours per week. Currently most of our LSE's are working in excess of that weekly.

PRCR would like to explore hiring part-time positions to address the staffing problem. To do so will introduce financial impacts to address wage discrepancies and health benefit concerns presented by current LSE's and potential applicants. The annual increase for one LSE to become a part-time benefited position would be between \$22,525 - \$32,648 depending on hourly rate. This includes prorated benefits based on a 30 hours per week work schedule. Parks, Recreation and Cultural Resources staff is requesting 4 part-time benefited positions, which represents an annual cost increase of \$90,101-\$130,594. We are requesting authorization to hire these positions starting March 7, 2022. The total cost increase for the remainder of Fiscal Year 2021-2022 would be approximately \$77,000. Staff is confident that available lapsed salary from LSE positions and lapsed benefits from vacant full-time positions will cover a majority estimated costs with minimal impact to this year's budget.

Item 2: Additional Positions for the Human Resources Department

Staff Recommendation: Approve the authorization of one full-time (1 FTE) Human Resources Coordinator position in the Human Resources Department.

Background:

Since March 2020, the Human Resources team has been leading the COVID efforts for the Town's workforce, organizing town-wide initiatives on things such as COVID-related policies, leave, COVID cases, quarantine/isolation requirements, vaccination tracking and associated incentives, communications, research, and logistical coordination (masks, kits, etc.) While the team has done its best to keep up with these duties, it has led to a delay in carrying out critical HR projects and initiatives, as well as day-to-day response times to employee questions and concerns. With new projects in-play and coming up (Org Study, ERP replacement), having a dedicated HR team member to focus on COVID-related efforts and respond to questions from staff is needed to ensure that the HR department is able to continue to

provide high-level services and successfully implement over-due and upcoming projects. As the need for a COVID-related focus declines, this position could turn its focus to benefits and safety support for on-going duties.

Funding for this position would come from a mix of ARPA funds (75-80% of the position cost) and the remaining personnel cost would be funded through a budget amendment, and distributed by organizational support provided (across the general, water, and electric funds). Future funding would be from the Town, but would take the place of a future position request.

Staff Recommendation: *Authorize early approval of FY22-23 new position, one full-time (1 FTE) Assistant Human Resources Director for the Human Resources Department.*

The Human Resources Department had planned to request an Assistant Human Resources Director in the FY22-23 budget, to coincide with the retirement of the Town's Safety & Risk Manager (a key position with the department) so that the Assistant Director could assist with overseeing the vacated position's duties, as well as the compensation and benefits plans for the Town. The retirement plans for the Safety & Risk Manager have now been moved up to May 2022, and the department would like to request that the Assistant Director position be funded now, so that the position can assist with the transition of the Safety & Risk Manager, and also be onboarded and ready to go as we move forward with position and compensation recommendations that come from the Organization Study, as well as benefits renewal and open enrollment.

Item 3: Additional Positions for the Fire Department

Staff Recommendation: *Authorize early approval of FY22-23 new positions, three Battalion Chiefs, 3 Lieutenants, 3 Engineers, and 5 Firefighters (total of 14 FTEs).*

Background:

The Fire Department has requested the addition of 14 FTEs to equip the new Fire Station 36 that is set to open in the Spring of 2023. These positions would consist of 3 Battalion Chiefs, 3 Lieutenants, 3 Fire Engineers, and 5 Firefighters. While the positions would likely not be filled until the new year fiscal year, recruitment, including costs for pre-employment exams and screenings, would need to be started in FY22 in order for the new hires to be ready to start training in July 2022.

If the Personnel Committee is in support of the above position requests, the next step would be to take the request to Council for official approval on February 22, 2022, with an effective date of February 22, 2022.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal

Requested Motion

Motion to approve ordinance amendment to Section 2-61 of the Code of Ordinances, removing reference to the environmental committee.

Approval Recommended?

Yes

Item Details

Town Council disbanded the environmental committee in December 2021 in favor of utilizing the Environmental Advisory Board to develop environmental policy and make recommendations to Council. This ordinance amendment is technical in nature and simply removes reference to the former environmental committee.

Attachments

- Ordinance Amendment



ORDINANCE NO. 2022-0125-__

**AN ORDINANCE TO AMEND SECTION 2-61
OF APEX TOWN CODE**

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Section 2-61 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as struck-through text:

Sec. 2-61. Same—Duties; powers.

The charge of the Apex Environmental Advisory Board will be to assist the town council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support.

The Apex Environmental Advisory Board shall have the following powers and duties:

- (1) Advise the ~~environmental committee of the town council regarding suggested changes to town policy or ordinance related to the environment and the~~ planning committee of the town council regarding suggested changes to town policy or ordinance related to the impacts of development upon the environment.

...

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 25th day of January, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Tesa Silver
Interim Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager / Erika Sacco, IT Director

Department(s): Administration / Information Technology

Requested Motion

Motion to approve and authorize the Town Manager to execute the Service of Work Agreement with our current consulting partner Panorama for the 311 Citizen Engagement project evaluation and approve corresponding Budget Ordinance Amendment No. 15

Approval Recommended?

Yes

Item Details

The contract and funding will be used for engaging a consultant for the 311 Citizen Engagement Project. The consultant will assist the Town of Apex with goals, timelines, cultural shifts, key success measurements to ensure the best possible 311 Engagement solution for our citizens.

Attachments

- SOW: Service of Work
- Budget Ordinance Amendment No. 15





Town of Apex

Budget Ordinance Amendment No. 15

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

General Fund

Section 1. Revenues:

Appropriated Fund Balance	31,500
Total Revenues	\$ 31,500

Section 2. Expenditures:

Governing Body Personnel Expenses	31,500
Total Expenditures	\$ 31,500

Electric Fund

Section 3. Revenues:

Appropriated Fund Balance	36,750
Total Revenues	\$ 36,750

Section 4. Expenditures:

Electric Utility	36,750
Total Expenditures	\$ 36,750

Water Sewer Fund

Section 5. Revenues:

Appropriated Fund Balance	36,750
Total Revenues	\$ 36,750

Section 6. Expenditures:

Water Sewer Administration	36,750
Total Expenditures	\$ 36,750

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

Adopted this the 22nd day of February, 2022.

Attest:

Jacques K. Gilbert, Mayor

Tesa Silver, Interim Town Clerk

STATEMENT OF WORK #2

This **STATEMENT OF WORK #2** (“**Statement of Work #2**” or “**SOW #2**”) is entered into as of February 11, 2022 (“**SOW #2 Effective Date**”) and references and is executed subject to and made a part of the terms and conditions of the **CONSULTING SERVICES AGREEMENT** (“**Agreement**”), dated May 25, 2021 by and between **Panorama Government Solutions, LLC** (“**Panorama**”) and **Town of Apex, North Carolina** (“**Client**”), and sets forth certain mutual obligations of the parties to be performed under the terms and conditions of the Agreement and this SOW #2. Panorama and Client may be referred to in this SOW #2 individually as a “**party**” or collectively as the “**parties**”. Capitalized terms that are used in this SOW #2 that are not otherwise defined have the same meaning ascribed to such terms as set forth in the Agreement.

In consideration of the foregoing, and in reliance on the mutual agreements contained herein, the parties agree as follows:

1. SCOPE, SERVICES AND DELIVERABLES. Subject to the terms and conditions of the Agreement and this SOW #2, including, without limitation, the payment of all applicable Fees, Panorama agrees to perform the Services and provide any Deliverables, as set forth below:

- **Description of Project – Citizen Engagement Platform (CEP) Assessment**
 - Project Phases, Activities, Tasks and Deliverables: See Appendix A.
 - Estimated Project Cost: \$103,975.00, inclusive of optional estimated organizational change management work of \$21,960.00. These estimates are for professional services only and are exclusive of travel time and expense, if incurred. Project costs shall not exceed the above referenced estimates without prior written approval from Client.
- Any additional Services and Deliverables as mutually agreed upon between Client and Panorama, as evidenced in writing, including email, by an authorized representative of each party.

2. ASSUMPTIONS. The performance of all Services and the delivery of all Deliverables under this SOW #2 are subject to the following assumptions and limitations. Client agrees that Panorama will not be responsible for any Services or Deliverables (or any other obligation or responsibility) required or resulting due to any inaccuracies or omissions from the following assumptions or limitations and that any such Services or Deliverables will be deemed outside of the scope of the Services and Deliverables set forth in this SOW #2.

- Panorama Services will begin as early as February or March 2022 and will be completed in their entirety no later than December 31, 2022.
- Panorama will work with Client to define and continually refine a dynamic project plan.
- Client will provide an internal project manager to work with Panorama to manage and/or coordinate internal Client resources.
- The functional scope of this CEP Assessment includes eight discovery sessions with the Town of Apex subject matter experts, plus one discovery session with the Town of Cary 311 Department.
- This project will be conducted remotely via video conference. If on-site presence is required and mutually agreed to, costs for travel time and expenses will be billed in addition to the fees outlined in Section 1.
- If travel to Client is required and agreed to, the travel time and expense limitations outlined in Section 3 assume a maximum of 2 visits throughout the course of the project: one 2-day trip for 3 team members, and one 2-day trip for 2 team members. If additional visits are requested, prior written approval from Client will be required.
- The Client team will provide input, business expertise, and timely Deliverable review and validation in the completion of this project.

3. FEES, EXPENSES AND PAYMENT. Client will pay Panorama the following Fees and Expenses. All Fees and Expenses will be due and payable under the terms set forth in the Agreement at the rates specified in this SOW #2:

Panorama's Fees for the above scope and Deliverables will be billed on a time and materials basis, plus travel expenses, based on the following schedule:

- Managing Director/Director: \$250/hour
- Senior Manager: \$230/hour
- Manager: \$200/hour


- Senior Consultant: \$180/hour
- Consultant: \$165/hour
- Business Analyst: \$145/hour
- Software Developer: \$170-\$195/hour
- Functional / Technical Software Consultant: \$170-\$235/hour
- System Architect: \$195-\$215/hour
- Advanced Functional / Technical Software Consultant: \$235-\$270/hour

If travel is requested by Client, Panorama's fees for travel time to and from Client locations will be billed at 50% of the above rates. Panorama will provide Client with an invoice for its fees, plus actual travel expenses, semi-monthly (meaning twice per month) for the duration of the project. Travel time and expenses not included in the Estimated Project Cost in Section One of this SOW#2 shall not exceed \$15,000.00 without prior written approval of Client. Client and Panorama acknowledge that, on an ongoing basis, Client and Panorama will mutually agree upon the dynamic project plan and staffing of resources for each phase of the project. Payment for submitted invoices will be due within 30 days of receipt.

4. TERM AND TERMINATION. Unless earlier terminated as provided herein, the term of this SOW #2 will commence on the SOW #2 Effective Date and will continue until project completion. This SOW #2 may be terminated as set forth in the Agreement.

5. AFFIRMATION OF THE AGREEMENT. The parties affirm their respective obligations and covenants set forth in the Agreement and acknowledge that this SOW #2 is subject to the terms and conditions of the Agreement except where specifically mentioned otherwise in this SOW #2.

The parties, through their duly authorized representatives, HAVE READ, HAD THE OPPORTUNITY FOR REVIEW BY AN ATTORNEY, AND AGREE TO BE BOUND BY THIS STATEMENT OF WORK #2, INCLUDING ALL TERMS CONTAINED ON THE PRECEDING PAGES HEREOF AND IN THE CONSULTING SERVICES AGREEMENT, AS OF THE EFFECTIVE DATE.

FOR PANORAMA: PANORAMA GOVERNMENT SOLUTIONS, LLC Signed: <u></u> Name: <u>Calvin Hamler</u> Title: <u>Managing Director</u> Date: <u>February 11, 2022</u>	FOR CLIENT: TOWN OF APEX, NORTH CAROLINA Signed: _____ Name: _____ Title: _____ Date: _____
--	--

Attest:

Interim Town Clerk

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

Finance Director

STATEMENT OF WORK #2 – APPENDIX A

Project Phases, Activities, Tasks, and Deliverables

Phase	Activity	Task	Deliverable
Plan	Project Planning	Build Project Plan	
		Prepare/Debrief Project Team	
		Planning Meetings	
		Session Scheduling	
		Prepare Workshop Guides	
		Prepare Kickoff Materials	
Phase 1	Project Kickoff	Business Overview Session	
		Conduct Project Kickoff	
	Technology Assessment	Current State IT Overview	
		Document Current Systems Map	Current State Systems Map
	Business Process Assessment	Discovery Sessions	Total of 8 sessions @ 2 hours each, and 1 session with Cary @ 4 hours each
		Document Processes & Pain Points	Current State Process Maps
		Document Initial Requirements, Perform Benchmarking	Requirements Document and Current State Assessment (including findings from Cary and other external sources)
Phase 2	Strategic Roadmap	Prep and Conduct 1 day Workshop with Town SME's to Define Objectives for Successful Citizen Engagement Program	City's Citizen Engagement Goals, Objectives, Strategy
Phase 3	Future State Design	Customer Journey Sessions	Critical to Satisfaction (CTS) Chart
		Send out and review citizen engagement surveys	Compile citizen surveys
		Research best practices for citizen engagement	
		Future State Design Sessions	
		Document Future State Processes	Revised (Future State) Process Maps
		Develop KPIs	
	Organizational Change Management (Optional)	Develop Communications Strategy	Communications Plan
Manage	Project Governance: Selection	Conduct Project Status Meetings	
		Calls, Emails, Deliverable Review	

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: February 22, 2022

Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager and Dianne Khin, Planning and Community Development Director

Department(s): Administration

Requested Motion

Motion to approve an Ordinance Amending Section 13-62 of Chapter 13, Article IV "Transient and Mobile Food Vendors", of the Town of Apex Code of Ordinances

Approval Recommended?

Yes

Item Details

Per the Town's Unified Development Ordinance (UDO), all vehicular parking (including food trucks) must occur in a designated parking area. Sites that were in operation prior to the adoption of the UDO on August 1, 2000, may have paved and/or gravel parking; sites first in operation after that date are required to have paved parking. The vast majority of food trucks park within designated parking lots on these existing sites. This proposed revision to the Apex Town Code is to close a loophole that may have allowed or encouraged applicants to put down gravel right before applying for a permit in the hopes that this would satisfy the "existing" gravel requirement at the time of their application. The proposed ordinance amendment clarifies that new permits will not be issued for sites without existing paved or existing gravel vehicular parking areas for the food truck(s). The ordinance would not create changes for any existing mobile food/food truck vendors. Staff sent emails and letters to all food truck vendors currently permitted in the town to inform them of the change and solicit feedback. Staff did not receive any comments.

Attachments

- Ordinance to Amend Section 13-62 of Chapter 13, Article IV of the Code of Ordinances



TOWN OF APEX, NORTH CAROLINA
ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING SECTION 13-62 OF CHAPTER 13, ARTICLE IV
“TRANSIENT AND MOBILE FOOD VENDORS” OF THE TOWN OF APEX CODE OF
ORDINANCES

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

Section 1. That Section 13-62 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text:

Sec. 13-62. – Location standards.

Transient and mobile food vendors are allowed to operate only at locations that are in accordance with the following standards:

- (1) On private property with written permission from the property owner to operate on the owner’s property. ~~÷The mobile food unit may only be placed on, at a minimum, a compacted gravel base or paved area existing at the time of the effective date of this section. Mobile food units shall not be parked on grass or unimproved surfaces nor may new pavement be placed for use by a mobile food unit until a Small Town Character Overlay District permit or site plan approval has been granted by the Town;~~
- (2) On town-owned, public property as designated in this article with the prior written approval of the town manager or designee. Persons vending in town parks must also comply with sections 13-52(13) and 13-53(b) of the Town Code of Ordinances;
- (3) Except as otherwise provided herein, mobile food vendors are prohibited from vending in any residentially zoned area;
- (4) No transient or mobile food vendor shall operate from, or leave a mobile food unit unattended on, any public right-of-way, required buffer, paved or traveled portion of a street, handicapped space, or fire lane, unless a right-of-way use permit is also obtained in accordance with section 13-62.1;
- (5) No transient or mobile food vendor shall locate within any area in such a way as to impede or interfere with pedestrian or vehicular traffic and shall not obstruct or block the entrance or exit of any building. Vendors shall observe all regulations established by the Americans with Disabilities Act.

(Ord. No. 2016-0503-58, § 2, 5-3-2016; Ord. No. 2019-0305-02 , § 1, 3-5-2019; Ord. No. 2019-1001-28 , § 1, 10-1-2019)

Section 2. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 3. **Severability, Conflict of Laws.** If this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. **Effective Date.** This Ordinance shall be effective upon adoption.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Jontesca Silver
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: February 22, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex The William T. Mills Testamentary Trust-David G. Mills, Trustee (Wake County EMS Main) property containing 5.40 acres located at 0 Apex Barbecue Road, Annexation #721 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2022-0222-03
ANNEXATION PETITION NO. #721

The William T. Mills Testamentary Trust-David G. Mills, Trustee (Wake County EMS
Main)

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on February 22, 2022 after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S. § 160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 22, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for The Town of Apex, McKim & Creed, dated October 27, 2021" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 22nd day of February 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Town of Apex Annexation of
The William T. Mills Testamentary Trust, David G. Mills, Trustee and Dorothy M. Mills
Wake County Pin # 0731-17-9775
Book of Maps 2021, Page 1689

BEING all that tract of land containing a total area of +/- 5.40 acres (235,007 square feet) located in Buckhorn Township, Wake County, North Carolina; said tract being bounded on the north by Jason A. Bertoncino and wife, Kara E. Bertoncino, Joseph M. Schlee and Melissa J. Schlee, Imran Uddin Aukhil and spouse, Marlya Hussain Aukhil, Sharmila Bommepalle and husband, Viswanadha R. Bommepalle, Jonathan David Stebila and Pamela Schnitzer, John Paul Sherman and Austina L. Sherman, Ellerview Drive, Thomas Michael Pecora, Rajesh Kasiviswanathan and spouse, Mathangi Kasiviswanathan, Sreeman Chakka and spouse, Kalimatha Chakka, Rama Mohan Surabhi and spouse, Mythili Surabhi, Niyati Doshi and Jason Pomerantz, Needham Austin Wall, Jr. and spouse, Janet Pettigrew wall and Amir Lazarovich and wife, Michal Lazarovich, on the east by Town of Apex, on the south by the centerline of Apex Barbecue Road and on the west by Robert R. Steinfield and wife, Dana L. Steinfield and being more particularly described by courses based on North Carolina Grid Coordinate System (NAD83/2011) and distances according to a survey entitled "Annexation Map for the Town of Apex Property of The William T. Mills Testamentary Trust, David G. Mills, Trustee and Dorothy M. Mills Pin # 0731-17-9775" prepared by McKim & Creed, Inc. dated October 27, 2021 and being more particularly described as follows:

COMMENCING at a McKim & Creed Control Point # 1 a rebar and cap having NC Grid (NAD83/2011) coordinates of Northing = 717,643.66 feet, Easting = 2,032,501.83 feet; thence with tie lines the following two calls: (1) south 02 deg. 30 min. 35 sec. west 54.40 feet to an iron pipe found near the southern right-of-way line (allowing 60 feet) of Apex Barbecue Road and (2) north 00 deg. 44 min. 55 sec. west 31.23 feet to a PK nail set in the centerline of Apex Barbecue Road, the POINT OF BEGINNING; thence with the centerline of Apex Barbecue Road the following six calls: (1) north 76 deg. 20 min. 31 sec. west 132.24 feet to a PK nail set, (2) with a curve to the left having a radius of 1,100.00 feet, an arc length of 150 feet, a chord bearing and distance of north 80 deg. 14 min. 54 sec. west 149.88 feet to a PK nail set, (3) continuing with a curve to the left having a radius of 730.00 feet, an arc length of 295.00 feet, a chord bearing and distance of south 84 deg. 16 min. 05 sec. west 293.00 feet to a PK nail set, (4) continuing with a curve to the left having a radius of 900.00 feet, an arc length of 150.00 feet, a chord bearing and distance of south 67 deg. 54 min. 59 sec. west 149.83 feet to a PK nail set, (5) south 63 deg. 08 min. 30 sec. west 238.74 feet to a PK nail set, and (6) south 65 deg. 42 min. 57 sec. west 13.68 feet to a PK nail set, thence leaving the centerline of Apex Barbecue Road with the eastern line of Robert R. Steinfield and wife, Dana L. Steinfield north 00 deg. 35 min. 23 sec. west 407.77 feet to an iron pipe found in the southern line of Jason A. Bertoncino and wife, Kara E. Bertoncino, thence with northern lines of William T. Mills Testamentary Trust, David G. Mills, Trustee and Dorothy M. Mills (Book of Maps 2021, Page 1689) the following five calls: (1) south

89 deg. 26 min. 57 sec. east 68.64 feet to an iron pipe found, (2) south 88 deg. 36 min. 25 sec. east 68.66 feet to an iron pipe found, (3) south 88 deg. 46 min. 14 sec. east 270.16 feet to an iron pipe found, (4) south 88 deg. 46 min. 14 sec. east 49.86 feet to an iron rod set, and (5) south 88 deg. 46 min. 14 sec. east 482.34 feet to an iron pipe found, said iron pipe being the northwestern corner of the Town of Apex (Deed Book 15794, Page 1419; Book of Maps 2014, Page 543), thence with the western line of the Town of Apex south 00 deg. 44 min. 55 sec. west 245.76 feet to a PK nail set in the centerline of Apex Barbecue Road, the Beginning PK nail.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Jontesca Silver, CMC, NCCMC, Deputy Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0222-03, adopted at a meeting of the Town Council, on the 22nd day of February, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of February 2022.

(SEAL)

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 2021-015
Fee Paid: \$ 200.00

Submittal Date: 11/1/21
Check #: 3346

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 William T. Mills Testamentary Trust - David G. Mills, Trustee

PIN # 0731-17-9775

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 270-6889

jackiesmills@hotmail.com

Phone

E-mail Address

Dorothy M. Mills, by David G. Mills Attorney in Fact

PIN # 0731-17-9775

Owner Name (Please Print)

Property PIN or Deed Book & Page #

(919) 270-6889

jackiesmills@hotmail.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: McKim & Creed (Robin L. Lee)

Phone: (919) 233-8091

Fax: (919) 233-8031

E-mail Address: rlee@mckimcreed.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>5.40</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>RR</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 2021-015

Submittal Date: 11/1/21

COMPLETE IF SIGNED BY INDIVIDUALS:

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

The William T. Mills Testamentary Trust by: David G. Mills, Trustee
Please Print Signature

Dorothy M. Mills
Please Print Signature

By: David G. Mills Attorney in fact
Signature

Please Print

Signature

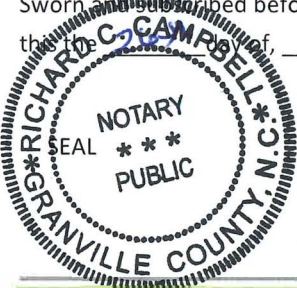
Please Print

Signature

STATE OF NORTH CAROLINA

COUNTY OF WAKE Granville

Sworn and subscribed before me, Richard C. Campbell
this 26th day of October, 2021.
David G. Mills, Trustee, and
David G. Mills, Attorney in fact



Richard C. Campbell
Notary Public

My Commission Expires: 5/25/2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

Attest:

President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

Town of Apex Annexation of
The William T. Mills Testamentary Trust, David G. Mills, Trustee and
Dorothy M. Mills
Wake County Pin # 0731-17-9775
Book of Maps 2021, Page 1689

BEING all that tract of land containing a total area of +/- 5.40 acres (235,007 square feet) located in Buckhorn Township, Wake County, North Carolina; said tract being bounded on the north by Jason A. Bertoncino and wife, Kara E. Bertoncino, Joseph M. Schlee and Melissa J. Schlee, Imran Uddin Aukhil and spouse, Marlya Hussain Aukhil, Sharmila Bommeppalle and husband, Viswanadha R. Bommeppalle, Jonathan David Stebila and Pamela Schnitzer, John Paul Sherman and Austina L. Sherman, Ellerview Drive, Thomas Michael Pecora, Rajesh Kasiviswanathan and spouse, Mathangi Kasiviswanathan, Sreeman Chakka and spouse, Kalimatha Chakka, Rama Mohan Surabhi and spouse, Mythili Surabhi, Niyati Doshi and Jason Pomerantz, Needham Austin Wall, Jr. and spouse, Janet Pettigrew wall and Amir Lazarovich and wife, Michal Lazarovich, on the east by Town of Apex, on the south by the centerline of Apex Barbecue Road and on the west by Robert R. Steinfield and wife, Dana L. Steinfield and being more particularly described by courses based on North Carolina Grid Coordinate System (NAD83/2011) and distances according to a survey entitled "Annexation Map for the Town of Apex Property of The William T. Mills Testamentary Trust, David G. Mills, Trustee and Dorothy M. Mills Pin # 0731-17-9775" prepared by McKim & Creed, Inc. dated October 27, 2021 and being more particularly described as follows:

COMMENCING at a McKim & Creed Control Point # 1 a rebar and cap having NC Grid (NAD83/2011) coordinates of Northing = 717,643.66 feet, Easting = 2,032,501.83 feet; thence with tie lines the following two calls: (1) south 02 deg. 30 min. 35 sec. west 54.40 feet to an iron pipe found near the southern right-of-way line (allowing 60 feet) of Apex Barbecue Road and (2) north 00 deg. 44 min. 55 sec. west 31.23 feet to a PK nail set in the centerline of Apex Barbecue Road, the POINT OF BEGINNING; thence with the centerline of Apex Barbecue Road the following six calls: (1) north 76 deg. 20 min. 31 sec. west 132.24 feet to a PK nail set, (2) with a curve to the left having a radius of 1,100.00 feet, an arc length of 150 feet, a chord bearing and distance of north 80 deg. 14 min. 54 sec. west 149.88 feet to a PK nail set, (3) continuing with a curve to the left having a radius of 730.00 feet, an arc length of 295.00 feet, a chord bearing and distance of south 84 deg. 16 min. 05 sec. west 293.00 feet to a PK nail set, (4) continuing with a curve to the left having a radius of 900.00 feet, an arc length of 150.00 feet, a chord bearing and distance of south 67 deg. 54 min. 59 sec. west 149.83 feet to a PK nail set, (5) south 63 deg. 08 min. 30 sec. west 238.74 feet to a PK nail set, and (6) south 65 deg. 42 min. 57 sec. west 13.68 feet to a PK nail set, thence leaving the centerline of Apex Barbecue Road with the eastern line of Robert R. Steinfield and wife, Dana L. Steinfield north 00 deg. 35 min. 23 sec. west 407.77 feet to an iron pipe found in the southern line of Jason A. Bertoncino and wife, Kara E. Bertoncino, thence with northern lines of William T. Mills Testamentary Trust, David G. Mills, Trustee and Dorothy M. Mills (Book of Maps 2021, Page 1689) the following five calls: (1) south 89 deg. 26 min. 57 sec. east 68.64 feet to an iron pipe found, (2) south 88 deg. 36 min. 25 sec. east 68.66 feet to an iron pipe found,

(3) south 88 deg. 46 min. 14 sec. east 270.16 feet to an iron pipe found,
(4) south 88 deg. 46 min. 14 sec. east 49.86 feet to an iron rod set, and
(5) south 88 deg. 46 min. 14 sec. east 482.34 feet to an iron pipe found,
said iron pipe being the northwestern corner of the Town of Apex (Deed
Book 15794, Page 1419; Book of Maps 2014, Page 543), thence with the
western line of the Town of Apex south 00 deg. 44 min. 55 sec. west
245.76 feet to a PK nail set in the centerline of Apex Barbecue Road, the
Beginning PK nail.

Prepared by:
October 28, 2021
McKim & Creed, Inc.
1730 Varsity Drive, Suite 500
Raleigh, NC 27606

NC Firm # F-1222
Robin L. Lee, PLS L-3759

Line Table		
Line #	Direction	Length
L1	S65°42'57"W	13.68'
L3	S88°46'14"E	49.86'
L5	N00°51'56"W	31.18'
L6	N00°34'00"W	1.51'

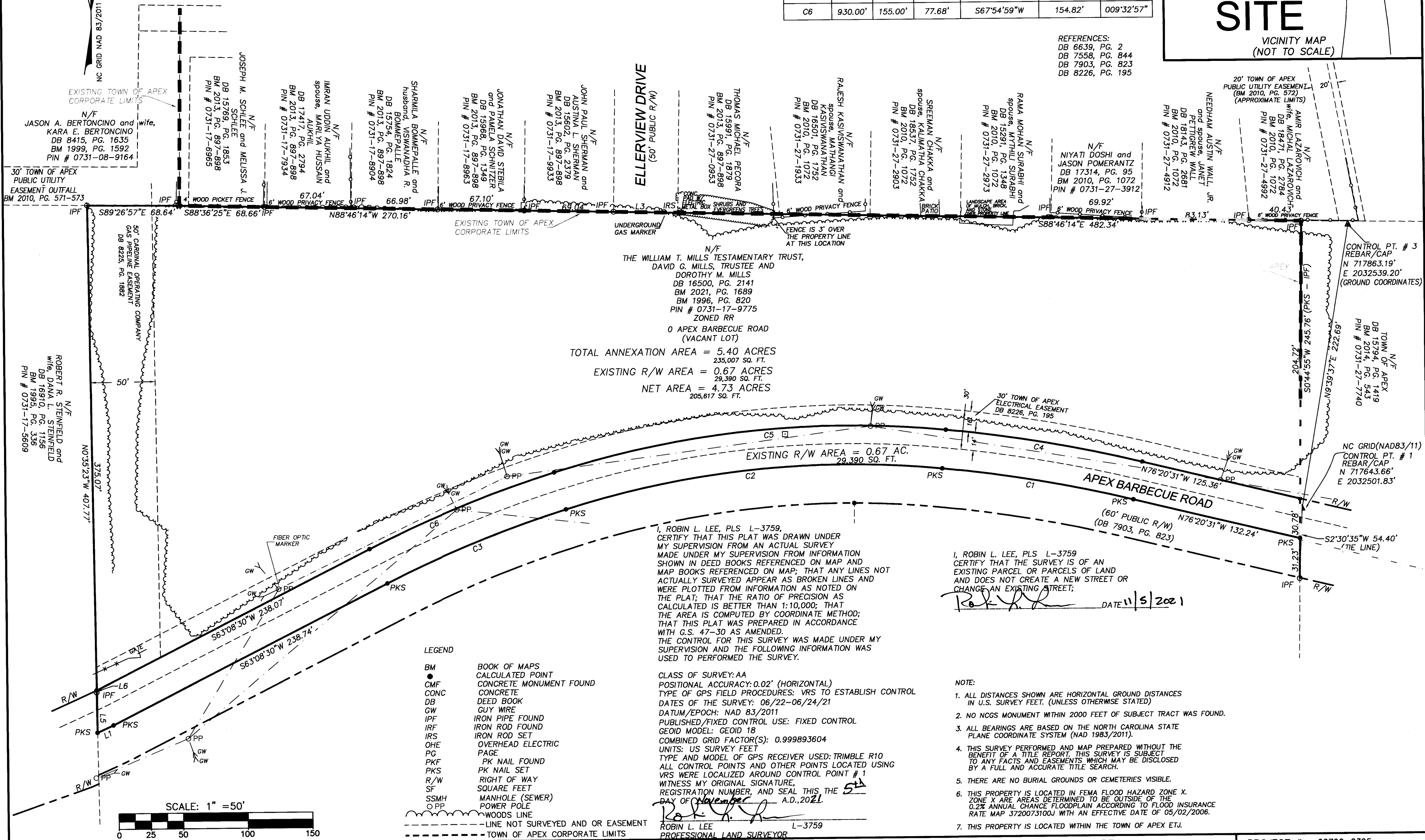
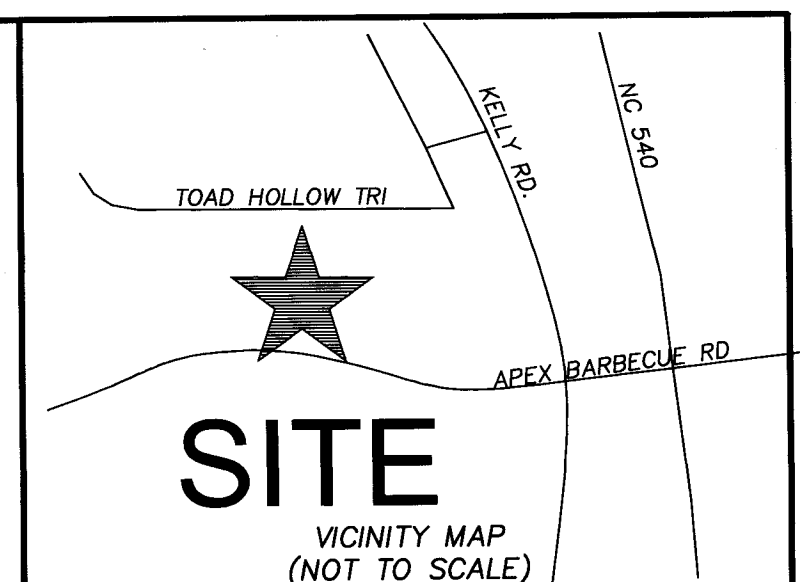
ANNEXATION # _____

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

Donna B. Hosch, MMC, NCCMC, Town Clerk

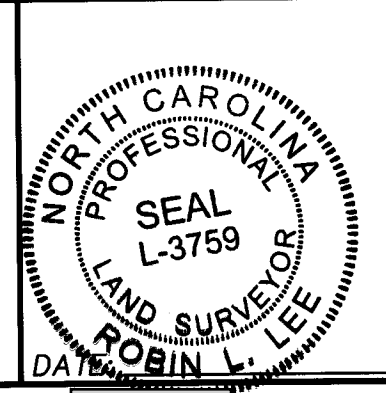
Curve Table						
Curve #	Radius	Length	Tangent	Chord Bearing	Ch. Length	Delta
C1	1100.00'	150.00'	75.12'	N80°14'54"W	149.88'	007°48'47"
C2	730.00'	295.00'	149.54'	S84°16'05"W	293.00'	023°09'14"
C3	900.00'	150.00'	75.17'	S67°54'59"W	149.83'	009°32'57"
C4	1130.00'	154.09'	77.17'	N80°14'54"W	153.97'	007°48'47"
C5	760.00'	307.13'	155.69'	S84°16'05"W	305.04'	023°09'14"
C6	930.00'	155.00'	77.68'	S67°54'59"W	154.82'	009°32'57"

REFERENCES:
DB 6639, PG. 2
DB 7558, PG. 844
DB 7903, PG. 823
DB 8226, PG. 195



DATE	REVISION	INITIAL

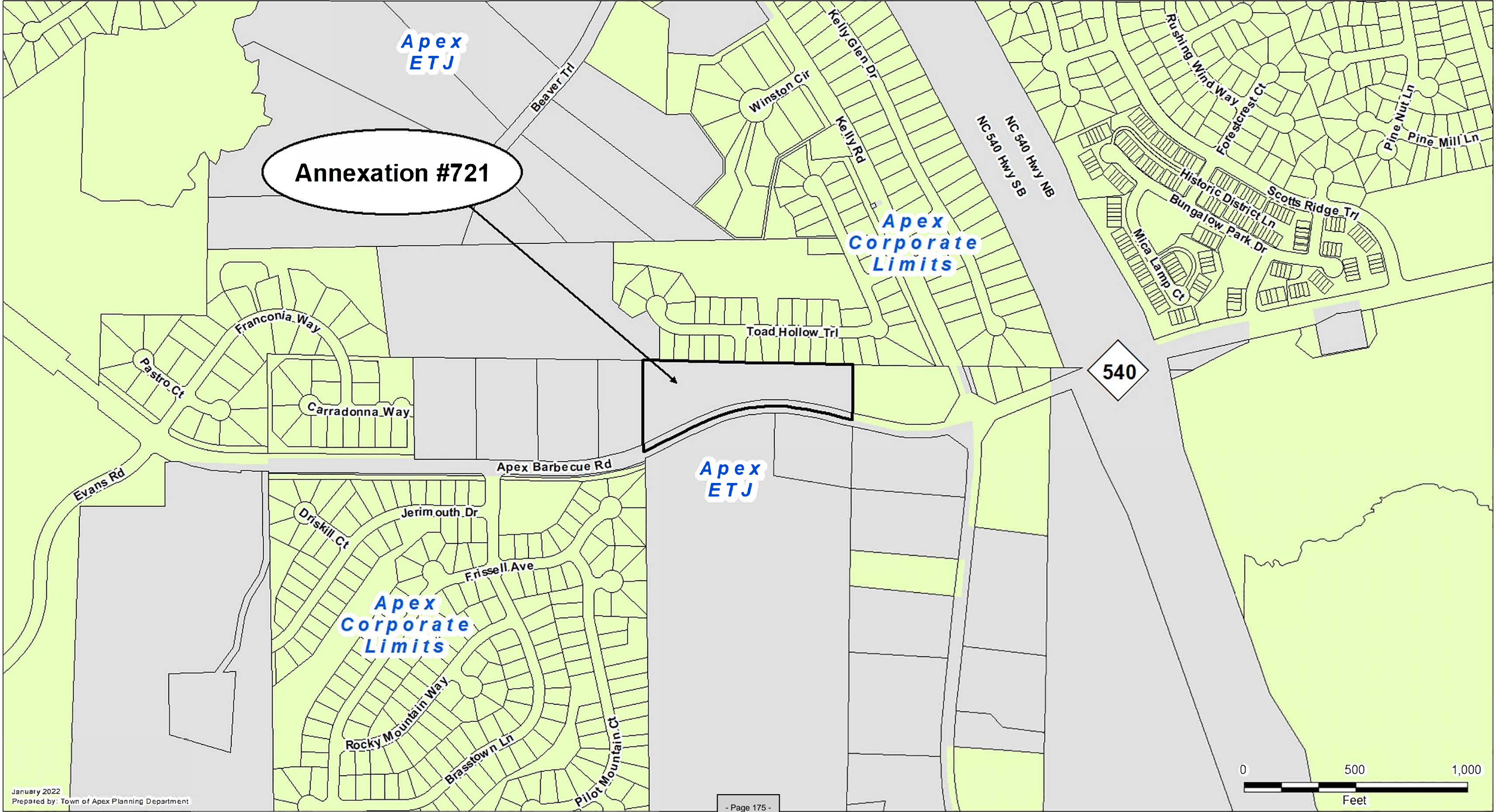
MCKIM & CREED
1730 Varsity Drive Suite 500
Raleigh, North Carolina 27606
Phone: (919)233-8091, Fax: (919)233-8031
NC FIRM # F-1222
Internet Site: <http://www.mckimcreed.com>



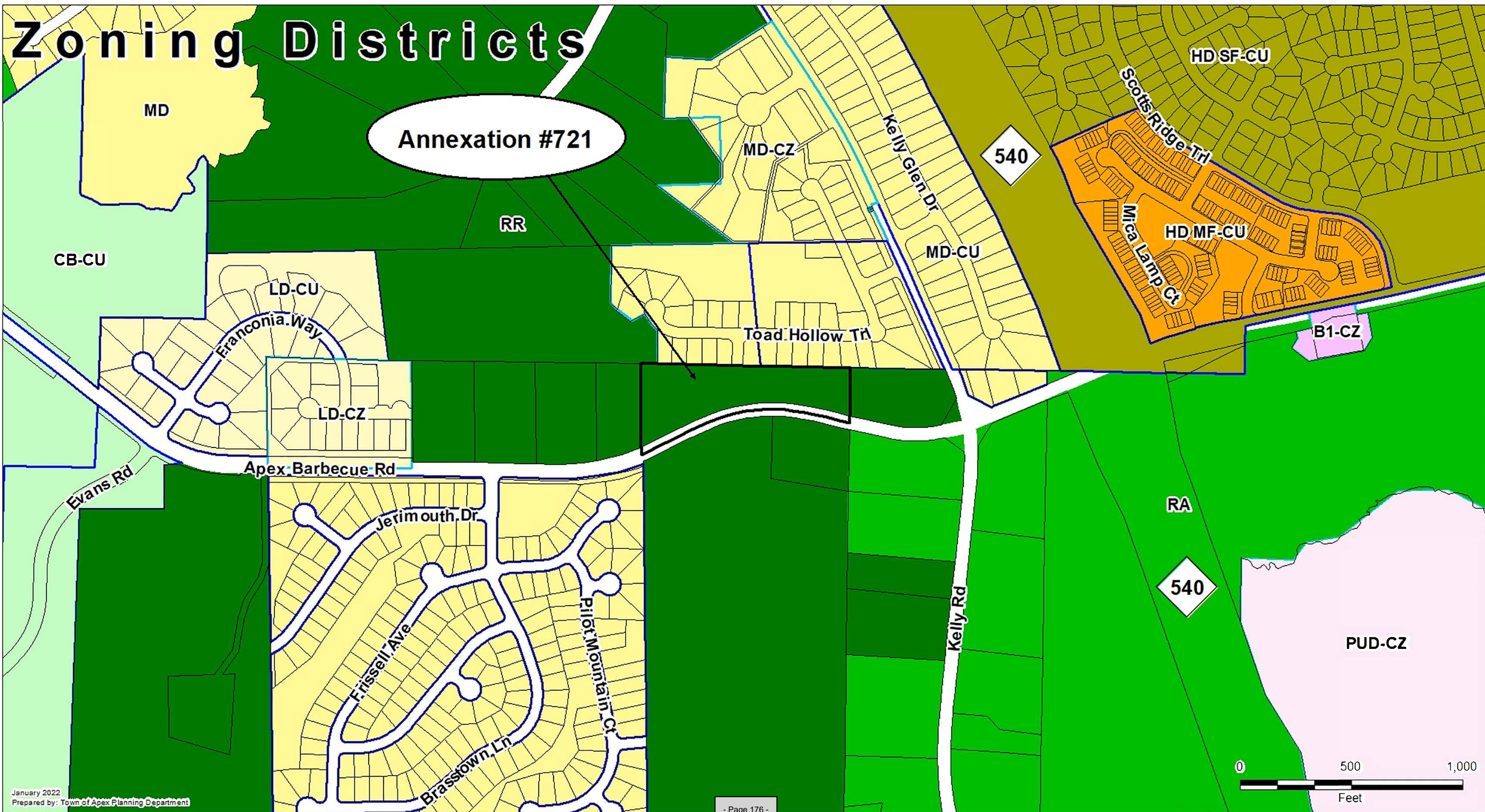
ANNEXATION MAP FOR THE TOWN OF APEX
PROPERTY OF
THE WILLIAM T. MILLS TESTAMENTARY TRUST, DAVID G. MILLS, TRUSTEE AND DOROTHY M. MILLS
PIN # 0731-17-9775
DATE: 10/27/2021
TOWN OF APEX, BUCKHORN TOWNSHIP WAKE COUNTY NORTH CAROLINA
SCALE: 1" = 50'

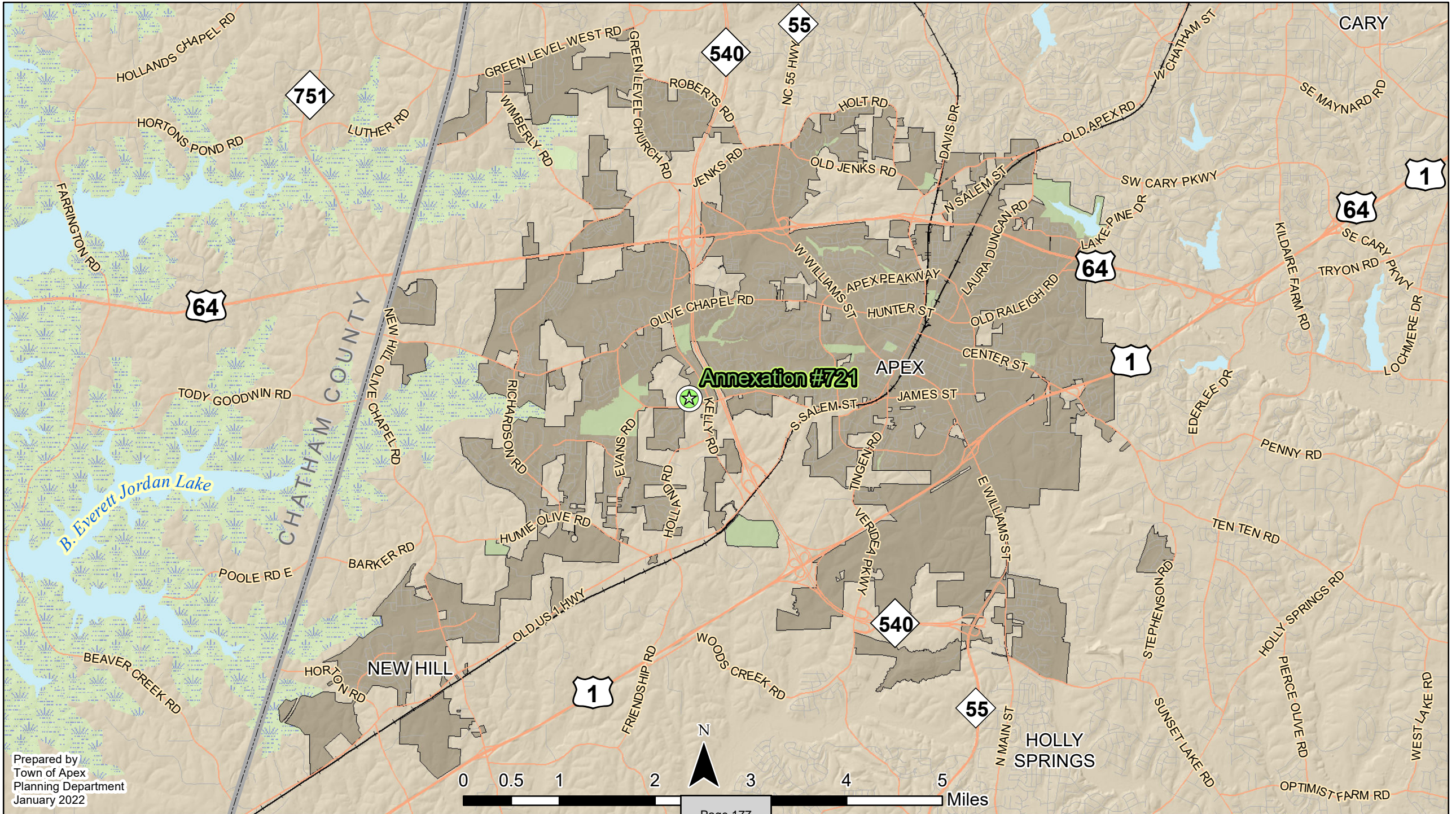
PROJECT # : 00790-0395
PROJ. SVYR : RLL
DRAWN BY : RLL
FIELD BK. : R0
COMP. FILE : VS101-007900395
SHEET # : 1 OF 1
DWG. # : R.1.





Zoning Districts





Prepared by
Town of Apex
Planning Department
January 2022

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: February 22, 2022

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Bruce L. Thomas property containing 1.13± acres located at 7700 Humie Olive Road, Annexation #725 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2022-0222-05
ANNEXATION PETITION NO. #725
Bruce L. Thomas (7700 Humie Olive Road)

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

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on February 22, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

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

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

Section 1. By virtue of the authority granted by G.S. § 160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 22, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex Property of Bruce L. Thomas, Smith and Smith Surveyors, P.A., dated November 29, 2021 listed on the plat" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 22nd day of February 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point being the southwestern property corner of Cheryl V. Goldston; thence with the southern property line of Cheryl V. Goldston, South 57°41'23" East, 210.00 feet to a point in the centerline of N.C.S.R. No. 1147 (Evans Road); thence with the road centerline, South 20°39'41" West, 241.11 feet to a point on the former southern 60' (+/-)right-of-way line of N.C.S.R. No. 1142 (Humie Olive Road); thence with the former southern right of-way line, North 57°25'16" West, 209.79 feet to a point on the former right-of-way line; thence North 20°33'46" East, 30.55 feet to the former centerline of N.C.S.R. No. 1142 (Humie Olive Road) being the southeast corner of Mary Edith Lynn Raines; thence with an eastern property line of Mary Edith Lynn Raines, North 20°33'46" East, 209.64 feet to the point and place of BEGINNING, containing 1.13 Acres more or less.

This description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Jontesca Silver, CMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0222-05, adopted at a meeting of the Town Council, on the 22nd day of February, 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of February 2022.

(SEAL)

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

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 #:

Fee Paid

\$ 200.00

Submittal Date:

Check #

1236

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

BRUCE L. THOMAS

Owner Name (Please Print)

919-630-6082

Phone

0721-70-7209

Property PIN or Deed Book & Page #

btthomascpa@gmail.com

E-mail Address

Owner Name (Please Print)

Phone

Property PIN or Deed Book & Page #

E-mail Address

Owner Name (Please Print)

Phone

Property PIN or Deed Book & Page #

E-mail Address

SURVEYOR INFORMATION

Surveyor: SMITH & SMITH SURVEYORS, P.A.

Phone: 919 362-7111

Fax: n/a

E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information

Total Acreage to be annexed:

1.13 ±

Population of acreage to be annexed:

2

Existing # of housing units:

1

Proposed # of housing units:

0

Zoning District*:

RR

Reason(s) for annexation (select all that apply)

Need water service due to well failure ☐

Need sewer service due to septic system failure ☐

Water service (new construction) ☐

Sewer service (new construction) ☐

Receive Town Services ☒

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Bruce L. Thomas

Please Print

Bruce L. Thomas

Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA

COUNTY OF Wake Mecklenburg

Sworn and subscribed before me, Bruce L. Thomas, a Notary Public for the above State and County,
this the 13th day of December, 2021.

Alycia C. Moore

Notary Public

My Commission Expires:

4/16/2025



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____.

SEAL

Corporate Name _____

Attest:

By: _____

President (Signature)

Secretary (Signature) _____

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

SEAL

Notary Public

My Commission Expires: _____

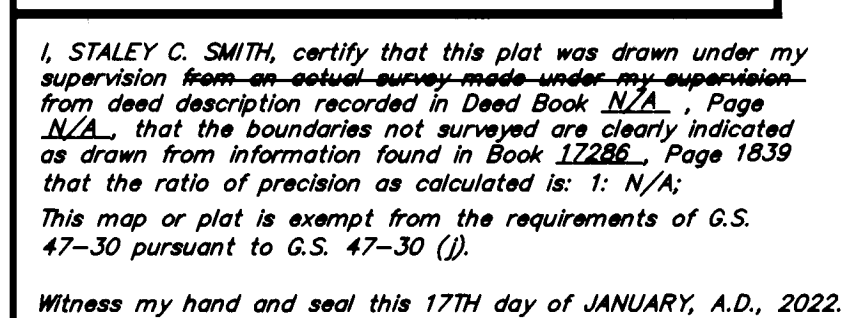
SMITH & SMITH SURVEYORS, P.A.
P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111
FIRM LICENSE NO. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a point being the southwestern property corner of Cheryl V. Goldston; thence with the southern property line of Cheryl V. Goldston, South $57^{\circ}41'23''$ East, 210.00 feet to a point in the centerline of N.C.S.R. No. 1147 (Evans Road); thence with the road centerline, South $20^{\circ}39'41''$ West, 241.11 feet to a point on the former southern 60'(+/-)right-of-way line of N.C.S.R. No. 1142 (Humie Olive Road); thence with the former southern right-of-way line, North $57^{\circ}25'16''$ West, 209.79 feet to a point on the former right-of-way line; thence North $20^{\circ}33'46''$ East, 30.55 feet to the former centerline of N.C.S.R. No. 1142 (Humie Olive Road) being the southeast corner of Mary Edith Lynn Raines; thence with an eastern property line of Mary Edith Lynn Raines, North $20^{\circ}33'46''$ East, 209.64 feet to the point and place of BEGINNING, containing 1.13 Acres more or less.

This description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.

PRELIMINARY
THIS IS A PRELIMINARY DRAWING
AND IS NOT TO BE USED AS A
SURVEY OR TO TRANSFER ANY
PROPERTY SHOWN HEREON.



A circular professional seal for a North Carolina Land Surveyor. The outer ring contains the text "NORTH CAROLINA" at the top and "STALEY C. SMITH" at the bottom. Inside this is a smaller circle with "PROFESSIONAL" at the top and "LAND SURVEYOR" at the bottom. In the center, the word "SEAL" is at the top, the license number "L-3766" is in the middle, and the name "STALEY C. SMITH" is at the bottom. The seal is surrounded by a decorative border of short, radiating lines.







Staley C Switz
Professional Land Surveyor
L-3766
License Number

REFERENCE: DEED BOOK 17286, PAGE 1839

SURVEYOR NOTES:

- (a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE SAME.
- (b) NO TITLE SURCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
- (c) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
- (d) NOT A PHYSICAL SURVEY ON THIS DATE.
- (e) THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
- (f) ALL DISTANCES ARE EXPRESSED AS PRESUMPTIVE HORIZONTAL GROUND U.S. SURVEY FEET MEASUREMENTS.
- (g) AREA DETERMINED USING LEGAL DESCRIPTIONS PREPARED BY OTHERS.

LEGEND

 *Unsurveyed Right Of Way Line*
 *Unsurveyed Line*
 *Unsurveyed Line*
 *Unsurveyed Line*
 *Unsurveyed Line*
 *Existing Town of Apex Corporate Limit Line (Unsurveyed)*

TL - Total
R/W - Right Of Way
TOA - Town of Apex
TCE - Temporary Construction Easement
NCDOT - North Carolina Department of Transportation
XXXX - Street Address (Typical)

RECORDED IN BOOK OF MAPS 2022, PAGE

MAP NORTH
B.M. 1979, PG. 712

MARY EDITH LYNN RAINES
D.B. 11996, PG. 2313
B.M. 1979, PG. 712
PIN 0721-70-5416

THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE
PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION
AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

±0.99 ACRE ANNEXED
(NOT A CURRENT SURVEY)
PIN 0721-70-7209
D.B. 17286, PG. 1839

PARTIAL BOUNDARY SHOWN HEREON ACCORDING TO UN-RECORDED MAP PREPARED BY SMITH & SMITH SURVEYORS, DATED 01/20/1997, ENTITLED "SURVEY FOR BRUCE L. THOMAS AND WIFE CATHY W. THOMAS".

EXISTING IMPROVEMENTS NOT SHOWN

THE WAKE COUNTY BOARD OF EDUCATION

D.B. 14349, PG. 58
D.B. 17917, PG. 1506
B.M. 2006, PG. 764 (TRACT 1)
B.M. 2020, PGS. 1109, 1110, & 1111
ANNEXATION # 471 ~ B.M. 2012, PG. 361
PIN 0720-69-4728

ANNEXATION #

I, _____, _____ Town Clerk, Apex, North Carolina
certify this is a true and exact map of annexation adopted this

the _____ day of _____, 2022,
by the Town Council. I set my hand and seal of
the Town of Apex, _____, 2022.

±1.13 ACRES TOTAL ANNEXED
(NOT A CURRENT SURVEY)



U.S. SURVEY FEET
1 inch = 30 ft.

CHERYL V. GOLDSTON
D.B. 12197, PG. 434 (TRACT 1)
B.M. 1979, PG. 712
PIN 0721-70-7475

EXISTING TOA ELECTRIC/WATER
UTILITY EASEMENT
(D.B. 14715, PG. 2414)

EVANS ROAD ~ N.C.S.R. No. 1147
 NDOT PROJECT 6-4020461 ~ D.B. 5042, Pg. 921)
 VARIABLE WIDTH PUBLIC R/W ~ B.M. 2017, Pg. 905)

BEAZER HOMES, LLC
D.B. 18705, PG. 1303
B.M. 2004, PG. 277
ANNEXATION # 544 ~ B.M. 2015, PG. 1347
PIN 0721-80-3174

ANNEXATION MAP FOR THE TOWN OF APEX

PROPERTY OF

BRUCE L. THOMAS
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
BRUCE L. THOMAS
13824 CLAY SPARROW ROAD
CHARLOTTE, N.C. 28278-6866

P.I.N. 0721-70-7209



*Smith and Smith,
Surveyors, P.A.*

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111

FIRM LICENSE No. C-0155

DATE NOVEMBER 29, 2021

SCALE 1" = 30'

DRAWN BY J.A.B.

PROJECT NO. 2021-97

Whistling
Quail

Madison

Annexation #725

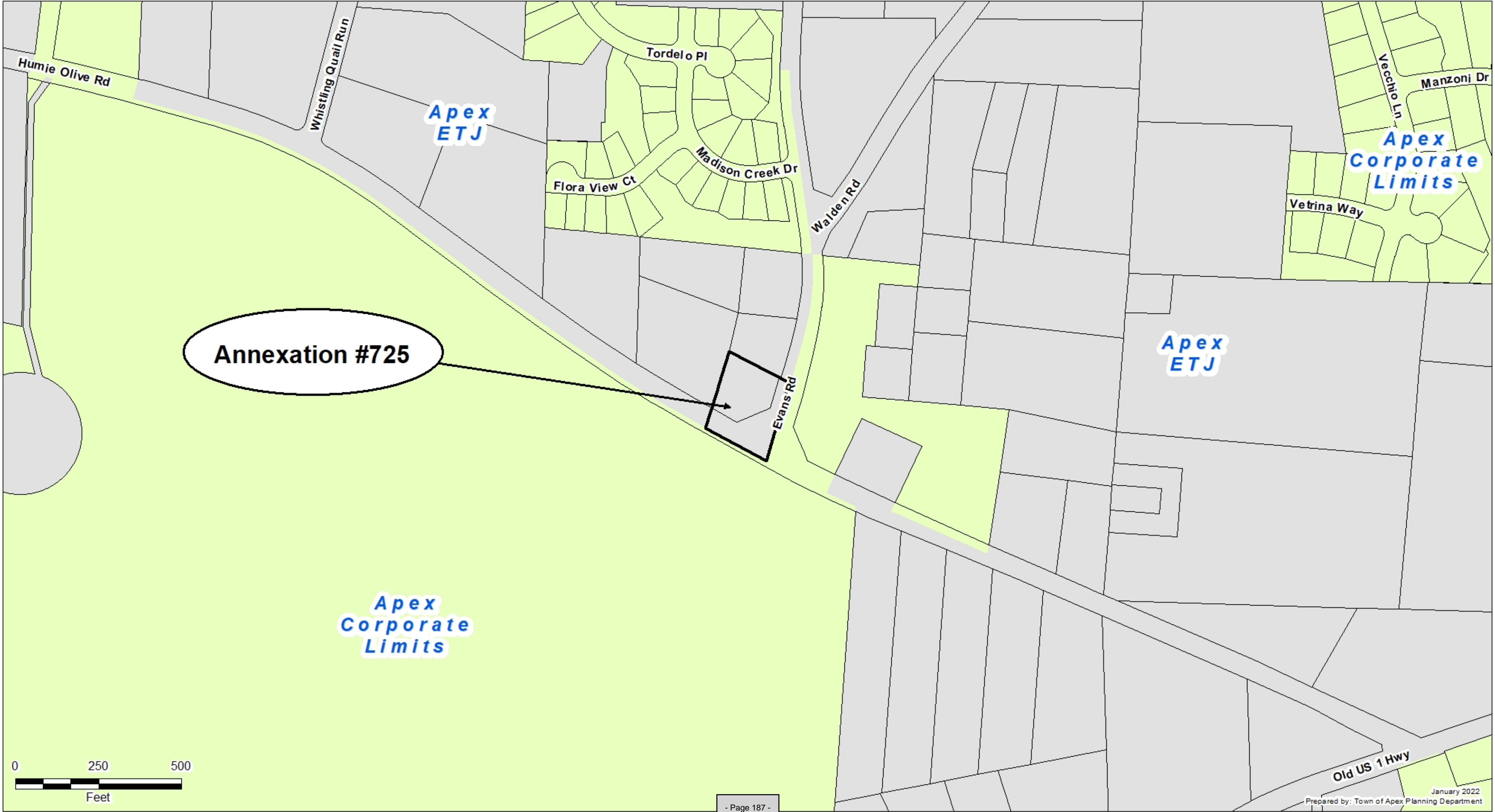
Evans Rd

Apex Friendship
Middle School

Humie Olive Rd

Friendship
Acres





Annexation #725

Apex
Corporate
Limits

Apex
ETJ

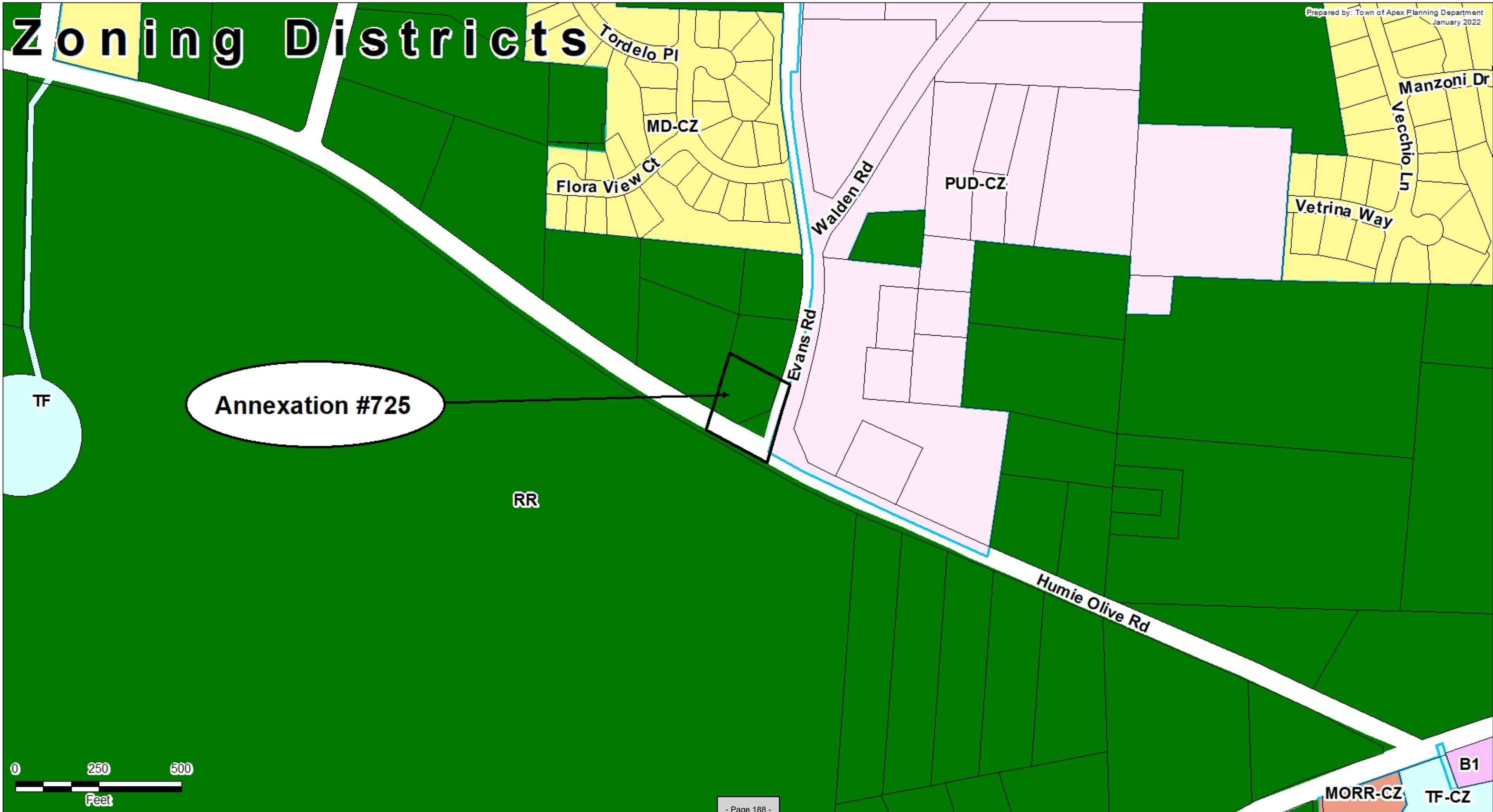
Apex
Corporate
Limits

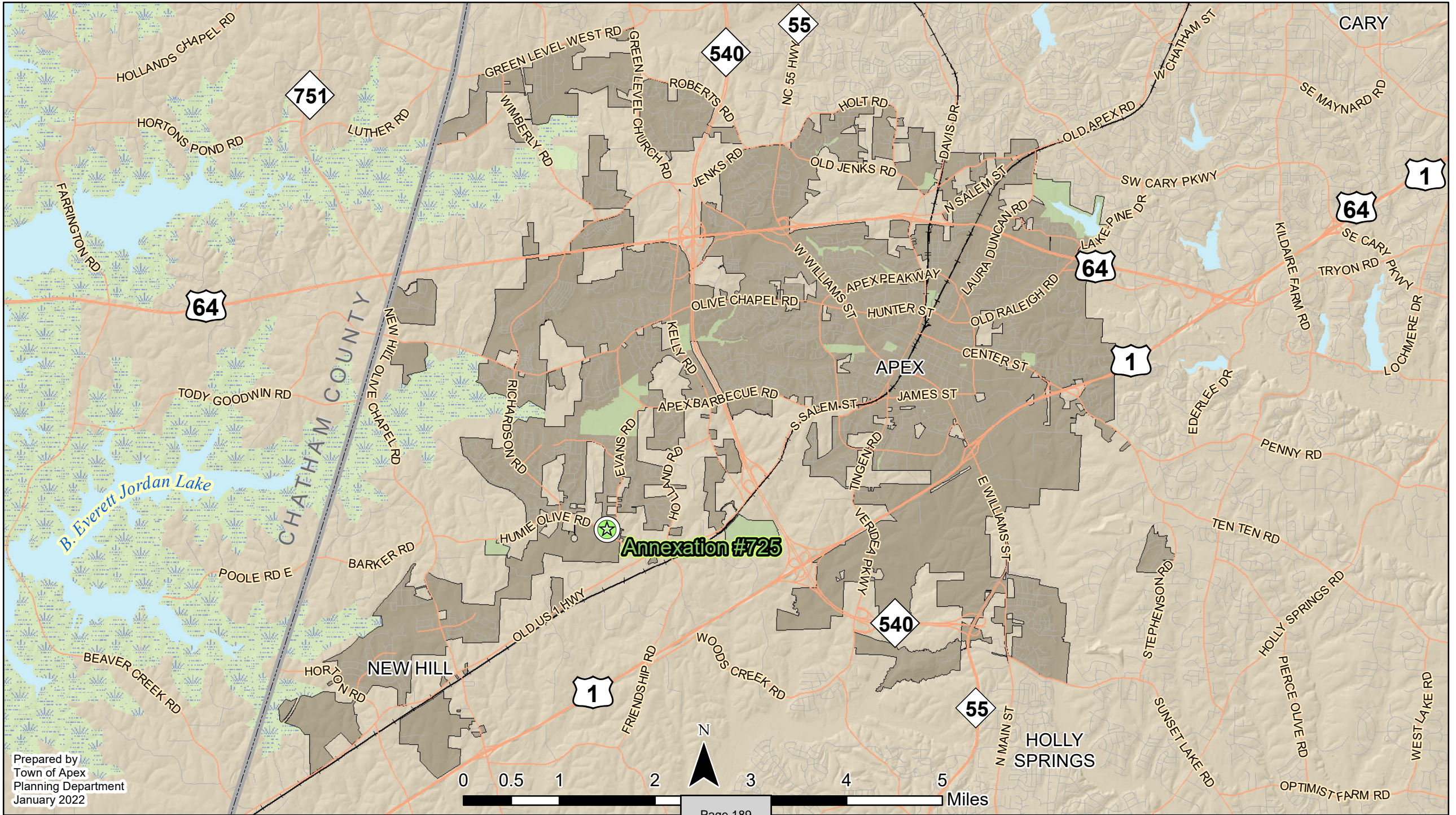
Apex
ETJ

0 250 500
Feet

Zoning Districts

Prepared by: Town of Apex Planning Department
January 2022





| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: February 22, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II
Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Stanley Martin Homes (Williams Grove) property containing 63.224 acres located at 4525 Green Level West Road, Annexation #724 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

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

ORDINANCE NO. 2022-0222-04
ANNEXATION PETITION NO. #724
Stanley Martin Homes, LLC (Williams Grove)

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

WHEREAS, the Apex Town Council has been petitioned under G.S. § 160A-58.1, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on February 22, 2022, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S. § 160A-58.1, as amended.

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

Section 1. By virtue of the authority granted by G.S. § 160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on February 22, 2022. The survey plat that describes the annexed territory is that certain survey plat entitled "Williams Grove Satellite Annexation Map for the Town of Apex, The John R. McAdams Company, Inc, dated November 22, 2021" and recorded in Book of Maps book number 2022 and page number [REDACTED], Wake County Registry.

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

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

Adopted this the 22nd day of February 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

BEGINNING AT A POINT IN THE PROPOSED CENTERLINE OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); SAID POINT HAVING N.C. GRID COORDINATES OF NORTHING: 735,868.676; EASTING: 2,018,902.457; THENCE WITH SAID PROPOSED CENTERLINE SOUTH 60°51'28" EAST 204.54 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 621.73 FEET, WITH A RADIUS OF 926.00 FEET, WITH A CHORD BEARING OF SOUTH 80°05'33" EAST, WITH A CHORD LENGTH OF 610.12 FEET TO A POINT; THENCE NORTH 80°40'22" EAST 81.96 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE SOUTH 01°31'03" WEST 30.02 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH FREEMAN R. JOHNSON SOUTH 01°32'22" WEST 672.98 FEET TO AN IRON PIPE; THENCE ALONG A COMMON LINE WITH THE LAKE CASTLEBERRY SUBDIVISION SOUTH 01°31'22" WEST 1361.14 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH THE LAKE CASTLEBERRY OWNERS ASSOCIATION SOUTH 56°33'17" WEST 368.90 FEET TO AN IRON PIPE SET; THENCE SOUTH 88°32'13" WEST 421.25 FEET TO AN IRON PIPE SET; THENCE SOUTH 66°10'21" WEST 554.69 FEET TO AN IRON PIPE; THENCE ALONG A COMMON LINE WITH HEATH PHILLIP CUMMINGS AND BILLY L. SEARS NORTH 10°48'22" WEST 715.81 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH ELIZA C WILLIAMS NORTH 15°51'13" EAST 2068.42 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 63.224 ACRES, 2,754,026 SQUARE FEET.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

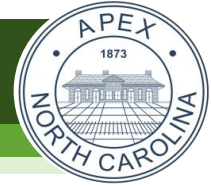
I, Jontesca Silver, CMC, NCCMC, Deputy Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2022-0222-04, adopted at a meeting of the Town Council, on the 22nd day of February 2022, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 23rd day of February 2022.

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION Town of Apex, North Carolina



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

ANNEXATION FEE: \$200.00

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

HARD COPY SUBMITTAL REQUIREMENTS:

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

ELECTRONIC SUBMITTAL REQUIREMENTS: [IDT Plans](#)

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

REVIEW AND APPROVAL PROCESS:

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

FOR WELL AND/OR SEPTIC FAILURES:

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

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

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

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: Annexation #724 (2021-00000017)

Submittal Date: 12/1/2021

Fee Paid \$ 200.00

Check # VV752

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

Stanley Martin Homes, LLC

0713943738

Owner Name (Please Print)

Property PIN or Deed Book & Page #

919.724.0624

KetchemBK@stanleymartin.com

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

Owner Name (Please Print)

Property PIN or Deed Book & Page #

Phone

E-mail Address

SURVEYOR INFORMATION

Surveyor: McAdams

Phone: 919-361-5000

Fax: _____

E-mail Address: mersinger@mcadamsco.com

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>63.224</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>n/a</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>156</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: _____

Submittal Date: _____

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, STANLEY MARTIN a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 1 day of December, 2021.

Name of Limited Liability Company Stanley Martin Homes, LLC

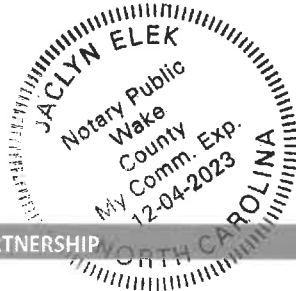
By: _____

Signature of Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jaclyn Elek, a Notary Public for the above State and County, this the 1 day of December, 2021.

SEAL



Jaclyn Elek
Notary Public

My Commission Expires: 12/4/2023

COMPLETE IF IN A PARTNERSHIP

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

Name of Partnership _____

By: _____

Signature of General Partner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

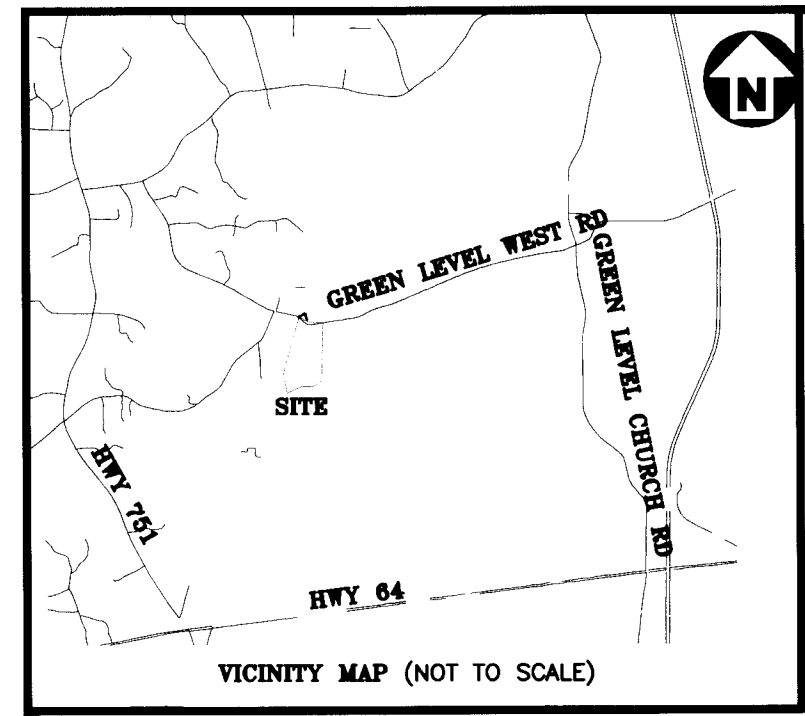
Sworn and subscribed before me, _____, a Notary Public for the above State and County, this the _____ day of _____, 20____.

SEAL

Notary Public

My Commission Expires: _____

BEGINNING AT A POINT IN THE PROPOSED CENTERLINE OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); SAID POINT HAVING N.C. GRID COORDINATES OF NORTHING: 735,868.676; EASTING: 2,018,902.457; THENCE WITH SAID PROPOSED CENTERLINE SOUTH 60°51'28" EAST 204.54 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 621.73 FEET, WITH A RADIUS OF 926.00 FEET, WITH A CHORD BEARING OF SOUTH 80°05'33" EAST, WITH A CHORD LENGTH OF 610.12 FEET TO A POINT; THENCE NORTH 80°40'22" EAST 81.96 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE SOUTH 01°31'03" WEST 30.02 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH FREEMAN R. JOHNSON SOUTH 01°32'22" WEST 672.98 FEET TO AN IRON PIPE; THENCE ALONG A COMMON LINE WITH THE LAKE CASTLEBERRY SUBDIVISION SOUTH 01°31'22" WEST 1361.14 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH THE LAKE CASTLEBERRY OWNERS ASSOCIATION SOUTH 56°33'17" WEST 368.90 FEET TO AN IRON PIPE SET; THENCE SOUTH 88°32'13" WEST 421.25 FEET TO AN IRON PIPE SET; THENCE SOUTH 66°10'21" WEST 554.69 FEET TO AN IRON PIPE; THENCE ALONG A COMMON LINE WITH HEATH PHILLIP CUMMINGS AND BILLY L. SEARS NORTH 10°48'22" WEST 715.81 FEET TO AN IRON PIPE SET; THENCE ALONG A COMMON LINE WITH ELIZA C WILLIAMS NORTH 15°51'13" EAST 2068.42 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 63.224 ACRES, 2,754,026 SQUARE FEET.



GENERAL NOTES

1. THIS IS AN ANNEXATION SURVEY
2. BEARINGS FOR THIS SURVEY ARE BASED ON NAD 83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: R-40; PUD-CZ
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANEL #3720071300K DATED FEB 2, 2007.

SURVEYOR'S CERTIFICATE

I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 18792, PAGE 93); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:97,460±; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 24TH DAY OF JANUARY, A.D., 2022.

TYPE OF PLAT

I HEREBY CERTIFY THIS PLAT OF THE FOLLOWING TYPE: G.S. 47-30 (F)(1)(D). THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

RONALD T. FREDERICK, PROFESSIONAL LAND SURVEYOR L-4720



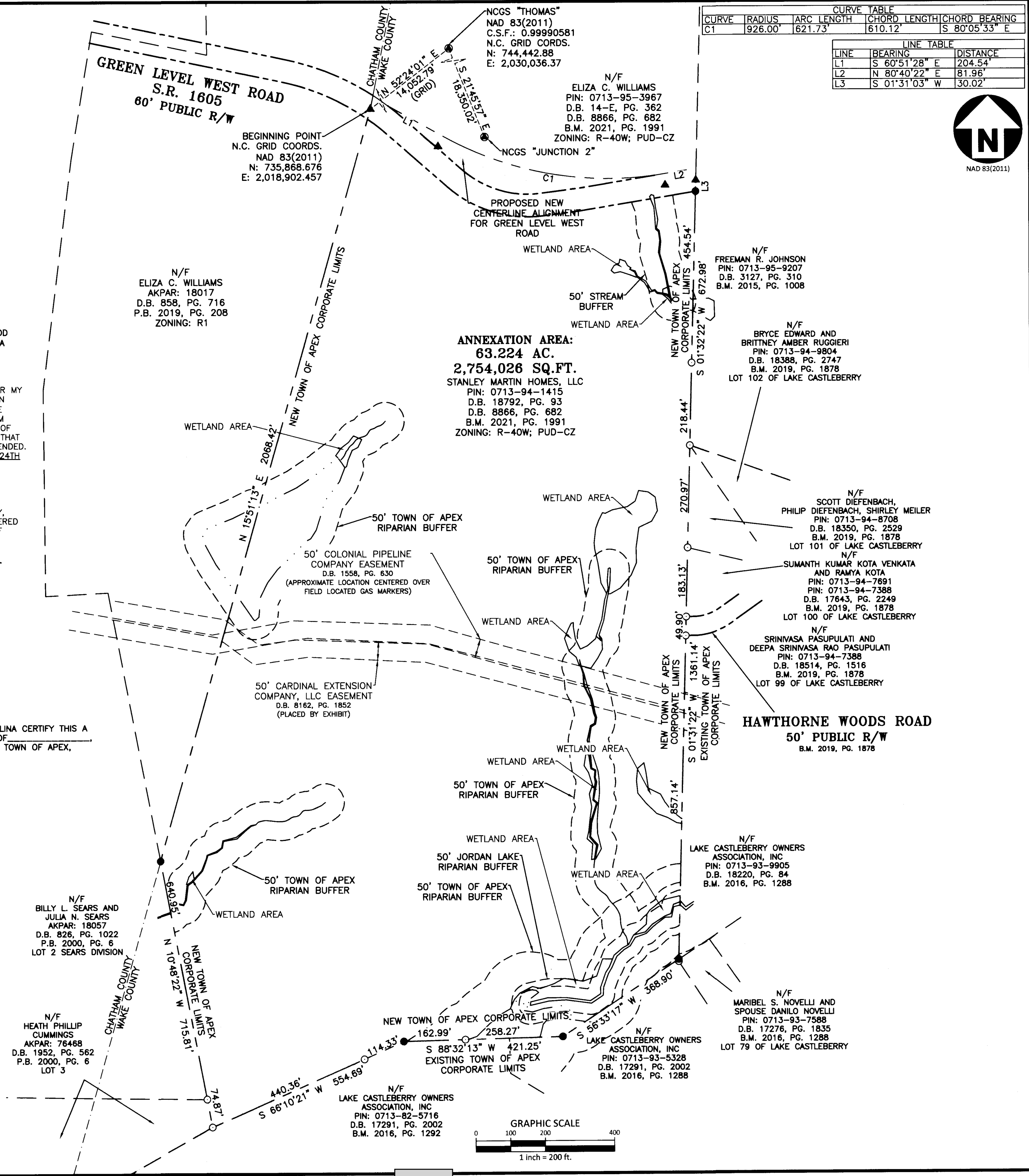
ANNEXATION # _____
I, _____ TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE _____ DAY OF _____ 20____, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX,

DAY/MONTH/YEAR

TOWN CLERK

LEGEND (UNLESS OTHERWISE NOTED)

- ▲ CALCULATED POINT
- EXISTING IRON PIPE
- IRON PIPE SET
- ADJOINER
- ANNEXATION LINE
- BOUNDARY
- BUFFER
- COUNTY LINE
- RIGHT OF WAY



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	926.00'	621.73'	610.12'	S 80°05'33" E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 60°51'28" E	204.54'
L2	N 80°40'22" E	81.96'
L3	S 01°31'03" W	30.02'



McADAMS

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

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

www.mcadamsco.com

CLIENT

STANLEY MARTIN HOMES

WILLIAMS GROVE SATELLITE ANNEXATION PLAT FOR THE TOWN OF APEX WHITE OAK TOWNSHIP, WAKE COUNTY, NC

REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. 2020110181
FILENAME 2020110181-A1
CHECKED BY RTF
DRAWN BY TAM
SCALE 1"=200'
DATE 11-22-2021

SHEET

SHEET TITLE

1-1

Annexation #724

CHATHAM COUNTY

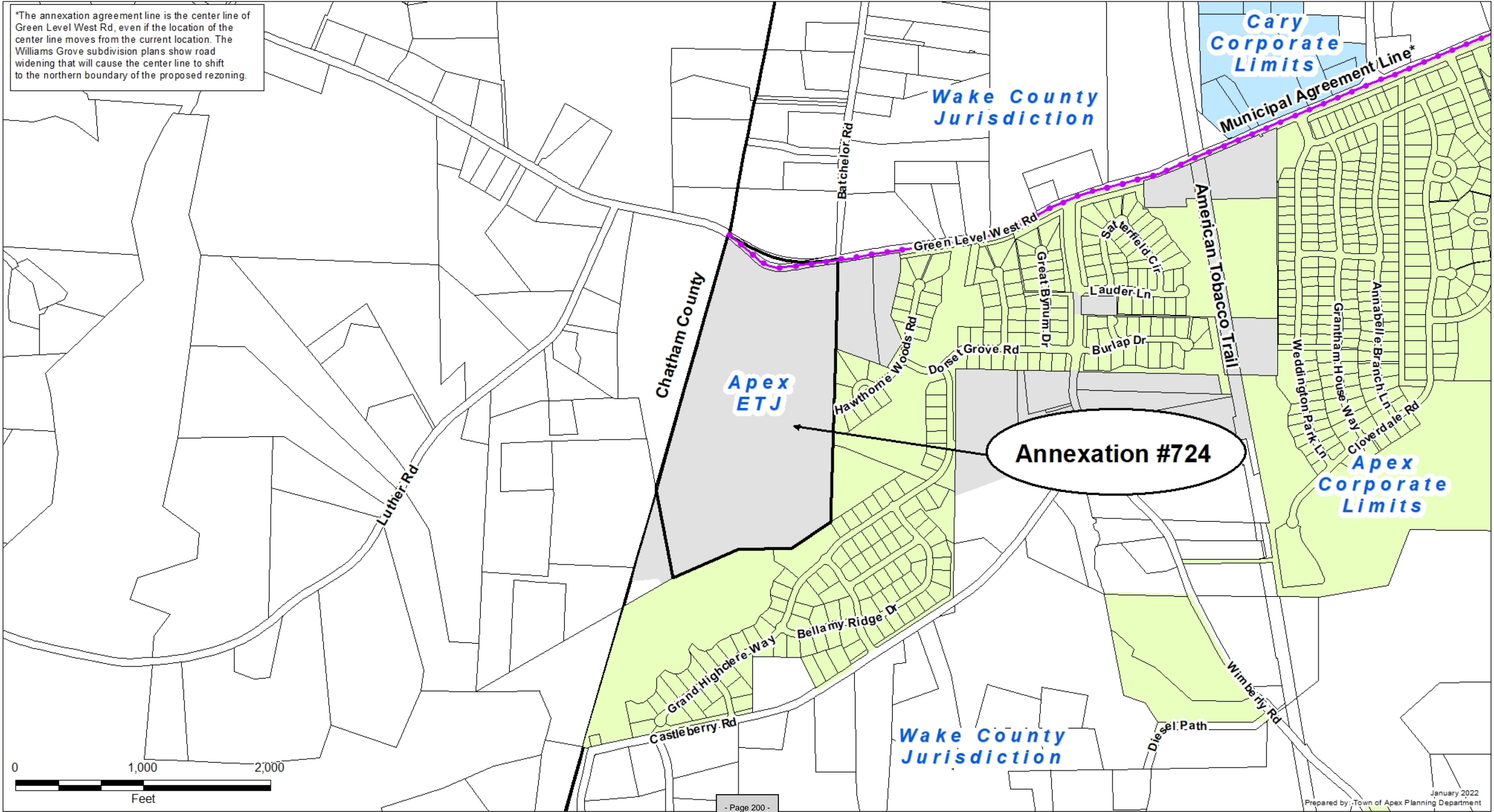
The Point
at Lake
Castleberry

Lake
Castleberry

The annexation agreement line is the center line of Green Level West Rd, even if the location of the center line moves from the current location. The Williams Grove subdivision plans show road widening that will cause the center line to shift to the northern boundary of the proposed rezoning.

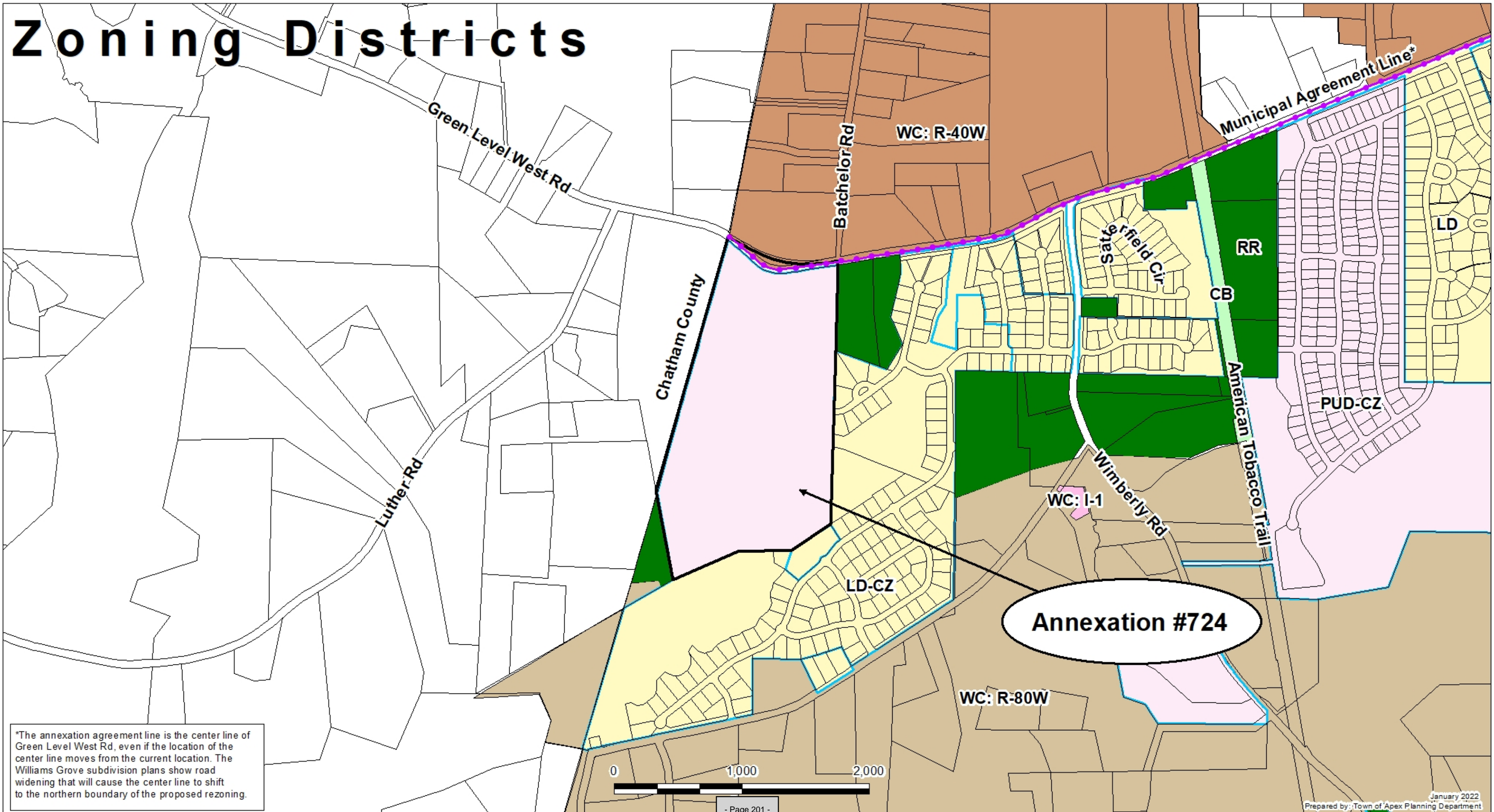


*The annexation agreement line is the center line of Green Level West Rd, even if the location of the center line moves from the current location. The Williams Grove subdivision plans show road widening that will cause the center line to shift to the northern boundary of the proposed rezoning.

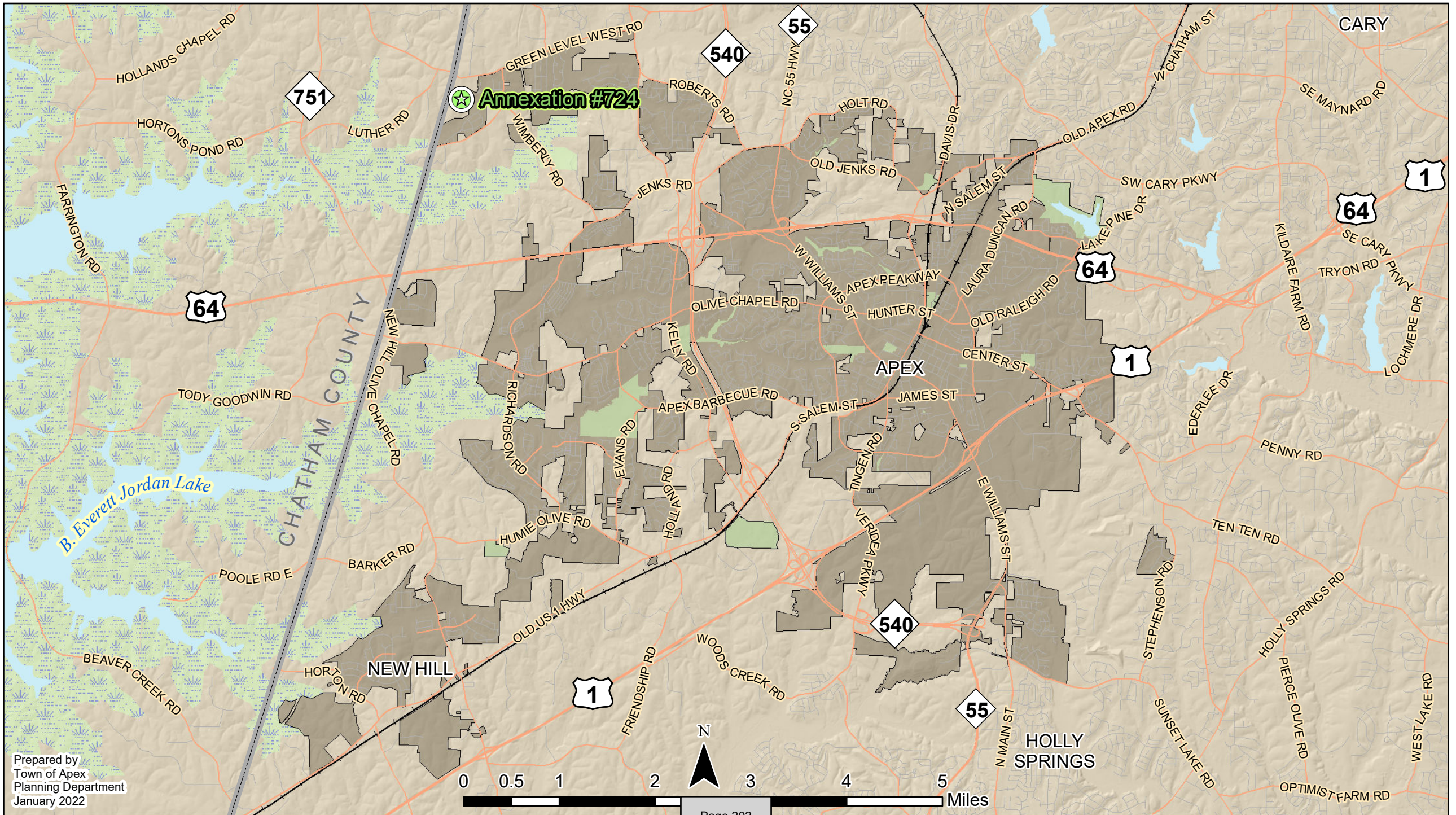


Annexation #724

Zoning Districts



*The annexation agreement line is the center line of Green Level West Rd, even if the location of the center line moves from the current location. The Williams Grove subdivision plans show road widening that will cause the center line to shift to the northern boundary of the proposed rezoning.



Prepared by
Town of Apex
Planning Department
January 2022

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: February 22, 2022

Item Details

Presenter(s): Shelly Mayo, Planner II
Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to approve Rezoning Application #21CZ30 Williams Farm PUD Amendment and Ordinance. The applicant, Jessie Hardesty for McAdams Co., seeks to rezone approximately 1.304 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

Approval Recommended?

The Planning and Community Development Department recommends approval.
The Planning Board held a Public Hearing on February 14, 2022 and by a vote of 6 to 0 voted to recommend approval of the rezoning with the conditions offered by the applicant.

Item Details

The property to be rezoned is identified as a portion of PIN 0713943738.

Attachments

- Staff Report
- Application
- Statement and Ordinance



STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 4525 Green Level West Rd
Applicant: Jessie Hardesty, McAdams Co.
Authorized Agent: Jacob Anderson, Alliance Group of NC
Owner: Stanley Martin Homes, LLC

PROJECT DESCRIPTION:

Acreage: +/- 1.304 acres
PIN: Portion of 0713943738
Current Zoning: Wake Co. R-40W
Proposed Zoning: Planned Unit Development–Conditional Zoning (PUD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: Outside the ETJ

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Wake County Residential (R-40W)	Single-family residential & Vacant; Green Level West Rd
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #21CZ04)	Future Williams Grove subdivision
East:	Rural Residential (RR)	Single-family residential
West:	Chatham Co. R-1	Single-family residential; Vacant

EXISTING CONDITIONS:

The site consists of a portion of one (1) parcel totaling +/- 1.304 acres and is currently located within the right-of-way for Green Level West Road. The site is adjacent to the Williams Farm PUD which was approved on July 27, 2021.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on November 23, 2021. The meeting report is attached to the staff report. No one attended.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Low Density Residential. The approved PUD proposes a maximum density of 2.89 units per acre, with a maximum of 176 residential units in this area. No changes to the density are proposed as a part of this PUD amendment. The proposed rezoning is consistent with the 2045 Land Use Map designation.

WCPSS COORDINATION:

Since this PUD amendment does not propose a change to the density or uses, a Letter of Impact from Wake County Public School System (WCPSS) was not requested by Planning Staff.

STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



PLANNED UNIT DEVELOPMENT PLAN:

The applicant is proposing a Planned Unit Development with uses and development standards as follows:

The intent of this project is to add the proposed land to the approved Williams Farm Planned Unit Development (Rezoning Case #21CZ04.) All zoning conditions and requirements outlined in that approved rezoning case shall apply to this parcel.

APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

Per the Apex Thoroughfare and Collector Street Plan map, Green Level West Road is designated as a future 4-lane median-divided thoroughfare. The developer will dedicate right-of-way along their property frontage on Green Level West Road to meet the requirements shown in Advance Apex.

During Master Subdivision Plan review, the developer worked with the Town of Apex and NCDOT to ensure adequate sight distance at the proposed site access on Green Level West Road. This requires a realignment of Green Level West Road. After the road is realigned, approximately 1.304 acres of existing right-of-way on the southern side of the road will be abandoned by NCDOT. To meet the requirements of the UDO and PUD, that property needs to be annexed into the Town and added to the existing PUD.

ENVIROMENTAL ADVISORY BOARD:

Per UDO Sec. 2.1.9.A.2, this rezoning was exempt from review by the Environmental Advisory Board because it falls under the category of:

Rezonings to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ30 Williams Farm PUD Amendment as proposed by the applicant.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on February 14, 2022 and voted 6 to 0 to recommend approval of the rezoning with the conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the site as Low Density Residential. The proposed rezoning to PUD-CZ as proposed is consistent with the 2045 Land Use Map designation.

The proposed amendment is reasonable and in the public interest because it will enable the realignment of Green Level West Road to promote traffic safety.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other

STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

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

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

a) *Development parameters*

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

- b) *Off-street parking and loading.* The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



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

STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



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

Legislative Considerations

The Planning Board shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

STAFF REPORT

Rezoning #21CZ30 Williams Farm PUD Amendment

February 22, 2022 Town Council Meeting



- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



PLANNED UNIT DEVELOPMENT APPLICATION

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

Application #:	<u>21CZ30</u>	Submittal Date:	<u>12/1/21</u>
Fee Paid	<u>\$ 600.00</u>	Check #	<u></u>

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Williams Grove
Address(es): 4525 Green Level West Rd
PIN(s) P/O 0713943738

Acreage: 1.304
Current Zoning: R-40W Proposed Zoning: PUD-CZ
Current 2045 LUM Designation: Low Density Residential

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes ☒ No ☐

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

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

Applicant Information

Name: Jessie Hardesty
Address: 2905 Meridian Parkway
City: Durham State: NC Zip: 27713
Phone: 919-361-5000 E-mail: hardesty@mcadamsco.com

Owner Information

Name: Stanley Martin Homes, LLC
Address: 4020 Westchase Blvd, Suite 470
City: Raleigh State: NC Zip: 27607
Phone: E-mail:

Agent Information

Name: Alliance Group of NC
Address: 4525 Green Level West Rd
City: Raleigh State: NC Zip: 27615
Phone: 919-239-9486 E-mail: jacob@alliancegroupnc.com
Other contacts: Jacob Anderson

November 24, 2021

Town of Apex
73 Hunter St
Apex, NC 27502

RE: Zoning Amendment Letter Williams PUD-CZ

To Whom It May Concern,

The intent of this project is to add the proposed land to the approved Williams Farm Planned Unit Development (Rezoning Case #21CZ04.) All zoning conditions and requirements outlined in that approved rezoning case shall apply to this parcel.

Sincerely,

MCADAMS



Jessie Hardesty
Planner I, Planning + Design

PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ30

Submittal Date: 12/01/2021

PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS:

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments. The PD text and plan should demonstrate how the standards of Sec. 2.3.4.F are met by the proposed rezoning.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

This zoning map change remains consistent with the future land use designation of 'Low Density Residential.'

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 addition of 1.3 acres to the Williams Farm PUD-CZ is compatible with the surrounding land uses.

This addition is to allow for the realigning of Green Level West Road, which will flatten the curve in the road and provide safer driving conditions for the surrounding communities.

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

The proposed rezoning will comply with all conditions and requirements outlined in the approved Williams Farm PUD (Rezoning Case #21CZ04). If standards are not listed in the approved PUD, they will default to the UDO.

PETITION PROCESS INFORMATION

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

The addition of 1.3 acres to the Williams Farm PUD is intended to create safer driving conditions for future and existing residents in the area by reducing the curve in Green Level West Road. This rezoning is minimizing adverse effects of the surrounding area, specifically in regards to traffic.

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 zoning will comply with all environmental conditions and requirements outlined in the approved Williams Farm PUD (Rezoning Case #21CZ04).

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 zoning will not have adverse impacts on public facilities and services.

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

The proposed zoning will provide a safer environment for existing and future residents by allowing a safer roadway along the property frontage. Currently Green Level West Road has a sharp curve along the subject property's frontage. By adding 1.3 acres to the rezoning, the developer can reduce this curve.

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

Adding 1.3 acres to the approved Williams Farm PUD will not be a detriment to the adjacent properties.

PETITION PROCESS INFORMATION

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

The proposed zoning will comply with all conditions and requirements of Williams Farm PUD (Rezoning Case #21CZ04).

The addition of 1.3 acres will not create additional 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 zoning will comply with all conditions and requirements of Williams Farm PUD (Rezoning Case #21CZ04).

AGENT AUTHORIZATION FORM

Application #: 21CZ30

Submittal Date: 12/1/2021

Stanley Martin Homes, LLC is the owner* of the property for which the attached application is being submitted:

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

The property address is: 4525 Green Level West Rd

The agent for this project is: Jacob Anderson

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


Agent Name: Alliance Group of NC

Address: 7208 Falls of the Neuse Rd Suite 101

Telephone Number: 919-239-9486

E-Mail Address: jacob@alliancegroupnc.com

Signature(s) of Owner(s)*


BRIAN KETCHUM

Type or print name

12/1/2021

Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

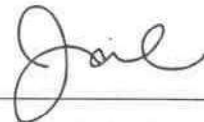
Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature.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

AFFIDAVIT OF OWNERSHIPApplication #: 21CZ30Submittal Date: 12/1/2021

The undersigned, Jacob Anderson (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 4525 Green Level West 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 11/10/2021, and recorded in the Wake County Register of Deeds Office on 11/10/2021, in Book 2021 Page 01991.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 11/10/2021, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 11/10/2021, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 1 day of December, 2021.



(seal)

Jacob Anderson

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



[NOTARY SEAL]



Notary Public

State of North Carolina

My Commission Expires: 12-4-2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ30

Submittal Date: 12/1/2021

Insert legal description below.

BEGINNING AT A IRON PIPE SET IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY SOUTH $80^{\circ}33'13''$ WEST 310.74 FEET TO A POINT; THENCE SOUTH $82^{\circ}43'32''$ WEST 98.78 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 272.48 FEET, WITH A RADIUS OF 320.00 FEET, WITH A CHORD BEARING OF NORTH $72^{\circ}52'50''$ WEST, WITH A CHORD LENGTH OF 264.32 FEET TO A POINT; THENCE NORTH $48^{\circ}29'13''$ WEST 203.90 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 73.21 FEET, WITH A RADIUS OF 630.00 FEET, WITH A CHORD BEARING OF NORTH $51^{\circ}48'57''$ WEST, WITH A CHORD LENGTH OF 73.17 FEET TO A POINT; THENCE NORTH $15^{\circ}51'13''$ EAST 27.69 FEET TO A POINT IN THE CENTERLINE OF THE PROPOSED NEW RIGHT OF WAY; THENCE WITH SAID CENTERLINE SOUTH $60^{\circ}51'28''$ EAST 204.54 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 621.73 FEET, WITH A RADIUS OF 926.00 FEET, WITH A CHORD BEARING OF SOUTH $80^{\circ}05'33''$ EAST, WITH A CHORD LENGTH OF 610.12 FEET TO A POINT; THENCE NORTH $80^{\circ}40'22''$ EAST 81.96 FEET TO A POINT; THENCE SOUTH $01^{\circ}31'03''$ WEST 30.02 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.304 ACRES, 56,819 SQUARE FEET.

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.

11/08/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at
4525 Green Level West Rd P/O 0713943738

Address(es)

PIN(s)

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

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

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

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

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

This rezoning is to add a 1.3 acre sliver of land along the south side of Green Level West Road to the approved Williams Grove PUD-CZ Rezoning. This is to accommodate the planned realignment of Green Level West in order to flatten the curve in the road.

Estimated submittal date: December 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Eliza C Williams

Applicant(s): Jessie Hardesty

Contact information (email/phone): hardesty@mcadamsco.com | 919.287.0824

Electronic Meeting invitation/call in info: See attached Zoom instructions

Date of meeting**: November 23, 2021

Time of meeting**: 6:00pm-8:00pm

MEETING AGENDA TIMES:

Welcome: 6:00-6:05 Project Presentation: 6:05-6:15 Question & Answer: 6:15-8:00

**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>.

November 8, 2021

RE: Virtual Neighborhood Meeting – Zoom Instructions

Dear Property Owner,

We will be hosting a virtual neighborhood meeting via Zoom Webinar. The meeting will be held on November 23, 2021 and begin at 6:00 PM Eastern Time.

- > To attend the meeting via computer, type in the following link in your internet browser:
<https://mcadamsco.zoom.us/j/87186522864?pwd=Sm8vN29GL04wT1JKaGVtdlk2bVNHdz09>

Passcode: **409240**

- > To attend the meeting via phone, you may dial in by your location:
US: +1 646 876 9923 or
+1 301 715 8592 or
877 853 5247 (Toll Free)

When prompted, enter the Meeting ID: **871 8652 2864**

Sincerely,

MCADAMS

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: Williams Grove Zoning: PUD-CZ

Location: 4525 Green Level West Rd

Property PIN(s): P/O 0713943738 Acreage/Square Feet: 1.304 acres

Property Owner: Eliza C Williams

Address: 4525 Green Level West Rd

City: Apex State: NC Zip: 27523

Phone: _____ Email: _____

Developer: Alliance Group of NC

Address: 7208 Falls of the Neuse Rd Suite 101

City: Raleigh State: NC Zip: 27615

Phone: 919-239-9486 Fax: _____ Email: jacob@alliancegroupnc.com

Engineer: McAdams

Address: 2905 Meridian Parkway

City: Durham State: NC Zip: 27713

Phone: 919-924-3803 Fax: _____ Email: probst@mcadamsco.com

Builder (if known): Stanley Martin

Address: 4020 Westchase Blvd, Suite 470

City: Raleigh State: NC Zip: 27607

Phone: 919-977-8760 Fax: _____ Email: KetchemBK@stanleymartin.com

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic:	James Misciagno	919-372-7470
------------------------------	------------------------	---------------------

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

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

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

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

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

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

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

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

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

Dust:	James Misciagno	919-372-7470
--------------	------------------------	---------------------

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

Trash:	James Misciagno	919-372-7470
---------------	------------------------	---------------------

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

Temporary Sediment Basins:	James Misciagno	919-372-7470
-----------------------------------	------------------------	---------------------

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

Stormwater Control Measures:	Jessica Bolin	919-249-3537
-------------------------------------	----------------------	---------------------

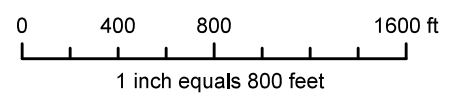
Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

Electric Utility Installation:	Rodney Smith	919-249-3342
---------------------------------------	---------------------	---------------------

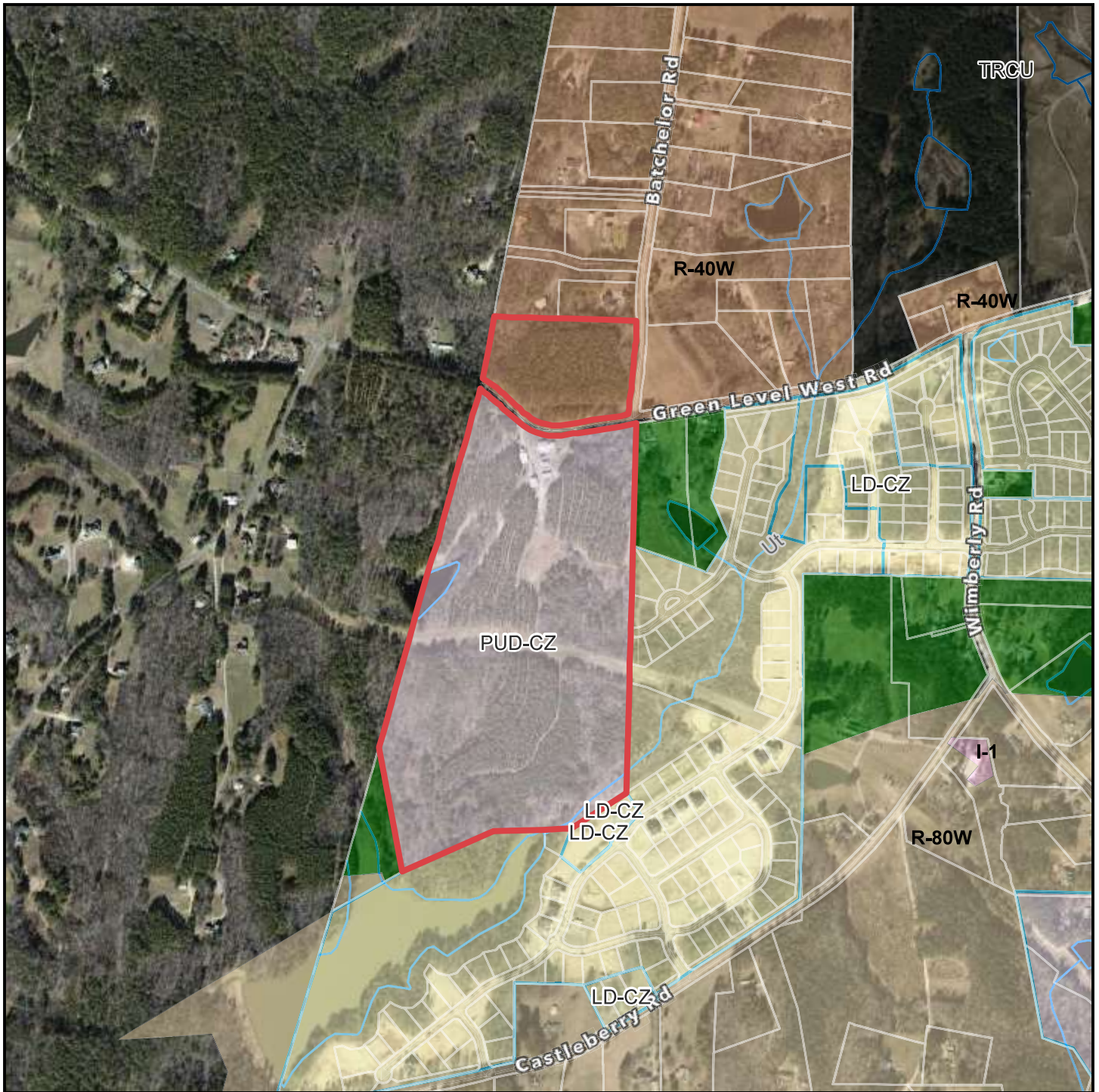
Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



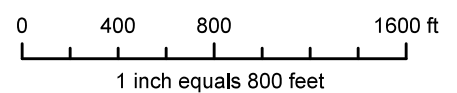
Vicinity Map



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

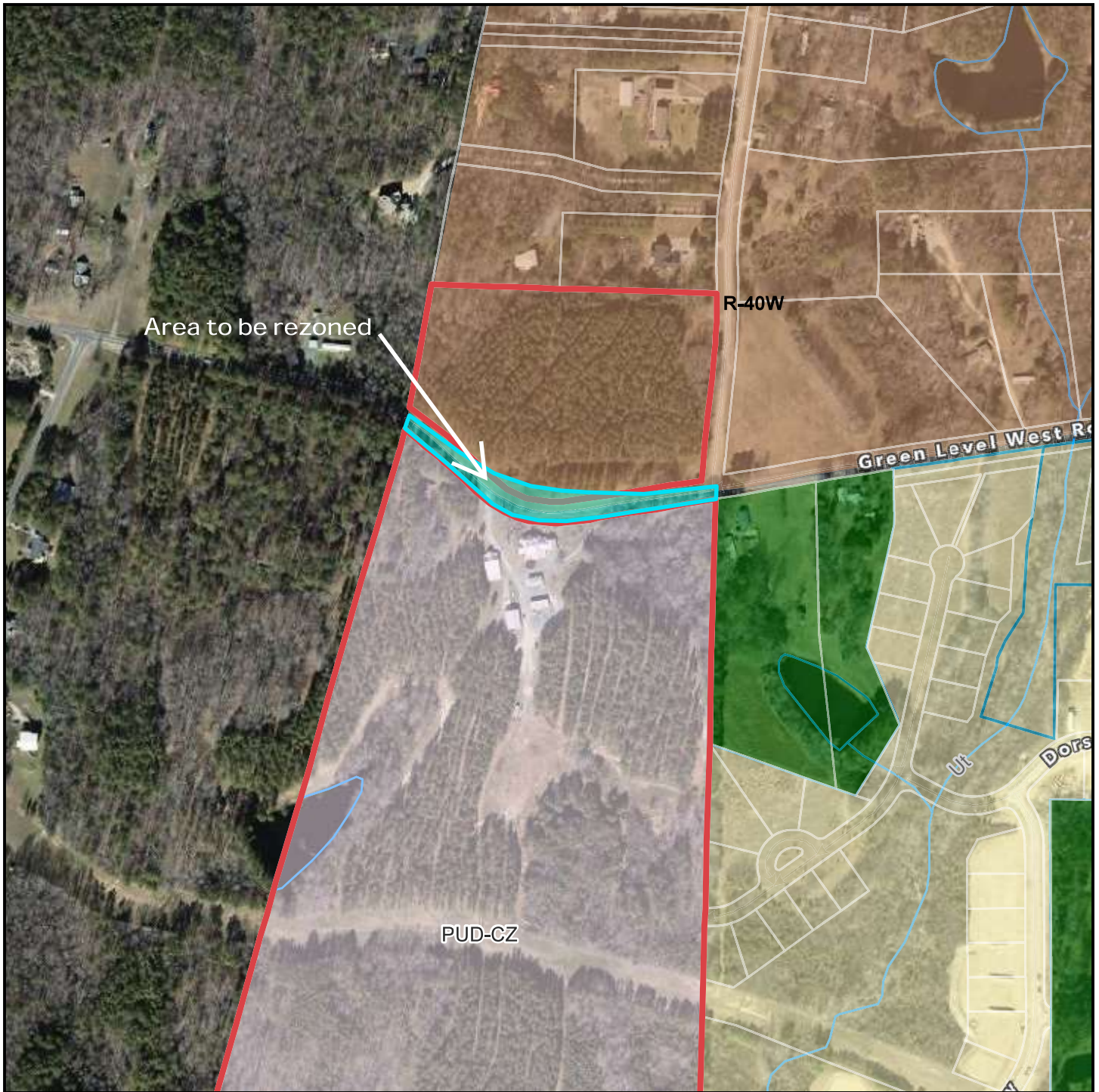


Zoning Map

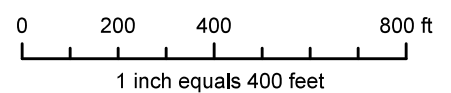


Disclaimer

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



Rezoning Map



Disclaimer

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

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: Zoom

Date of meeting: November 23, 2021 Time of meeting: 6:00pm-8:00pm

Property Owner(s) name(s): Stanley Martin Homes, LLC

Applicant(s): McAdams

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.	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 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): Stanley Martin Homes, LLC

Applicant(s): McAdams

Contact information (email/phone): 919.287.0824 / hardesty@mcadamsco.com

Meeting Format: Zoom

Date of meeting: November 23, 2021 Time of meeting: 6:00pm-8:00pm

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

Question/Concern #1:

There were no neighbors in attendance. The meeting remained open the full two hours, however no attendees joined.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Jessie Hardesty, 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 (indicate format of meeting) on November 23, 2021 (date) from 6pm (start time) to 8pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

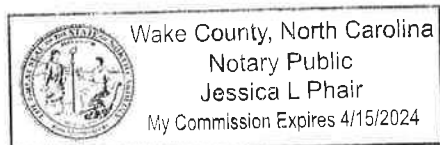
11/24/2021
Date

By: Jessie Hardesty

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Jessica L Phair, a Notary Public for the above State and County, on this the 24th day of November, 20 21.

SEAL



Jessica L Phair
Notary Public
Jessica L Phair
Print Name

My Commission Expires: 4/15/24

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ30 Williams Farm PUD Amendment

Planning Board Meeting Date: February 14, 2022



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 1.304

PIN(s): portion of PIN 0713943738

Current Zoning: Wake Co. R-40W

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

2045 Land Use Map: Low Density Residential

Town Limits: Outside the ETJ

Applicable Officially Adopted Plans:

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

☒ 2045 Land Use Map
☒ Consistent ☐ Inconsistent Reason: _____

☒ Apex Transportation Plan
☒ Consistent ☐ Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ30 Williams Farm PUD Amendment

Planning Board Meeting Date: February 14, 2022



Legislative Considerations:

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

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ30 Williams Farm PUD Amendment

Planning Board Meeting Date: February 14, 2022



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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

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

☒ Consistent ☐ Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ30 Williams Farm PUD Amendment

Planning Board Meeting Date: February 14, 2022



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Keith Braswell

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

Conditions as presented.

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

With 6 Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of February 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.02.14 18:44:53
-05'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ30
Williams Farm PUD Amendment**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jessie Hardesty, McAdams Co.

Authorized Agent: Jacob Anderson, Alliance Group of NC

Property Address: 4525 Green Level West Road

Acreage: ±1.304 acres

Property Identification Number (PIN): 0713943738

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Property: Wake Co. R40-W

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

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

Separate comments must be provided for the two public hearings in the time frames specified below.

Planning Board Public Hearing Date and Time: February 14, 2022 4-30 PM

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

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

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

Town Council Public Hearing Date and Time: February 22, 2022 6:00 PM

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

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

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

Vicinity Map:



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

To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37714>.

Dianne F. Khin, AICP

Published Dates: January 31, 2022 – February 22, 2022
Director of Planning and Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ30
Williams Farm PUD Amendment

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del Ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación y el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jessie Hardesty

Agente autorizado: Jacob Anderson, Alliance Group of NC

Dirección de las propiedad: 4525 Green Level West Road

Superficie: ±1.304 acres

Números de identificación de las propiedad: 0713943738

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

Ordenamiento territorial existente de las propiedad: Wake Co. R40-W

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

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios para cada una de las dos audiencias públicas deben presentarse por separado en los plazos especificados a continuación.

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de febrero de 2022 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de febrero de 2022 6:00 PM

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tessa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase.

Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/maps>.

Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478.

Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426.

Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37714>.

Dianne F. Khin, AICP

Fechas de publicación: 31 de enero - 22 de febrero de 2022

Departamento de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ30 Williams Farm PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board and Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jessie Hardesty, McAdams Co.

Authorized Agent: Jacob Anderson, Alliance Group of NC

Property Address: 4525 Green Level West Road

Acreage: ±1.304 acres

Property Identification Number (PIN): 0713943738

2045 Land Use Map Designation: Low Density Residential

Existing Zoning of Property: Wake Co. R40-W

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

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

Separate comments must be provided for the two public hearings in the time frames specified below.

Planning Board Public Hearing Date and Time: February 14, 2022 4:30 PM

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

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

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

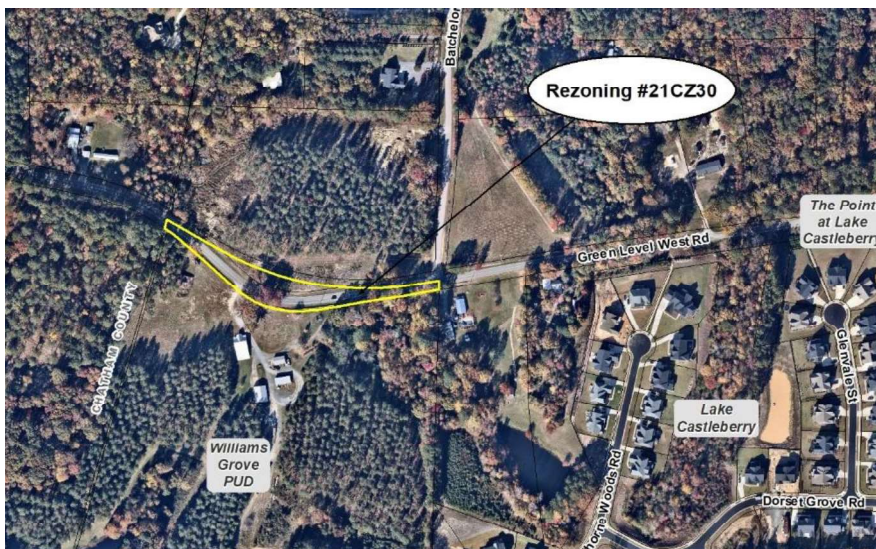
Town Council Public Hearing Date and Time: February 22, 2022 6:00 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>.

The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information.

To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/37714>.



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ30

Williams Farm PUD Amendment

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

Solicitante: Jessie Hardesty

Agente autorizado: Jacob Anderson, Alliance Group of NC

Dirección de las propiedad: 4525 Green Level West Road

Superficie: ±1.304 acres

Números de identificación de las propiedad: 0713943738

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

Ordenamiento territorial existente de las propiedad: Wake Co. R40-W

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

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

Los comentarios para cada una de las dos audiencias públicas deben presentarse por separado en los plazos especificados a continuación.

Fecha y hora de la audiencia pública de la Junta de Planificación: 14 de febrero de 2022 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Jeri Pederson (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de febrero de 2022 6:00 PM

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí:

<https://maps.raleighnc.gov/imaps>.

Puede ver el Mapa de Uso Territorial para 2045 aquí:

www.apexnc.org/DocumentCenter/View/478.

Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426.

Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/37714>.

Rezoning #21CZ30

The Point
at Lake
Castleberry

Chatham County

Lake
Castleberry

Batchelor Rd

Green Level West Rd

Glenvale St

Grand Highclere Way

Olde Banaster St

Bellamy Ridge Dr

Public Hearing Sign Posted By

Signature

12/10/21
Date

0 500 1,000
Feet

December 2021

November 2021 Aerial Photography

Prepared by: Town of Apex Planning Department



TOWN OF APEX

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

AFFIDAVIT CERTIFYING Public Notification – Written (Mailed) Notice

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: CONDITIONAL ZONING #21CZ30
Williams Farm PUD Amendment

Project Location: 4525 Green Level West Road

Applicant or Authorized Agent: Jessie Hardesty

Firm: McAdams Co.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on January 31, 2022, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

1-31-2022

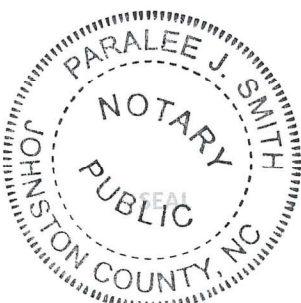
Date

Amad B. G. Dianne Khin
Director of Planning and Community Development

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Paralee J Smith, a Notary Public for the above

State and County, this the 31 day of January, 202 2.



Paralee J Smith
Notary Public

My Commission Expires: 9/12/2023

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 61.919 ACRES LOCATED AT 4525 GREEN LEVEL WEST ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ04

WHEREAS, Jessie Hardesty with McAdams Co, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of March 2021 (the "Application"). The proposed conditional zoning is designated #21CZ04;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ04 before the Planning Board on the 14th day of June 2021;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of June 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ04. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ04;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ04 before the Apex Town Council on the 22nd day of June 2021;

WHEREAS, the Apex Town Council held a public hearing on the 22nd day of June 2021. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ04 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council continued the vote to the 27th day of July 2021.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low 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;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will preserve and provide environmental features, provide funding for the Affordable Housing Fund, and permit the development of housing that is compatible with that to the east and south of the site. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a unanimous vote of approved Application #21CZ04 rezoning the subject tract located at 4525 Green Level West Road from Rural Residential (RR) to Planned Unit Development – Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Ordinance Amending the Official Zoning District Map #21CZ04

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 Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Williams Farm 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 Audra Killingsworth

Seconded by Council Member Cheryl Stallings

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 24th day of August 2021.

TOWN OF APEX

Nicole D.

Mayor Pro Tem

ATTEST:

Donna Hasch
Town Clerk

APPROVED AS TO FORM:

[Signature]
Town Attorney

Attachment A:

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____

Submittal Date: _____

Insert legal description below.

WILLIAMS TRACT LEGAL DESCRIPTION

BEGINNING AT A POINT IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); THENCE SOUTH 01°32'22" WEST 672.98 FEET TO AN IRON PIPE; THENCE SOUTH 01°31'22" WEST 1361.14 FEET TO A STAKE; THENCE SOUTH 56°33'17" WEST 368.90 FEET TO AN IRON PIPE; THENCE SOUTH 88°32'13" WEST 421.25 FEET TO AN IRON PIPE; THENCE SOUTH 66°10'21" WEST 554.69 FEET TO AN IRON PIPE; THENCE NORTH 10°48'22" WEST 715.81 FEET TO A POINT IN THE COUNTY LINE BETWEEN CHATHAM AND WAKE COUNTY; THENCE SAID COUNTY LINE NORTH 15°51'13" EAST 2040.73 FEET TO A POINT IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 73.21 FEET, WITH A RADIUS OF 630.00 FEET, WITH A CHORD BEARING OF SOUTH 51°48'57" EAST, WITH A CHORD LENGTH OF 73.17 FEET TO A POINT; THENCE SOUTH 48°29'13" EAST 203.90 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 272.48 FEET, WITH A RADIUS OF 320.00 FEET, WITH A CHORD BEARING OF SOUTH 72°52'50" EAST, WITH A CHORD LENGTH OF 264.32 FEET TO A POINT; THENCE NORTH 82°43'32" EAST 98.78 FEET TO A POINT; THENCE NORTH 80°33'13" EAST 310.74 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2,697,206 SQUARE FEET, 61.919 ACRES.

Attachment B:



WILLIAMS FARM PLANNED UNIT DEVELOPMENT

4525 GREEN LEVEL WEST RD
APEX, NORTH CAROLINA | PD PLAN



WILLIAMS FARM

Planned Unit Development
Prepared for The Town of Apex, North Carolina

Submittal Dates

First Submittal:	March 1, 2021
Second Submittal:	April 9, 2021
Third Submittal:	May 15, 2021
Fourth Submittal:	May 27, 2021
Fifth Submittal:	June 14, 2021

Real Estate Consultant

Alliance Group of NC
7208 Falls of Neuse Rd Suite 101
Raleigh NC 27615

Builder

Stanley Martin Homes
4020 Westchase Blvd, Suite 470,
Raleigh, NC 27607

Planner, Engineer, Landscape Architect, Surveyor

McAdams
2905 Meridian Parkway
Durham NC 27113

Environmental Consultant

S&EC
8412 Falls of Neuse Road, Suite 104
Raleigh, NC 27615



TABLE OF CONTENTS

1. VICINITY MAP
2. PROJECT DATA
3. PURPOSE STATEMENT
4. PERMITTED USES
5. AFFORDABLE HOUSING
6. DESIGN CONTROLS
7. ARCHITECTURAL STANDARDS
8. PARKING AND LOADING
9. SIGNAGE
10. LANDSCAPING
11. NATURAL RESOURCE AND ENVIRONMENTAL DATA
12. STORMWATER MANAGEMENT
13. PARKS AND RECREATION
14. PRIVATE AMENITIES
15. PUBLIC FACILITIES
16. PHASING PLAN
17. CONSISTENCY WITH LAND USE PLAN
18. COMPLIANCE WITH UDO
19. TRANSPORTATION IMPROVEMENTS

VICINITY MAP



0 425 850 1,700 ft
1 inch = 800 feet

PROJECT DATA

Name of Project:	Williams Farm
Applicant/Real Estate Consultant:	Alliance Group of NC 7208 Falls of Neuse Rd Suite 101 Raleigh NC 27615 919-475-7314
Prepared By:	McAdams 2905 Meridian Parkway Durham, NC 27713 919-361-5000
Current Zoning Designation:	RR
Proposed Zoning Designation:	PUD-CZ
Current 2045 Land Use Map Designation:	Low Density Residential
Proposed 2045 Land Use Map Designation:	Low Density Residential
Size of Project:	Approximately 61.919 acres (Acreage may vary based on final alignment of Green Level West Road)
Property Identification Number:	P/O 0713943738

PURPOSE STATEMENT

The Williams Farm PUD will be a residential development consisting of single family homes. The proposed development will set aside required resource conservation areas throughout the 61.919-acre property. Williams Farm's concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. This development will comply with the PUD Development Parameters outlined in §2.3.4.F.1.a.i-vii of the Town of Apex Unified Development Ordinance. The Williams Farm PUD is in accordance with the Development Parameters as follows:

- *The uses to be developed in the PD Plan for the PUD-CZ are those uses permitted in Section 4.2.2, Use Table.*
 - » The uses permitted within the Williams Farm PUD are permitted per §4.2.2 of the Town of Apex UDO.
- *The uses proposed in the PD Plan for the PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of the non-residential land area is included in certain mixed-use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown on the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.*
 - » Williams Farm is an entirely residential development including a maximum of 176 units.
- *The dimensional standards in §5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts, may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.*
 - » The proposed dimensional standards are in compliance with the Town of Apex UDO. Development of the parcel will be in compliance with all other requirements of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways, and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the Town of Apex Standard Specifications and Details, and greenway improvements as required by the Town of Apex Parks, Recreation, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*
 - » Public sidewalks will be constructed along the both sides of all streets as well as along the entire frontage of Green Level West Road, per Town of Apex UDO standards. To encourage a healthy lifestyle and establish a walkable community, pedestrian greenways will also be incorporated throughout the development connecting residential areas to open space amenities located throughout the development. In addition, the site is located within a half mile of the American Tobacco Trail which may be accessed via public sidewalk connections through the Lake Castleberry neighborhood and ultimately along Green Level West Road.

- *The design of development in the PD Plan for the PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing proposed or proposed street system in the surrounding area indicated that a through street is not essential in the location of the proposed cul-de-sacs, or where sensitive environmental features such as streams, floodplains, or wetlands would be substantially disturbed by making road connections.*
 - » Williams Farm will create a walkable residential community connected by sidewalks, tree-lined streets, and greenways. Cul-de-sacs will be avoided to enhance the connectivity of the development.
- *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.*
 - » Williams Farm PUD-CZ is consistent with The Town of Apex's Future Land Use Map and compatible with the surrounding land uses. The parcel is designated as Low Density Residential on the 2045 Land Use Map as are the surrounding properties. Current zoning surrounding the development includes Apex RR and LD-CZ on the eastern side, Wake County R-40W on the northern side, and Chatham County R-1 zoning on the western side of the property. It is important to note that the western boundary of the proposed PUD coincides with the Chatham County line. In addition, land located immediately north is within the Town of Cary's ETJ.
- *The development proposed in the PD Plan for the PUD-CZ has architectural and design standards that are exceptional and provide a higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.*
 - » All single-family homes will be of a higher quality construction than the typical residential development. Architectural controls and sample elevations illustrating the high-quality appearance of single-family homes are included with the PUD-CZ application.

All site-specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, Conditional Zoning Districts. The proposed PUD will provide a development density consistent with the 2045 Land Use Plan designation of Low Density Residential. The Advance Apex Plan describes Low Density Residential as "intended to provide for single-family residential development or single-family residential development with a mix of duplexes and/or townhomes on lots smaller than those in the rural residential areas...Densities shall not exceed 3 units per acre." The proposed density of this development is 2.89 units per acre.

The proposed development aims to incorporate the history of the site into the design, preserving notable elements such as the stacked stone walls along Green Level West Rd, the champion trees at the entry to the neighborhood, and the old farm pond on the western boundary. The site will dedicate at least 30% of the land for resource conservation areas with an emphasis on protecting the wetlands located heavily on the eastern property boundary. The site is divided by an existing gas easement, but walking trails will wind through the development connecting residential areas, open space, pocket parks, and forested land throughout.

PERMITTED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below.

Permitted uses include:

Residential
Single-Family
Accessory apartment*
Utilities
Utility, minor
Recreational Uses
Greenway
Park, Active
Park, Passive
Recreation Facility, private

* Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

AFFORDABLE HOUSING

The project is committed to helping the Town of Apex advance their Affordable Housing Plan to welcome and attract a diverse population with moderate to low incomes and of different age groups. As such, the developer will contribute \$284.10 per lot to the Apex Affordable Housing Fund, to be paid at plat. Based on 176 lots, the total fee should be \$50,000.

DESIGN CONTROLS

Total Project Area:	61.919 acres
Overall Density Limitations (across 61.919-acre site):	2.89 units per acre
• Maximum number of units (single-family homes):	176

Residential Design Controls

Single-Family

- Minimum Lot Size: 5,000 square feet
- Minimum Lot Width: 40 feet
- Minimum Lot Depth: 100 feet
- Maximum Building Height: 45 feet
- Building Setbacks
 - » Front: 20 feet to garage; 8 feet to building façade
 - » Side: 5 feet
 - » Rear: 20 feet
 - » Alley: 5 feet
 - » Corner: 8 feet

ARCHITECTURAL STANDARDS

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are limited examples of multiple options available. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Residential Master Subdivision Plan or Site Plan submittal.

Residential areas envisioned for the Williams PUD will be comprised of single-family homes. In order to create rich architectural character along the streetscapes, the project will offer a variety of distinct residential elevations – see examples at the end of this document. These elevations will incorporate a natural material selection and earth tone color palette with wood, brick or stone accents, which will help to add diversity to the streetscape.

While each of the architectural offerings proposed will have their own identity, several common threads will create consistency within the Williams PUD including color palettes, materials, roofing, and decorative garage doors. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Additional features used as focal points or key terminus points shall be located within or around the development (i.e. open spaces, gazebos, stacked stone walls, and public art) in order to meet the Community Amenities requirement of the UDO. Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines (all product types):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Front-facing garage doors shall have windows, decorative details or carriage-style adornments on them.
3. The garage cannot protrude more than 1 foot out from the front façade or front porch, measured from roof of porch.
4. On single-family homes, the roof shall be pitched at 5:12 or greater (not to include porches, bay windows, etc.).
5. House entrances for units with front-facing single-car garages must have a covered porch/stoop area leading to the front door.
6. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
7. Four of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
8. A varied color palette shall be utilized on single family homes throughout the subdivision and shall include siding, trim, shutter, and accent colors complementing the siding colors.
9. Solar conduit will be provided on all single-family homes to accommodate the future installation of solar panels.

Proposed Residential Materials and Styles

Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap siding
- Board and batten siding
- Shake and shingle siding
- Wood siding
- Stone or synthetic stone
- Brick

Vinyl siding is not permitted on the exterior of any single-family homes within the project.

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Planning Director to be substantially similar.

PARKING AND LOADING

All parking for this PUD will comply with Section 8.3 Off-Street Parking and Loading, of the Town of Apex UDO.

SIGNAGE

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO.

LANDSCAPING

Minimum perimeter and streetscape landscape buffers are as follows (see PUD Plan Sheet C2.00 for details):

- 30-ft Type B streetscape buffer along Green Level West Rd
- 10-ft Type B perimeter buffer along western and southwestern property boundary
- 20-ft Type B perimeter buffer along southern property boundary
- 20-ft to 40-ft Type B perimeter buffer along eastern property boundary

The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 70% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

River Basins and Watershed Protection Overlay Districts

This project is located within the Cape Fear River Basin. This project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. Accordingly, this PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of Section 6.1.7.

Resource Conservation Areas (RCA) - Required and Provided

This PUD will be subject to, and meet the requirements of, Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The PUD will provide a minimum of 30% of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and streetfront buffers, stormwater management areas (as permitted by the UDO), and greenway.

The project will protect and preserve at least three of the champion trees located along Green Level West Road (subject to health evaluation and frontage roadway design requirements).

The existing farm pond shall be preserved, pending an evaluation of the dam. The dam is not located on this property, so the developer will work with the owner to evaluate it.

Educational signage shall be installed relating to wetlands or other on-site environmental features.

Floodplain

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720071300K, dated February 2, 2007.

Tree Canopy

Tree canopy areas on the Williams Farm are primarily concentrated around the wetland areas, stream features, perimeter buffers and champion trees which are to be preserved RCA area.

Where trees cannot be preserved, as part of the implementation of this community, the project will re-establish a new tree canopy with vegetated perimeter buffers, pocket parks, community gathering spaces and other open space areas.

Historic Structures

As confirmed by the North Carolina State Historic Preservation Office, there are no historic structures present within the project boundary. The JM Williams farmhouse was a Study List Entry in 2016, however, the home burned down on May 22, 2019.

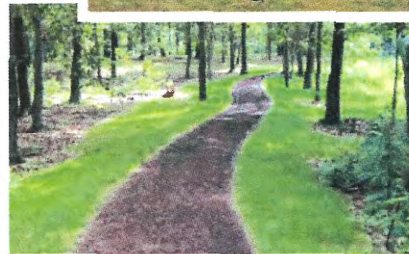
While the farmhouse no longer exists, a number of significant champion trees as well as an iconic stacked stone wall remain as important historical remnants of the past. Pending evaluation of health and safety of the trees, both the trees and stacked stone walls will be preserved and incorporated into the landscape design of the community.

The project will preserve a minimum of 200 linear feet of the existing stacked stone walls located along the Green Level West Road frontage. Segments of the wall in disrepair may be reconstructed to match the original look of the wall.

Environmental Commitments Summary

The following environmental commitments were discussed and approved by the Apex Environmental Advisory Board on February 18, 2021 to include in the Williams Farm development:

- The project will protect and preserve at least three of the champion trees located along Green Level West Road (subject to health evaluation and frontage roadway design requirements).
- The project will preserve a minimum of 200 linear feet of the existing stacked stone walls located along the Green Level West Road frontage. Segments of the wall in disrepair may be reconstructed to match the original look of the wall.
- Tree canopy preservation and replacement (30% of site)
- Two acres of open space and pocket parks will be provided. The existing gas line easement may be used to meet this requirement as long as it is graded and improved to contain features such as lawn area, walking trails or vegetation that attracts bird and butterfly habitat.
- All homes within the community shall be located no further than 800 feet from an improved open space area such as a play lane, trail head, greenway or pocket park.
- The project will construct a minimum 1,800 LF of soft surface or paved walking trails in addition to required sidewalks.
- Installation of educational signage related to wetlands or other on-site environmental features
- Increased stormwater quantity and quality control measures (see Stormwater Management section for details)
- Increased perimeter buffers on the eastern property boundary (see PUD plan)
- Retention of the existing farm pond
- The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 70% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.
- Solar conduit in all single-family homes
- Full cutoff street lighting by Apex Electric



STORMWATER MANAGEMENT

This PUD shall go above the stormwater management requirements for quality and quantity treatment outlined in Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10-year, 25-year, and 24-hour storm events.
- Treatment for the first 1 inch of runoff will provide 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

The Parks, Recreation and Cultural Resources Advisory Commission unanimously recommended a fee-in-lieu of dedication on March 31, 2021.

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
176	Single-Family	\$3,495.24	\$615,162.24
Total	-	-	\$615,162.24

*Final unit count will be determined at the time of Master Subdivision.

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.

PRIVATE AMENITIES

Two acres of private open space and pocket parks will be provided. The existing gas line easement may be used to meet this requirement as long as it is graded and improved to contain features such as lawn area, walking trails or vegetation that attracts bird and butterfly habitat.

All homes within the community shall be located no further than 800 feet from an improved open space area such as a play lawn, trail head, greenway or pocket park.

The project will construct a minimum 1,800 LF of soft surface (mulch) or paved walking trails in addition to required sidewalks.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1) (f) and be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

General Roadway Infrastructure

All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex UDO and Transportation Plan.

Green Level West Road shall be realigned and widened along the frontage of the property in accordance with NCDOT and Town of Apex Transportation standards. Flattening of this curve will allow for safer entry and exit to and from the neighborhood. It will also improve sight distance and safety for motorists and bicyclists traveling along Green Level West Road. Details of this road realignment will be provided at Master Subdivision Plan.

Proposed access to Green Level West Road shall be located approximately 700 feet west of the intersection with Bachelor Road and include a westbound left turn lane with 50 feet of full width storage, 50 feet of full width deceleration, and a 100-foot taper.

Water and Sanitary Sewer

All lots within the project will be served by Town of Apex for water and sanitary sewer. A portion of the site will be serviced by an on-site pump station in accordance with Town of Apex standards. Preliminary approval for a pump station has been received by Town of Apex Public Utilities. The utility design will be finalized at the time of master subdivision plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

Walkability

The following facilities will be provided to contribute to a walkable community within and surrounding the Williams Farm development:

- Five-foot wide public sidewalks along the south side of Green Level West Road through frontage of property.
- Five-foot wide public sidewalks along both sides of all streets
- Six-foot wide private walking trails throughout the development
- Crosswalks constructed at appropriate street intersections

Other Utilities and Facilities

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include street trees within the public right-of-way, benches, trash receptacles, and street and/or pedestrian lights compatible with their context.

PHASING PLAN

This PUD will be completed in up to four phases.

CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019.

The Future Land Use Map designates this parcel as Low Density Residential, and the proposed land use will stay consistent with this designation allowing single-family homes under 3 dwelling units per acre.

COMPLIANCE WITH UDO

The development standards adopted for this PUD comply with those set forth in the current version of the Town's Unified Development Ordinance (UDO).

TRANSPORTATION IMPROVEMENTS

The following zoning condition represents the recommendations by Apex staff and NCDOT based on a review of the TIA prepared for the Williams Farm plan.

- Developer shall provide a westbound left turn lane with 50 feet of full width and appropriate deceleration length and taper on Green Level West Road at the location of the proposed public street accessing the subdivision, located approximately 700 feet west of Bachelor Road. No other new points of access are proposed along Green Level West Road. Developer is responsible for any necessary roadway improvements to meet or exceed required sight distance at the proposed access location, subject to NCDOT review and approval.

Additionally, at the time of master subdivision, the developer shall work with the Town of Apex and NCDOT to ensure adequate site distance at the Green Level West Road site access. This may require realignment of Green Level West Road and/or a site distance easement across the frontage of the parcel to the west.

Representative Residential Building Elevations

















WILLIAMS FARM

4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

PROJECT NUMBER: 2020110181

DATE: MARCH 1, 2021

REVISED: JUNE 8, 2021



AERIAL & VICINITY MAP
N.T.S.

SHEET INDEX

C1.00	EXISTING CONDITIONS
C2.00	PRELIMINARY LAYOUT & UTILITY PLAN

ZONING CONDITIONS

1. DEVELOPER SHALL PROVIDE A WESTBOUND LEFT TURN LANE WITH 50 FEET OF FULL WIDTH AND APPROPRIATE DECELERATION LENGTH AND TAPER ON GREEN LEVEL WEST ROAD AT THE LOCATION OF THE PROPOSED PUBLIC STREET ACCESSING THE SUBDIVISION. LOCATED APPROXIMATELY 700 FEET WEST OF BACHELOR ROAD. NO OTHER NEW POINTS OF ACCESS ARE PROPOSED ALONG GREEN LEVEL WEST ROAD. DEVELOPER IS RESPONSIBLE FOR ANY NECESSARY ROADWAY IMPROVEMENTS TO MEET OR EXCEED REQUIRED SIGHT DISTANCE AT THE PROPOSED ACCESS LOCATION, SUBJECT TO NCDOT REVIEW AND APPROVAL.

SITE DATA

PARCEL IDENTIFICATION NUMBER (PIN)	PORTION OF 0713-94-3738	
EXISTING ZONING	RR	
PROPOSED ZONING	PUD-CZ	
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL	
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL	
SITE AREA	APPROX. 61.92 AC - GROSS APPROX. 0.27 AC - R/W DEDICATION APPROX. 0.12 AC - RECLAIMED R/W APPROX. 61.77 AC - NET	
EXISTING USE	VACANT	
PROPOSED USE	SINGLE FAMILY LOTS	
DENSITY	MAXIMUM	176 UNITS / 61.77 AC = 2.85 DU/AC
LOT SIZE	MINIMUM	5,000 SF
LOT WIDTH	MINIMUM	40'
LOT DEPTH	MINIMUM	100'
BUILDING HEIGHT	MAXIMUM	45'
SETBACKS	FRONT	20' TO GARAGE, 8' TO BUILDING FACADE
	SIDE	5'
	REAR	20'
	ALLEY	5'
	CORNER	8'
PARKING	REQUIRED	176 UNITS x 2/UNIT = 352 SPACES
	PROPOSED	352 SPACES
BUILT-UPON AREA (IMPERVIOUS SURFACE)	MAXIMUM	43.24 AC (70%)
RESOURCE CONSERVATION AREA	MINIMUM	18.53 AC (30%)
WATERSHED PROTECTION OVERLAY	PRIMARY WATERSHED PROTECTION DISTRICT	
FEMA FLOODPLAIN	NONE (FIRM PANEL 3720071300K, EFFECTIVE 02/02/2007)	
HISTORIC STRUCTURES	NONE	



McADAMS

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

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

www.mcadamsco.com

CONTACT

JESSICA HARDESTY
hardesty@mcadamsco.com
PHONE: 919. 361. 5000

PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM



REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



OWNER
ELIZA C WILLIAMS
4525 GREEN LEVEL WEST ROAD
APEX, NC 27523



REVISIONS

NO.	DATE	PER TOWN COMMENTS
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

PLANNED DEVELOPMENT PLAN FOR:

WILLIAMS FARM
APEX, NORTH CAROLINA
PROJECT NUMBER:
2020110181

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



McADAMS

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

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

www.mcadamsco.com

PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM



REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



WILLIAMS FARM
PLANNED DEVELOPMENT PLAN FOR PUD-CZ
4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA

REVISIONS

NO.	DATE	
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

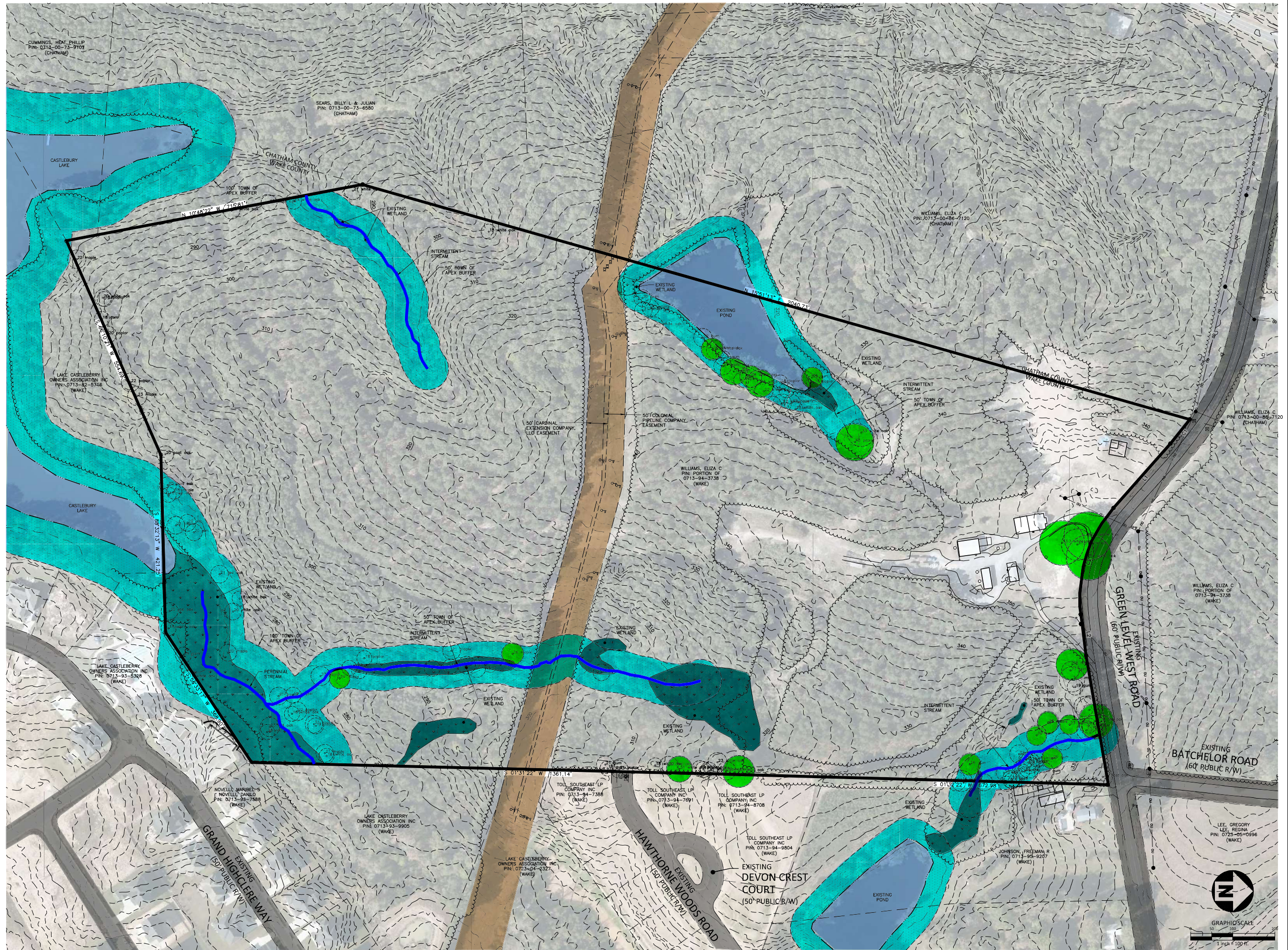
PLAN INFORMATION

PROJECT NO. 2020110181
FILENAME 2020110181-XC1
CHECKED BY JVF
DRAWN BY RLU
SCALE 1"=100'
DATE 03.01.2021

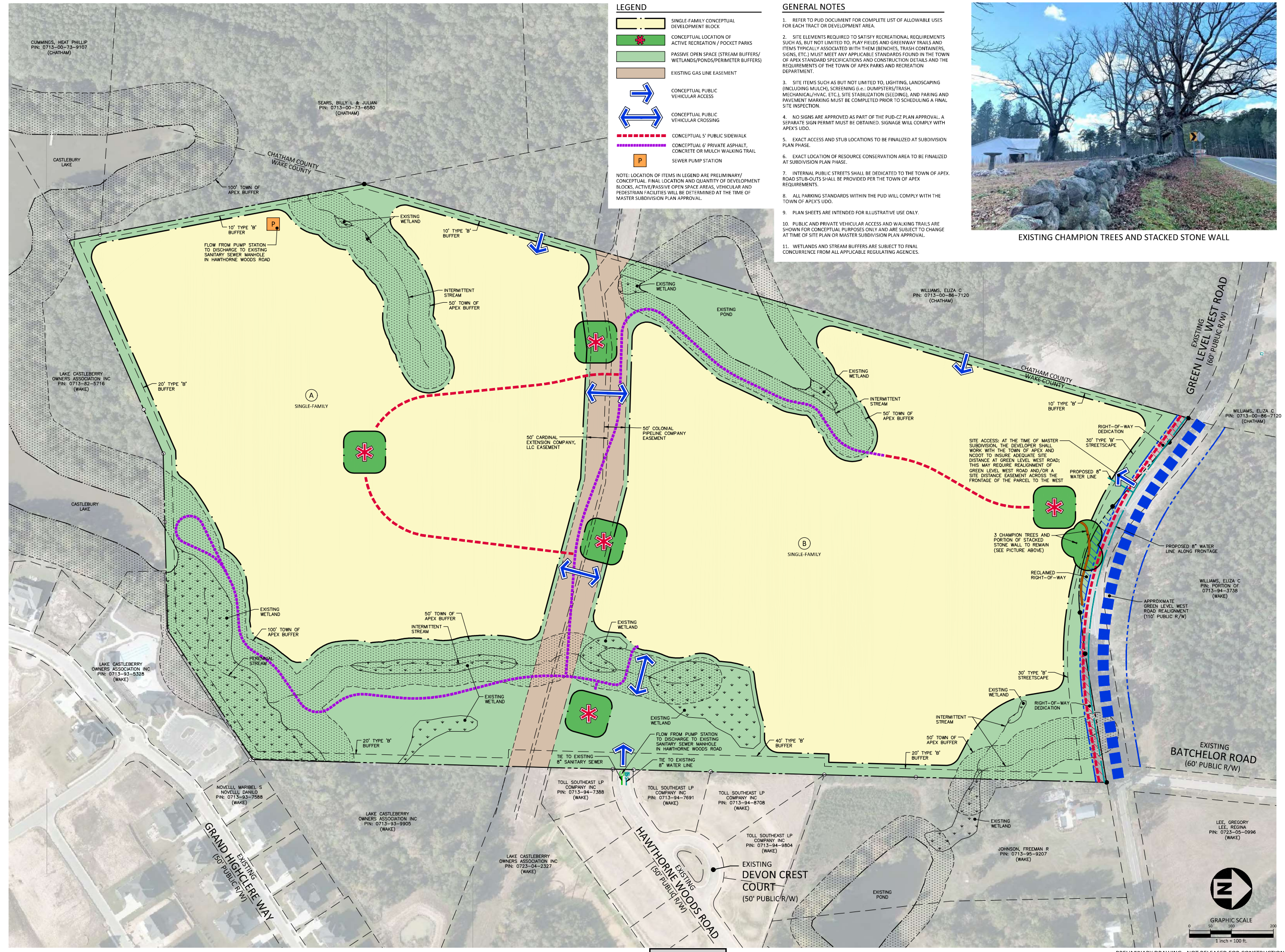
SHEET

**EXISTING
CONDITIONS**

C1.00



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



LEGEND

- SINGLE-FAMILY CONCEPTUAL DEVELOPMENT BLOCK
- CONCEPTUAL LOCATION OF ACTIVE RECREATION / POCKET PARKS
- PASSIVE OPEN SPACE (STREAM BUFFERS/ WETLANDS/PONDS/PERIMETER BUFFERS)
- EXISTING GAS LINE EASEMENT
- CONCEPTUAL PUBLIC VEHICULAR ACCESS
- CONCEPTUAL PUBLIC VEHICULAR CROSSING
- CONCEPTUAL 5' PUBLIC SIDEWALK
- CONCEPTUAL 6' PRIVATE ASPHALT, CONCRETE OR MULCH WALKING TRAIL
- SEWER PUMP STATION

NOTE: LOCATION OF ITEMS IN LEGEND ARE PRELIMINARY/ CONCEPTUAL. FINAL LOCATION AND QUANTITY OF DEVELOPMENT BLOCKS, ACTIVE/PASSIVE OPEN SPACE AREAS, VEHICULAR AND PEDESTRIAN FACILITIES WILL BE DETERMINED AT THE TIME OF MASTER SUBDIVISION PLAN APPROVAL.

- GENERAL NOTES**
1. REFER TO PUD DOCUMENT FOR COMPLETE LIST OF ALLOWABLE USES FOR EACH TRACT OR DEVELOPMENT AREA.
 2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS, BUT NOT LIMITED TO, PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
 3. SITE ITEMS SUCH AS BUT NOT LIMITED TO, LIGHTING, LANDSCAPING (INCLUDING MULCH), SCREENING (I.E. DUMPSTERS/TRASH, MECHANICAL/HVAC, ETC.), SITE STABILIZATION (SEEDING), AND PAVING AND PAVEMENT MARKING MUST BE COMPLETED PRIOR TO SCHEDULING A FINAL SITE INSPECTION.
 4. NO SIGNS ARE APPROVED AS PART OF THE PUD-CZ PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. SIGNAGE WILL COMPLY WITH APEX'S UDO.
 5. EXACT ACCESS AND STUB LOCATIONS TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 6. EXACT LOCATION OF RESOURCE CONSERVATION AREA TO BE FINALIZED AT SUBDIVISION PLAN PHASE.
 7. INTERNAL PUBLIC STREETS SHALL BE DEDICATED TO THE TOWN OF APEX. ROAD STUB-OUTS SHALL BE PROVIDED PER THE TOWN OF APEX REQUIREMENTS.
 8. ALL PARKING STANDARDS WITHIN THE PUD WILL COMPLY WITH THE TOWN OF APEX'S UDO.
 9. PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY.
 10. PUBLIC AND PRIVATE VEHICULAR ACCESS AND WALKING TRAILS ARE SHOWN FOR CONCEPTUAL PURPOSES ONLY AND ARE SUBJECT TO CHANGE AT TIME OF SITE PLAN OR MASTER SUBDIVISION PLAN APPROVAL.
 11. WETLANDS AND STREAM BUFFERS ARE SUBJECT TO FINAL CONCURRENCE FROM ALL APPLICABLE REGULATING AGENCIES.



EXISTING CHAMPION TREES AND STACKED STONE WALL



McADAMS

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

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

www.mcadamsco.com

PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM



REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



WILLIAMS FARM
PLANNED DEVELOPMENT PLAN FOR PUD-CZ
4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA



REVISIONS

NO.	DATE	
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

PLAN INFORMATION

PROJECT NO. 2020110181
FILENAME 2020110181-51
CHECKED BY JVF
DRAWN BY RLU
SCALE 1"=100'
DATE 03.01.2021

SHEET

**PRELIMINARY LAYOUT
& UTILITY PLAN
C2.00**

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.304 ACRES LOCATED AT 4525 GREEN LEVEL WEST ROAD FROM WAKE CO. R-40W TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ30

WHEREAS, Jessie Hardesty, McAdams Co., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of December 2021 (the “Application”). The proposed conditional zoning is designated #21CZ30;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ30 before the Planning Board on the 14th day of February 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of February 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ30. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 6 to 0 for the application for #21CZ30;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ30 before the Apex Town Council on the 22rd day of February 2022;

WHEREAS, the Apex Town Council held a public hearing on the 22rd day of February 2022. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ30 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low 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) is consistent with the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed amendment is reasonable and in the public interest because it will enable the realignment of Green Level West Road to promote traffic safety. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of ____ to ____ approved Application #21CZ30 rezoning the subject tract located at 4525 Green Level West Road from Wake Co. R-40W to Planned Unit Development–Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Ordinance Amending the Official Zoning District Map #21CZ30

Section 3: The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" 21CZ04 Williams Farm 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 _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Interim Town Clerk

APPROVED AS TO FORM:

Town Attorney

Attachment A: Legal Description

Application #: 21CZ30

Submittal Date: 12/1/2021

Insert legal description below.

BEGINNING AT A IRON PIPE SET IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY SOUTH 80°33'13" WEST 310.74 FEET TO A POINT; THENCE SOUTH 82°43'32" WEST 98.78 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 272.48 FEET, WITH A RADIUS OF 320.00 FEET, WITH A CHORD BEARING OF NORTH 72°52'50" WEST, WITH A CHORD LENGTH OF 264.32 FEET TO A POINT; THENCE NORTH 48°29'13" WEST 203.90 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 73.21 FEET, WITH A RADIUS OF 630.00 FEET, WITH A CHORD BEARING OF NORTH 51°48'57" WEST, WITH A CHORD LENGTH OF 73.17 FEET TO A POINT; THENCE NORTH 15°51'13" EAST 27.69 FEET TO A POINT IN THE CENTERLINE OF THE PROPOSED NEW RIGHT OF WAY; THENCE WITH SAID CENTERLINE SOUTH 60°51'28" EAST 204.54 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 621.73 FEET, WITH A RADIUS OF 926.00 FEET, WITH A CHORD BEARING OF SOUTH 80°05'33" EAST, WITH A CHORD LENGTH OF 610.12 FEET TO A POINT; THENCE NORTH 80°40'22" EAST 81.96 FEET TO A POINT; THENCE SOUTH 01°31'03" WEST 30.02 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.304 ACRES, 56,819 SQUARE FEET.

Attachment B

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 61.919 ACRES LOCATED AT 4525 GREEN LEVEL WEST ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ04

WHEREAS, Jessie Hardesty with McAdams Co, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of March 2021 (the "Application"). The proposed conditional zoning is designated #21CZ04;

WHEREAS, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ04 before the Planning Board on the 14th day of June 2021;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of June 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ04. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ04;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ04 before the Apex Town Council on the 22nd day of June 2021;

WHEREAS, the Apex Town Council held a public hearing on the 22nd day of June 2021. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ04 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council continued the vote to the 27th day of July 2021.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low 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;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will preserve and provide environmental features, provide funding for the Affordable Housing Fund, and permit the development of housing that is compatible with that to the east and south of the site. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a unanimous vote of approved Application #21CZ04 rezoning the subject tract located at 4525 Green Level West Road from Rural Residential (RR) to Planned Unit Development – Conditional Zoning (PUD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

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

Ordinance Amending the Official Zoning District Map #21CZ04

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 Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" Williams Farm 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 Audra Killingsworth

Seconded by Council Member Cheryl Stallings

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 24th day of August 2021.

TOWN OF APEX

Nicole D.

Mayor Pro Tem

ATTEST:

Donna Hasch
Town Clerk

APPROVED AS TO FORM:

[Signature]
Town Attorney

Attachment A:

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: _____

Submittal Date: _____

Insert legal description below.

WILLIAMS TRACT LEGAL DESCRIPTION

BEGINNING AT A POINT IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); THENCE SOUTH 01°32'22" WEST 672.98 FEET TO AN IRON PIPE; THENCE SOUTH 01°31'22" WEST 1361.14 FEET TO A STAKE; THENCE SOUTH 56°33'17" WEST 368.90 FEET TO AN IRON PIPE; THENCE SOUTH 88°32'13" WEST 421.25 FEET TO AN IRON PIPE; THENCE SOUTH 66°10'21" WEST 554.69 FEET TO AN IRON PIPE; THENCE NORTH 10°48'22" WEST 715.81 FEET TO A POINT IN THE COUNTY LINE BETWEEN CHATHAM AND WAKE COUNTY; THENCE SAID COUNTY LINE NORTH 15°51'13" EAST 2040.73 FEET TO A POINT IN THE SOUTHERN RIGHT OF WAY OF GREEN LEVEL WEST ROAD (60-FOOT PUBLIC RIGHT OF WAY); THENCE WITH SAID RIGHT OF WAY A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 73.21 FEET, WITH A RADIUS OF 630.00 FEET, WITH A CHORD BEARING OF SOUTH 51°48'57" EAST, WITH A CHORD LENGTH OF 73.17 FEET TO A POINT; THENCE SOUTH 48°29'13" EAST 203.90 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT WITH AN ARC LENGTH OF 272.48 FEET, WITH A RADIUS OF 320.00 FEET, WITH A CHORD BEARING OF SOUTH 72°52'50" EAST, WITH A CHORD LENGTH OF 264.32 FEET TO A POINT; THENCE NORTH 82°43'32" EAST 98.78 FEET TO A POINT; THENCE NORTH 80°33'13" EAST 310.74 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2,697,206 SQUARE FEET, 61.919 ACRES.

Attachment B:



WILLIAMS FARM PLANNED UNIT DEVELOPMENT

4525 GREEN LEVEL WEST RD
APEX, NORTH CAROLINA | PD PLAN



WILLIAMS FARM

Planned Unit Development
Prepared for The Town of Apex, North Carolina

Submittal Dates

First Submittal:	March 1, 2021
Second Submittal:	April 9, 2021
Third Submittal:	May 15, 2021
Fourth Submittal:	May 27, 2021
Fifth Submittal:	June 14, 2021

Real Estate Consultant

Alliance Group of NC
7208 Falls of Neuse Rd Suite 101
Raleigh NC 27615

Builder

Stanley Martin Homes
4020 Westchase Blvd, Suite 470,
Raleigh, NC 27607

Planner, Engineer, Landscape Architect, Surveyor

McAdams
2905 Meridian Parkway
Durham NC 27113

Environmental Consultant

S&EC
8412 Falls of Neuse Road, Suite 104
Raleigh, NC 27615



TABLE OF CONTENTS

1. VICINITY MAP
2. PROJECT DATA
3. PURPOSE STATEMENT
4. PERMITTED USES
5. AFFORDABLE HOUSING
6. DESIGN CONTROLS
7. ARCHITECTURAL STANDARDS
8. PARKING AND LOADING
9. SIGNAGE
10. LANDSCAPING
11. NATURAL RESOURCE AND ENVIRONMENTAL DATA
12. STORMWATER MANAGEMENT
13. PARKS AND RECREATION
14. PRIVATE AMENITIES
15. PUBLIC FACILITIES
16. PHASING PLAN
17. CONSISTENCY WITH LAND USE PLAN
18. COMPLIANCE WITH UDO
19. TRANSPORTATION IMPROVEMENTS

VICINITY MAP



0 425 850 1,700 ft
1 inch = 800 feet

PROJECT DATA

Name of Project:	Williams Farm
Applicant/Real Estate Consultant:	Alliance Group of NC 7208 Falls of Neuse Rd Suite 101 Raleigh NC 27615 919-475-7314
Prepared By:	McAdams 2905 Meridian Parkway Durham, NC 27713 919-361-5000
Current Zoning Designation:	RR
Proposed Zoning Designation:	PUD-CZ
Current 2045 Land Use Map Designation:	Low Density Residential
Proposed 2045 Land Use Map Designation:	Low Density Residential
Size of Project:	Approximately 61.919 acres (Acreage may vary based on final alignment of Green Level West Road)
Property Identification Number:	P/O 0713943738

PURPOSE STATEMENT

The Williams Farm PUD will be a residential development consisting of single family homes. The proposed development will set aside required resource conservation areas throughout the 61.919-acre property. Williams Farm's concept is consistent with the Town's stated PUD goal to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. This development will comply with the PUD Development Parameters outlined in §2.3.4.F.1.a.i-vii of the Town of Apex Unified Development Ordinance. The Williams Farm PUD is in accordance with the Development Parameters as follows:

- *The uses to be developed in the PD Plan for the PUD-CZ are those uses permitted in Section 4.2.2, Use Table.*
 - » The uses permitted within the Williams Farm PUD are permitted per §4.2.2 of the Town of Apex UDO.
- *The uses proposed in the PD Plan for the PUD-CZ can be entirely residential, entirely non-residential, or a mix of residential and non-residential uses, provided a minimum percentage of the non-residential land area is included in certain mixed-use areas as specified on the 2045 Land Use Map. The location of uses proposed by the PUD-CZ must be shown on the PD Plan with a maximum density for each type of residential use and a maximum square footage for each type of non-residential use.*
 - » Williams Farm is an entirely residential development including a maximum of 176 units.
- *The dimensional standards in §5.1.3 Table of Intensity and Dimensional Standards, Planned Development Districts, may be varied in the PD Plan for PUD-CZ. The PUD-CZ shall demonstrate compliance with all other dimensional standards of the UDO, North Carolina Building Code, and North Carolina Fire Code.*
 - » The proposed dimensional standards are in compliance with the Town of Apex UDO. Development of the parcel will be in compliance with all other requirements of the UDO, North Carolina Building Code, and North Carolina Fire Code.
- *The development proposed in the PD Plan for PUD-CZ encourages cluster and compact development to the greatest extent possible that is interrelated and linked by pedestrian ways, bikeways, and other transportation systems. At a minimum, the PD Plan must show sidewalk improvements as required by the Apex Transportation Plan and the Town of Apex Standard Specifications and Details, and greenway improvements as required by the Town of Apex Parks, Recreation, and Open Space Plan and the Apex Transportation Plan. In addition, sidewalks shall be provided on both sides of all streets for single-family detached homes.*
 - » Public sidewalks will be constructed along the both sides of all streets as well as along the entire frontage of Green Level West Road, per Town of Apex UDO standards. To encourage a healthy lifestyle and establish a walkable community, pedestrian greenways will also be incorporated throughout the development connecting residential areas to open space amenities located throughout the development. In addition, the site is located within a half mile of the American Tobacco Trail which may be accessed via public sidewalk connections through the Lake Castleberry neighborhood and ultimately along Green Level West Road.

- *The design of development in the PD Plan for the PUD-CZ results in land use patterns that promote and expand opportunities for walkability, connectivity, public transportation, and an efficient network of streets. Cul-de-sacs shall be avoided unless the design of the subdivision and the existing proposed or proposed street system in the surrounding area indicated that a through street is not essential in the location of the proposed cul-de-sacs, or where sensitive environmental features such as streams, floodplains, or wetlands would be substantially disturbed by making road connections.*
 - » Williams Farm will create a walkable residential community connected by sidewalks, tree-lined streets, and greenways. Cul-de-sacs will be avoided to enhance the connectivity of the development.
- *The development proposed in the PD Plan for PUD-CZ is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties.*
 - » Williams Farm PUD-CZ is consistent with The Town of Apex's Future Land Use Map and compatible with the surrounding land uses. The parcel is designated as Low Density Residential on the 2045 Land Use Map as are the surrounding properties. Current zoning surrounding the development includes Apex RR and LD-CZ on the eastern side, Wake County R-40W on the northern side, and Chatham County R-1 zoning on the western side of the property. It is important to note that the western boundary of the proposed PUD coincides with the Chatham County line. In addition, land located immediately north is within the Town of Cary's ETJ.
- *The development proposed in the PD Plan for the PUD-CZ has architectural and design standards that are exceptional and provide a higher quality than routine developments. All residential uses proposed in a PD Plan for PUD-CZ shall provide architectural elevations representative of the residential structures to be built to ensure the Standards of this Section are met.*
 - » All single-family homes will be of a higher quality construction than the typical residential development. Architectural controls and sample elevations illustrating the high-quality appearance of single-family homes are included with the PUD-CZ application.

All site-specific standards and conditions of this PD Plan shall be consistent with all Conditional Zoning (CZ) District standards set forth in the UDO Section 2.3.3, Conditional Zoning Districts. The proposed PUD will provide a development density consistent with the 2045 Land Use Plan designation of Low Density Residential. The Advance Apex Plan describes Low Density Residential as "intended to provide for single-family residential development or single-family residential development with a mix of duplexes and/or townhomes on lots smaller than those in the rural residential areas...Densities shall not exceed 3 units per acre." The proposed density of this development is 2.89 units per acre.

The proposed development aims to incorporate the history of the site into the design, preserving notable elements such as the stacked stone walls along Green Level West Rd, the champion trees at the entry to the neighborhood, and the old farm pond on the western boundary. The site will dedicate at least 30% of the land for resource conservation areas with an emphasis on protecting the wetlands located heavily on the eastern property boundary. The site is divided by an existing gas easement, but walking trails will wind through the development connecting residential areas, open space, pocket parks, and forested land throughout.

PERMITTED USES

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below.

Permitted uses include:

Residential
Single-Family
Accessory apartment*
Utilities
Utility, minor
Recreational Uses
Greenway
Park, Active
Park, Passive
Recreation Facility, private

* Homeowner Association covenants shall not restrict the construction of accessory dwelling units.

AFFORDABLE HOUSING

The project is committed to helping the Town of Apex advance their Affordable Housing Plan to welcome and attract a diverse population with moderate to low incomes and of different age groups. As such, the developer will contribute \$284.10 per lot to the Apex Affordable Housing Fund, to be paid at plat. Based on 176 lots, the total fee should be \$50,000.

DESIGN CONTROLS

Total Project Area:	61.919 acres
Overall Density Limitations (across 61.919-acre site):	2.89 units per acre
• Maximum number of units (single-family homes):	176

Residential Design Controls

Single-Family

- Minimum Lot Size: 5,000 square feet
- Minimum Lot Width: 40 feet
- Minimum Lot Depth: 100 feet
- Maximum Building Height: 45 feet
- Building Setbacks
 - » Front: 20 feet to garage; 8 feet to building façade
 - » Side: 5 feet
 - » Rear: 20 feet
 - » Alley: 5 feet
 - » Corner: 8 feet

ARCHITECTURAL STANDARDS

The proposed development offers the following architectural controls to ensure a consistency of character throughout the development, while allowing for enough variety to create interest and avoid monotony. Elevations included are limited examples of multiple options available. Changes to the exterior materials, roof, windows, doors, process, trim, etc. are allowable with administrative approval at the staff level. Further details shall be provided at the time of Residential Master Subdivision Plan or Site Plan submittal.

Residential areas envisioned for the Williams PUD will be comprised of single-family homes. In order to create rich architectural character along the streetscapes, the project will offer a variety of distinct residential elevations – see examples at the end of this document. These elevations will incorporate a natural material selection and earth tone color palette with wood, brick or stone accents, which will help to add diversity to the streetscape.

While each of the architectural offerings proposed will have their own identity, several common threads will create consistency within the Williams PUD including color palettes, materials, roofing, and decorative garage doors. Elevations have been included below in an effort to represent the bulk, massing, scale and architectural style of the development.

Additional features used as focal points or key terminus points shall be located within or around the development (i.e. open spaces, gazebos, stacked stone walls, and public art) in order to meet the Community Amenities requirement of the UDO. Other features not mentioned may be considered with administrative staff approval.

Residential Design Guidelines (all product types):

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. Front-facing garage doors shall have windows, decorative details or carriage-style adornments on them.
3. The garage cannot protrude more than 1 foot out from the front façade or front porch, measured from roof of porch.
4. On single-family homes, the roof shall be pitched at 5:12 or greater (not to include porches, bay windows, etc.).
5. House entrances for units with front-facing single-car garages must have a covered porch/stoop area leading to the front door.
6. Rear and side elevations of units that have right-of-way frontage shall have trim around the windows.
7. Four of the following decorative elements shall be used on each building: decorative shake, board and batten siding, decorative porch rails and posts, shutters, decorative functional foundation and roof vents, recessed windows, decorative windows, decorative brick or stone, decorative gables, decorative cornices, or metal roofing.
8. A varied color palette shall be utilized on single family homes throughout the subdivision and shall include siding, trim, shutter, and accent colors complementing the siding colors.
9. Solar conduit will be provided on all single-family homes to accommodate the future installation of solar panels.

Proposed Residential Materials and Styles

Proposed materials and styles will be of a similar palette to provide consistency of character along with visual interest. Exterior materials that may be incorporated into any of the residential building products include:

- Cementitious lap siding
- Board and batten siding
- Shake and shingle siding
- Wood siding
- Stone or synthetic stone
- Brick

Vinyl siding is not permitted on the exterior of any single-family homes within the project.

Additional building materials may be included with administrative staff approval. Substitute materials shall be allowed by staff as long as they are determined by the Planning Director to be substantially similar.

PARKING AND LOADING

All parking for this PUD will comply with Section 8.3 Off-Street Parking and Loading, of the Town of Apex UDO.

SIGNAGE

All signage for this PUD shall comply with Section 8.7, *Signs*, of the Town of Apex UDO.

LANDSCAPING

Minimum perimeter and streetscape landscape buffers are as follows (see PUD Plan Sheet C2.00 for details):

- 30-ft Type B streetscape buffer along Green Level West Rd
- 10-ft Type B perimeter buffer along western and southwestern property boundary
- 20-ft Type B perimeter buffer along southern property boundary
- 20-ft to 40-ft Type B perimeter buffer along eastern property boundary

The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 70% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.

NATURAL RESOURCES AND ENVIRONMENTAL DATA

River Basins and Watershed Protection Overlay Districts

This project is located within the Cape Fear River Basin. This project site is located within the Primary Watershed Protection Overlay District as shown on the Town of Apex Watershed Protection Map. Accordingly, this PUD will comply with all built upon area, vegetated conveyances, structural SCMs and riparian stream buffer requirements of Section 6.1.7.

Resource Conservation Areas (RCA) - Required and Provided

This PUD will be subject to, and meet the requirements of, Section 8.1.2 of the UDO, *Resource Conservation Area* and Section 2.3.4, *Planned Development Districts*.

The PUD will provide a minimum of 30% of the gross project area as a Resource Conservation Area (RCA). Designated RCA areas will be consistent with the items listed in Section 8.1.2(B) of the Town's UDO. Preserved streams, wetlands, and associated riparian buffers provide the primary RCAs throughout the site. Additional RCA areas may include perimeter and streetfront buffers, stormwater management areas (as permitted by the UDO), and greenway.

The project will protect and preserve at least three of the champion trees located along Green Level West Road (subject to health evaluation and frontage roadway design requirements).

The existing farm pond shall be preserved, pending an evaluation of the dam. The dam is not located on this property, so the developer will work with the owner to evaluate it.

Educational signage shall be installed relating to wetlands or other on-site environmental features.

Floodplain

The project site does not sit within a designated current or future 100-year floodplain as shown on the Town of Apex FEMA map and FIRM Panel 3720071300K, dated February 2, 2007.

Tree Canopy

Tree canopy areas on the Williams Farm are primarily concentrated around the wetland areas, stream features, perimeter buffers and champion trees which are to be preserved RCA area.

Where trees cannot be preserved, as part of the implementation of this community, the project will re-establish a new tree canopy with vegetated perimeter buffers, pocket parks, community gathering spaces and other open space areas.

Historic Structures

As confirmed by the North Carolina State Historic Preservation Office, there are no historic structures present within the project boundary. The JM Williams farmhouse was a Study List Entry in 2016, however, the home burned down on May 22, 2019.

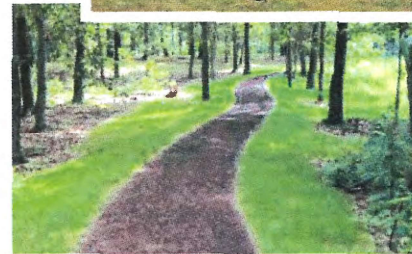
While the farmhouse no longer exists, a number of significant champion trees as well as an iconic stacked stone wall remain as important historical remnants of the past. Pending evaluation of health and safety of the trees, both the trees and stacked stone walls will be preserved and incorporated into the landscape design of the community.

The project will preserve a minimum of 200 linear feet of the existing stacked stone walls located along the Green Level West Road frontage. Segments of the wall in disrepair may be reconstructed to match the original look of the wall.

Environmental Commitments Summary

The following environmental commitments were discussed and approved by the Apex Environmental Advisory Board on February 18, 2021 to include in the Williams Farm development:

- The project will protect and preserve at least three of the champion trees located along Green Level West Road (subject to health evaluation and frontage roadway design requirements).
- The project will preserve a minimum of 200 linear feet of the existing stacked stone walls located along the Green Level West Road frontage. Segments of the wall in disrepair may be reconstructed to match the original look of the wall.
- Tree canopy preservation and replacement (30% of site)
- Two acres of open space and pocket parks will be provided. The existing gas line easement may be used to meet this requirement as long as it is graded and improved to contain features such as lawn area, walking trails or vegetation that attracts bird and butterfly habitat.
- All homes within the community shall be located no further than 800 feet from an improved open space area such as a play lane, trail head, greenway or pocket park.
- The project will construct a minimum 1,800 LF of soft surface or paved walking trails in addition to required sidewalks.
- Installation of educational signage related to wetlands or other on-site environmental features
- Increased stormwater quantity and quality control measures (see Stormwater Management section for details)
- Increased perimeter buffers on the eastern property boundary (see PUD plan)
- Retention of the existing farm pond
- The project will increase biodiversity in perimeter buffers and open space areas by providing a variety of species for the canopy, understory, and shrub levels. Native and adaptive plant species shall be provided within these areas to minimize death from disease and to provide increased habitat and food sources for insects and animals. A minimum of 70% of the species provided shall be native or a nativar of North Carolina. No invasive species shall be permitted. No single species of tree or shrub shall constitute more than 20% of the plant material of its type installed on a single development site.
- Solar conduit in all single-family homes
- Full cutoff street lighting by Apex Electric



STORMWATER MANAGEMENT

This PUD shall go above the stormwater management requirements for quality and quantity treatment outlined in Section 6.1.7 of the UDO such that:

- Post development peak runoff shall not exceed pre-development peak runoff conditions for the 1 year, 10-year, 25-year, and 24-hour storm events.
- Treatment for the first 1 inch of runoff will provide 85% removal of total suspended solids.

Acceptable stormwater structures shall include detention ponds, constructed wetlands, bio-retention areas, or other approved devices consistent with the NC DEQ Stormwater Design Manual and the Town of Apex UDO.

PARKS AND RECREATION

The Parks, Recreation and Cultural Resources Advisory Commission unanimously recommended a fee-in-lieu of dedication on March 31, 2021.

Number of Units*	Housing Type	Fee Per Unit**	Total Fees
176	Single-Family	\$3,495.24	\$615,162.24
Total	-	-	\$615,162.24

*Final unit count will be determined at the time of Master Subdivision.

**Fees are based upon approval date and runs with project with exception of the increase in total unit count.

PRIVATE AMENITIES

Two acres of private open space and pocket parks will be provided. The existing gas line easement may be used to meet this requirement as long as it is graded and improved to contain features such as lawn area, walking trails or vegetation that attracts bird and butterfly habitat.

All homes within the community shall be located no further than 800 feet from an improved open space area such as a play lawn, trail head, greenway or pocket park.

The project will construct a minimum 1,800 LF of soft surface (mulch) or paved walking trails in addition to required sidewalks.

PUBLIC FACILITIES

The proposed PUD shall meet all Public Facilities requirements as set forth in UDO Section 2.3.4(F)(1) (f) and be designed according to sound engineering standards. Road and utility infrastructure shall be as follows:

General Roadway Infrastructure

All proposed roadway infrastructure and right-of-way dedications will be consistent with the Town of Apex UDO and Transportation Plan.

Green Level West Road shall be realigned and widened along the frontage of the property in accordance with NCDOT and Town of Apex Transportation standards. Flattening of this curve will allow for safer entry and exit to and from the neighborhood. It will also improve sight distance and safety for motorists and bicyclists traveling along Green Level West Road. Details of this road realignment will be provided at Master Subdivision Plan.

Proposed access to Green Level West Road shall be located approximately 700 feet west of the intersection with Bachelor Road and include a westbound left turn lane with 50 feet of full width storage, 50 feet of full width deceleration, and a 100-foot taper.

Water and Sanitary Sewer

All lots within the project will be served by Town of Apex for water and sanitary sewer. A portion of the site will be serviced by an on-site pump station in accordance with Town of Apex standards. Preliminary approval for a pump station has been received by Town of Apex Public Utilities. The utility design will be finalized at the time of master subdivision plan approval and be based on available facilities adjacent to the site at that time. The design will meet the current Town of Apex master plans for water and sewer.

Walkability

The following facilities will be provided to contribute to a walkable community within and surrounding the Williams Farm development:

- Five-foot wide public sidewalks along the south side of Green Level West Road through frontage of property.
- Five-foot wide public sidewalks along both sides of all streets
- Six-foot wide private walking trails throughout the development
- Crosswalks constructed at appropriate street intersections

Other Utilities and Facilities

Electricity will be provided by Apex Electric. Phone, cable, and gas will be provided by the developer and shall meet the Town of Apex standards as outlined in the UDO.

Streetscape features may be used to help with establishing a framework for the proposed development. These features may include street trees within the public right-of-way, benches, trash receptacles, and street and/or pedestrian lights compatible with their context.

PHASING PLAN

This PUD will be completed in up to four phases.

CONSISTENCY WITH LAND USE PLAN

The proposed land use will be consistent with Advance Apex 2045: The Apex Comprehensive Plan, adopted in February 2019.

The Future Land Use Map designates this parcel as Low Density Residential, and the proposed land use will stay consistent with this designation allowing single-family homes under 3 dwelling units per acre.

COMPLIANCE WITH UDO

The development standards adopted for this PUD comply with those set forth in the current version of the Town's Unified Development Ordinance (UDO).

TRANSPORTATION IMPROVEMENTS

The following zoning condition represents the recommendations by Apex staff and NCDOT based on a review of the TIA prepared for the Williams Farm plan.

- Developer shall provide a westbound left turn lane with 50 feet of full width and appropriate deceleration length and taper on Green Level West Road at the location of the proposed public street accessing the subdivision, located approximately 700 feet west of Bachelor Road. No other new points of access are proposed along Green Level West Road. Developer is responsible for any necessary roadway improvements to meet or exceed required sight distance at the proposed access location, subject to NCDOT review and approval.

Additionally, at the time of master subdivision, the developer shall work with the Town of Apex and NCDOT to ensure adequate site distance at the Green Level West Road site access. This may require realignment of Green Level West Road and/or a site distance easement across the frontage of the parcel to the west.

Representative Residential Building Elevations

















WILLIAMS FARM

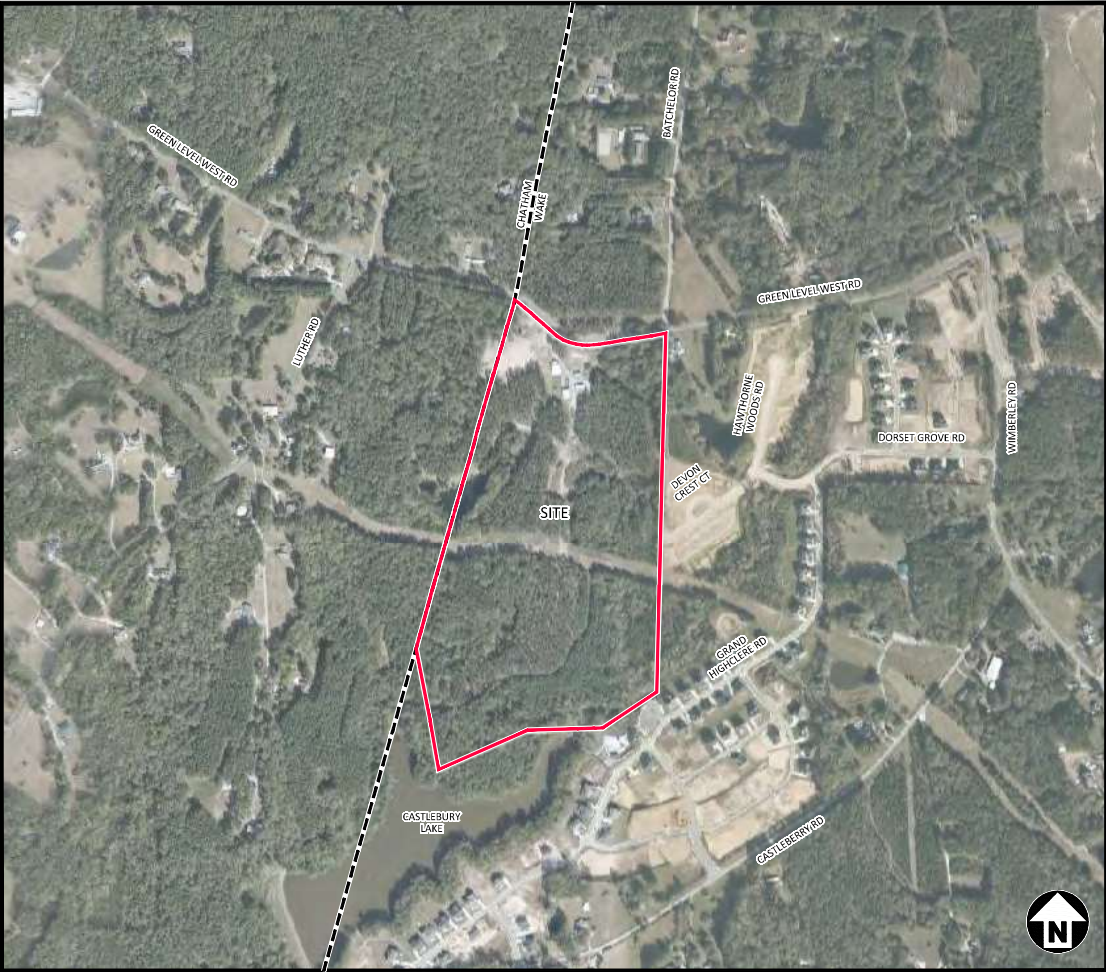
4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA

PLANNED DEVELOPMENT PLAN FOR PUD-CZ

PROJECT NUMBER: 2020110181

DATE: MARCH 1, 2021

REVISED: JUNE 8, 2021



AERIAL & VICINITY MAP
N.T.S.

SHEET INDEX

C1.00	EXISTING CONDITIONS
C2.00	PRELIMINARY LAYOUT & UTILITY PLAN

ZONING CONDITIONS

1. DEVELOPER SHALL PROVIDE A WESTBOUND LEFT TURN LANE WITH 50 FEET OF FULL WIDTH AND APPROPRIATE DECELERATION LENGTH AND TAPER ON GREEN LEVEL WEST ROAD AT THE LOCATION OF THE PROPOSED PUBLIC STREET ACCESSING THE SUBDIVISION. LOCATED APPROXIMATELY 700 FEET WEST OF BACHELOR ROAD. NO OTHER NEW POINTS OF ACCESS ARE PROPOSED ALONG GREEN LEVEL WEST ROAD. DEVELOPER IS RESPONSIBLE FOR ANY NECESSARY ROADWAY IMPROVEMENTS TO MEET OR EXCEED REQUIRED SIGHT DISTANCE AT THE PROPOSED ACCESS LOCATION, SUBJECT TO NCDOT REVIEW AND APPROVAL.

SITE DATA

PARCEL IDENTIFICATION NUMBER (PIN)	PORTION OF 0713-94-3738	
EXISTING ZONING	RR	
PROPOSED ZONING	PUD-CZ	
CURRENT 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL	
PROPOSED 2045 LAND USE MAP DESIGNATION	LOW DENSITY RESIDENTIAL	
SITE AREA	APPROX. 61.92 AC - GROSS APPROX. 0.27 AC - R/W DEDICATION APPROX. 0.12 AC - RECLAIMED R/W APPROX. 61.77 AC - NET	
EXISTING USE	VACANT	
PROPOSED USE	SINGLE FAMILY LOTS	
DENSITY	MAXIMUM	176 UNITS / 61.77 AC = 2.85 DU/AC
LOT SIZE	MINIMUM	5,000 SF
LOT WIDTH	MINIMUM	40'
LOT DEPTH	MINIMUM	100'
BUILDING HEIGHT	MAXIMUM	45'
SETBACKS	FRONT	20' TO GARAGE, 8' TO BUILDING FACADE
	SIDE	5'
	REAR	20'
	ALLEY	5'
	CORNER	8'
PARKING	REQUIRED	176 UNITS x 2/UNIT = 352 SPACES
	PROPOSED	352 SPACES
BUILT-UPON AREA (IMPERVIOUS SURFACE)	MAXIMUM	43.24 AC (70%)
RESOURCE CONSERVATION AREA	MINIMUM	18.53 AC (30%)
WATERSHED PROTECTION OVERLAY	PRIMARY WATERSHED PROTECTION DISTRICT	
FEMA FLOODPLAIN	NONE (FIRM PANEL 3720071300K, EFFECTIVE 02/02/2007)	
HISTORIC STRUCTURES	NONE	



McADAMS

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

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

www.mcadamsco.com

CONTACT

JESSICA HARDESTY
hardesty@mcadamsco.com
PHONE: 919. 361. 5000

PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM



REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



OWNER
ELIZA C WILLIAMS
4525 GREEN LEVEL WEST ROAD
APEX, NC 27523



REVISIONS

NO.	DATE	PER TOWN COMMENTS
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

PLANNED DEVELOPMENT PLAN FOR:

WILLIAMS FARM
APEX, NORTH CAROLINA
PROJECT NUMBER:
2020110181

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



McAdams

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

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

www.mcadamsco.com

PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM



REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



WILLIAMS FARM
PLANNED DEVELOPMENT PLAN FOR PUD-CZ
4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA

REVISIONS

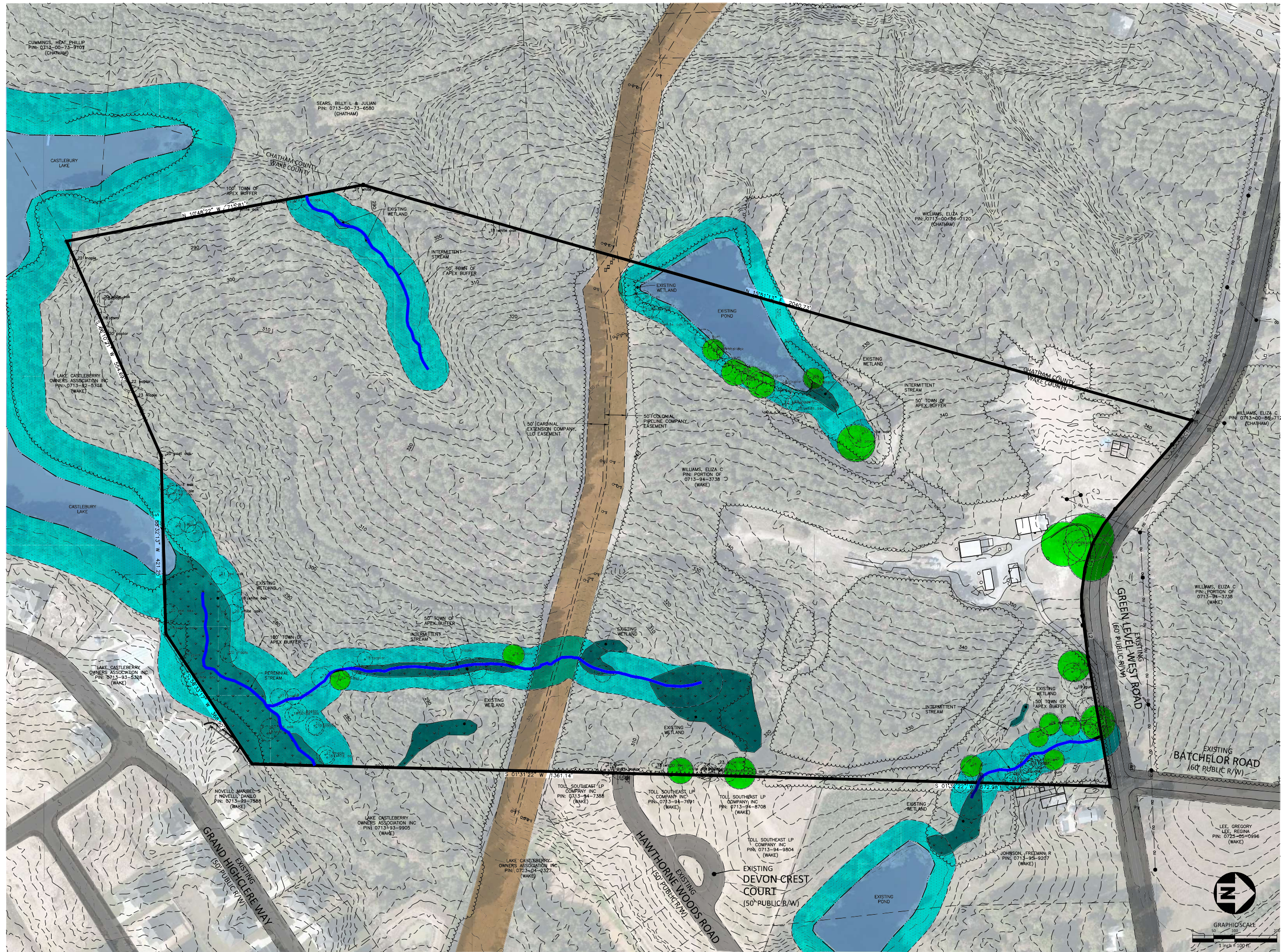
NO.	DATE	
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

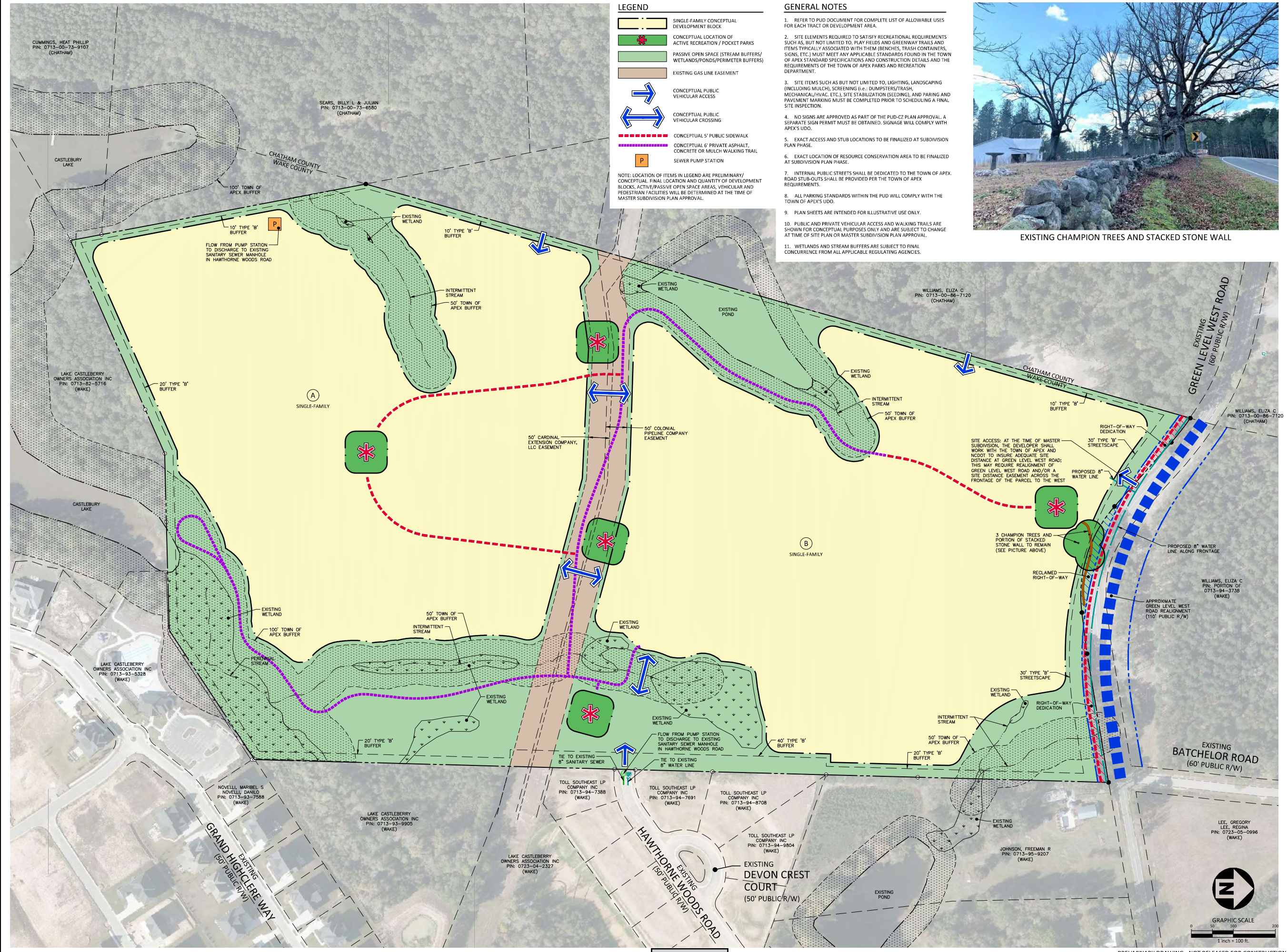
PLAN INFORMATION

PROJECT NO. 2020110181
FILENAME 2020110181-XC1
CHECKED BY JVF
DRAWN BY RLU
SCALE 1"=100'
DATE 03.01.2021

SHEET

EXISTING
CONDITIONS
C1.00





EXISTING CHAMPION TREES AND STACKED STONE WALL



McADAMS
The John R. McAdams Company, Inc.
2905 Meridian Parkway
Durham, NC 27713
phone 919. 361. 5000
fax 919. 361. 2269
license number: C-0293, C-187
www.mcadamsco.com

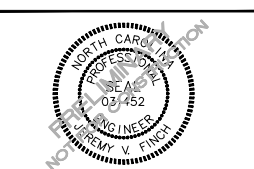
PROJECT DIRECTORY

HOME BUILDER
STANLEY MARTIN HOMES
4020 WESTCHASE BOULEVARD, SUITE 470
RALEIGH, NC 27607
CONTACT: BRIAN KETCHUM

REAL ESTATE CONSULTANT
ALLIANCE GROUP OF NORTH CAROLINA
7208 FALLS OF NEUSE ROAD, SUITE 101
RALEIGH, NC 27615
CONTACT: BOB ZUMWALT



WILLIAMS FARM
PLANNED DEVELOPMENT PLAN FOR PUD-CZ
4525 GREEN LEVEL WEST ROAD
APEX, NORTH CAROLINA



REVISIONS

NO.	DATE	DESCRIPTION
1	04.09.2021	PER TOWN COMMENTS
2	05.14.2021	PER TOWN COMMENTS
3	05.27.2021	PER TOWN COMMENTS
4	06.08.2021	PER TOWN COMMENTS

PLAN INFORMATION

PROJECT NO.	2020110181
FILENAME	2020110181-S1
CHECKED BY	JVF
DRAWN BY	RLU
SCALE	1"=100'
DATE	03.01.2021

SHEET

**PRELIMINARY LAYOUT
& UTILITY PLAN
C2.00**

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: February 22, 2022

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval. The Planning Board heard these amendments at their February 14, 2022 meeting and unanimously recommended approval. The Planning Board also recommended that Planning staff study expansion of Amendment 1 to require neighborhood meetings for additional use types.

Item Details

Amendment requested by the Planning Committee of Town Council:

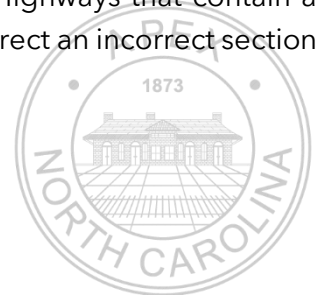
1. Amendment to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

Amendments requested by Planning Staff:

2. Amendments to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.
3. Amendments to Sec. 4.3.5 *Use Classifications, Commercial Uses* in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.
4. Amendment to Sec. 8.2.8.B.1 *Screening Methods, Dumpsters* in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.
5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

Attachments

- Staff Report
- Public Notice
- Ordinance



STAFF REPORT

Amendments to the Unified Development Ordinance

February 22, 2022 Town Council Meeting



Requested by Planning Committee of Town Council:

1. Amendments to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																				
		Residential								Business						Planned Development			Other			Standards
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C
Public and Civic Uses																						
School, public or private	4.3.2.L	P	P	P	P	P	P		P	P	P				P	P	P	P		**	P*	4.4.2.H; 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

...

H) School, Public or Private

A neighborhood meeting in compliance with Sec. 2.2.7 Neighborhood Meeting shall be required for all public or private schools regardless of Minor or Major Site Plan status.

Requested by Planning Staff:

2. Amendments to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.

2.1.9 Apex Environmental Advisory Board

A) Powers and Duties

The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:

- 1) Advise the ~~Environmental Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the natural environment and the~~ Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the natural environment.
- 2) Review, with applicants, during the pre-application phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural

environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:

- a) Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;
- b) Rezoning to resolve nonconformities;
- c) Rezoning of one (1) acre or less; and
- d) Rezoning within the Small Town Character Overlay District.

...

3. Amendment to Sec. 4.3.5 Use Classifications, Commercial Uses in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.

4.3.5 Use Classifications, Commercial Uses

...

G) *Retail Sales and Service*

...

- 13) *Glass sales.* An establishment primarily engaged in the retail sale or wholesale of glass for residences and businesses.

...

4. Amendment to Sec. 8.2.8.B.1 Screening Methods, Dumpsters in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.

8.2.8 Screening

...

B) *Screening Methods*

Screening shall be accomplished by the following methods:

- 1) Dumpsters.
 - a) Dumpsters shall be screened with an opaque enclosure, fence or wall that reaches eight (8) feet in height or the height of the dumpster, whichever is higher. The design and materials of the enclosure, fence or wall must be presented as part of the Exempt Site Plan, Site Plan, or Master Subdivision Plan approval process. The screening structures must be constructed of masonry materials. The screening structures shall be architecturally compatible with the principal building(s) on site. The operational parts of the enclosure such as the gate frame and hinge assemblies must be built of heavy-duty material such as steel and engineered to hold up to daily use and abuse; wood is not allowed;
 - b) Gates or doors on dumpster enclosures shall be constructed of opaque metal, wood composite, or PVC composite. When composite products are used, they shall be placed close enough together to create an opaque gate. Any composite product used shall be lightweight. ~~No wooden gates are permitted~~ **Gates constructed of real wood are not permitted unless**

the dumpster is associated with a Wake County Landmark or other historic structure;

- c) Where practical, shrubs or other plants must be planted outside the enclosure to visually soften the appearance;
- d) The overall enclosure design must comply with the standards found in the Town's Design and Development Manual.

...

5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

8.2.6.C *General Buffering Requirements*

...

4) *No Development Within the Required Buffer*

The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.89 and 8.2.2.C.2.a). When a public utility easement is located within a **Fully-and Limited-Controlled Access Highway Buffer, Streetfront Buffer,** or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their February 14, 2022 meeting and unanimously recommended approval. The Planning Board also recommended that Planning staff study expansion of Amendment 1 to require neighborhood meetings for additional use types.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

Planning Board Meeting Date: February 14, 2022



Report Requirements:

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

Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Keith Braswell

- ☒ Approval of the proposed UDO amendment(s)
☐ Approval of the proposed UDO amendment(s) with the following conditions:

Note:

Planning Board recommends that Planning staff study expansion of Amendment 1 to require neighborhood meetings for additional use types.

- ☐ Denial of the proposed UDO amendment(s)

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

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

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 14th day of February 2022.

Attest:

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin
Date: 2022.02.14 18:54:58
-05'00'

Dianne Khin, Director of Planning and
Community Development



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee of Town Council:

1. Amendment to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

Requested by Planning Staff:

2. Amendment to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.
3. Amendment to Sec. 4.3.5 *Use Classifications, Commercial Uses* in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.
4. Amendment to Sec. 8.2.8.B.1 *Screening Methods, Dumpsters* in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.
5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

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

Town Council Public Hearing Date and Time: February 22, 2022 6:00 PM

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

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

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

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

Published Dates: January 31-February 22, 2022



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del Comité de Planificación del Ayuntamiento:

1. Modificación de las secciones 4.2.2, *Tabla de usos*, y 4.4.2, *Normas complementarias, usos públicos y cívicos*, para solicitar la celebración de una reunión de vecinos antes de presentar cualquier plano de sitio menor o mayor para el uso de "escuela, pública o privada".

A solicitud del personal de planificación:

2. Modificación de la sección 2.1.9 sobre la *Junta Asesora de Apex sobre el Medioambiente* para eliminar la referencia al Comité Medioambiental del Consejo Municipal de Apex, debido a que dicho comité se disolvió el 11 de diciembre de 2021.
3. Modificación de la sección 4.3.5, *Clasificaciones de uso, usos comerciales*, para revisar la definición de venta de vidrio a fin de permitir la venta de vidrio al por mayor, además de la venta al por menor.
4. Modificación de la sección 8.2.8.B.1, *Métodos de evaluación, contenedores de basura*, para permitir la madera como material de fabricación de portones para los recintos de contenedores de basura en monumentos u otras estructuras históricas del condado de Wake.
5. Modificaciones a la sección 8.2.6.C.4, *Requisitos generales sobre márgenes, no edificar dentro de los márgenes requeridos*, para exigir que los márgenes a lo largo de las autopistas de acceso controlado de manera parcial o completa que contienen una servidumbre de servicios públicos tengan una zona de plantación de un mínimo de 20 pies de ancho y para corregir una referencia incorrecta de la sección.

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

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de febrero de 2022 6:00 PM

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tessa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

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

Fechas de publicación: 31 de enero – 22 de febrero de 2022



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee of Town Council:

1. Amendment to Secs. 4.2.2 *Use Table* and 4.4.2 *Supplemental Standards, Public and Civic Uses* in order to require a neighborhood meeting be held prior to the submittal of any Minor or Major Site Plan for the use "School, public or private".

Requested by Planning Staff:

2. Amendment to Sec. 2.1.9 *Apex Environmental Advisory Board* in order to remove the reference to the Environmental Committee of the Apex Town Council as that committee was dissolved on December 11, 2021.
3. Amendment to Sec. 4.3.5 *Use Classifications, Commercial Uses* in order to revise the definition of Glass Sales to allow for wholesale glass sales in addition to retail sales.
4. Amendment to Sec. 8.2.8.B.1 *Screening Methods, Dumpsters* in order to allow wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures.
5. Amendments to Sec. 8.2.6.C.4 *General Buffering Requirements, No Development Within the Required Buffer* in order to require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area and to correct an incorrect section reference.

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

Town Council Public Hearing Date and Time: February 22, 2022 6:00 PM

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

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

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

The UDO can be accessed online at: <http://www.apexnc.org/233>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-602 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del ayuntamiento de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado:

A solicitud del Comité de Planificación del Ayuntamiento:

1. Modificación de las secciones 4.2.2, *Tabla de usos*, y 4.4.2, *Normas complementarias, usos públicos y cívicos*, para solicitar la celebración de una reunión de vecinos antes de presentar cualquier plano de sitio menor o mayor para el uso de "escuela, pública o privada".

A solicitud del personal de planificación:

2. Modificación de la sección 2.1.9 sobre la *Junta Asesora de Apex sobre el Medioambiente* para eliminar la referencia al Comité Medioambiental del Consejo Municipal de Apex, debido a que dicho comité se disolvió el 11 de diciembre de 2021.
3. Modificación de la sección 4.3.5, *Clasificaciones de uso, usos comerciales*, para revisar la definición de venta de vidrio a fin de permitir la venta de vidrio al por mayor, además de la venta al por menor.
4. Modificación de la sección 8.2.8.B.1, *Métodos de evaluación, contenedores de basura*, para permitir la madera como material de fabricación de portones para los recintos de contenedores de basura en monumentos u otras estructuras históricas del condado de Wake.
5. Modificaciones a la sección 8.2.6.C.4, *Requisitos generales sobre márgenes, no edificar dentro de los márgenes requeridos*, para exigir que los márgenes a lo largo de las autopistas de acceso controlado de manera parcial o completa que contienen una servidumbre de servicios públicos tengan una zona de plantación de un mínimo de 20 pies de ancho y para corregir una referencia incorrecta de la sección.

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

Fecha y hora de la audiencia pública del Consejo Municipal: 22 de febrero de 2022 6:00 PM

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

Section 1. Sections 4.2.2 and 4.4.2 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																					
		Residential									Business						Planned Development			Other			Standards
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	Section(s)
Public and Civic Uses																							
School, public or private	4.3.2.L	P	P	P	P	P	P	P		P	P	P				P	P	P	P		**	p*	<u>4.4.2.H;</u> 6.3

4.4.2 Supplemental Standards, Public and Civic Uses

...

- H) School, Public or Private**
A neighborhood meeting in compliance with Sec. 2.2.7 Neighborhood Meeting shall be required for all public or private schools regardless of Minor or Major Site Plan status.

Section 2. Section 2.1.9 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.9 Apex Environmental Advisory Board

- A) *Powers and Duties*
The Environmental Advisory Board shall have the following powers and duties under the provisions of this Ordinance:
- 1) Advise the ~~Environmental Committee of the Apex Town Council~~ regarding suggested changes to the Unified Development Ordinance related to the natural environment and the Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the natural environment.

...

...

Section 3. Section 4.3.5 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.3.5 Use Classifications, Commercial Uses

...

G) *Retail Sales and Service*

...

- 13) *Glass sales.* An establishment primarily engaged in the retail sale **or wholesale** of glass for residences and businesses.

...

Section 4. Section 8.2.8.B.1 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.8 Screening

...

B) *Screening Methods*

Screening shall be accomplished by the following methods:

1) Dumpsters.

- a) Dumpsters shall be screened with an opaque enclosure, fence or wall that reaches eight (8) feet in height or the height of the dumpster, whichever is higher. The design and materials of the enclosure, fence or wall must be presented as part of the Exempt Site Plan, Site Plan, or Master Subdivision Plan approval process. The screening structures must be constructed of masonry materials. The screening structures shall be architecturally compatible with the principal building(s) on site. The operational parts of the enclosure such as the gate frame and hinge assemblies must be built of heavy-duty material such as steel and engineered to hold up to daily use and abuse; wood is not allowed;
- b) Gates or doors on dumpster enclosures shall be constructed of opaque metal, wood composite, or PVC composite. When composite products are used, they shall be placed close enough together to create an opaque gate. Any composite product used shall be lightweight. ~~No wooden gates are permitted~~ **Gates constructed of real wood are not permitted unless the dumpster is associated with a Wake County Landmark or other historic structure;**
- c) Where practical, shrubs or other plants must be planted outside the enclosure to visually soften the appearance;
- d) The overall enclosure design must comply with the standards found in the Town's Design and Development Manual.

...

Section 5. Section 8.2.6.C.4 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.2.6.C General Buffering Requirements

...

4) No Development Within the Required Buffer

The required buffer shall not contain any development, built-upon area, or site features that do not function to meet the standards of this Section or that require removal of existing vegetation, except for signs within platted sign easements, utilities within public utility easements, and public art on private property within a platted public art on private property easement (see Secs. 8.1.2.C.89 and 8.2.2.C.2.a). When a public utility easement is located within a **Fully-and Limited-Controlled Access Highway Buffer**, Streetfront Buffer, or a Thoroughfare Buffer that is 20 feet or greater in width, a minimum 20-foot-wide planting area shall be provided as measured from the edge of the easement. For all other required buffers, a minimum 10-foot-wide planting area shall be provided as measured from the edge of the easement. The planting area shall be as wide as necessary in order to accommodate all required buffer plantings. Tree species with compact root systems shall be used adjacent to the easement.

...

Section 6. The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 8. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Tesa Silver, MMC, NCCMC
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney