



AGENDA | VIRTUAL REGULAR TOWN COUNCIL MEETING

November 23, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

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

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

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

PRESENTATIONS

[PR1](#) Apex Consolidated Alumni and North Forgotten History Committee

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

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

Mayor Gilbert to present proclamation for Small Business Saturday 2021.

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](#) Jacques K. Gilbert, Mayor

Motion to re-appoint Michael J. Wilson as Board of Adjustment Chair, Lisa Carley as Board of Adjustment Vice-Chair, and Tracy Taylor as Board of Adjustment Alternate 1.

[CN2](#) Russell Dalton, Traffic Engineering Manager

Motion to approve temporary closure of the on-street angled parking spaces and sidewalk along the parcel frontage of 76 Hunter Street and establishing a signed sidewalk detour route along Grand Central Station, Chessie Station, and Metro Station in effect Monday through Friday between the hours of 7:00 a.m. to 5:30 p.m. for the purpose of staging a crane and vertical building construction activity starting the week of November 22, 2021 and terminating August 1, 2022.

[CN3](#) Russell Dalton, Traffic Engineering Manager

Motion to approve an Ordinance amending Section 20-163 subsection (b), reserving the first eight (8) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:00 p.m when designated by signs indicating said reservation.

[CN4](#) Liz Loftin, Senior Planner

Motion to approve revised Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD in order to provide a revised Attachment A - Legal Description.

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

Motion to approve Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc.

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

Motion to approve Minutes of the October 26, 2021 Regular Council Meeting

[CN7](#) Russell Dalton, Traffic Engineering Manager

Motion to approve an Infrastructure Reimbursement Agreement with the Triad Math and Science Academy Company for installation of sidewalk and curb and gutter along Dropseed Drive for actual costs incurred not to exceed \$50,000.00, authorize Town manager to execute same and approve corresponding Budget Ordinance Amendment 11 and Capital Project Ordinance Amendment 2022-03.

[CN8](#) Catherine Crosby, Jason Armstrong, Laurie Hohe

Motion to approve an ordinance amendment to multiple town code sections providing that certain violations of the Town Code are punishable as misdemeanors.

[CN9](#) Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the Co-sponsored Apex Farmers' Market request to amend their approved schedule and add an additional market day on Saturday, December 18, 2021 in the Depot Parking Lot.

[CN10](#) Vance Holloman, Finance Director

A motion to approve a Resolution accepting American Rescue Plan Act Funds.

[CN11](#) Vance Holloman, Finance Director

A motion to approve the form of a proposed vendor agreement between the Town and Wake County which will enable eligible Apex utility customers to receive assistance under the Low

Income Water Assistance Program(LIHWAP) and authorize the Finance Director to execute the agreement.

[CN12](#) Mary Beth Manville, Human Resources Director

Motion to approve the Additional Sick Leave Policy for Town employees, effective January 10, 2021.

[CN13](#) Laurie Hohe, Town Attorney

Motion to approve ordinance amendment to Sections 6-13 and 13-85 of the Town of Apex Code of Ordinances.

[CN14](#) Steve Maynard, Purchasing & Contracts Manager

Motion to approve Member Cooperative Bid Agreement for Joint Purchasing of Utility Materials, Supplies, and equipment.

[CN15](#) Steve Maynard Purchasing & Contracts Manager

Motion to approve report of award of contract to Wesco Distribution for purchase of single phase pad mount transformers.

[CN16](#) Steve Adams, Real Estate & Public Utilities

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

[CN17](#) Steve Adams, Real Estate & Public Utilities

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

[CN18](#) Keith McGee, Fire Chief

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

[CN19](#) Jacques K. Gilbert, Mayor

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

[CN20](#) Dianne Khin, Director of Planning and Community Development

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's

intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.

[CN21](#) Dianne Khin, Director of Planning and Community Development

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.

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](#) Amanda Bunce, Current Planning Manager

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

[PH2](#) Amanda Bunce, Current Planning Manager

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

[PH3](#) Lauren Staudenmaier, Planner II

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

[PH4](#) Lauren Staudenmaier, Planner II

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

[PH5](#) Sarah Van Every, Senior Planner

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

[PH6](#) Shelly Mayo, Planner II

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

OLD BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

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.

WORK SESSION

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 23, 2021

Item Details

Presenter(s): Apex Consolidated Alumni and North Forgotten History Committee

Department(s):

Requested Motion

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

Approval Recommended?

N/A

Item Details

N/A

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: November 23, 2021

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Mayor Gilbert to present proclamation for Small Business Saturday 2021

Approval Recommended?

NA

Item Details

Presentation by Colleen Merays, Downtown & Small Business Development Coordinator, Town of Apex and Shannon Flaherty, President, Apex Chamber of Commerce on Apex's Small Business Saturday promotion.

Attachments

- Proclamation



Town of Apex, North Carolina
Proclamation
from the Office of the Mayor

SMALL BUSINESS SATURDAY 2021

WHEREAS, the Town of Apex, North Carolina celebrates our local small businesses and the contributions they make to our economy and to our unique and vibrant community character; and

WHEREAS, small businesses continue to navigate the unprecedented challenges of a global pandemic as they support their employees and meet the needs of their local communities; and

WHEREAS, according to the United States Small Business Administration, there are 32.5 million small businesses employing 46.8 percent of the private workforce in the United States; and

WHEREAS, according to the United States Small Business Administration in North Carolina, there are 964,280 small businesses in North Carolina and they account for 99.6 percent of North Carolina businesses and were responsible for creating 39,382 net new jobs in 2021; and

WHEREAS, according to the 2020 Small Business Saturday Consumer Insights Survey, sales at independent retailers and restaurants on Small Business Saturday reached an estimated \$19.8 billion in 2020, up from \$19.6 in 2019; and

WHEREAS, Small Business Saturday celebrates the remarkable spirit of Apex, North Carolina small businesses and shows how essential they are to our community; and

WHEREAS, companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season, and contributes significantly to their holiday sales each year; and

WHEREAS, public awareness of the contributions made by Apex local businesses is the key to sustaining a healthy business climate; and

WHEREAS, the citizens of Apex are grateful to the small businesses of Apex for their presence in our community; and

WHEREAS, the Town of Apex joins the U.S. Chamber of Commerce and the Apex Chamber of Commerce in supporting America's small businesses;

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, North Carolina, do hereby proclaim Saturday, November 27, 2021 as SMALL BUSINESS SATURDAY. We urge residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday throughout the year.

IN WITNESS THEREOF, I have hereunto set my hand
and caused the Seal of the Town of Apex, North Carolina
to be affixed this the 23rd day of November 2021


Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

Motion to re-appoint Michael J. Wilson as Board of Adjustment Chair, Lisa Carley as Board of Adjustment Vice-Chair, and Tracy Taylor as Board of Adjustment Alternate 1.

Approval Recommended?

Yes

Item Details

Mayor Gilbert recommends current Board of Adjustment Chair Michael J. Wilson be named Chair for his 3rd term and current Vice Chair Lisa Carley be named Vice Chair for her 3rd term; the terms shall run from January 1, 2022 through December 31, 2022.

Mayor Gilbert recommends Tracy Taylor be named to her second term as Board of Adjustment Alternate 1; the term shall run from January 1, 2022 through December 31, 2024.

Attachments

- Proposed Board of Adjustment Appointments 2021



**TOWN OF APEX
PROPOSED BOARD OF ADJUSTMENT RE-APPOINTMENTS**

Unified Development Ordinance:

- Section 2.1.3.B.5 *Term*. The term of office of each member appointed shall be for three years. No member of the Board of Adjustment may serve more than three consecutive three year terms.
- Section 2.1.3.C.1 *Officers. Chair and vice-chair*. The chair and vice-chair of the Board of Adjustment shall be appointed by the mayor from the members of the Board. The term of the chair and vice-chair shall be one year. A past chair or vice-chair may be re-appointed, even though no chair or vice-chair shall serve for more than four consecutive terms. Vacancies within a term shall be filled by the same method as the original appointment.

	Michael J. Wilson	Lisa Carley	Tracy Taylor
	Chair	Vice-Chair	(Alternate 1)
1st Term	01/20/2015 – 12/31/2016	01/01/2017 – 12/31/2019	01/01/2019 – 12/31/2021; 01/01/2020 – 12/31/2021 (moved seat, keeps term)
2nd Term	01/01/2017 – 12/31/2019	01/01/2020 – 12/31/2022	01/01/2022 – 12/31/2024
3rd Term	01/01/2020 – 12/31/2022		

TOWN OF APEX
 PROPOSED BOARD OF ADJUSTMENT RE-APPOINTMENTS

	Chair	Vice-Chair
1 st appointment	Michael J. Wilson 01/01/2020-12/31/2020	Lisa Carley 01/01/2020-12/31/2020
2 nd appointment	01/01/2021-12/31/2021	01/01/2021-12/31/2021
3 rd appointment	01/01/2022-12/31/2022	01/01/2022-12/31/2022
4 th appointment		

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve temporary closure of the on-street angled parking spaces and sidewalk along the parcel frontage of 76 Hunter Street and establishing a signed sidewalk detour route along Grand Central Station, Chessie Station, and Metro Station in effect Monday through Friday between the hours of 7:00 a.m. to 5:30 p.m. for the purpose of staging a crane and vertical building construction activity starting the week of November 22, 2021 and terminating August 1, 2022.

Approval Recommended?

Yes

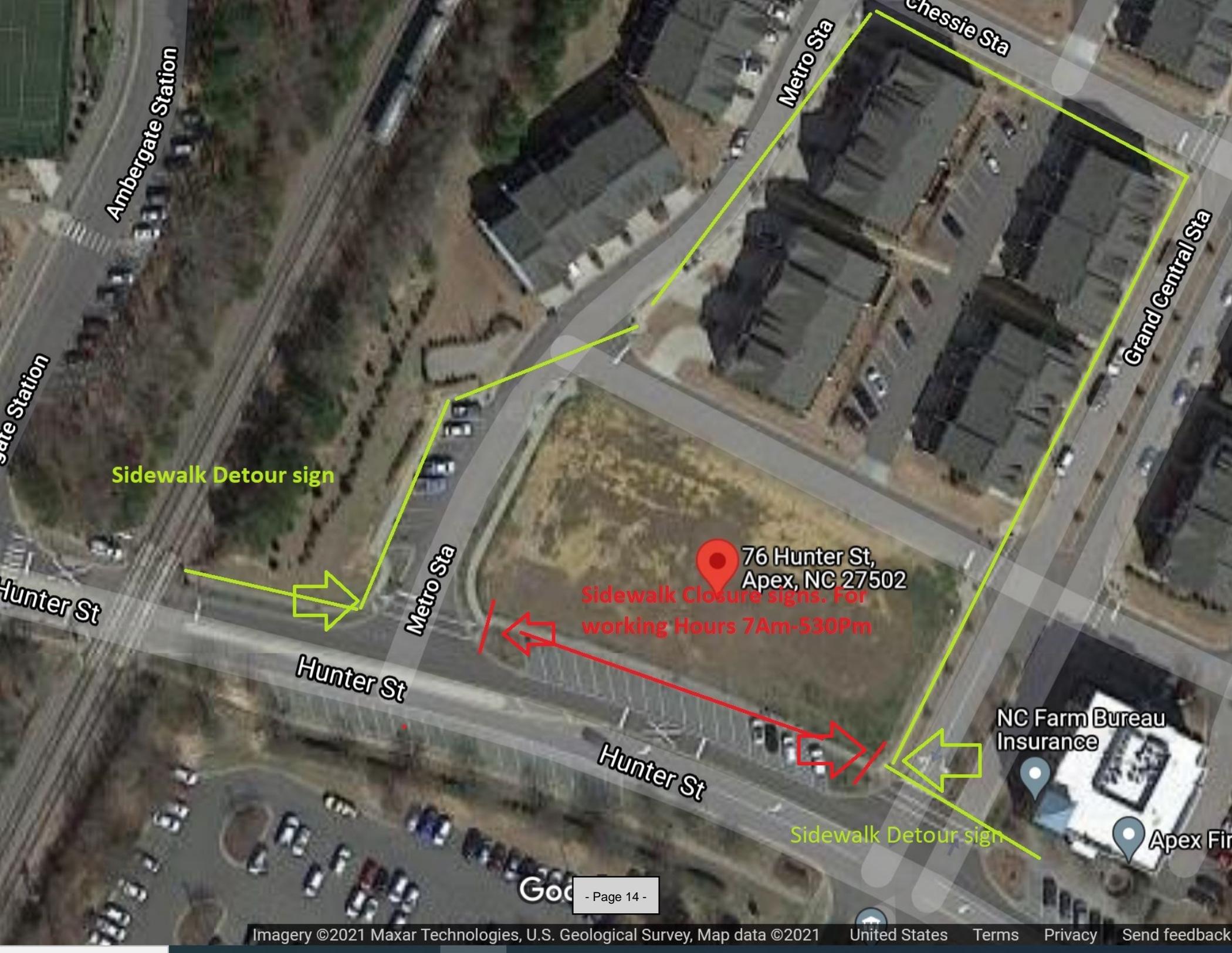
Item Details

There is no practical alternative to temporary closure of the on-street spaces and sidewalk, as the crane must be staged on the opposite side of the building from the steel laydown area. The contractor has also committed to clearing and cleaning that area for the parade dates.

Attachments

- Map of closure and sidewalk detour route





Sidewalk Detour sign

76 Hunter St,
Apex, NC 27502
Sidewalk Closure signs. For
working Hours 7Am-530Pm

Sidewalk Detour sign

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works and Transportation

Requested Motion

Motion to approve an Ordinance amending Section 20-163 subsection (b), reserving the first eight (8) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:00 p.m when designated by signs indicating said reservation.

Approval Recommended?

Yes

Item Details

The purpose of this amendment is to prohibit public parking within a row of eight (8) existing angled parking spaces on Hunter Street to provide a dedicated layover area for the bus serving GoApex Route 1 on Monday through Saturday from 5:30 a.m. to 10:00 p.m. A consent agenda item was approved by Council on May 19, 2020 supporting this reservation, and this ordinance amendment is required to post signs and conduct enforcement.

A layover location is needed for approximately 10 minutes during every transit hour of operation to provide the bus operator an opportunity for a brief break. The layover location was selected as it meets the safety and operational needs identified by GoCary, the anticipated operator of GoApex Route 1, and is located in close proximity to the transit route as well as Town facility restrooms.

Attachments

- Ordinance No. 2021-1123-39
- Map of bus route and layover area



**TOWN OF APEX, NORTH CAROLINA
ORDINANCE NO. 2021-1123-39**

**AN ORDINANCE AMENDING SECTION 20-163 “RESERVED PARKING ZONES” OF
THE CODE OF ORDINANCES OF THE TOWN OF APEX**

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

Section 1. That Section 20-163 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. 20-163. – Reserved parking zones.

- (a) No person except authorized personnel shall park a vehicle in a zone or parking space designated by a sign or signs indicating such areas to be for reserved parking only.
- (b) For the purpose of this section the following areas ~~is~~ are designated as “reserved parking”:
 - (1) Two parking spaces in the parking lot of the Apex Chamber of Commerce southwesterly from Center Street are reserved for staff members of the chamber of commerce.
 - (2) The first eight (8) parking spaces along the south side of Hunter Street east of Grand Central Station are reserved for use as a GoApex bus layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:00 p.m. when designated by signs indicating said reservation.

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney

GoApex Bus Layover

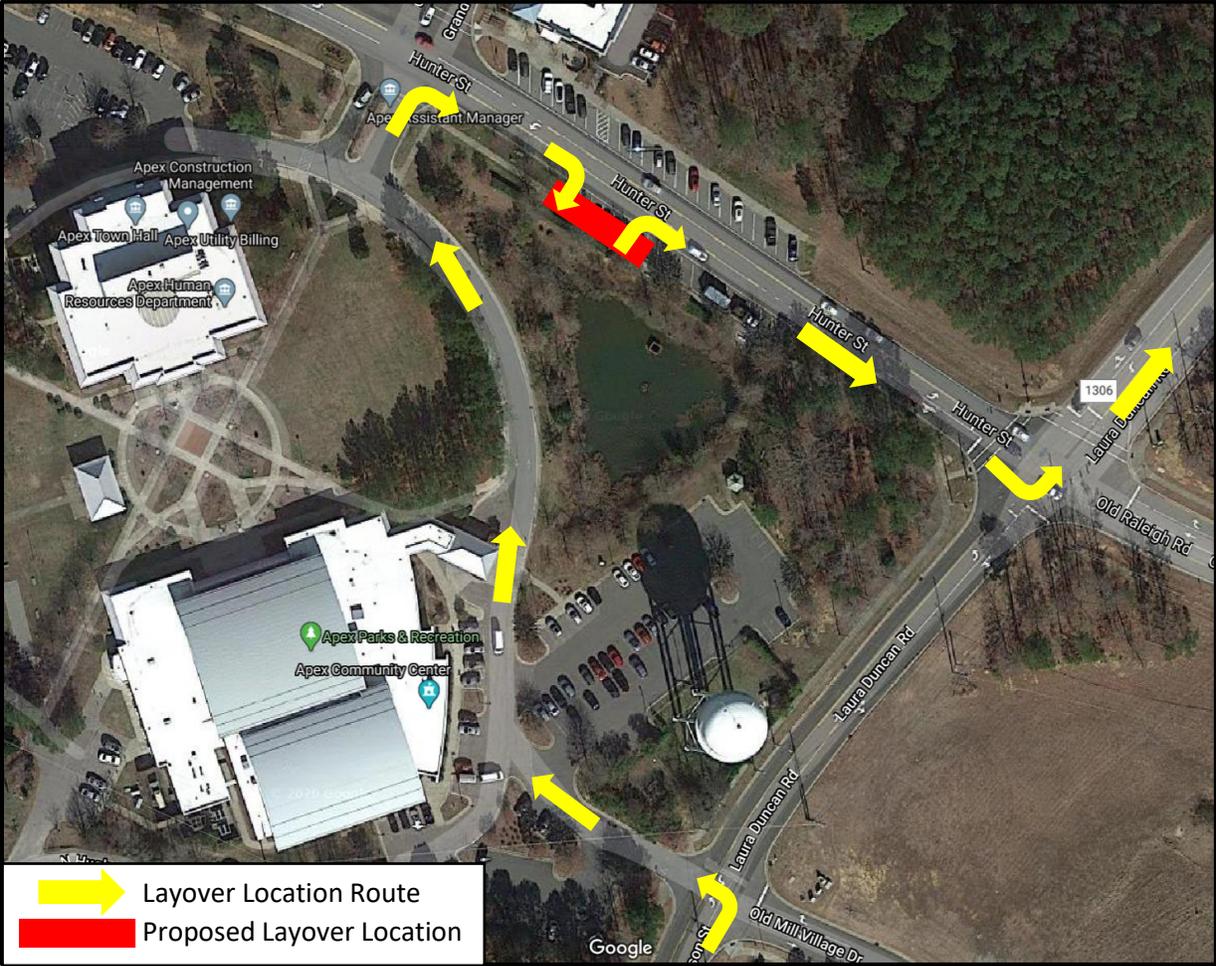


Figure 1. Proposed Bus Layover – Routing

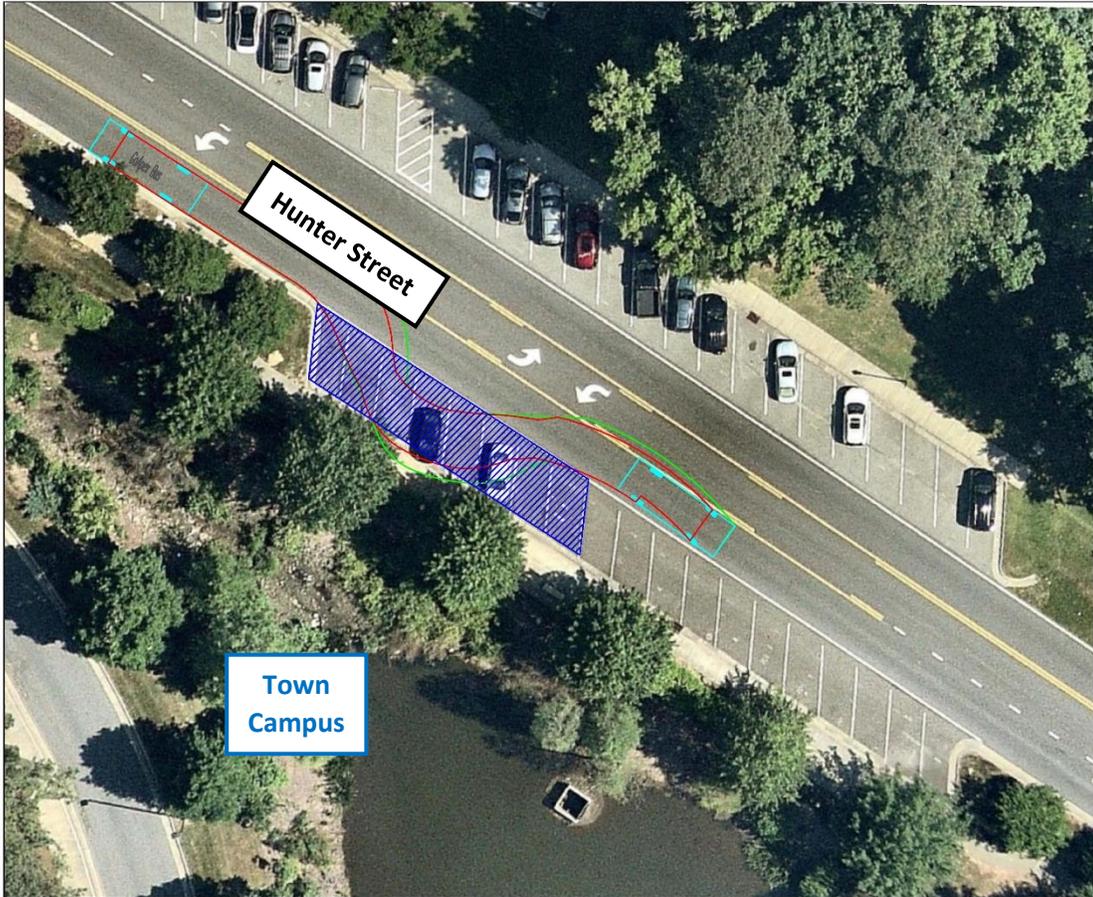


Figure 2. Proposed Bus Layover – Parking Impacts

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

Requested Motion

Motion to approve revised Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD in order to provide a revised Attachment A - Legal Description.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #21CZ13 was approved at the August 24, 2021 Town Council meeting. Due to a scrivener's error, Attachment A of the zoning ordinance did not provide a legal description of the property as required, but instead listed the property by its Wake County parcel identification numbers (PIN). The legal description has been provided and is now attached as Attachment A.

Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map
- Attachment A - Legal Description (revised)
- Attachment B - PUD text and plans



STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 34.57 ACRES LOCATED AT 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 EVANS ROAD; 0, 7616, 7628 HUMIE OLIVE ROAD; 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 WALDEN ROAD FROM RURAL RESIDENTIAL (RR) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ)

#21CZ13

WHEREAS, Jason Vickers, Beazer Homes, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of May 2021 (the “Application”). The proposed conditional zoning is designated #21CZ13;

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 #21CZ13 before the Planning Board on the 9th day of August 2021;

WHEREAS, the Apex Planning Board held a public hearing on the 9th day of August 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ13. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously by a vote of 6 to 0 for the application for #21CZ13;

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 #21CZ13 before the Apex Town Council on the 24rd day of August 2021;

WHEREAS, the Apex Town Council held a public hearing on the 24th day of August 2021. Liz Loftin, Senior Planner, presented the Planning Board’s recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ13 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 Medium Density & Medium/High 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 provide a transition between lower and higher residential densities and provide pedestrian accommodation at the Humie Olive and Evans Road intersection. The rezoning will encourage compatible development of the property and increase the tax base; and

WHEREAS, the Apex Town Council by a vote of 5 and 0 approved Application #21CZ13 rezoning the subject tract located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Rd.; 0, 7616, 7628 Humie Olive Rd.; 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Rd. 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 #21CZ13

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" Evans Road PUD which are imposed as part of this rezoning.

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2021.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date: November 12, 2021

**Legal Description of
Properties containing 35.500 Acres
To Be Rezoned into Zone PUD (Planned Unit Development)
Apex, NC**

The area described herein is encompassing of the following PINs:

0721-81-0212, 0721-81-2581, 0721-81-6591, 0721-81-6313, 0721-90-1910, 0721-80-9611,
0721-80-7948, 0721-81-5061, 0721-81-4170, 0721-80-4836, 0721-81-3022, 0721-80-1975,
0721-80-3619, 0721-80-3505, 0721-80-1553, 0721-80-3174, 0721-80-1336, 0721-80-2377 &
0721-80-1110, 0721-71-9581 and a 1.428 acre portion of the right-of-way of Walden Road.

Subject area being located in Wake County, North Carolina:

BEGINNING at an iron pipe found, said iron pipe being the along the easterly right-of-way of Evans Road and being along the northerly line of the Now or Formerly Willie Larry Harris Sr. property;

Thence leaving the easterly right-of-way of Evans Road, through an iron pipe found that is 0.18' off line, S 89° 06' 00" E 250.87' to an iron pipe found

Thence S 89° 14' 15" E 320.31' to an iron pipe found, said iron being along the westerly right-of-way of Walden Road;

Thence through the right-of-way of Walden Road the following courses and distances:

S 89° 16' 10" E 37.71' to a computed point;

S 89° 17' 02" E 33.53' to an iron pipe found, said iron pipe being along the easterly right-of-way of Walden Road and also being along the northerly line of the Now or Formerly Harold & Gwendolyn Evans property;

Thence S 89° 12' 03" E 388.26' to an iron pipe found;

Thence S 02° 13' 06" W 155.98' to an iron pipe found, said iron pipe being the northeast corner of the Now or Formerly Willie Harris Sr. property;

Thence S 01° 56' 46" W 207.00' to an iron pipe set, said iron pipe being the northeast corner of the Now or Formerly Ivory Lee Harris property;

Thence S 03° 10' 27" W 99.80' to an iron pipe found, said iron pipe being the northwest corner of the Now or Formerly Kevin T Thorpe property;

Thence S 88° 28' 40" E 464.85' to an iron pipe found;

Thence S 03° 55' 51" W 75.11' to an iron pipe with cap found;

Thence S 04° 01' 22" W 181.84' to an iron pipe set;

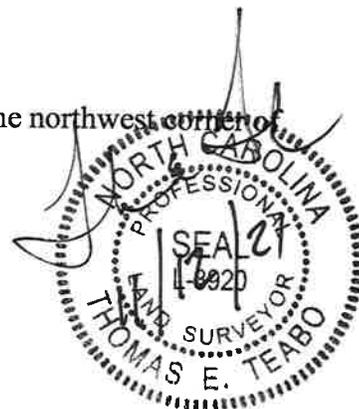
Thence S 04° 02' 46" W 208.23' to an iron pipe found;

Thence N 88° 25' 25" W 328.38' to an iron pipe set, said iron pipe being the northwest corner of the Now or Formerly Elizabeth G. Clark property;

Thence S 04° 14' 19" W 118.98' to an iron pipe found;

Thence N 88° 43' 41" W 135.61' to an iron pipe found;

Thence N 04° 13' 23" E 119.70' to an iron pipe found;



Thence N 04° 17' 58" E 62.78' to an iron pipe found, said iron pipe being the northeast corner of the Now or Formerly Jonathan M. Peck property;
Thence N 83° 32' 26" W 369.38' to an iron pipe found;
Thence N 83° 44' 30" W 99.48' to an iron pipe found;
Thence S 04° 47' 12" W 165.25' to a found T-bar;
Thence S 04° 52' 26" W 136.86' to a found T-bar;
Thence S 04° 53' 59" W 208.94' to an iron pipe found, said iron pipe being the southeast corner of the Now or Formerly Sam Walden Heirs property and being along the northerly line of the Now or Formerly McWill LLC property;
Thence with the northerly line of the Now or Formerly McWill LLC property S 85° 23' 08" E 147.19' to an iron pipe with cap found;
Thence S 08° 41' 57" W 191.35' to an iron pipe found;
Thence S 08° 41' 57" W 222.27' to an iron pipe set, said iron pipe being along the northerly right-of-way of Humie Olive Road;
Thence through the right-of-way of Humie Olive Road S 08° 41' 57" W 29.90' to a computed point, said computed point being along the center line of Humie Olive Road;

Thence with the centerline of Humie Olive Road the following courses and distances:

N 65° 50' 43" W 318.68' to a computed point;
N 65° 05' 56" W 199.87' to a computed point;
N 64° 29' 34" W 32.49' to a computed point;
N 63° 01' 21" W 90.23' to a computed point;
N 61° 16' 47" W 92.85' to a computed point, said computed being in the intersection of Humie Olive Road and Evans Road;

Thence with the centerline of Evans Road the following courses and distances:

N 19° 32' 08" E 113.54' to a computed point;
N 18° 16' 10" E 49.98' to a computed point;
N 17° 10' 01" E 49.97' to a computed point;
N 16° 40' 27" E 99.96' to a computed point;
N 15° 14' 32" E 49.98' to a computed point;
N 12° 40' 31" E 49.97' to a computed point;
N 09° 31' 48" E 49.98' to a computed point;
N 05° 59' 12" E 49.98' to a computed point;
N 02° 50' 28" E 50.01' to a computed point;
N 05° 15' 29" W 50.15' to a computed point;
N 04° 24' 44" W 47.39' to a computed point, said computed point being in the intersection of Evans Road and Walden Road;
Thence N 08° 24' 38" W 347.44' to a computed point;
Thence with a curve to the right, said curve having a length of 165.46' and a radius of 954.93', whose chord bears N 03° 28' 26" W 165.25' to a computed point;
Thence leaving the centerline of Evans Road S 89° 03' 16" E 20.57' to an iron pipe found, said iron pipe being 10' inside the eastern right-of-way of Evans Road, and along the westerly line of the Now or Formerly Ronald & Margaret Allison property;
Thence with the westerly line of the Now or Formerly Ronald & Margaret Allison Property



N 01° 52' 01" E 159.99' to an iron pipe found;
Thence N 04° 56' 15" E 162.20' to an iron pipe found, said iron pipe also being THE POINT AND PLACE OF BEGINNING and containing 1,546,394 square feet or 35.500 acres, more or less.

LESS AND EXCEPT the portion of land known as Stewart Cemetery and being more particularly described as follows:

Commencing at an iron pipe found, said iron pipe being along the southeasterly intersection of Walden Road and Evans Road, thence S 84° 07' 06" E 74.04' to an iron pipe with cap found;
Thence S 85° 13' 16" E 5.82' to an iron pipe found, said iron pipe being the southeastern corner of the Now or Formerly John R. Williams property, also being the southwestern corner of Stewart Cemetery, and also being the POINT AND PLACE OF BEGINNING;
Thence N 21° 44' 13" E 153.11' to an iron pipe found;
Thence N 88° 03' 49" E 174.73' to an iron pipe with cap found;
Thence S 04° 50' 15" W 42.42' to an iron pipe with cap found;
Thence S 05° 00' 04" W 29.64" to an iron pipe found;
Thence S 04° 40' 56" W 98.64' to a found T-bar;
Thence N 84° 13' 11" W 218.23' to an iron pipe found, said iron pipe also being THE POINT AND PLACE OF BEGINNING and containing 30,861 square feet or 0.708 acres, more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.



"Attachment B"

Evans Road PUD Assembly

PD PLAN

APEX, NORTH CAROLINA

Submitted: May 3, 2021

Resubmittal: July 9, 2021

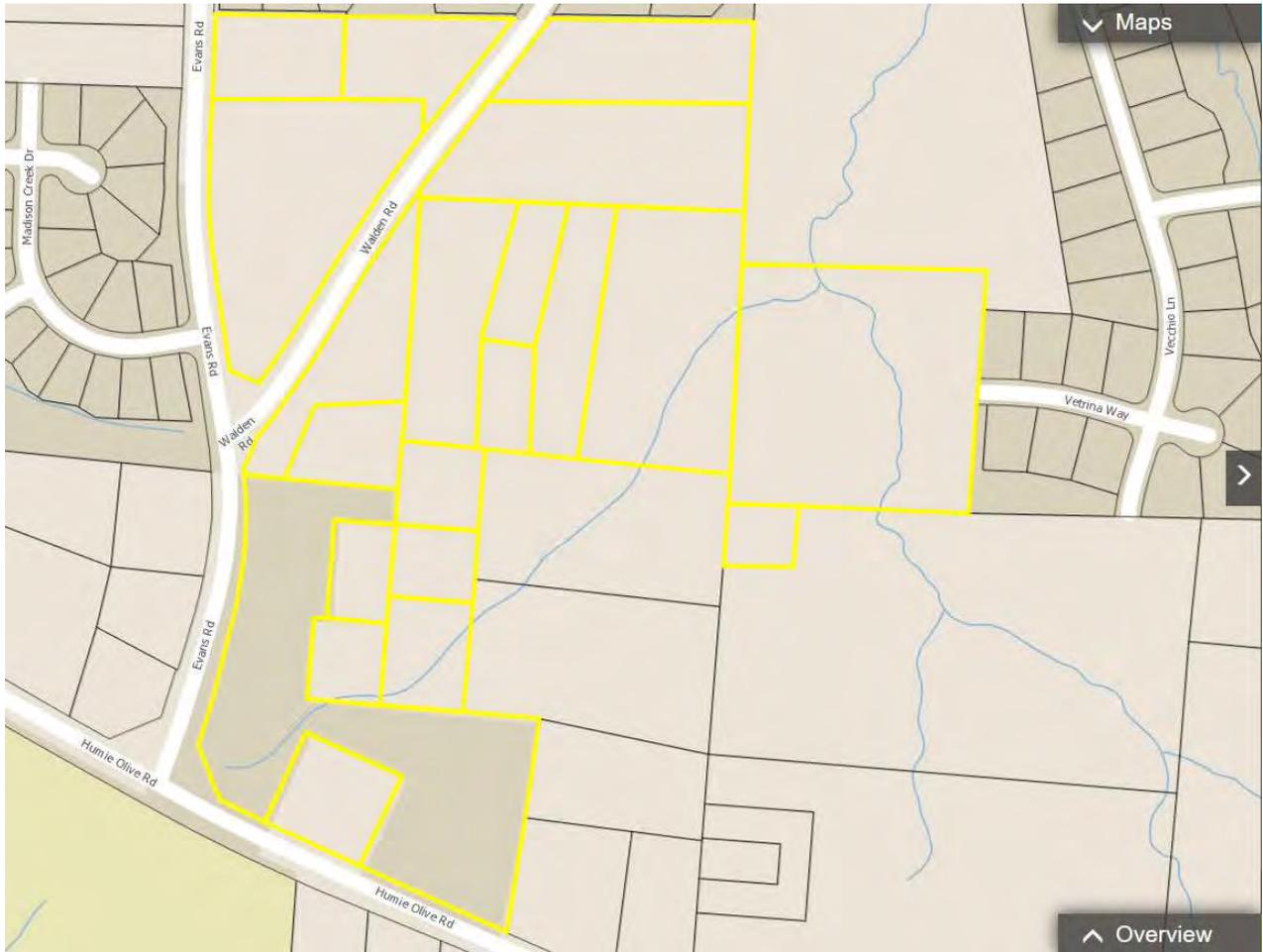
PREPARED BY:



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 Transportation Plan and Bicycle Plan

Section 2: Vicinity Map



The Evans Road PUD is located in the Town of Apex, northeast of the intersection of Evans Road and Humie Olive Road. The Assembly is surrounded on three sides by residential communities built in the last seven years. To the north is the Manors at Bella Casa, to the west is the Madison community, and the Verona at Bella Casa community is east of the project area. Directly south is Humie Olive Road, and across Humie Olive Road are the Apex Friendship schools. Walden Road runs through the subject property. Development of the proposed community will realign Walden Road and make a more sensible east-west connection from Evans Road to Vecchio Lane aligned with Madison Creek Drive.

Section 3: Project Data

A. Name of Project:

Evans Road PUD

B. Property Owners:

MCWILL, LLC

15711 Verdura Ave
Paramount, CA 90723

Horton, Dione & Robert

P.O. Box 6
Apex, NC 27502

Sam Walden Heirs

36 Snowflower Lane
Willingboro, NJ 08046

Shirley Lynn Heirs
3317 Lorena Lynn Ct
Fuquay Varina, NC 27526

Sam Walden Heirs
1305 S. Paxon Street
Philadelphia, PA 19143

Joseph Paul Page Heirs
1994 Flint Hill Drive
Lawrenceville, GA 30044

Joseph B. Shaw Heirs
3747 Corbett Road
Mebane, NC 27302

Joyner, Kenneth & Sharon
2909 Walden Road
Apex, NC 27502

Ivory Lee Harris Heirs
655 Enterprise Dr Apt 137
Rohnert Park, C 94928

Evans, Almie Linwood
1609 N. Myrtle Ave
Clearwater, FL 33755

Thorpe, Kevin T. & Powell, Lathan
2308 Narrawood Street
Raleigh, NC 27614

Williams, John & Robin
2917 Walden Road
Apex, NC 27502

Allison, Ronald & Margaret
3305 Evans Road
Apex, NC 27502

Harris, Willie Larry Sr.
2929 Evans Road
Apex, NC 27502

Harris, Jo Ella W.
2909 Evans Road
Apex, NC 27502

Prepared By:

Nil Ghosh, Associate
Morningstar Law Group
421 Fayetteville St | Ste 530
Raleigh, NC 27601

C. Current Zoning Designation:

Rural Residential (RR)

D. Proposed Zoning Designation:

Planned Unit Development – Conditional Zoning (PUD-CZ)

E. Current 2045 Land Use Map Designation:

Medium Density Residential (3-7 units/acre); and
Medium/High Density Residential (7-14 units/acre)

F. Proposed Use

Up to 115 dwelling units and associated open space, recreational amenities,
and infrastructure.

G. Size of Project

34.573 Acres (including 1.623 acres of right-of-way)

Section 4: Purpose Statement

The Evans Road PUD development will be a residential community with both single-family detached and townhome units. The maximum building height shall be forty feet (40') measured to the top of any pitched roof. For a site adjacent to existing single-family homes, across the street from public schools, and adjacent to a planned Neighborhood Mixed Use Center and Office corridor, the mixed housing type residential development is intended to provide a transition between the more intense and non-residential developments existing or planned south along Humie Olive and the existing single-family residential communities to the north.

A thirty-foot streetscape shall be established along the right-of-way for Humie Olive Road (a thoroughfare) and a thirty-foot streetscape shall be established along the right-of-way for Evans Road (a minor collector). A twenty-foot buffer shall be established around the remaining perimeter of the project.

This concept is consistent with the Town's stated PUD goals to provide site specific, high quality neighborhoods that exhibit natural feature preservation as well as compatibility with, and connectivity to, surrounding land uses. More specifically, this plan will:

- 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 for site specific and appropriate stormwater controls that exceed the requirements of the UDO.
- Provide appropriate buffering and screening from the proposed use to the existing residential areas.
- Offer medium to medium-high density housing near a planned Neighborhood Mixed Use Center where there are not many options for the same.
- 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.
- Provide open space and walkable trails to promote pedestrian activity, while appropriately buffering adjacent residential areas.

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

Section 5: 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. 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. The development will only include residential and supporting uses. Specifically, the permitted uses include:

- Single-family
- Townhouse
- Accessory Apartment
- Greenway
- Recreation facility, private
- Park, active
- Park, passive
- Utility, minor

Additionally, the following conditions shall apply:

- A. A maximum of 115 residential units shall be permitted upon the property. No more than 50 Townhouse units shall be allowed on the property.
- B. All buildings constructed on the property shall provide solar conduit for the installation of rooftop solar panels.
- C. Signage or informational brochures shall be provided by any homeowner's association regarding the need to eliminate fertilizer near SCMs.
- D. Developer shall install pollinator-friendly flora within SCM Planting areas.
- E. Plantings within perimeter buffers and along streetscapes shall be approved native species as listed in the Apex Design & Development Manual.
- F. Sod used within perimeter buffers, SCMs, and along streets shall not be fescue grasses.
- G. Developer shall apply for Energy Star or other energy efficiency rating for all newly constructed homes on the property.
- H. Developer shall install at least three (3) pet waste stations within the community.
- I. SCMs shall not be located within State dictated stream buffers without the approval of a Town of Apex No Practical Alternatives (NPA) finding.
- J. Prior to final plat approval, developer shall make a one-time donation to the Apex Affordable Housing Fund in an amount equal to \$215.00 per residential lot on the final plat.
- K. A minimum of 25% of the single-family detached homes shall provide the primary bedroom on the main floor.
- L. A minimum of 10% of the townhome units shall be 15% narrower than the average width of the other townhome units.
- M. Each play lawn shall include an historical marker with information about the Friendship area. The developer will work with the Town of Apex and the historical owners of the property to determine the content of each historical marker.
- N. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipate to contain single family and townhome lots. Prior to recording the first subdivision plat for the property, the developer will provide a donation of \$7,350 to a local non-profit organization with a mission towards tree preservation and replacement.

Section 6: Proposed Design Controls

A. Maximum Non-Residential Densities (SF per non-residential use) This PUD does not provide for any non-residential land uses (see Section 5, *Permitted Uses*).

B. Residential Densities and Design Controls

Density - The overall gross density shall not exceed 6.0 units per acre.

Design Controls – Dimensional standards below shall apply to all residential uses, and at a minimum, will comply with the following:

Maximum Density:	6.0 Units/Acre (includes RCA and rights-of-way)
Maximum Number of Units:	115
Maximum Built-Up Area:	60%
Minimum Lot Size:	n/a
Minimum Lot Width:	50 feet for single-family detached 22 feet for townhouse
Maximum Building Height:	40 feet, no more than 3 stories

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

Minimum Building Setbacks:

	Single Family (feet)	Townhouse (feet)
Front	10	10
Front (garage)	20	20
Side	5	0
Rear	10	10
Building	10	10

Minimum Buffer/RCA Setbacks: 10 feet for Buildings
5 feet for Parking Areas

C. Buffers

Perimeter Buffers

Northern boundary (Bella Casa):	20-foot Type B
Southern boundary (Humie Olive Road):	30-foot Type B
Western boundary (Evans Road):	30-foot Type B
Eastern boundary (Bella Casa and residential uses)	20-foot Type B
Adjacent to REID 0103305 (Stewarts Cemetery)	10-foot Type B

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

Thoroughfare and Collector Street Buffers

As depicted on the PD Plan, a 30' Type B Buffer shall be established along Humie Olive Road and a 30' Type B buffer shall be established along Evans Road.

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 Master Subdivision submittal. The following conditions shall apply:

Townhomes:

- A. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- B. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- C. Garage doors must have windows, decorative details, or carriage-style adornments on them.
- D. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- E. The garage cannot protrude more than 1 foot out from the front façade or front porch.
- F. Front facades shall have horizontal relief achieved using recesses and projections.
- G. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- H. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- I. The visible side of a townhome on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Bay windows
 - Recessed windows
 - Decorative windows
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick or stone
 - Decorative trim
 - Decorative shakes
 - Decorative air vents on gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable

Single-Family

- A. Garage doors shall have windows, decorative details, or carriage-style adornments on them.
- B. The garage shall not protrude more than 1 foot out from the front façade and front porch.
- C. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
- D. Eaves shall project at least 12 inches from the wall of the structure.
- E. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- F. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- G. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- H. Front porches shall be a minimum of 6 feet deep.
- I. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Bay windows
 - Recessed windows
 - Decorative windows
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick or stone
 - Decorative trim
 - Decorative shakes
 - Decorative air vents on gables
 - Decorative cornice
 - Column on gable
 - Portico
 - Balcony
 - Dormer
 - Decorative gable

Section 8: Parking and Loading

Parking for the Evans Road PUD Assembly shall comply with Apex UDO Section 8.3, Off-Street Parking and Loading.

Section 9: Signage

All signage for the Evans Road PUD Assembly shall comply with Apex UDO Section 8.7, *Signs*.

Section 10: Natural Resource and Environmental Data

A. River Basins and Watershed Protection Overlay Districts

The project is located within the Jordan Lake Watershed, which is within the Cape Fear River Basin. While the site is within the Primary Watershed Protection Overlay District, it does not contain any FEMA designated 100-year floodplain.

B. 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 Site is located on the west side of the 540 corridor and therefore is required to preserve a minimum of 30% 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 RCA’s throughout the site. Additional RCA area provided include stormwater management areas, perimeter buffers, play lawns, and greenway trails within the walkable community.

C. Historic structures

Based upon the information contained within the North Carolina State Historic Preservation Office website, there are no historic structures present within the project boundary.

Section 11: Stormwater Management

The Evans Road PUD Assembly 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 x 65 = \$227,190.60
Single Family attached Units:	\$2,354.05 x 50 = \$117,702.50
Total residential fee in lieu per current unit count:	\$344,893.10

(final PRCR amount will 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:

- **General Roadway Infrastructure**

Developer shall provide minimum frontage widening based on ½ of the ultimate cross section as shown on the adopted Transportation Plan in effect at time of Master Subdivision Plan submittal. The road network will promote connectivity wherever possible to adjacent neighborhoods and undeveloped property. Further, cul-de-sacs will be avoided except where environmental features make through streets unfeasible. Sidewalks will be provided on both sides of streets internal to the site.

Refer to the concept plan of the PUD plan for proposed access points, stub street extensions, and planned vehicular connectivity. All access and circulation are conceptual and will be finalized at the time of Master Subdivision Plan review and approval.

- **Transportation Improvements**

Roadway improvements are subject to modification and final approval by the Town of Apex and NCDOT as part of the Master Subdivision Plan and Construction Document 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 TIA and staff review, the following traffic improvements are proposed for this development:

Evans Road

The Developer shall widen Evans Road along the project frontage as development occurs based upon a minimum 35-foot curb and gutter roadway section with a 5-foot sidewalk and dedication based upon a 60-foot right-of-way.

Humie Olive Road

The Developer shall widen Humie Olive Road along the project frontage as development occurs based upon a minimum 41-foot curb and gutter roadway section with 10-foot side path and dedication based upon an 80-foot right-of-way.

Evans Road and Madison Creek Drive at Site Drive 1

- The Developer shall construct one (1) full-access point to Evans Road aligned with the existing Madison Creek Drive.
- Construct westbound approach with one (1) ingress lane and one (1) egress lane.
- Provide stop control for the westbound approach.

Humie Olive Road at Site Drive 2

- The Developer shall construct one (1) right-in/right-out access point to Humie Olive Road located approximately 450-feet east of Evans Road.
- Construct southbound approach, striped as a right-in/right-out with one (1) ingress lane and one (1) egress lane.
- Provide stop-control for the southbound approach.
- Provide an exclusive westbound right-turn lane along Humie Olive Road with a minimum of 50 feet of storage and appropriate deceleration and taper length.
- Construct a monolithic concrete median on Humie Olive Road to prohibit left-turn movements.

Humie Olive Road and Evans Road

- Provide pedestrian accommodations across the north and east legs of the intersection, with crosswalks and traffic signal modifications including push buttons and crosswalk indicators to accommodate new pedestrian phases.
- **Wayfinding Improvements**
Wayfinding measures at the site shall be provided to facilitate the movement of vehicles and pedestrians to and within the development.
- **Water and Sanitary Sewer**
All lots within the project will be served by the Town of Apex water and sanitary sewer facilities. The utility design will be finalized at the time of Master Subdivision 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.
- **Other Utilities**
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.

Section 14: Phasing Plan

This PUD may be completed in up to three (3) phases, with construction anticipated to begin in 2022. Project phasing will be planned to ensure the points of access, RCA, stormwater controls and other design standards are met in accordance with the UDO. A final phasing plan will be incorporated within the Master Subdivision Plans (MSP) for review and approval through the Technical Review Committee.

Section 15: Consistency with the 2045 Land Use Map

Based upon discussions with Town staff through the Technical Review Committee pre-application and zoning review processes, the proposed land use is consistent with the Town's 2045 Land Use Map.

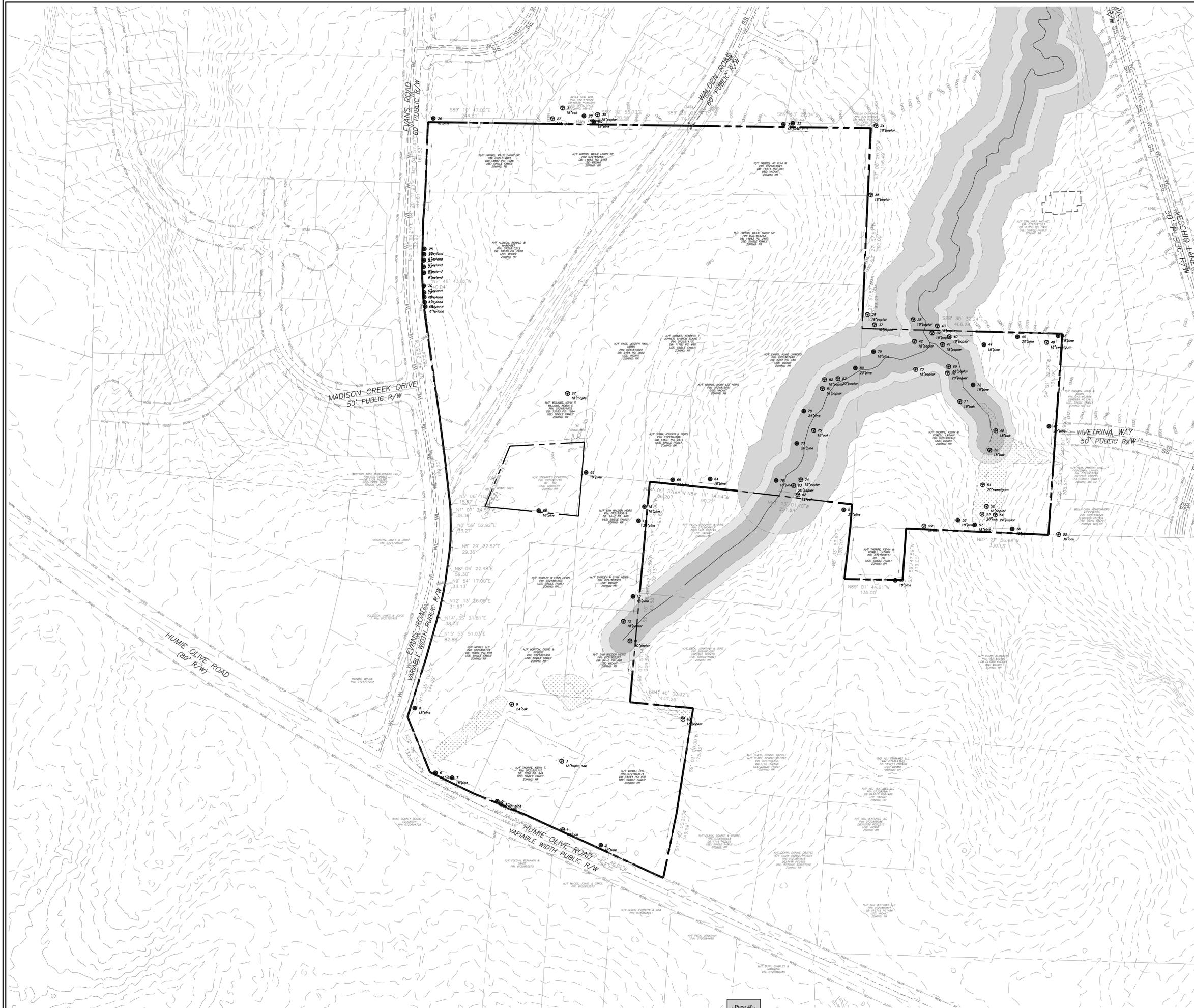
Section 16: Compliance with the UDO

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

1. Deviation from the 5% RCA mass grading penalty as outlined in Section 7.2.5 of the Town of Apex UDO; and
2. Reduction in the buffer adjacent to Stewarts Cemetery (REID 0103305)

Section 17: Compliance with Comprehensive Transportation Plan and Bicycle Plan

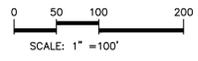
Master Subdivision Plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall comply with the adopted Comprehensive Transportation Plan in effect at the time of the Master Subdivision Plan approval as provided for in the Unified Development Ordinance. Further,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



TREE LEGEND

-  PINE TREES (>18" DBH)
-  DECIDUOUS TREES (>18" DBH)

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



1 EXISTING CONDITIONS
SCALE: 1" = 100'

NC License #P-0673

Project:
EVANS ROAD PUD ASSEMBLY
EVANS ROAD @ HUME OLIVE ROAD
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

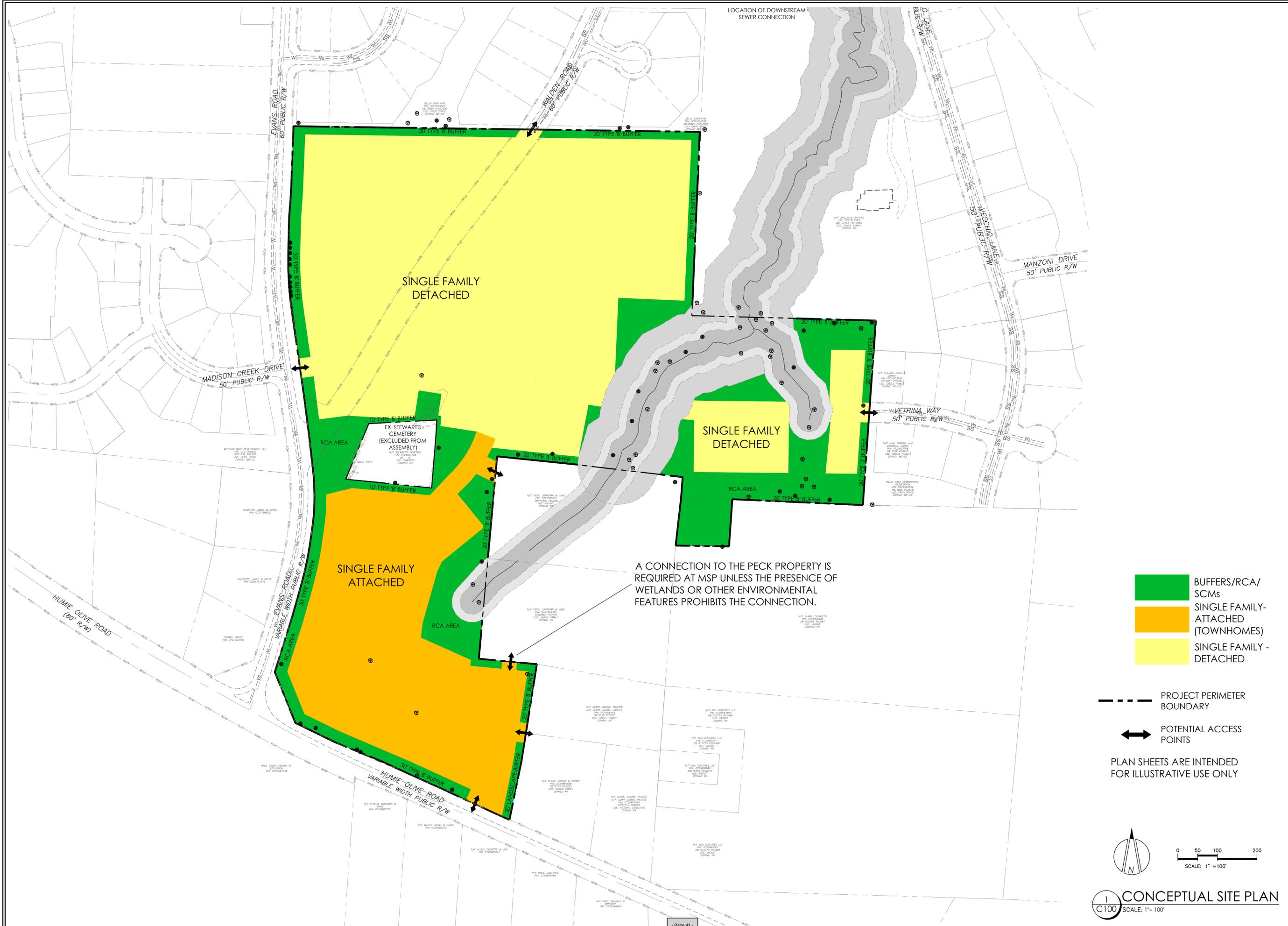
seal:

NO.	DATE	REVISION	BY

title:
EXISTING CONDITIONS

proj #: 180903
date: May 3, 2021
dwg by: chkd by: JE JR
scale: As Noted
sheet:

C001
SKETCH PLAN



- BUFFERS/RCA/SCMs
- SINGLE FAMILY-ATTACHED (TOWNHOMES)
- SINGLE FAMILY-DETACHED

--- PROJECT PERIMETER BOUNDARY

↔ POTENTIAL ACCESS POINTS

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



0 50 100 200
SCALE: 1" = 100'

1 CONCEPTUAL SITE PLAN
C100 SCALE: 1" = 100'

seal:

NO.	DATE	REVISION	BY

title:
CONCEPTUAL SITE PLAN

proj #:
180903

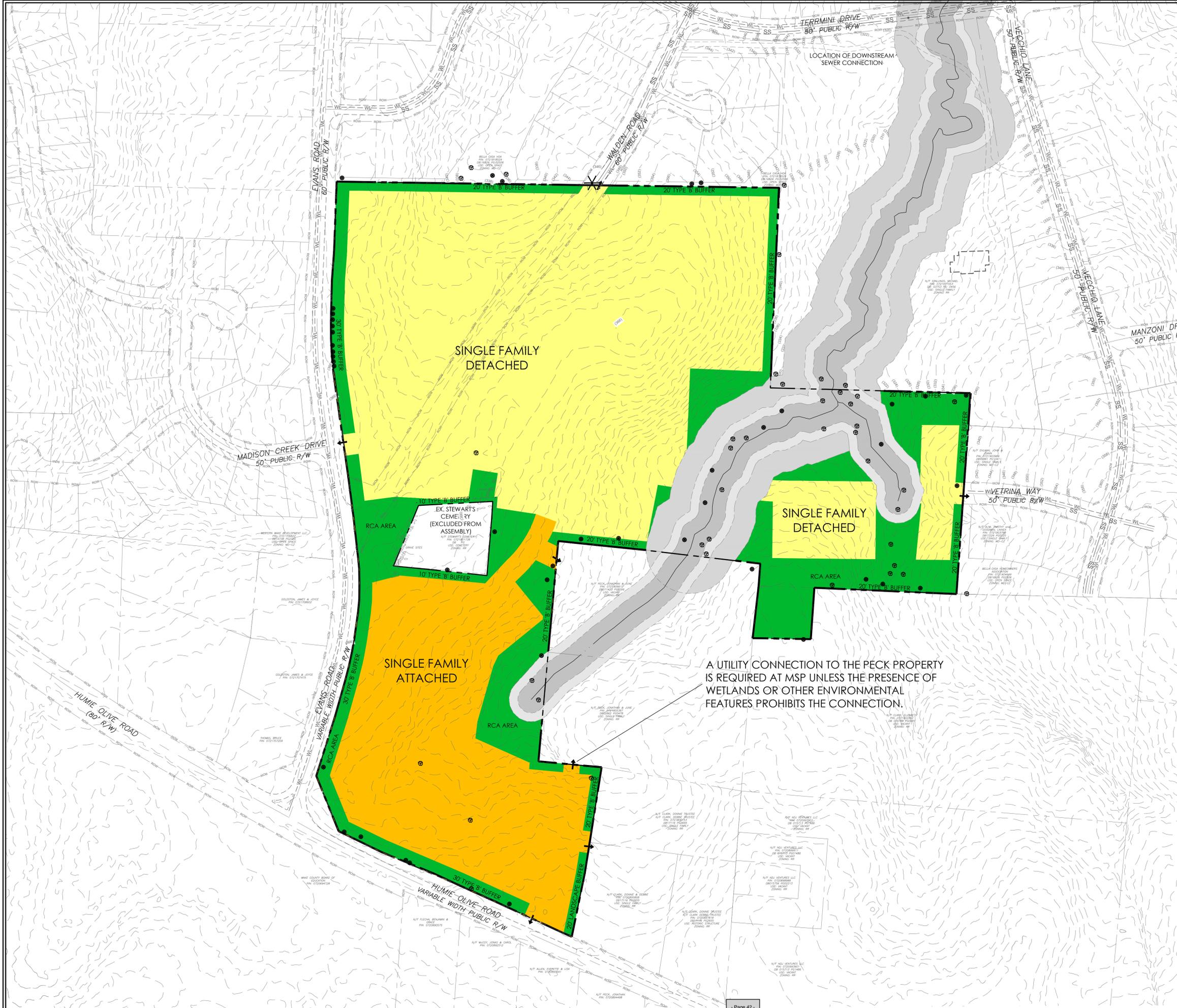
date:
May 3, 2021

dwg by: **JE** chkd by: **JR**

scale:
As Noted

sheet:

C100
SKETCH PLAN



UTILITY NOTES:

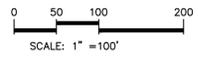
1. THE SITE IS REQUESTING FULL TOWN SERVICES - WATER, SEWER AND ELECTRICITY
2. THIS SITE WILL NOT UTILIZE PRIVATE SEWAGE DISPOSAL.

↑ PROPOSED WATER CONNECTIONS

✕ PROPOSED SEWER CONNECTIONS

--- PROJECT PERIMETER BOUNDARY

PLAN SHEETS ARE INTENDED FOR ILLUSTRATIVE USE ONLY



1 CONCEPTUAL UTILITY PLAN
C200 SCALE: 1" = 100'

NC License #P-0673

Project:
EVANS ROAD PUD ASSEMBLY
EVANS ROAD @ HUME OLIVE ROAD
BUCKHORN TOWNSHIP
APEX, NORTH CAROLINA 27502

seal:

NO.	DATE	REVISION	BY

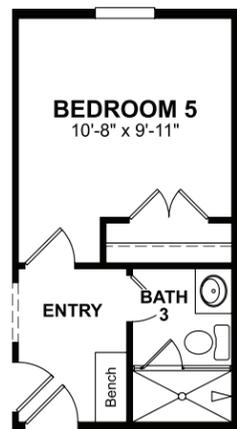
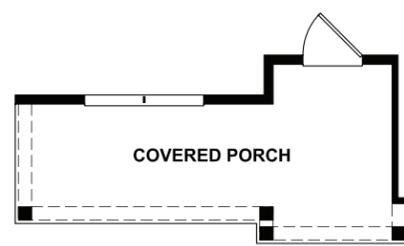
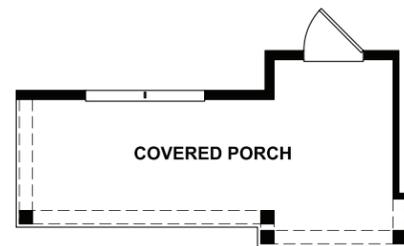
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CONCEPTUAL UTILITY PLAN

proj #: **180903**
date: **May 3, 2021**
dwg by: **JE JR**
scale: **As Noted**

sheet:
C200
SKETCH PLAN

Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Optional Bedroom 5/Bath 3 ILO Study/Powder

Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door Dotted Lines Denote Optional Items
W - Washer	----- Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	



Beckett

3-5 beds / 2.5-3 baths
2,556 sq. ft.
2-car garage



French Country L Exterior



Farmhouse L Exterior



Traditional L Exterior

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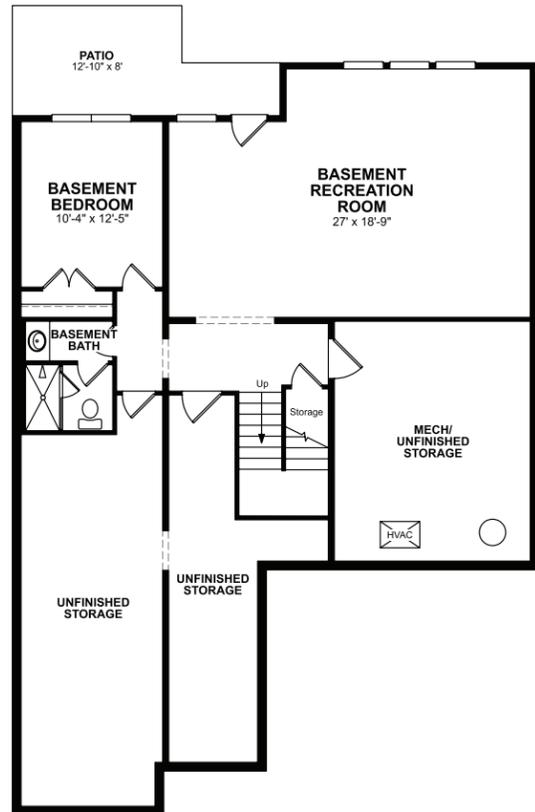
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

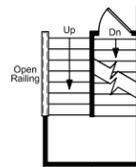


Dianne

4-6 beds / 3.5-4.5 baths
3,501 sq. ft.
2-car garage



Optional Basement



Stairs to
Optional Basement

Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door
W - Washer	Dotted Lines Denote
D - Dryer	Optional Items
WH - Water Heater	-----
DW - Dishwasher	Dashed Lines Denote
REF - Refrigerator	Elevated Features



Arts & Crafts L Exterior



French Country L Exterior



Farmhouse L Exterior



Traditional A Exterior

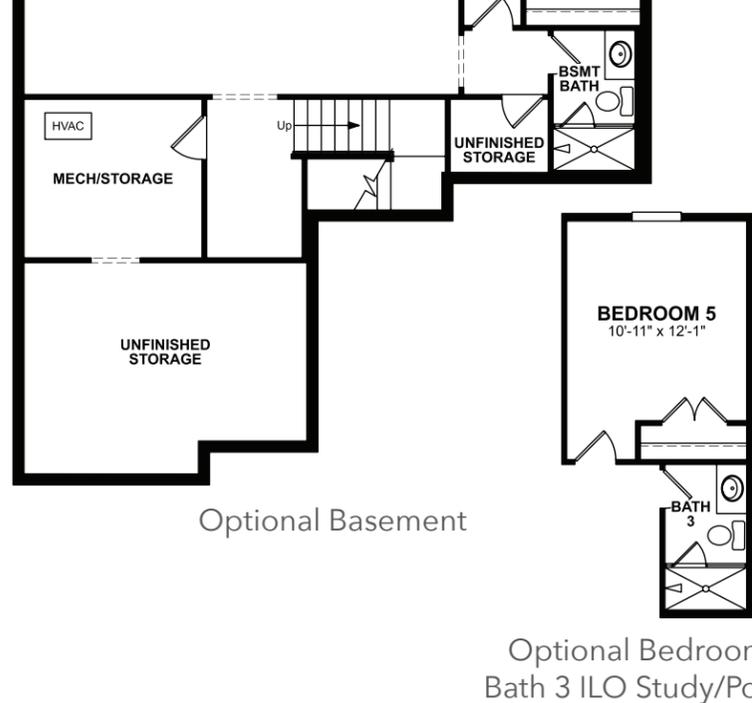
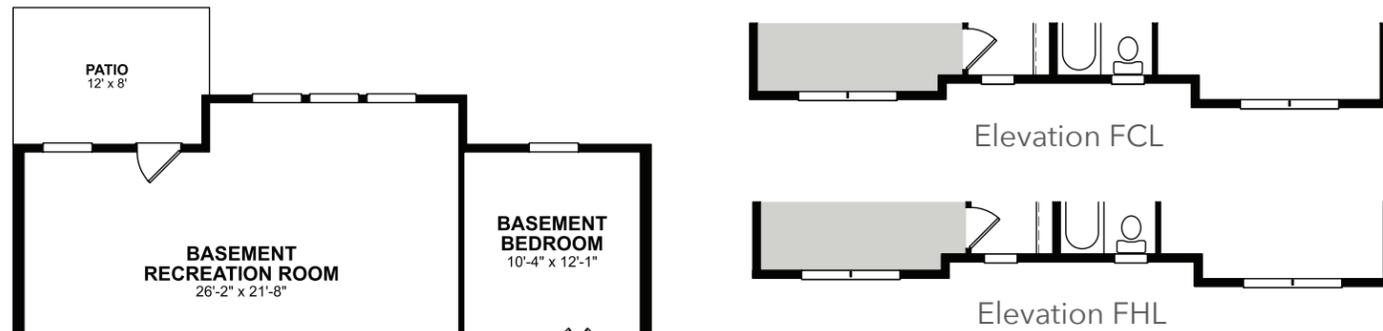
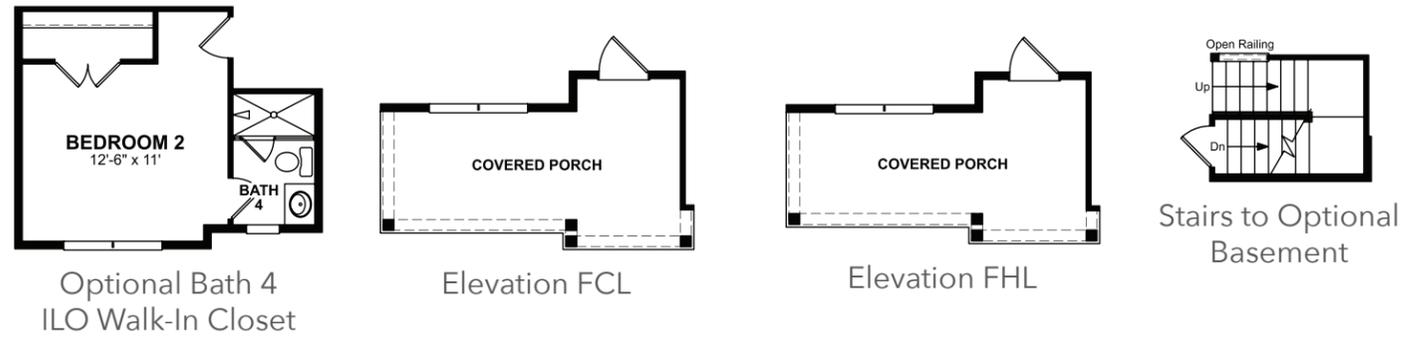
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Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door Dotted Lines Denote Optional Items
W - Washer	----- Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	



Miller

4-6 beds / 2.5-5 baths
2,972 sq. ft.
2-car garage



French Country L Exterior



Farmhouse L Exterior



Traditional L Exterior

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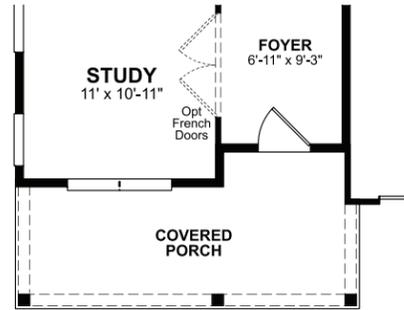
Paid Options

Structural options that add square footage or other structure (s) to the home for a fee

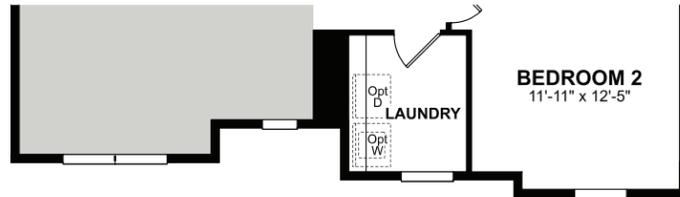


Douglas

5 beds / 4.5 baths
3,431 sq. ft.
2-car garage



Elevation FHL/ FHM/ FCL/ TRM



Elevation FHL/ FHM

Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door Dotted Lines Denote Optional Items
W - Washer	----- Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	



French Country L Exterior



Farmhouse L Exterior



Farmhouse M Exterior



Traditional L Exterior



Traditional M Exterior

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BEAZER HOMES DIANNE RLH V567

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	BEAZER HOMES RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	MULHERN & KULP ENGINEERING CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
 AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
 ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
 - GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
 - ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
 - GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
 - DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRA/TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Plan Elev FCL
F-1.4	Slab Plan Options
F-2.0	Crawl Plan
F-2.1	Crawl Plan Partials
F-3.0	Basement Plan
F-3.1	Basement Plan Partials
A-1.0	First Floor Plan & Partial
A-1.1	First Floor Plan Partials
A-2.0	Second Floor Plan & Partial
A-2.1	Second Floor Plan Partials
A-3.0	Front Elevation TRA
A-3.1	Side Elevations TRA
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-3.6	Front Elevation FCL
A-3.7	Side Elevations FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Optional Fireplace
O-3.0	Optional Screened Porch
O-4.0	Optional Basement Elevation

Sheet List	
Sheet #	Description
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
E-4.0	Basement Electrical Plan
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

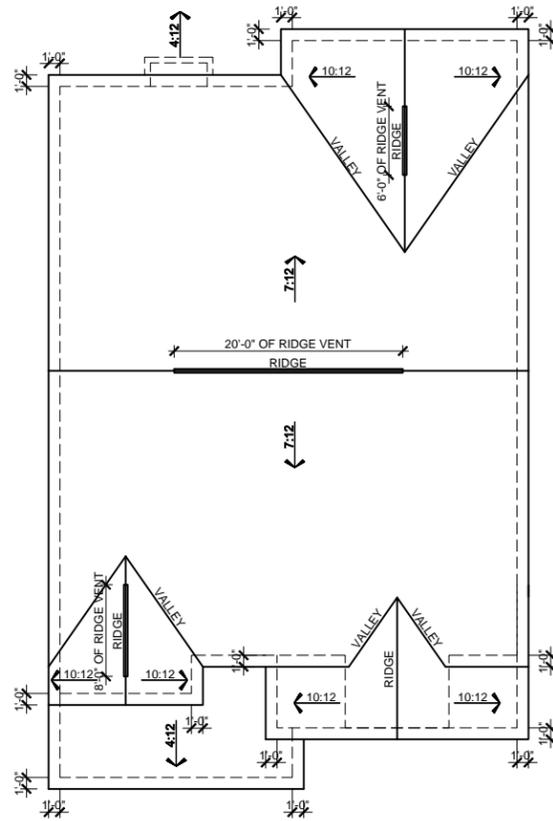
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Cover Sheets
Cover Sheet

drawn by: BZH
 checked by: SDP
 date: 11.07.17
 sheet number:

CS-1.0



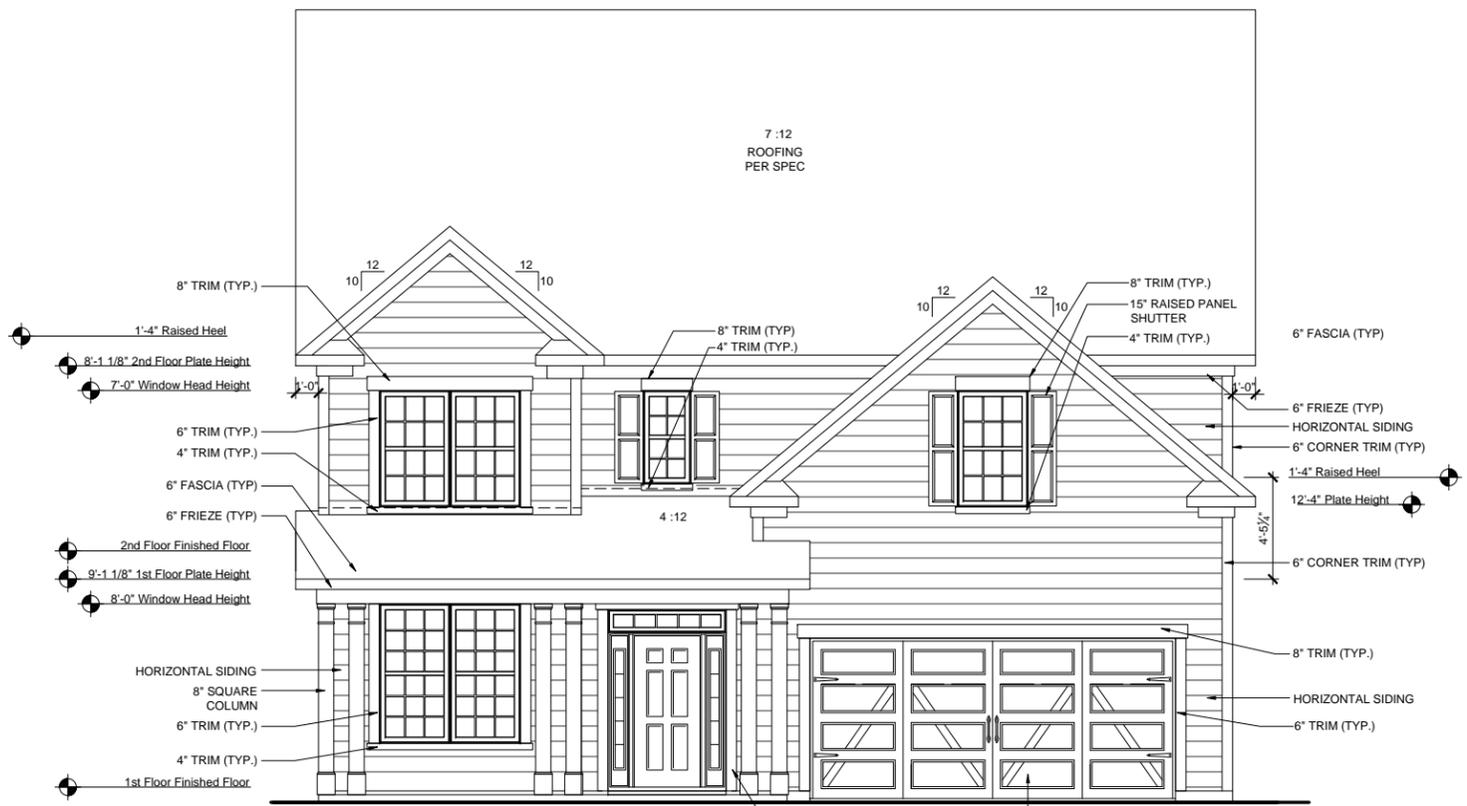
ROOF PLAN TRA
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRA

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	2161 SF
2161 SF x 1/300	7.13SF
7.13 SF x 144 SQ. IN.	REQ TOTAL VENT: 1026.9 IN.
HIGH VENTING	
(34) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	612 SQ. IN.
LOW VENTING	
(50) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	450 SQ. IN.
TOTAL FREE AREA PROVIDED	1062 SQ. IN.

PORCH/GARAGE ROOF TRA

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	246 SF
246 SF x 1/300	.81 SF
.81 SF x 144 SQ. IN.	REQ TOTAL VENT: 116.90 IN.
HIGH VENTING	
(0) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	0 SQ. IN.
LOW VENTING	
(14) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	126 SQ. IN.
TOTAL FREE AREA PROVIDED	126 SQ. IN.



FRONT ELEVATION TRA
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - TRA on CRAWLSPACE
 SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION TRA
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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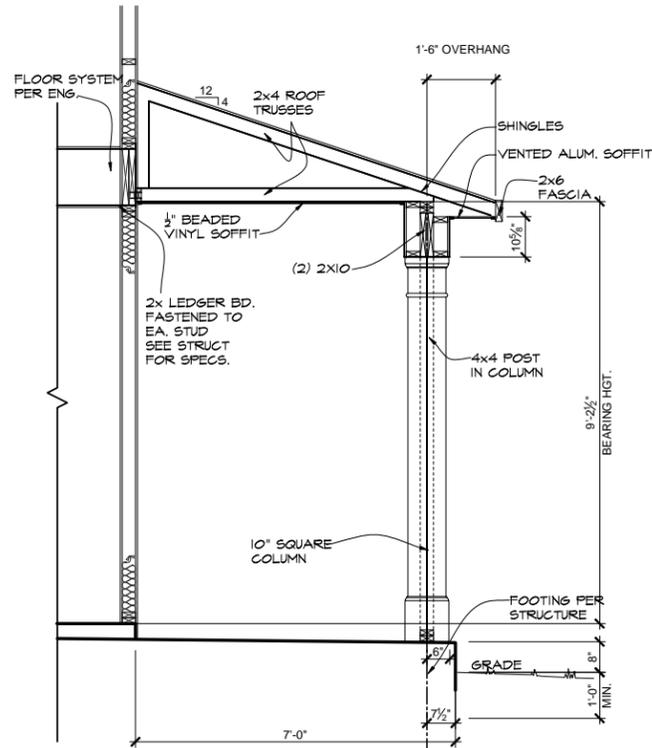
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Elevation Plans
Front Elevation TRA

drawn by: BZH
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 date: 11.07.17
 sheet number:

A-3.0



FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



LEFT ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRA

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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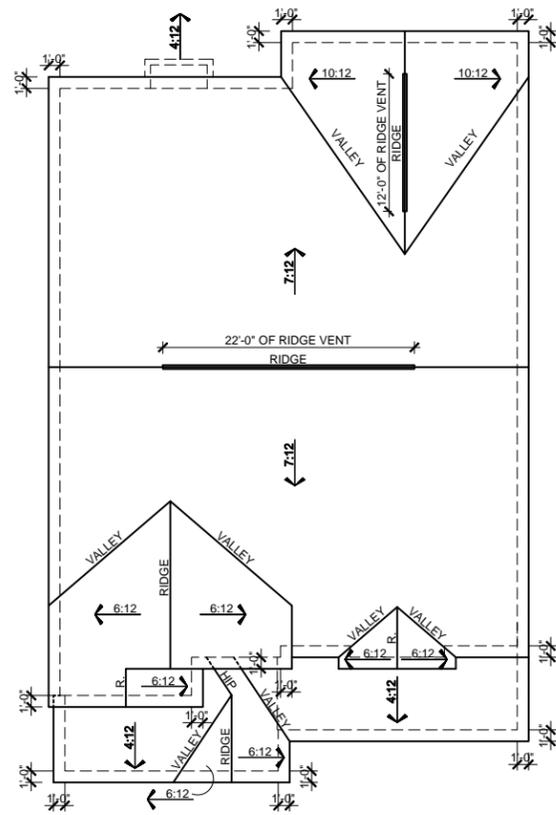
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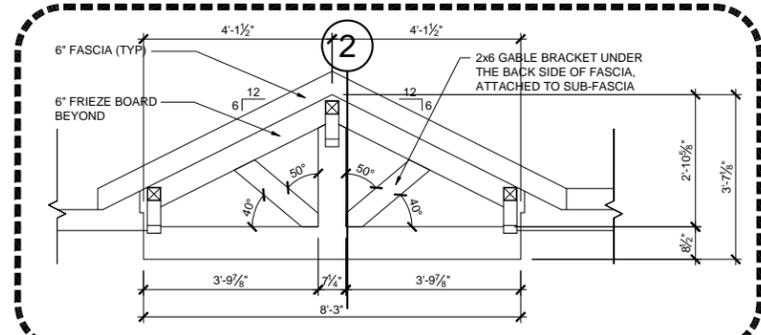
RLH V567 3.2
Elevation Plans
Side Elevations TRA

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

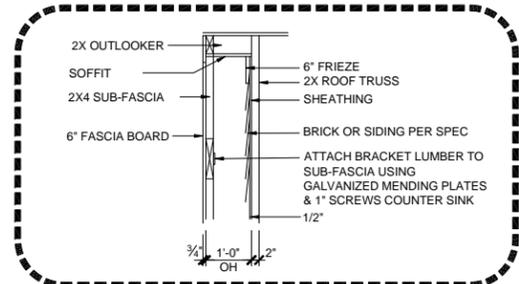
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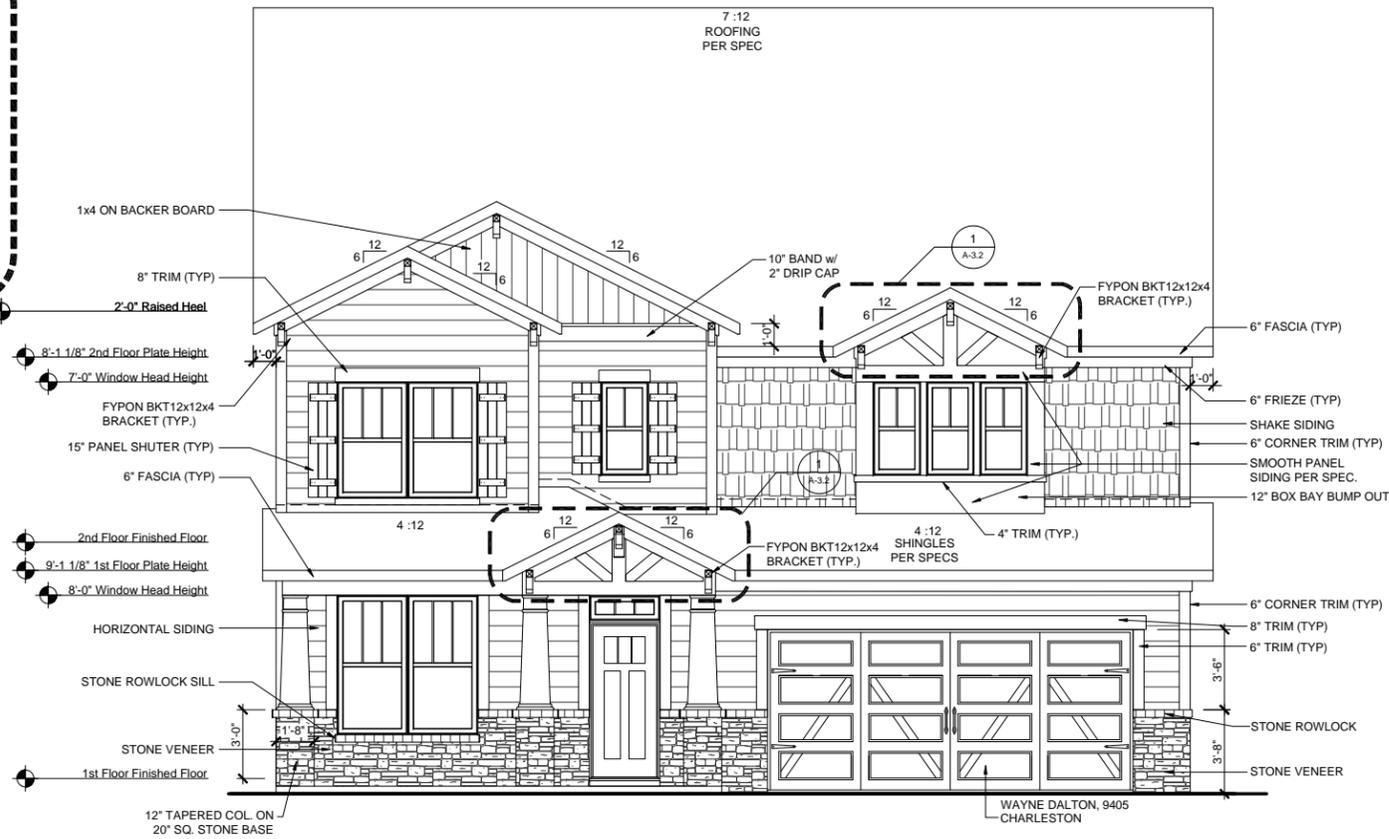
ROOF PLAN ACL
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



1 GABLE END DETAIL
SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



2 GABLE END SECTION DETAIL
SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION ACL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - ACL on CRAWLSPACE
SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF ACL

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	2091 SF
2091 SF x 1/300	6.97 SF
6.97 SF x 144 SQ. IN.	REQ TOTAL VENT: 1004 IN.
HIGH VENTING (34) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	612 SQ. IN.
LOW VENTING (50) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	450 SQ. IN.
TOTAL FREE AREA PROVIDED	1062 SQ. IN.

PORCH/GARAGE ROOF ACL

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	301 SF
301 SF x 1/300	1.00 SF
1.00 SF x 144 SQ. IN.	REQ TOTAL VENT: 144 IN.
HIGH VENTING (0) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	0 SQ. IN.
LOW VENTING (20) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	180 SQ. IN.
TOTAL FREE AREA PROVIDED	180 SQ. IN.



REAR ELEVATION ACL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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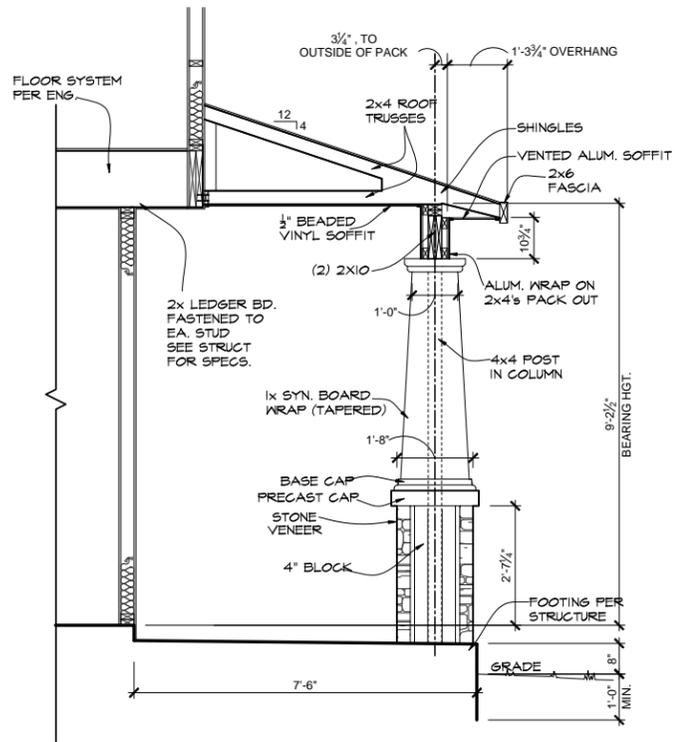
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RLH V567 3.2
Elevation Plans
Front Elevation ACL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

A-3.2



FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



LEFT ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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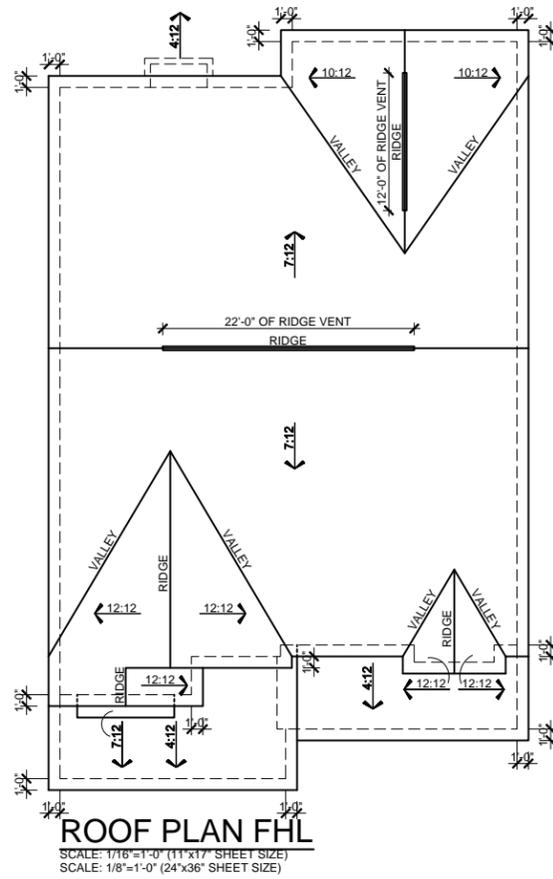
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RLH V567 3.2
Elevation Plans
Side Elevations ACL

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sheet number:

A-3.3

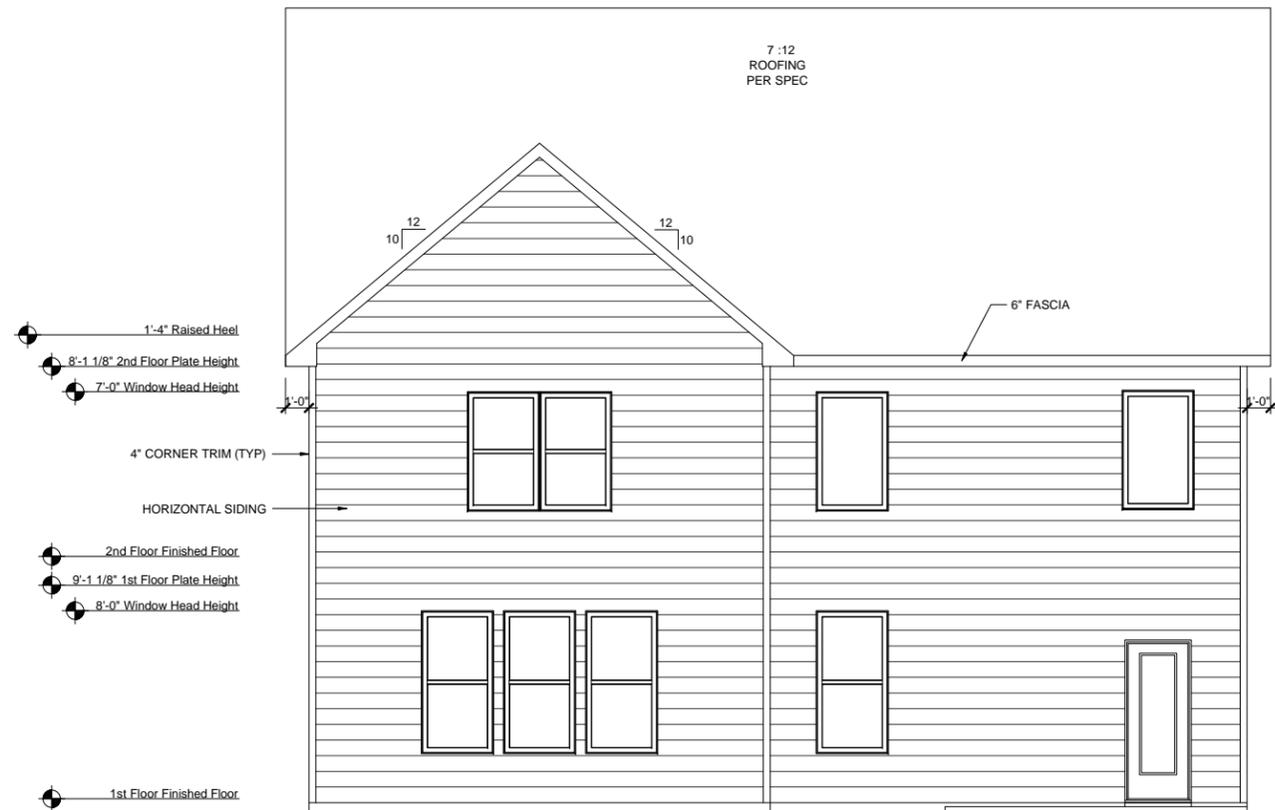
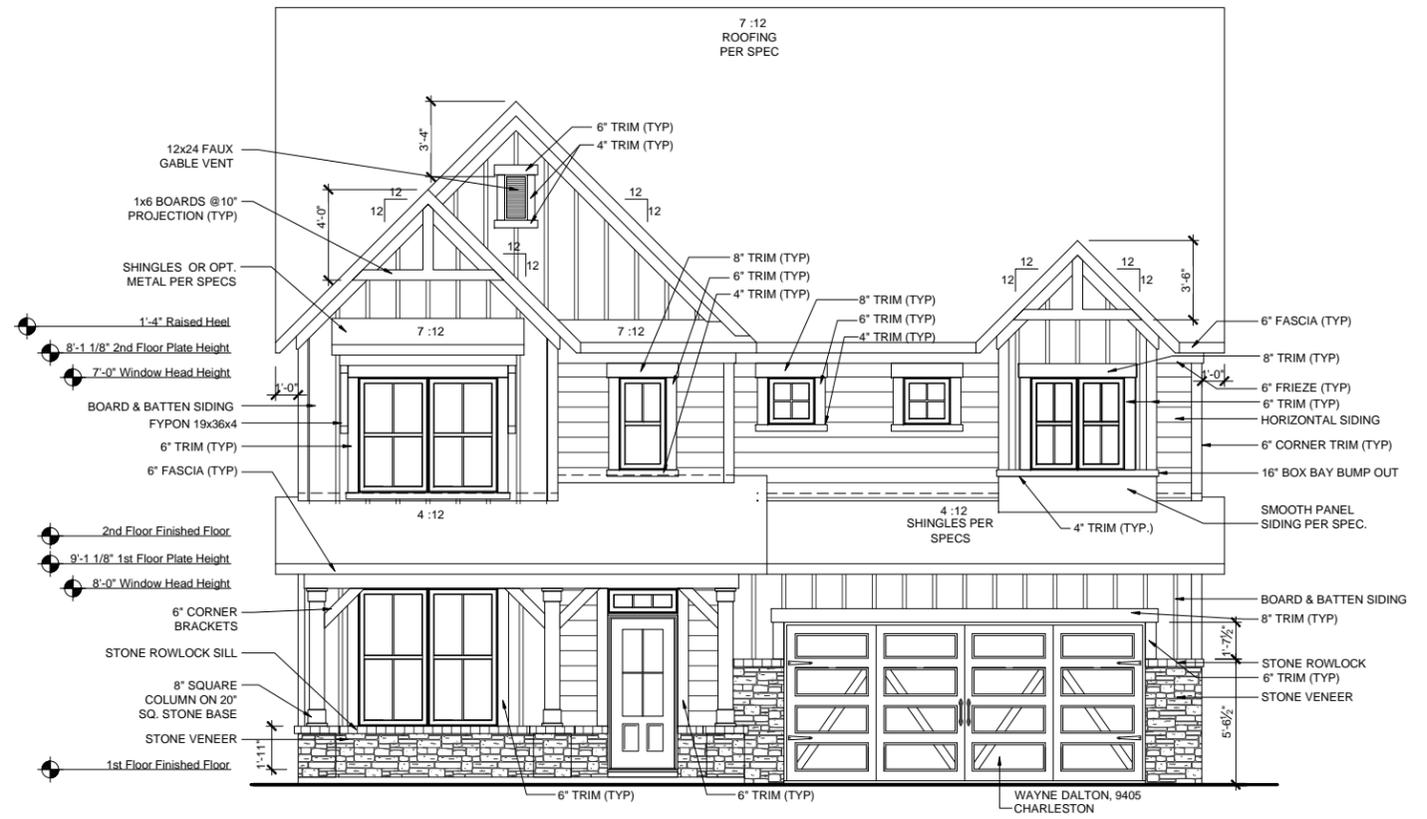


MAIN ROOF FHL

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	2094 SF
2094 SF x 1/300	6.91 SF
6.91 SF x 144 SQ. IN.	REQ TOTAL VENT: 995.1 IN.
HIGH VENTING (34) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	612 SQ. IN.
LOW VENTING (50) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	450 SQ. IN.
TOTAL FREE AREA PROVIDED	1062 SQ. IN.

PORCH/GARAGE ROOF FHL

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	369 SF
369 SF x 1/300	1.22 SF
1.22 SF x 144 SQ. IN.	REQ TOTAL VENT: 176.3 IN.
HIGH VENTING (0) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	0 SQ. IN.
LOW VENTING (20) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	180 SQ. IN.
TOTAL FREE AREA PROVIDED	180 SQ. IN.



REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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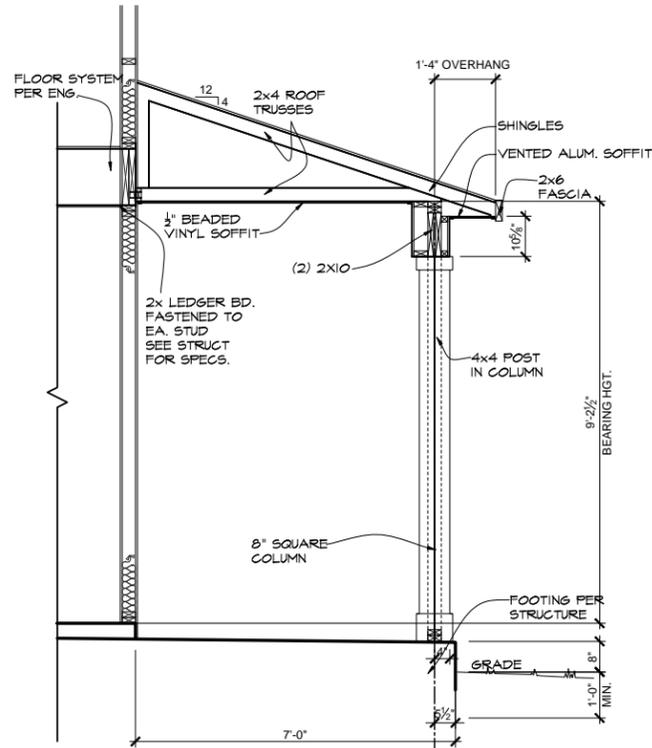
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RLH V567 3.2
Elevation Plans
Front Elevation FHL

drawn by: BZH
 checked by: SDP
 date: 11.07.17
 sheet number:

A-3.4



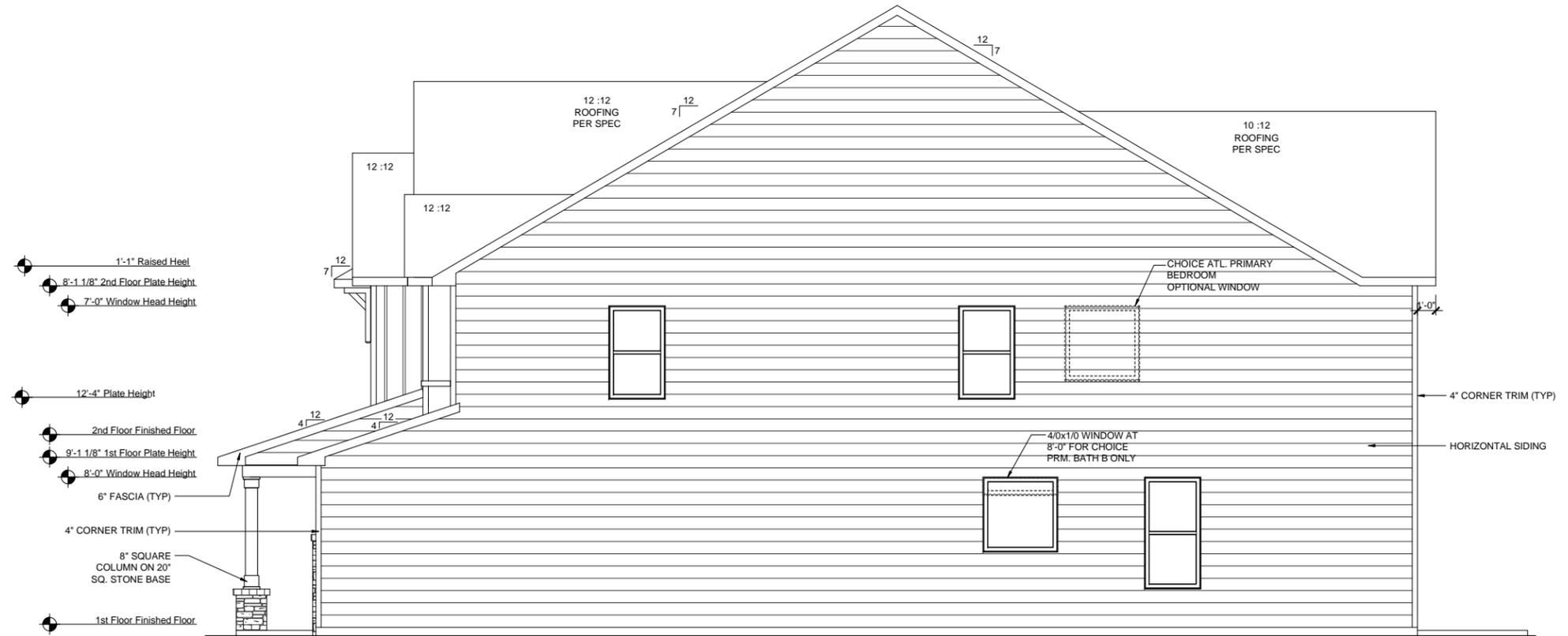
FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



LEFT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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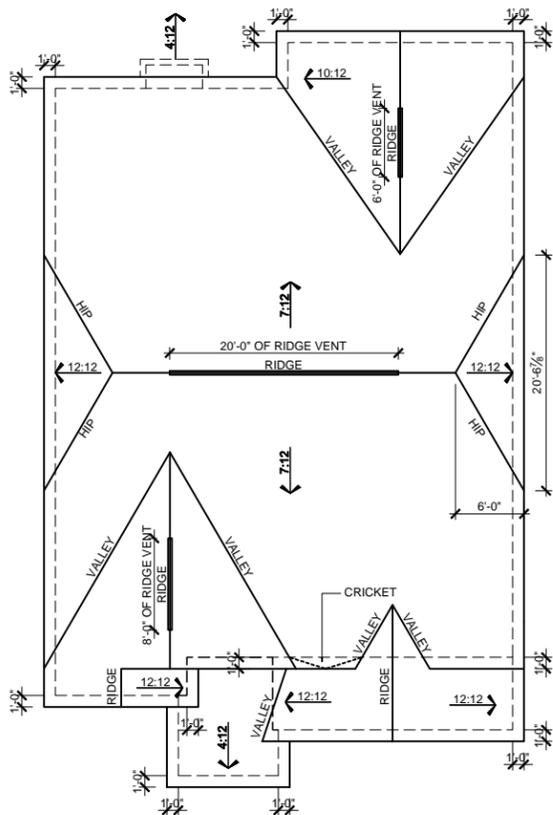
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RLH V567 3.2
Elevation Plans
Side Elevations FHL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

A-3.5



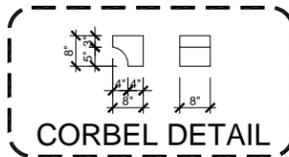
ROOF PLAN FCL
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

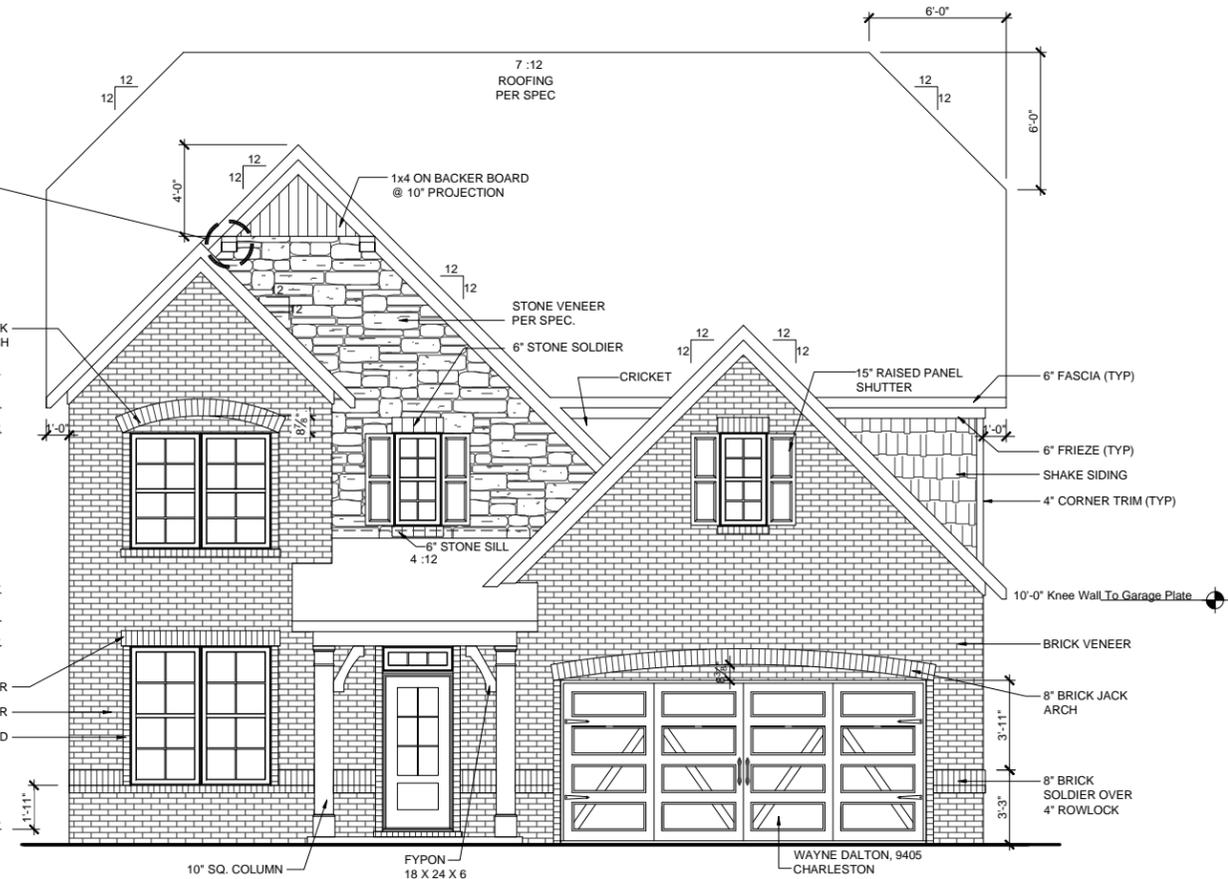
ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	2113 SF
2113 SF x 1/300	6.97 SF
6.97 SF x 144 SQ. IN.	REQ TOTAL VENT: 1004.1 IN.
HIGH VENTING (34) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	612 SQ. IN.
LOW VENTING (50) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	450 SQ. IN.
TOTAL FREE AREA PROVIDED	1062 SQ. IN.

PORCH/GARAGE ROOF FCL

ATTIC VENT CALCULATION	
ATTIC SQUARE FOOTAGE =	208 SF
208 SF x 1/300	.69 SF
.69 SF x 144 SQ. IN.	REQ TOTAL VENT: 98.8 IN.
HIGH VENTING (0) RIDGE VENTS x 18 SQ. IN. PER LINEAL FT	0 SQ. IN.
LOW VENTING (12) SOFFIT VENTS x 9 SQ. IN. PER LINEAL FT	108 SQ. IN.
TOTAL FREE AREA PROVIDED	108 SQ. IN.



- 8" BRICK JACK ARCH
- 1'-6" Raised Heel
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 8" BRICK SOLDIER
- BRICK VENEER
- 4" BRICK SURROUND
- 1st Floor Finished Floor



FRONT ELEVATION FCL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION - FCL on CRAWLSPACE
SCALE: 3/32"=1'-0" (11"x17" SHEET SIZE)
SCALE: 3/16"=1'-0" (24"x36" SHEET SIZE)

- 1'-2" Raised Heel
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 4" CORNER TRIM (TYP)
- HORIZONTAL SIDING
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor



REAR ELEVATION FCL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

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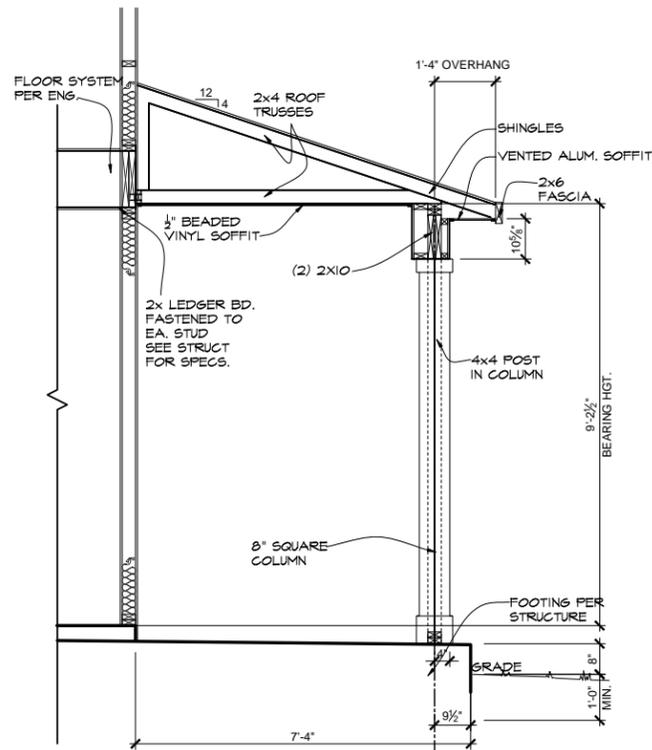
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RLH V567 3.2
Elevation Plans
Front Elevation FCL

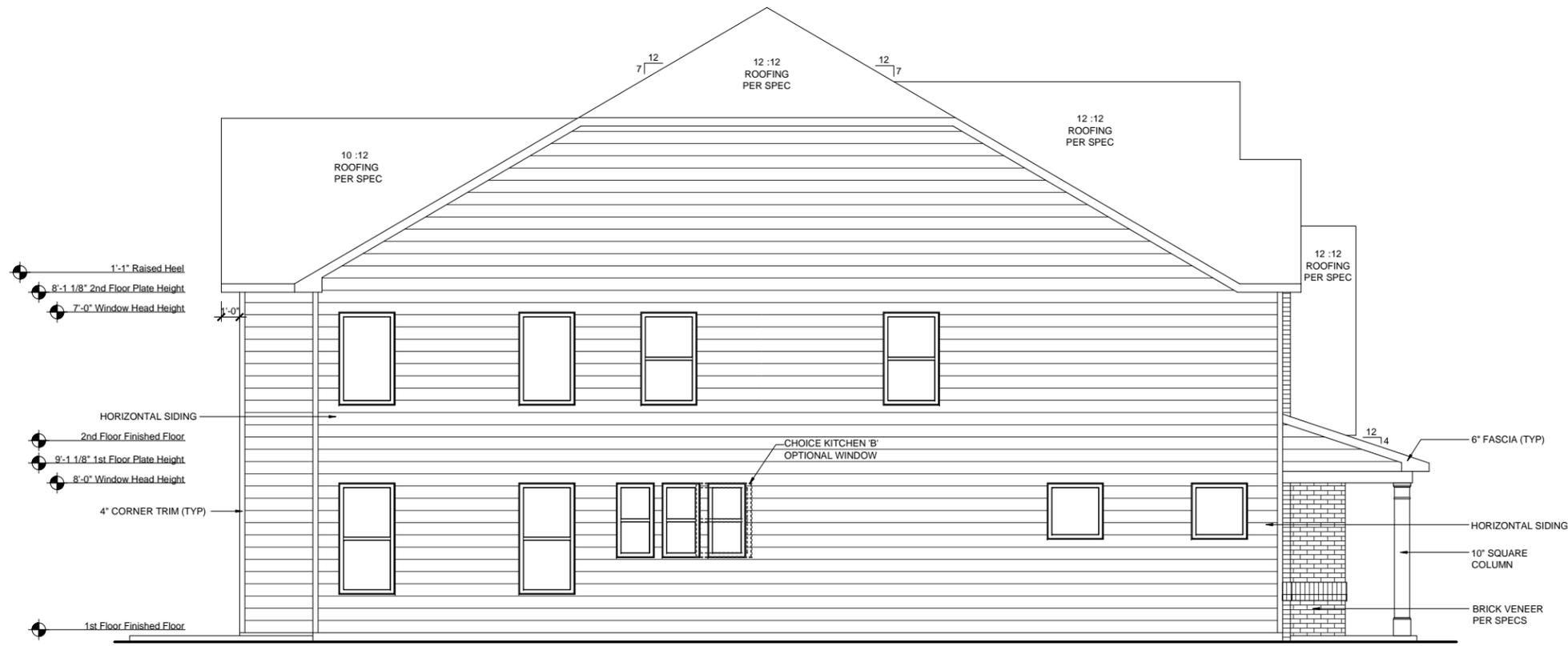
drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

A-3.6



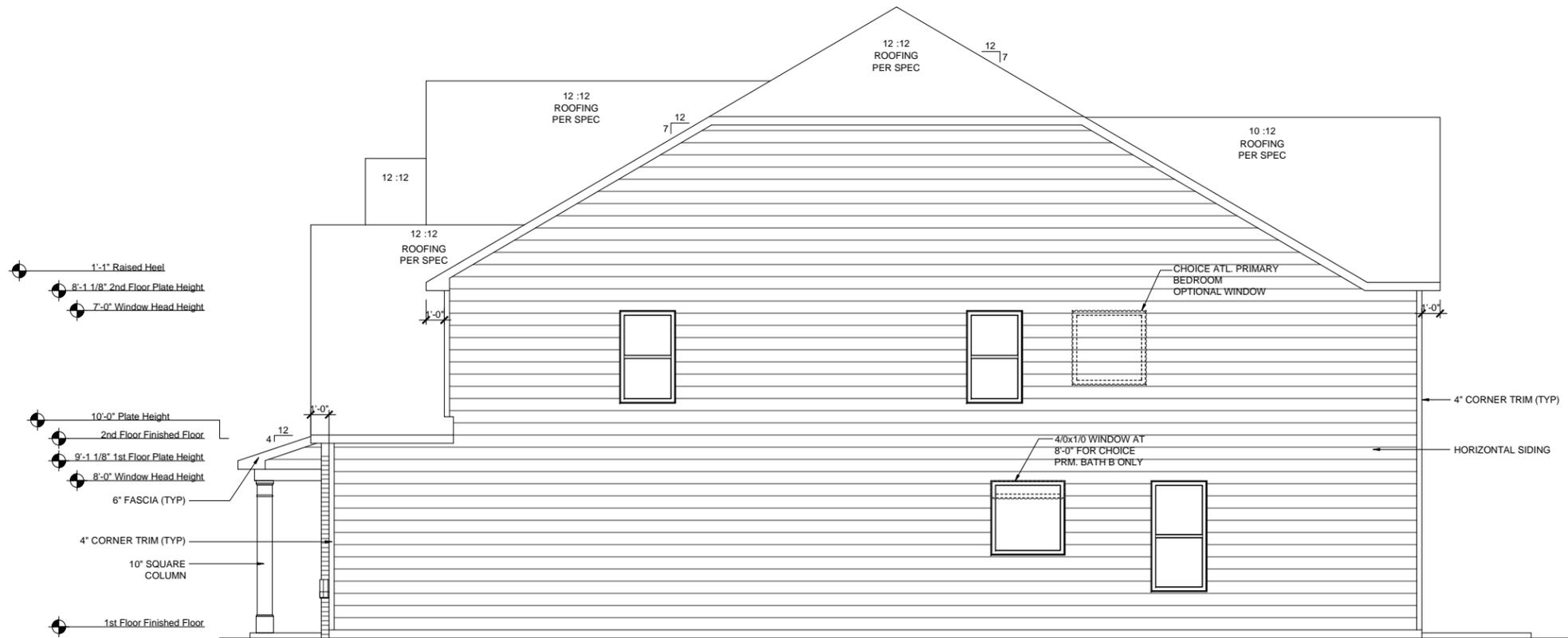
FRONT PORCH SECTION

SCALE: 1/4"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/2"=1'-0" (24"x36" SHEET SIZE)



LEFT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
v3.2	07.22.19

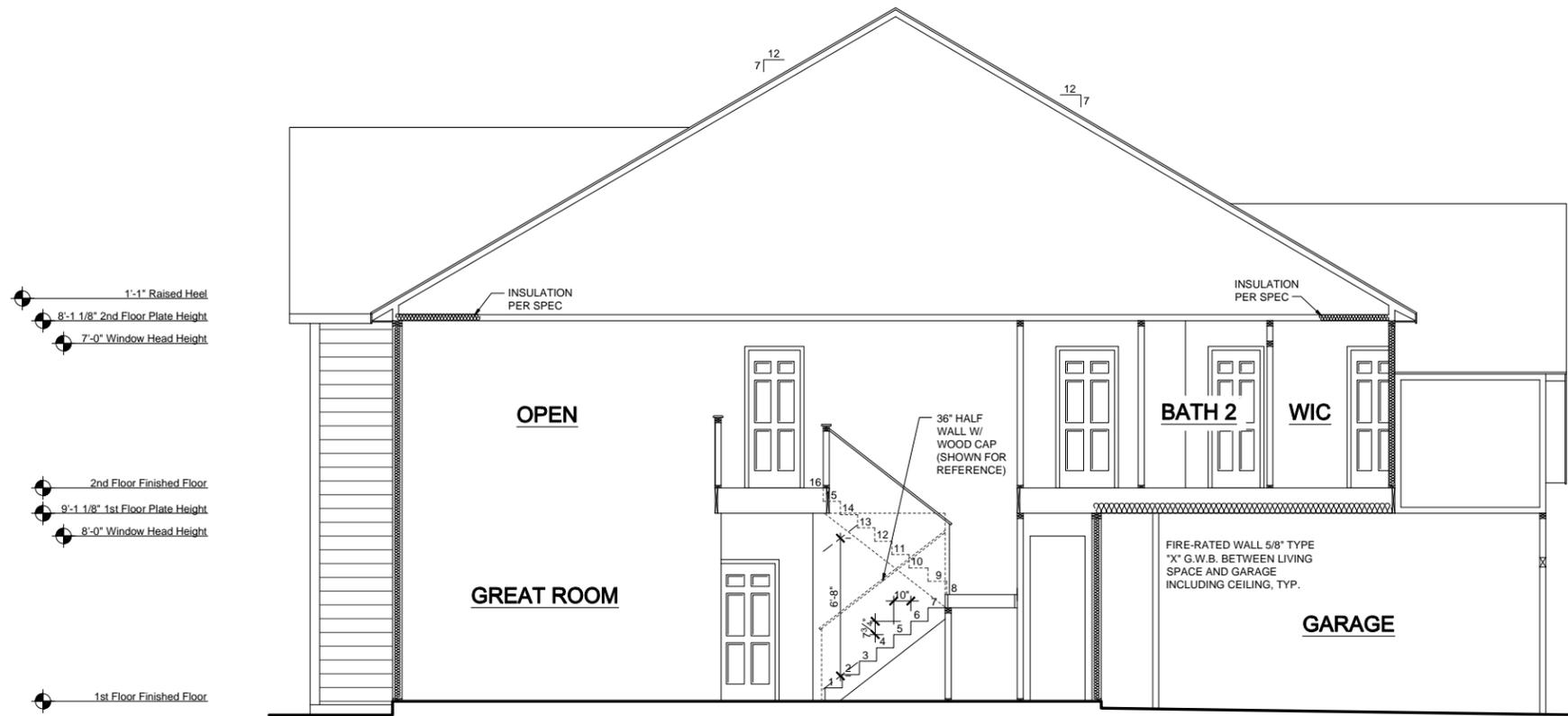
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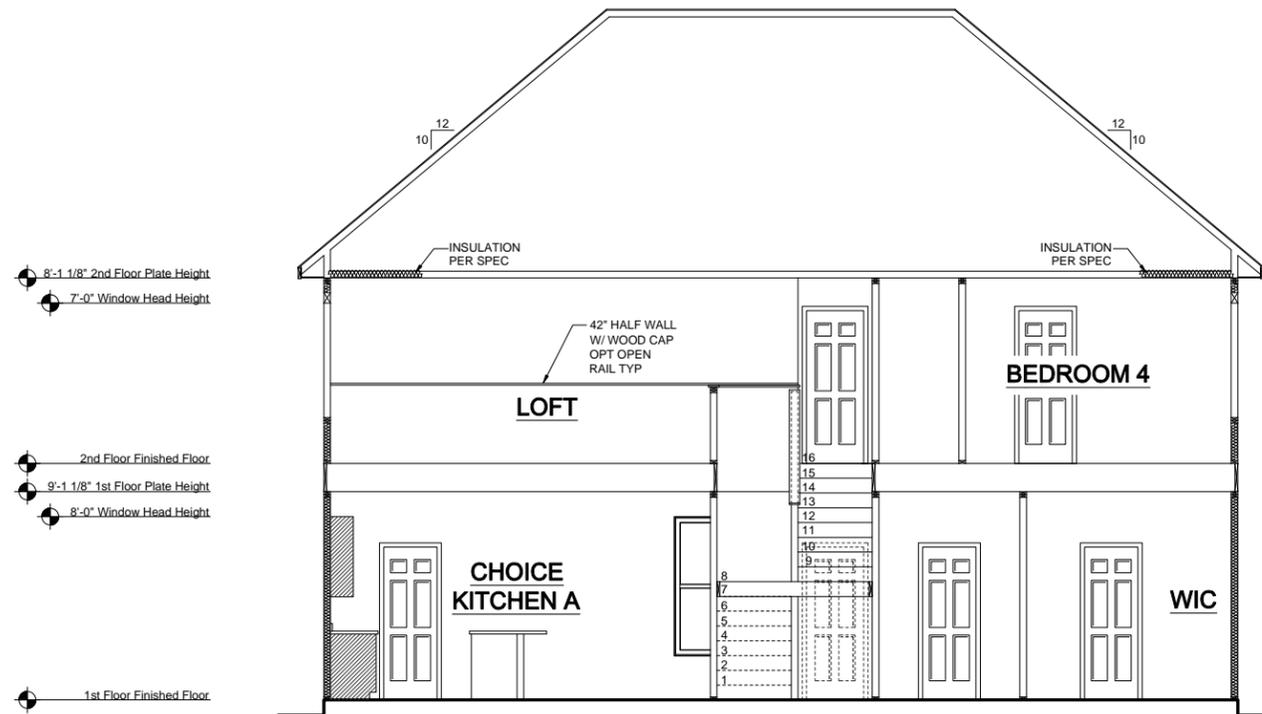
RLH V567 3.2
Elevation Plans
Side Elevations FCL

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

A-3.7



SECTION 1
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

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v3.0	08.16.19
v3.1	10.14.19
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RLH V567 3.2
Typical Sections
Sections

drawn by: BZH
 checked by: SDP
 date: 11.07.17
 sheet number:

A-4.0



**REAR ELEVATION
AT BASEMENT**

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v3.0	08.16.19
v3.1	10.14.19
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RLH V567 3.2
Structural Options
Optional Basement Elevation

drawn by: BZH
checked by: SDP
date: 11.07.17
sheet number:

O-4.0



**BEAZER
HOMES**

**BECKETT
RLH V642**

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
<p>BEAZER HOMES</p> <p>PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328</p> <p>PH: 770-392-2100</p>	<p>BEAZER HOMES</p> <p>RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607</p> <p>PH: 919-881-9350</p>	<p>MULHERN & KULP ENGINEERING</p> <p>CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002</p> <p>PH: 770-777-0074</p>

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan FHL
F-1.2	Slab Plan FCL
F-1.3	Slab Plan Options
F-2.0	Crawl Plan TRL
F-2.1	Crawl Plan Partial
A-1.0	First Floor Plan & Partial
A-2.0	Second Floor Plan & Partial
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Floor Plan Options
O-2.1	Optional Screened Porch
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details
S-5.1	Shear Transfer Details

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

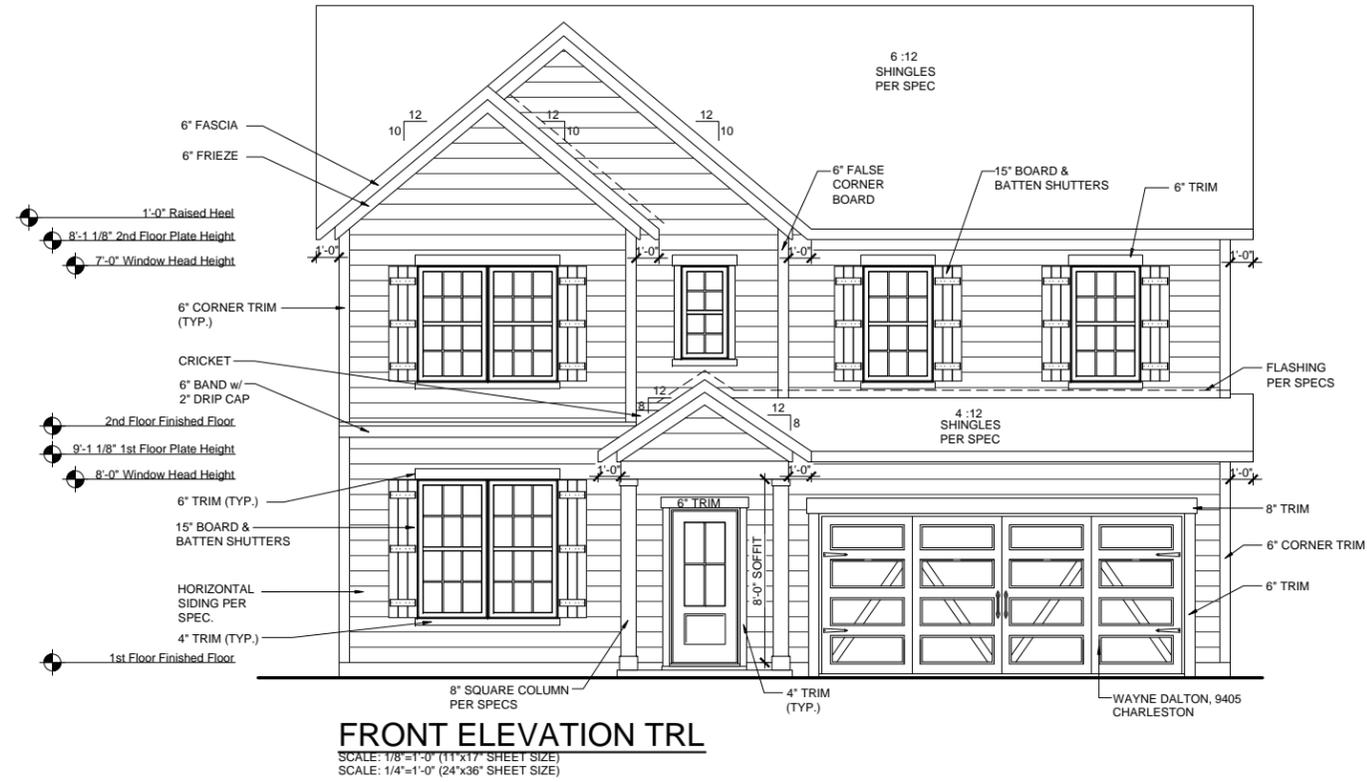
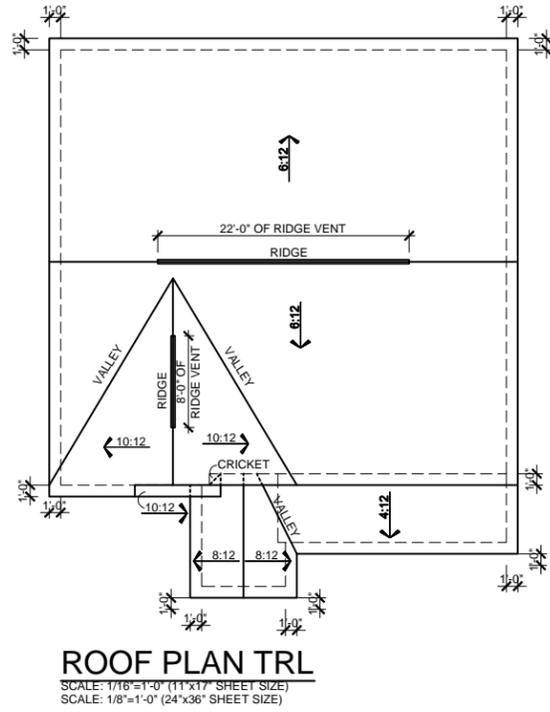
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RLH V642 1.3
Cover Sheets
Cover Sheet

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checked by: BZH
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CS-1.0



REV.	DATE
1.1	10/11/19
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1.3	07/23/20

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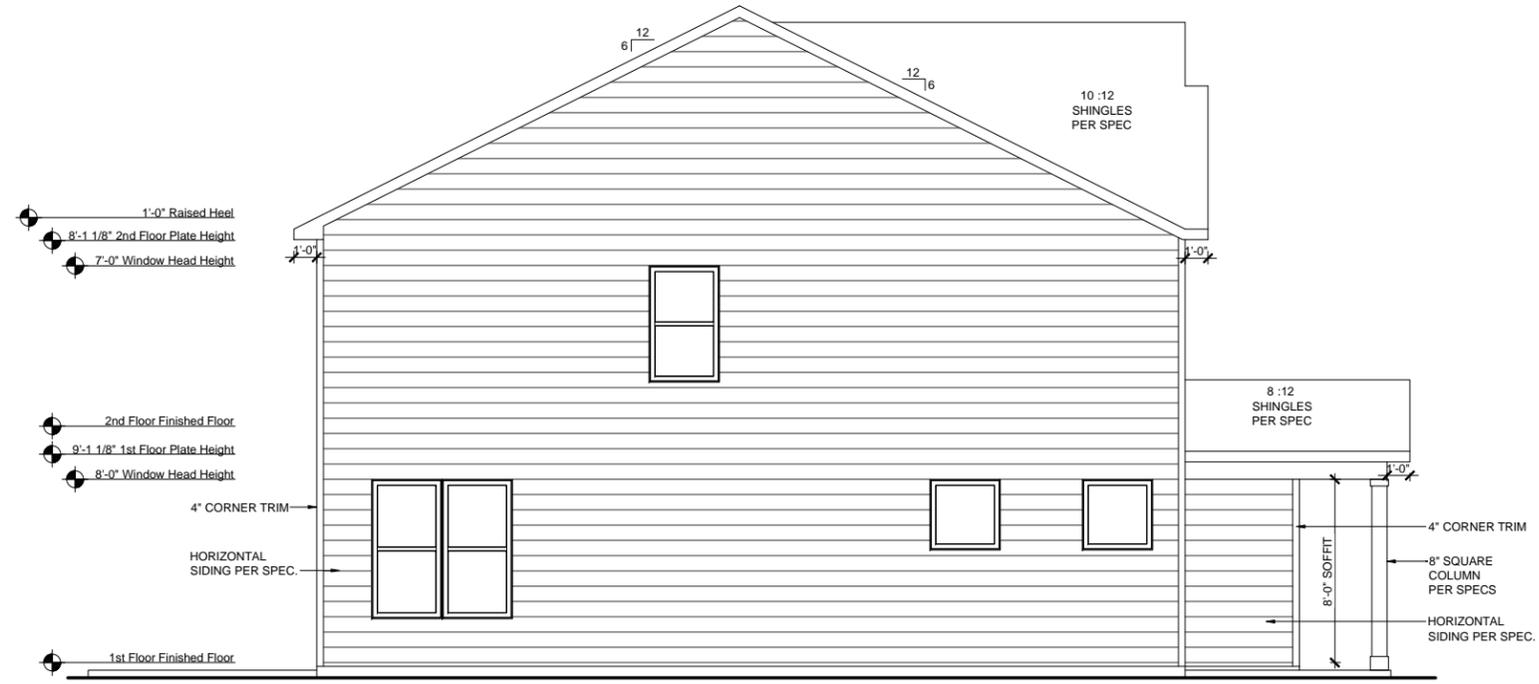
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RLH V6421.3
Elevation Plans
Front Elevation TRL

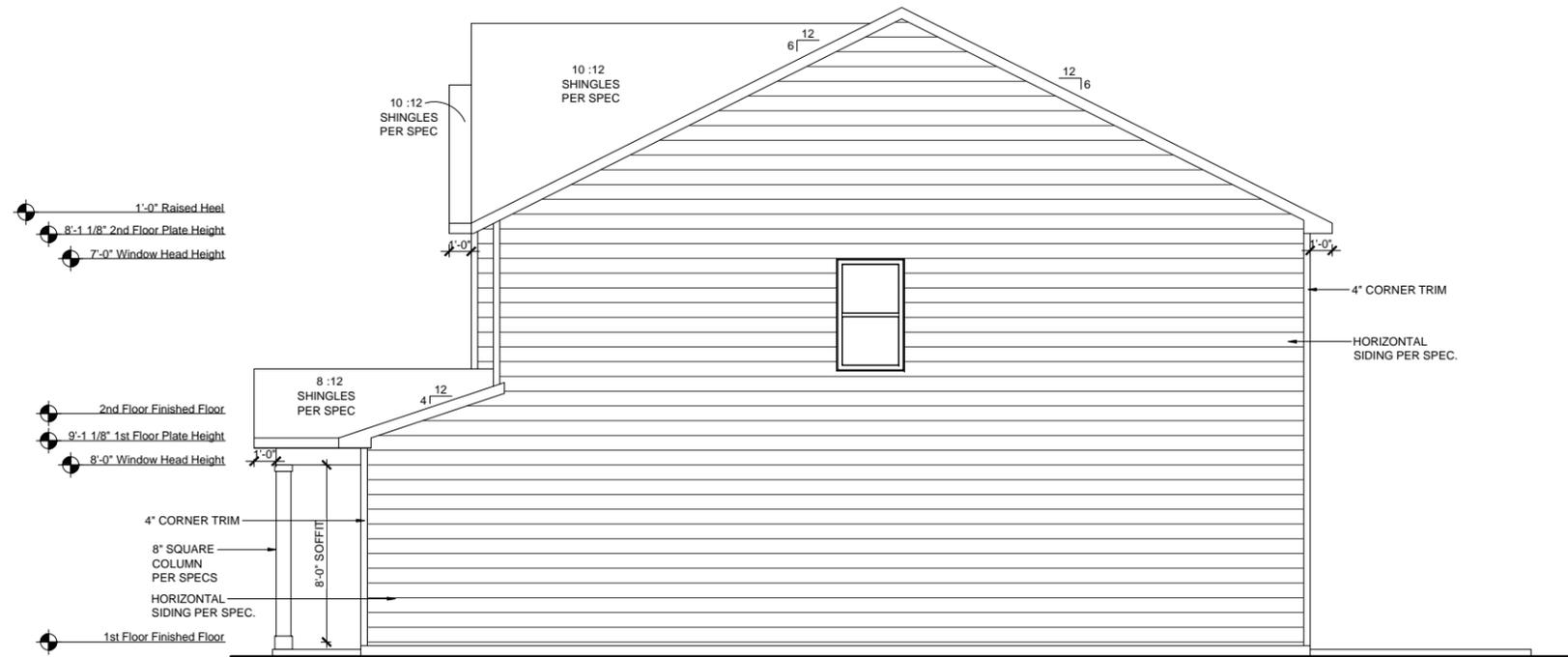
drawn by: XSI
 checked by: BZH
 date: 07/24/19
 sheet number:

A-3.0



LEFT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

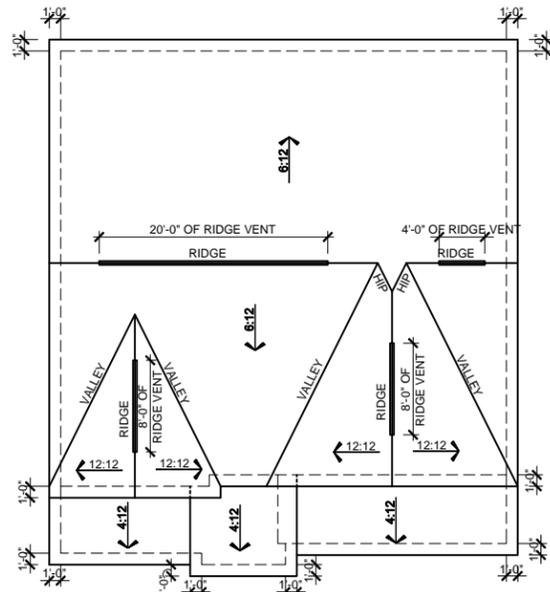
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RLH V6421.3
Elevation Plans
Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number:

A-3.1



ROOF PLAN FHL
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1456 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((1456 \text{ SQ FT} \times 1/300) \times 144) / 2 = 349 \text{ SQ. IN.}$

349 / 18 NFA OF RIDGE VENT = 19 L.F.
349 / 9 NFA OF SOFFIT VENT = 39 L.F.

ACTUAL RIDGE VENT PROVIDED: 40'
ACTUAL SOFFIT VENT PROVIDED: 60'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 245 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((245 \text{ SQ FT} \times 1/150) \times 144) = 235 \text{ SQ. IN.}$

235 / 9 NFA OF SOFFIT VENT = 26 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 39'

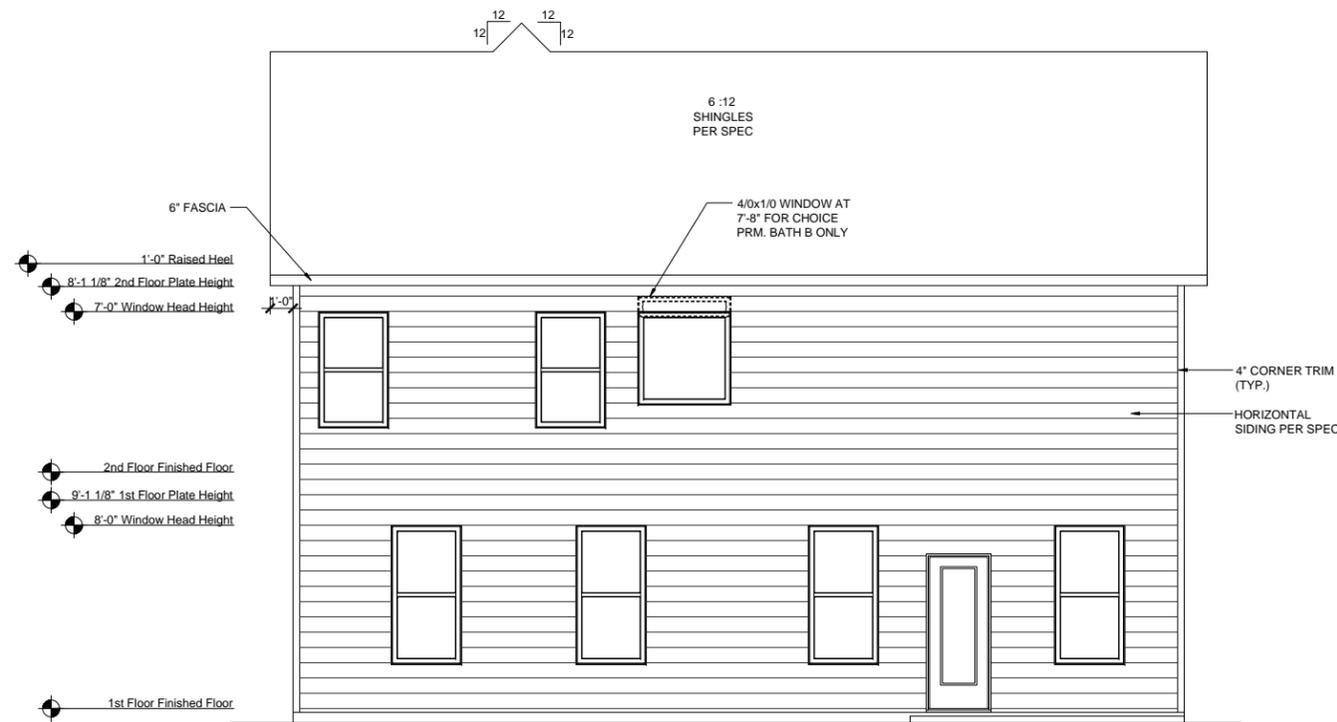
NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FHL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION FHL on CRAWL SPACE
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
1.3	07/23/20

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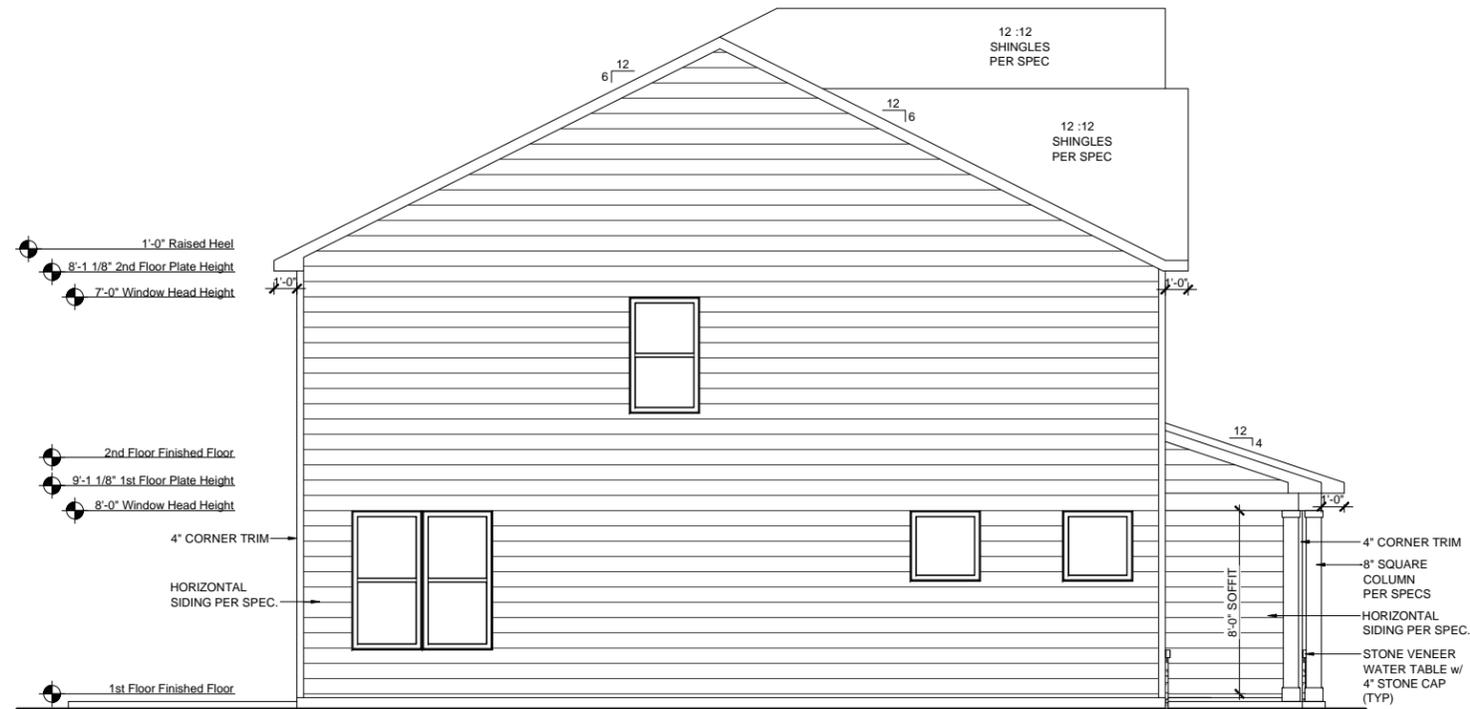
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RLH V6421.3
Elevation Plans
Front Elevation FHL

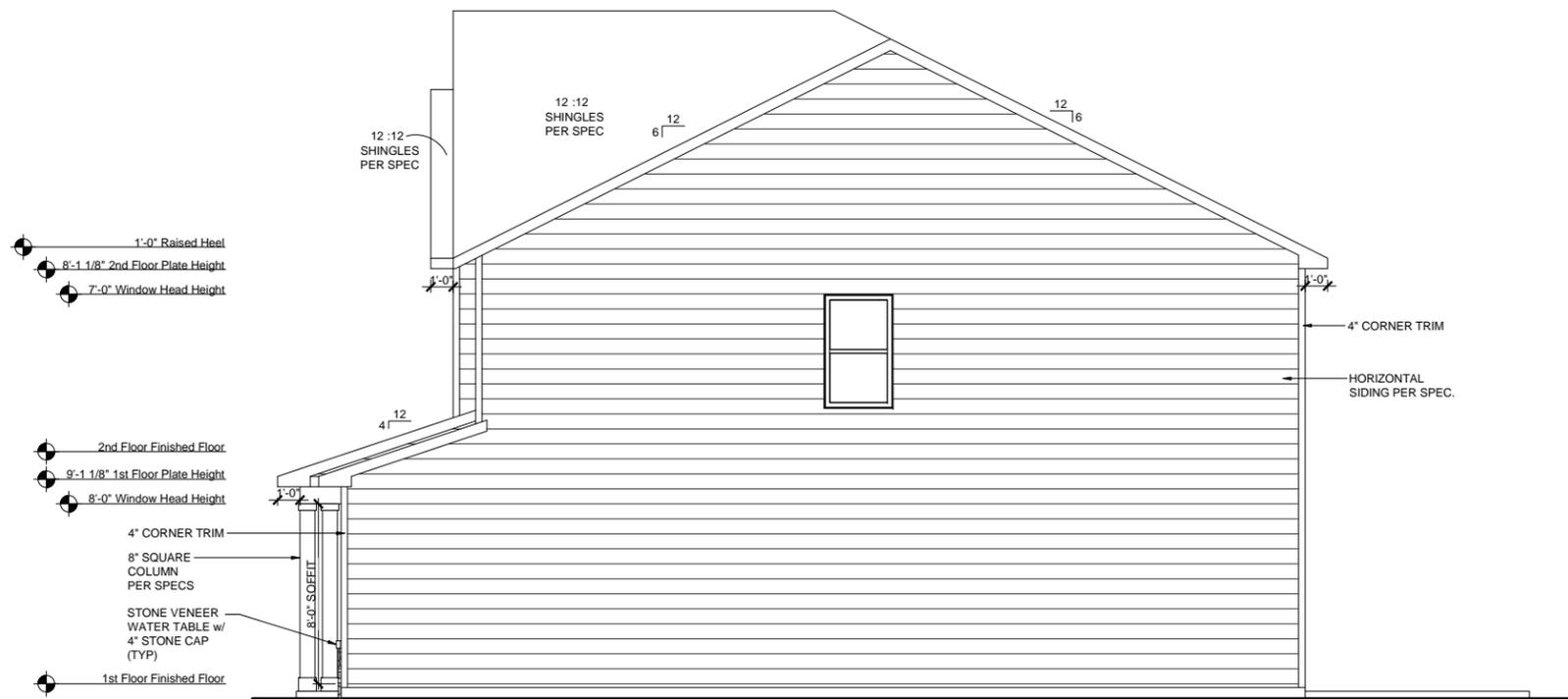
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checked by: BZH
date: 07/24/19
sheet number:

A-3.2



LEFT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

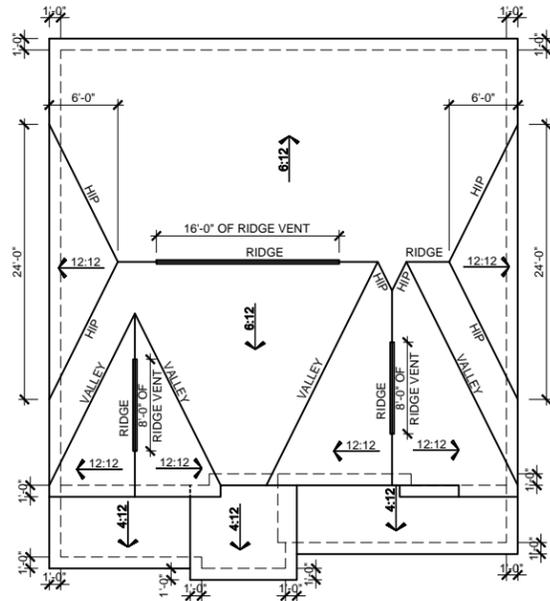
REV.	DATE
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1.3	07/23/20

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RLH V6421.3
Elevation Plans
Side Elevations FHL

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date: 07/24/19
sheet number:
A-3.3



ROOF PLAN FCL

SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1464 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((1464 \text{ SQ FT} \times 1/300) \times 144) / 2 = 351 \text{ SQ. IN.}$

351 / 18 NFA OF RIDGE VENT = 20 L.F.
351 / 9 NFA OF SOFFIT VENT = 39 L.F.

ACTUAL RIDGE VENT PROVIDED: 32'
ACTUAL SOFFIT VENT PROVIDED: 93'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

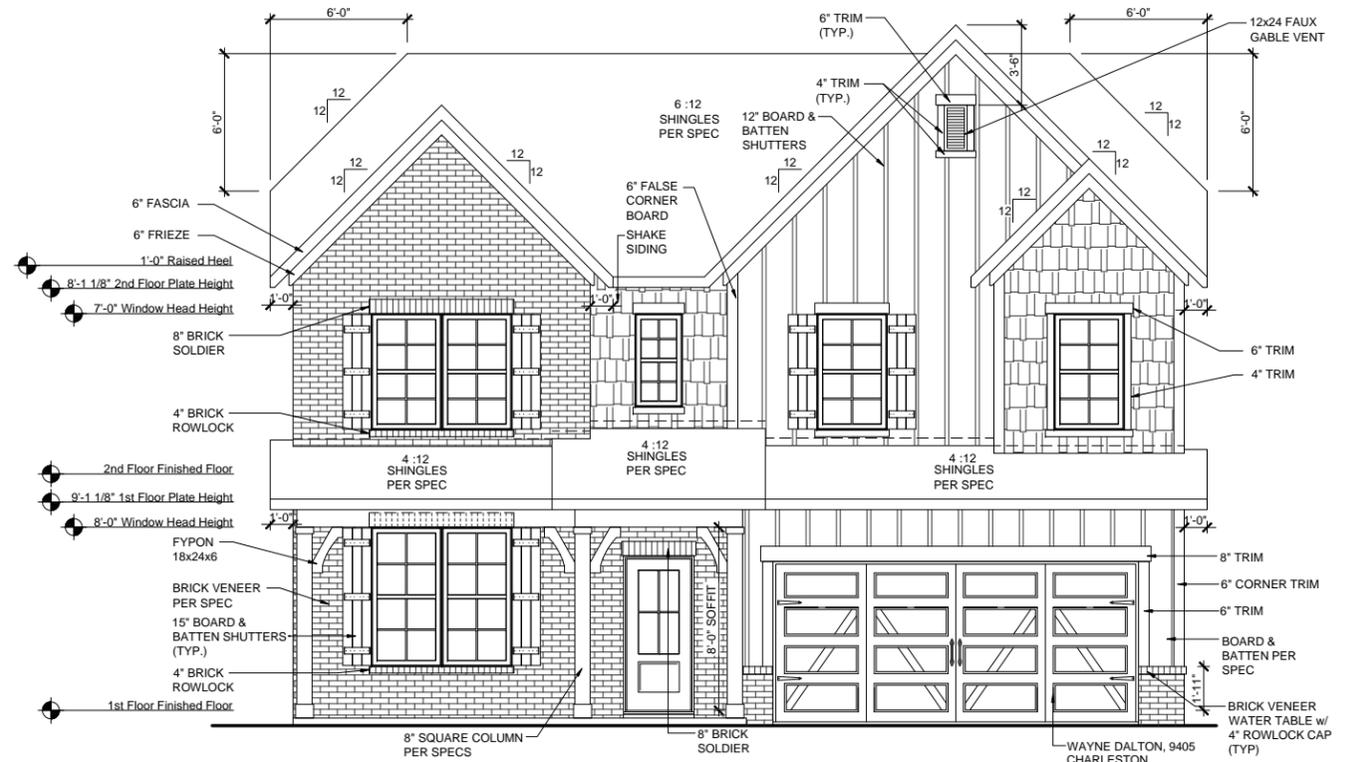
TOTAL SQ. FT. OF ROOF AREA: 245 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((245 \text{ SQ FT} \times 1/150) \times 144) = 235 \text{ SQ. IN.}$

235 / 9 NFA OF SOFFIT VENT = 26 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 39'

NOTE:
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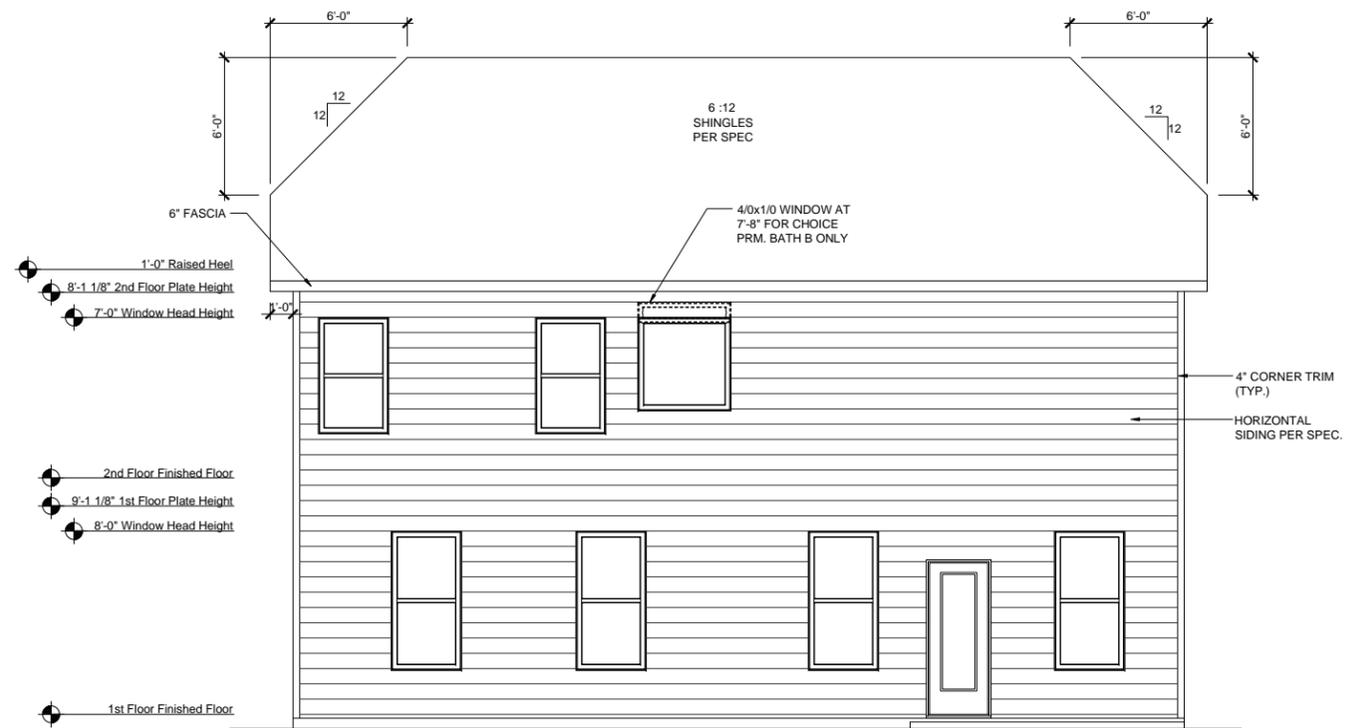
FRONT ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION FCL on CRAWL SPACE

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
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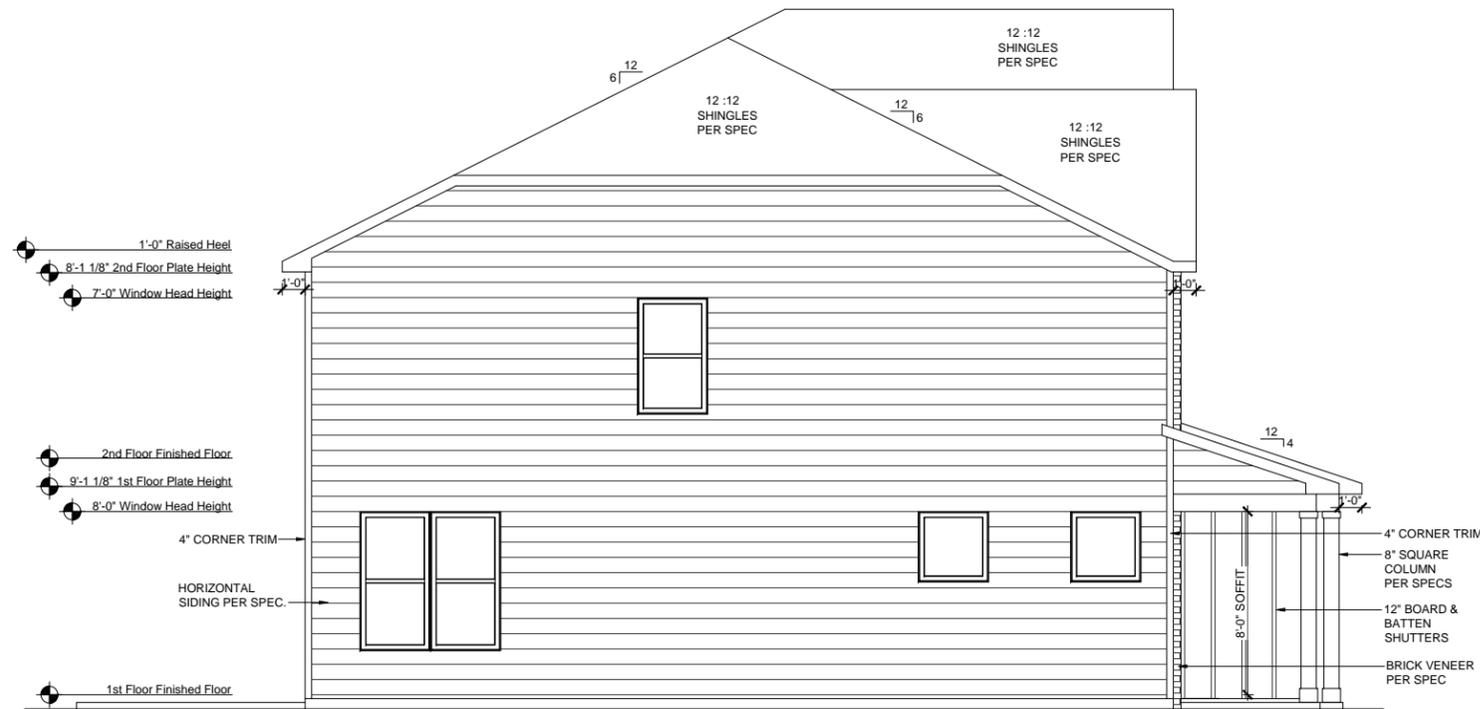
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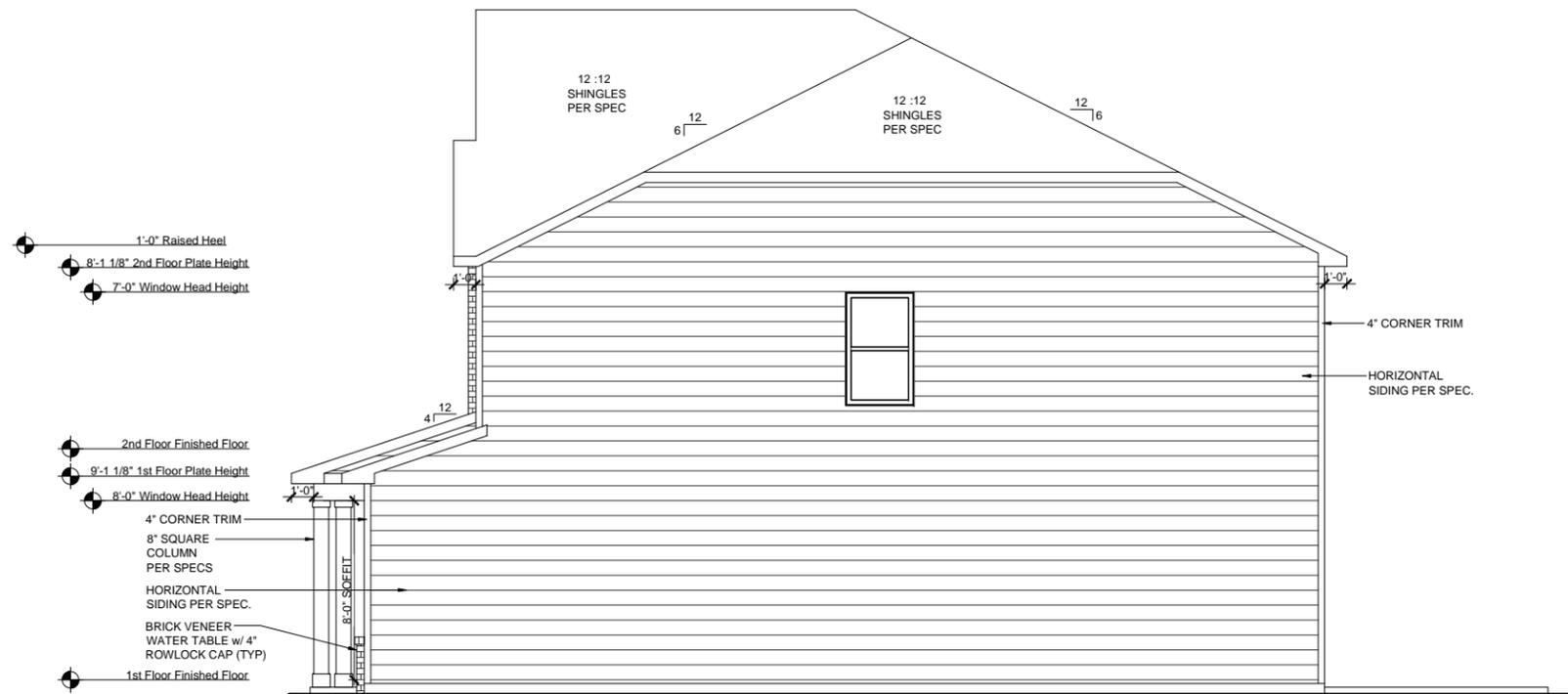
RLH V6421.3
Elevation Plans
Front Elevation FCL

drawn by: XSI
checked by: BZH
date: 07/24/19
sheet number:

A-3.4



LEFT ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
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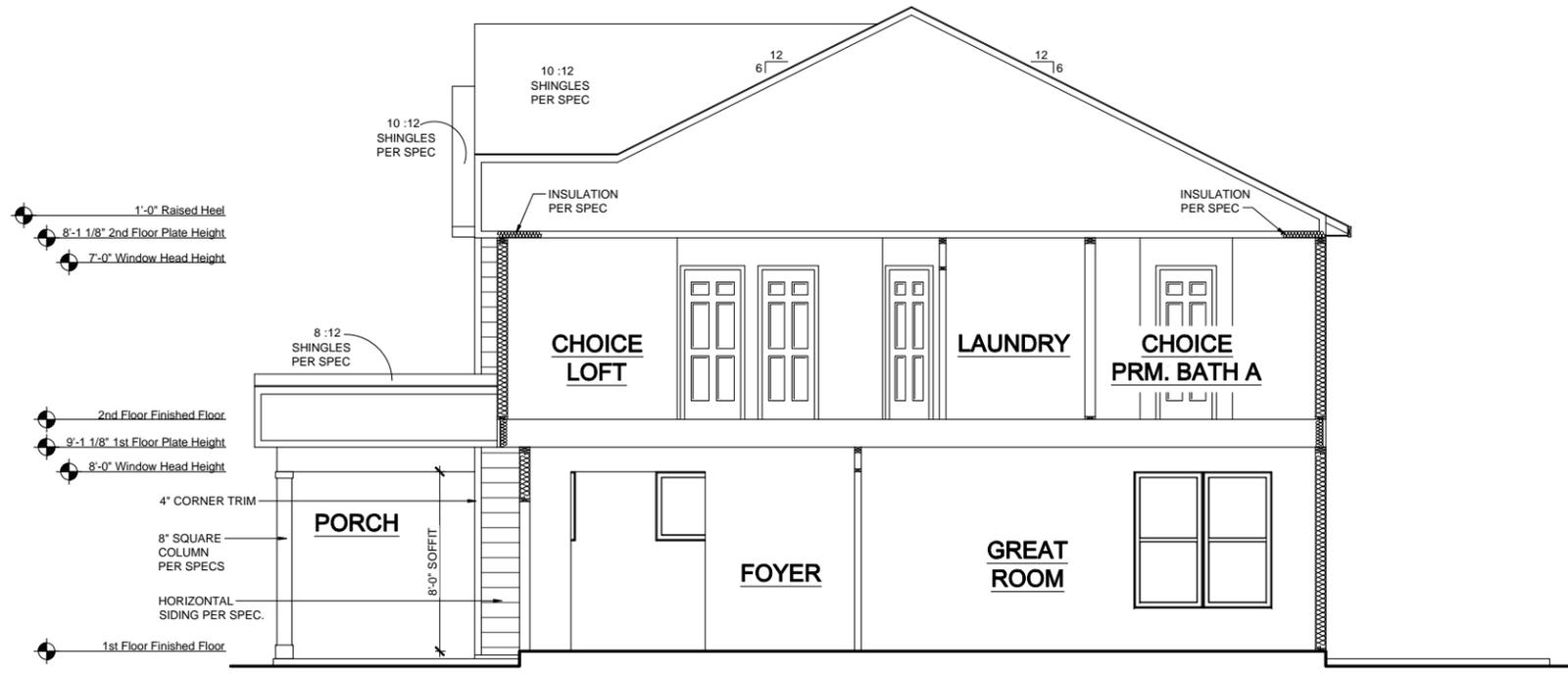
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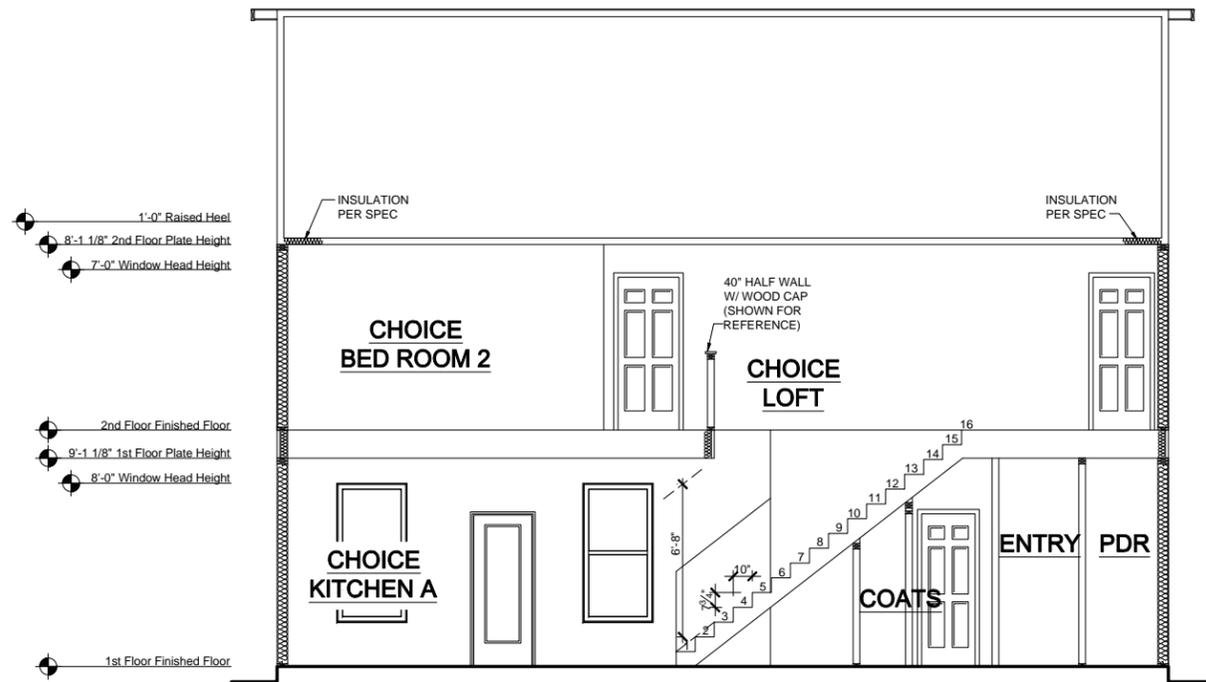
RLH V6421.3
Elevation Plans
Side Elevations FCL

drawn by: XSI
 checked by: BZH
 date: 07/24/19
 sheet number:

A-3.5



SECTION 1
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10/11/19
1.2	02/06/20
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RLH V6421.3
Typical Sections
Sections

drawn by: XSI
 checked by: BZH
 date: 07/24/19
 sheet number:
A-4.0



MILLER RLH V643

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	BEAZER HOMES RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	MULHERN & KULP ENGINEERING CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

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ABV.	ABOVE FINISH FLOOR
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SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan FHL
F-1.2	Slab Plan FCL
F-1.3	Slab Plan Options
F-2.0	Crawl Plan TRL
F-2.1	Crawl Plan Partial
F-3.0	Finished Basement Plan TRL
F-3.1	Finished Basement Plan Partial
A-1.0	First Floor Plan & Partial
A-2.0	Second Floor Plan & Partial
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
A-4.1	Typical Sections
O-1.0	Choice Options
O-2.0	Floor Plan Options
O-2.1	Optional Screened Porch
O-3.0	Optional Basement Elevation
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans
E-4.0	Basement Electrical Plan
S-0.0	Structural Notes
S-1.0	1st Floor Framing Plans
S-2.0	2nd Floor Framing Plans
S-3.0	Roof Framing Plans
S-4.0	Options Framing Plans
S-5.0	Shear Transfer Details
S-5.1	Shear Transfer Details

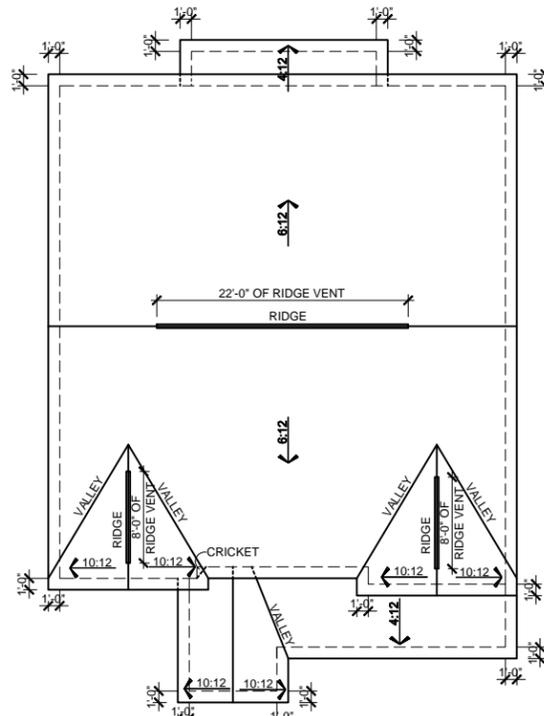
REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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RLH V643 1.3
Cover Sheets
Cover Sheet

drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:
CS-1.0



ROOF PLAN TRL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF TRL
ATTIC VENT CALCULATION
 TOTAL SQ. FT. OF ROOF AREA: 1668 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

 $((1668 \text{ SQ. FT.} \times 1/300) \times 144) / 2 = 400 \text{ SQ. IN.}$
 400 / 18 NFA OF RIDGE VENT = 22 L.F.
 400 / 9 NFA OF SOFFIT VENT = 44 L.F.

 ACTUAL RIDGE VENT PROVIDED: 38'
 ACTUAL SOFFIT VENT PROVIDED: 54'

 NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF
ATTIC VENT CALCULATION
 TOTAL SQ. FT. OF ROOF AREA: 204 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

 $((204 \text{ SQ. FT.} \times 1/150) \times 144) = 196 \text{ SQ. IN.}$
 196 / 9 NFA OF SOFFIT VENT = 22 L.F.

 ACTUAL RIDGE VENT PROVIDED: 0'
 ACTUAL SOFFIT VENT PROVIDED: 33'

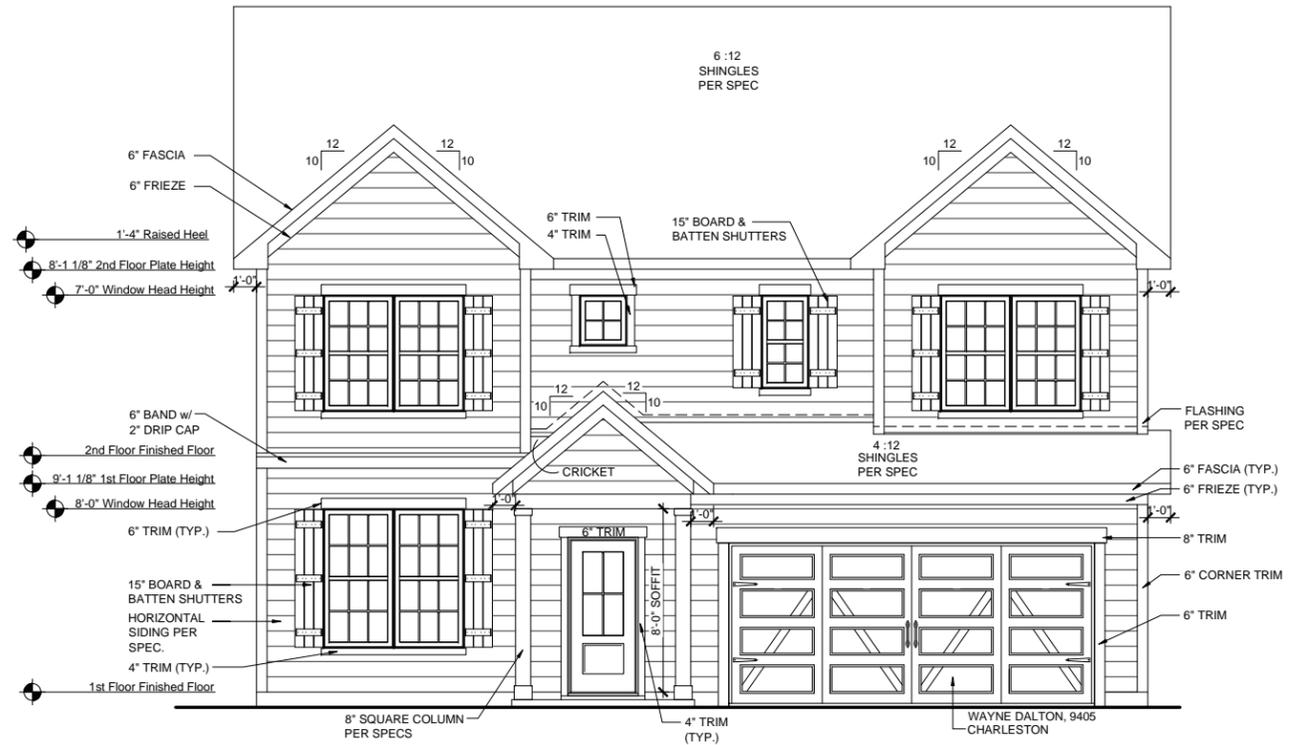
 NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

3' EXT. GREAT ROOM
ATTIC VENT CALCULATION
 TOTAL SQ. FT. OF ROOF AREA: 49 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

 $((49 \text{ SQ. FT.} \times 1/150) \times 144) = 47 \text{ SQ. IN.}$
 47 / 9 NFA OF SOFFIT VENT = 5 L.F.

 ACTUAL RIDGE VENT PROVIDED: 0'
 ACTUAL SOFFIT VENT PROVIDED: 18'

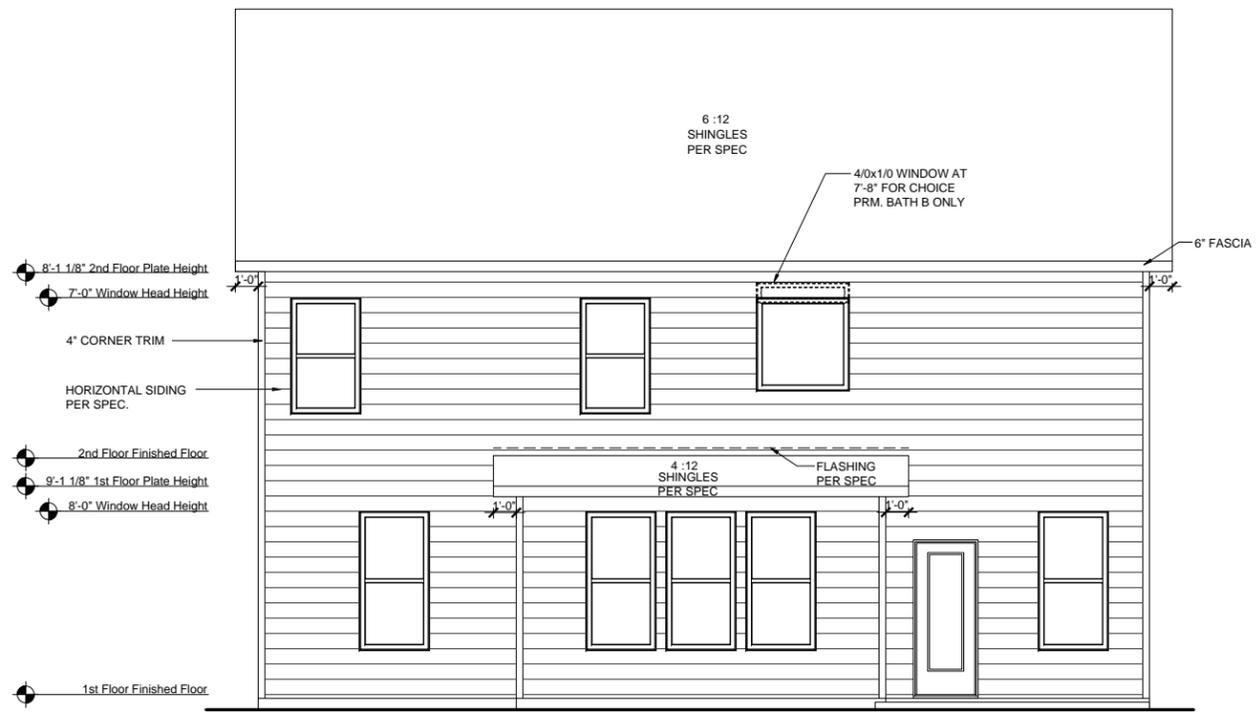
 NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION TRL ON CRAWL SPACE
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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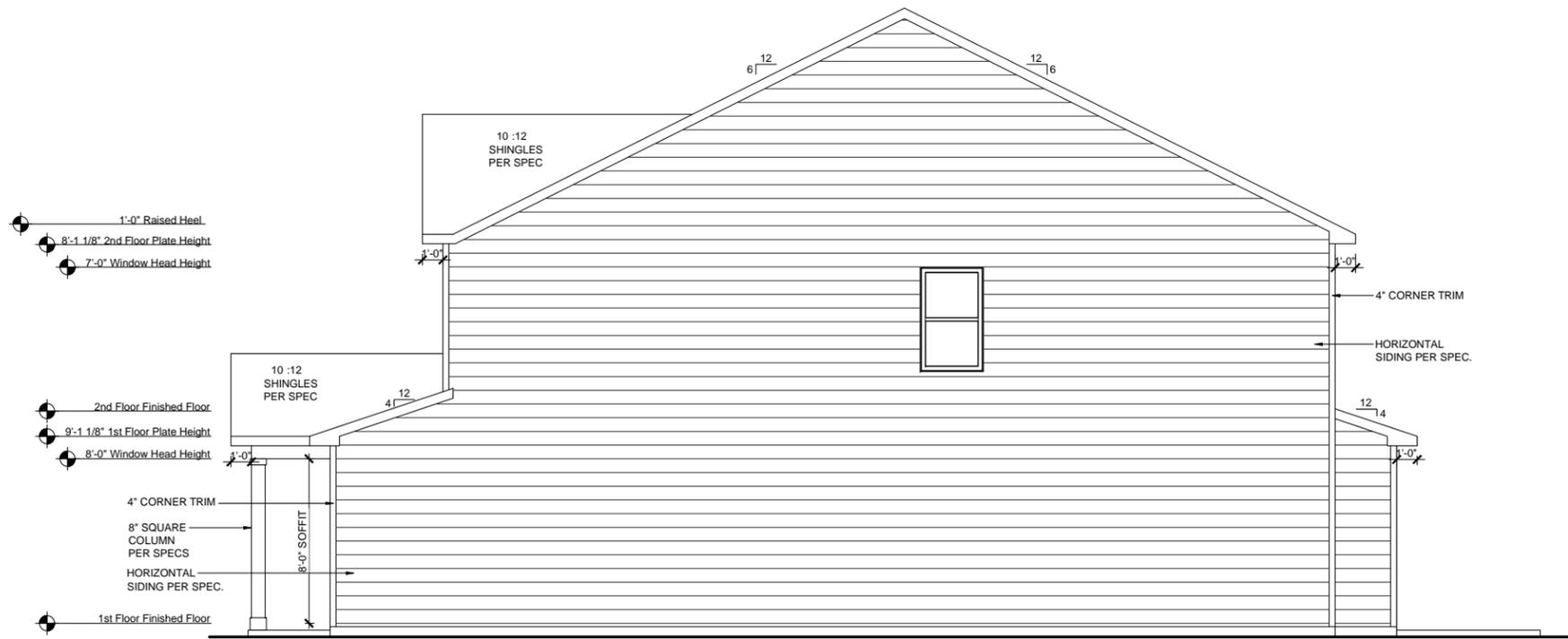
RLH V6431.3
Elevation Plans
Front Elevation TRL

drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:
A-3.0



LEFT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION TRL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

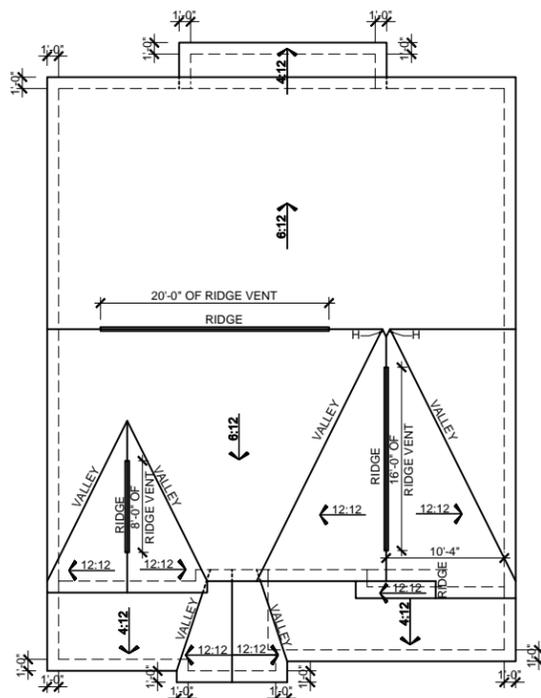
REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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RLH V6431.3
Elevation Plans
Side Elevations TRL

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number:
A-3.1



ROOF PLAN FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1668 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((1668 \text{ SQ FT} \times 1/300) \times 144) / 2 = 400 \text{ SQ. IN.}$

400 / 18 NFA OF RIDGE VENT = 22 L.F.
 400 / 9 NFA OF SOFFIT VENT = 44 L.F.

ACTUAL RIDGE VENT PROVIDED: 44'
 ACTUAL SOFFIT VENT PROVIDED: 54'

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE & PORCH ROOF

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 267 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((267 \text{ SQ FT} \times 1/150) \times 144) = 256 \text{ SQ. IN.}$

256 / 9 NFA OF SOFFIT VENT = 28 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
 ACTUAL SOFFIT VENT PROVIDED: 31'

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

3' EXT. GREAT ROOM

ATTIC VENT CALCULATION

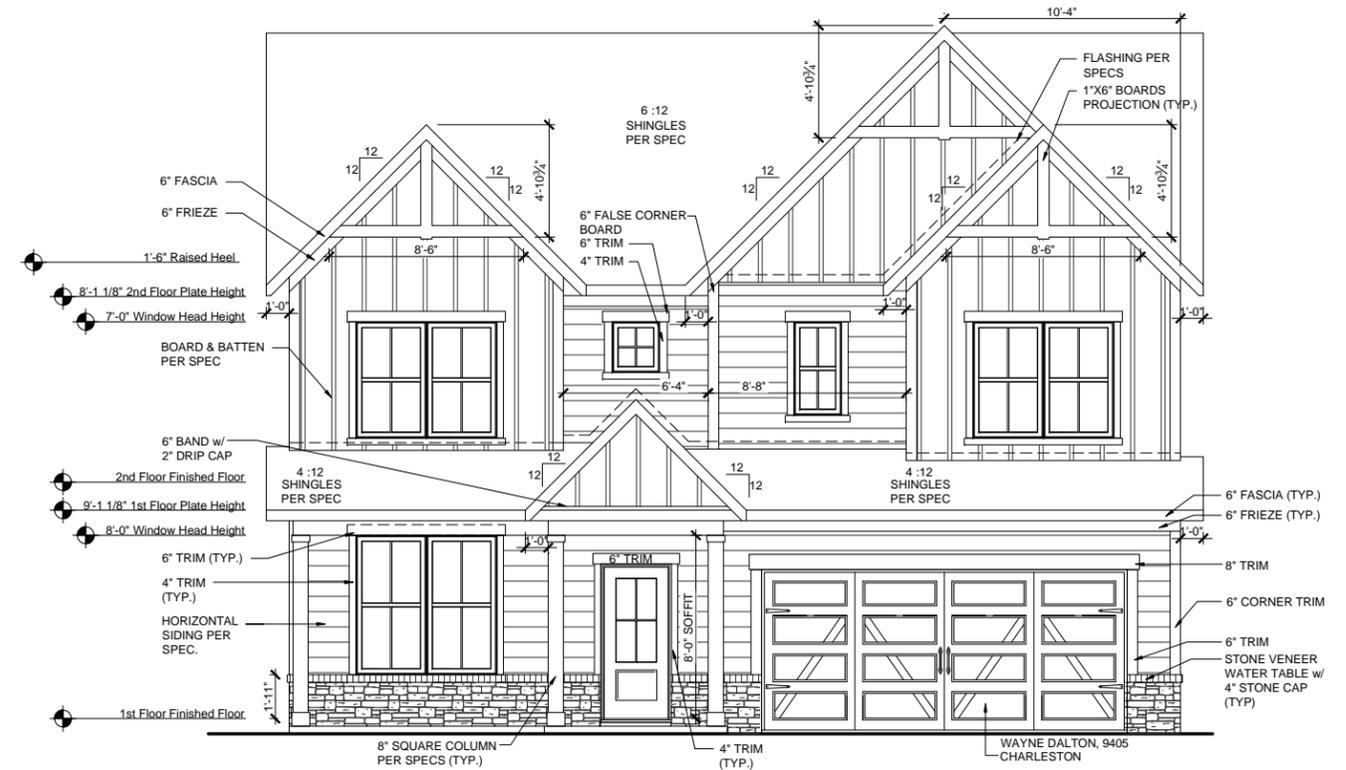
TOTAL SQ. FT. OF ROOF AREA: 49 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((49 \text{ SQ FT} \times 1/150) \times 144) = 47 \text{ SQ. IN.}$

47 / 9 NFA OF SOFFIT VENT = 5 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
 ACTUAL SOFFIT VENT PROVIDED: 18'

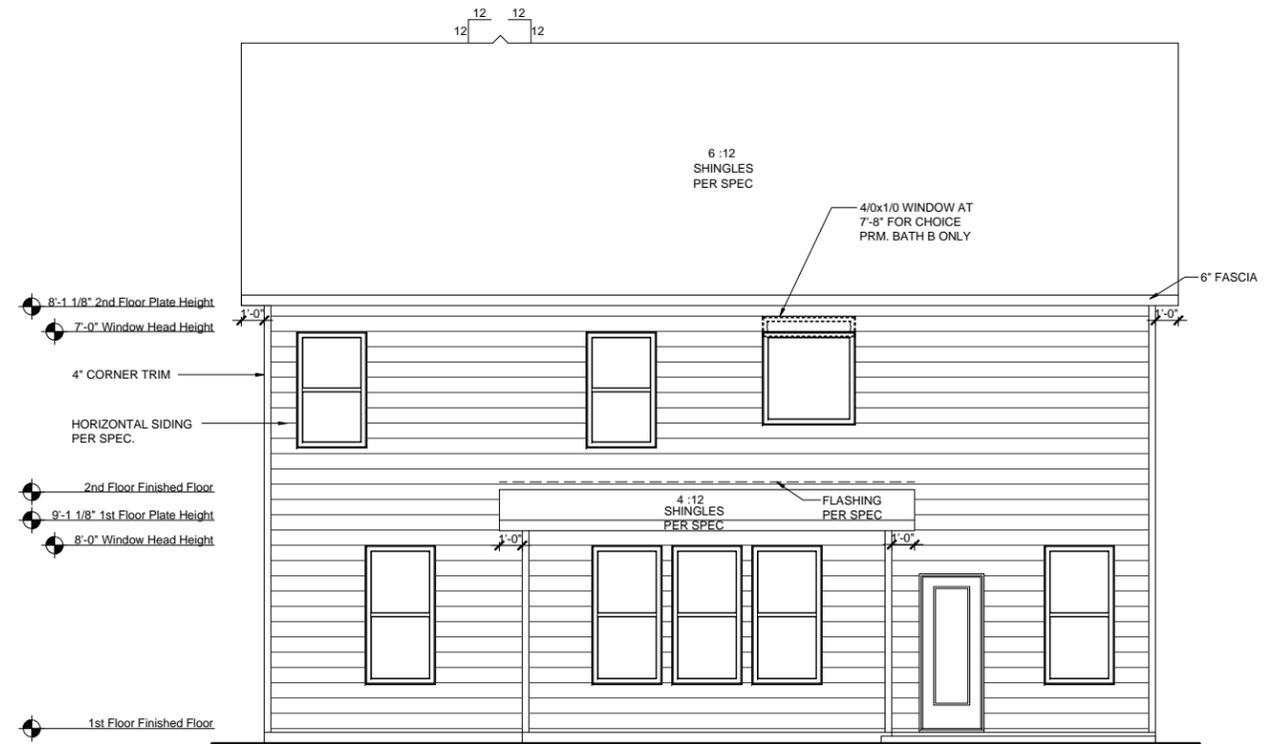
NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION FHL ON CRAWL SPACE
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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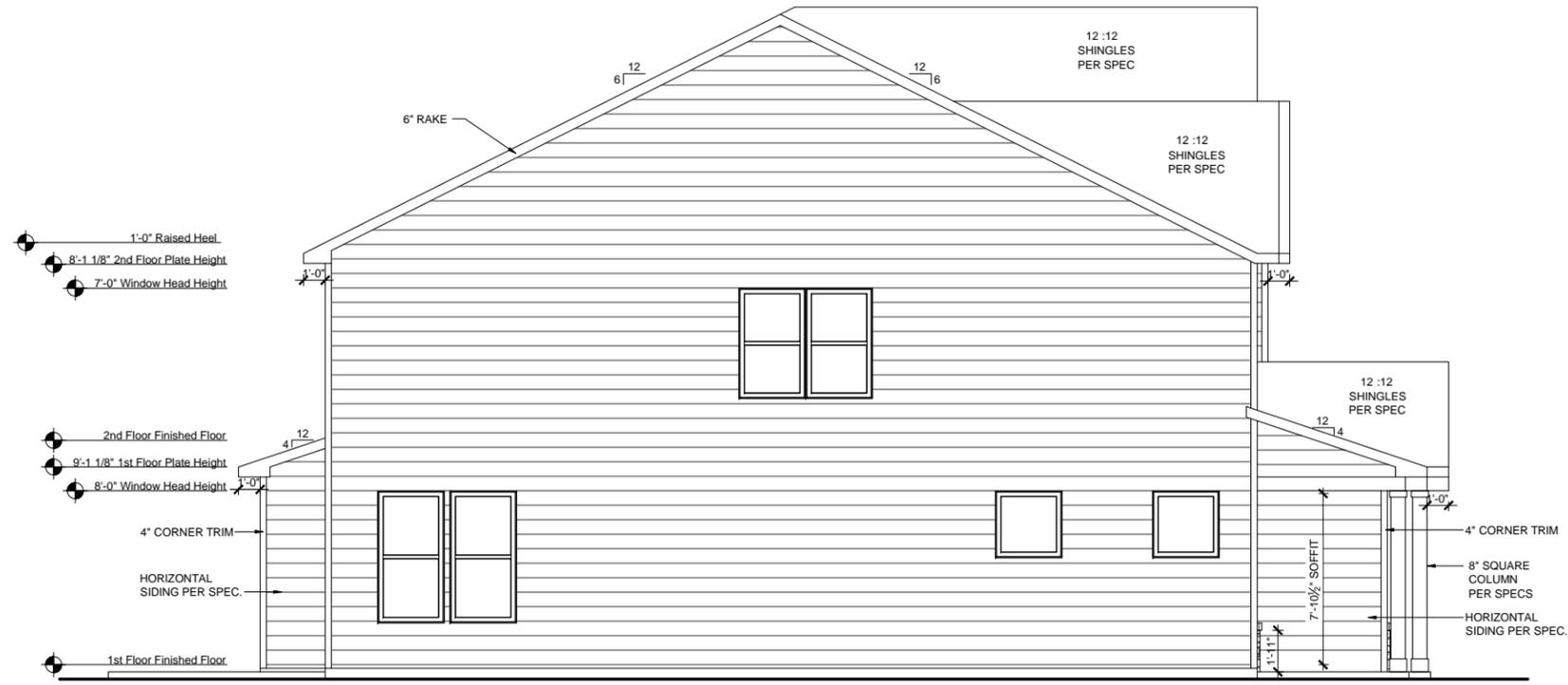
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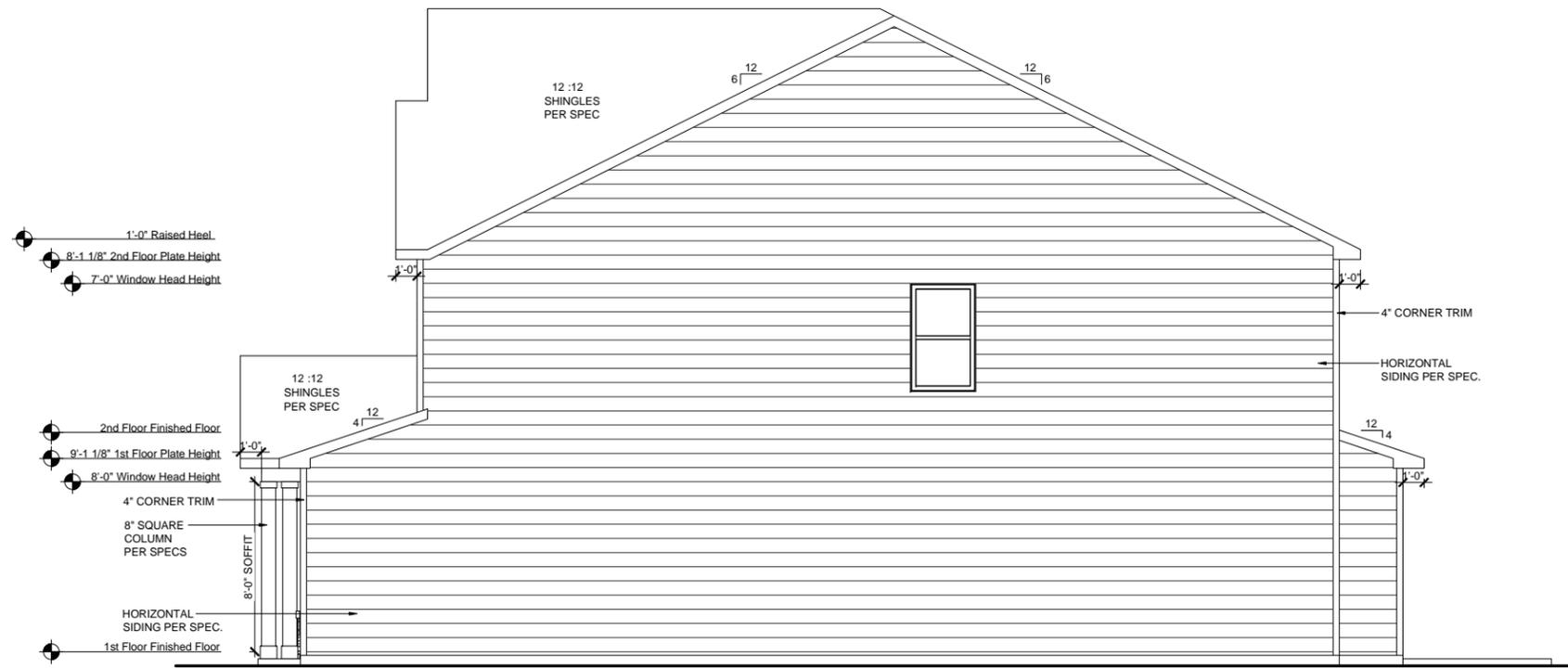
RLH V6431.3
Elevation Plans
Front Elevation FHL

drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:

A-3.2



LEFT ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

Plot Date: 7/22/2020 8:00:55 PM; By: Vinayak Dhargat

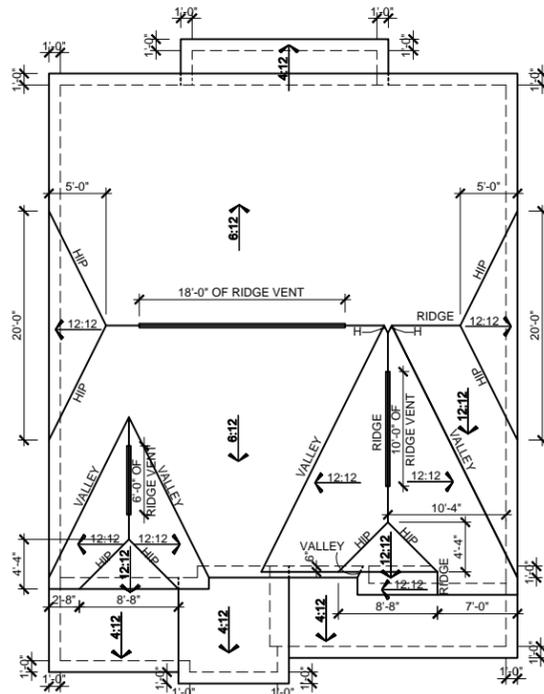
REV.	DATE
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1.2	03-24-20
1.3	07-22-20

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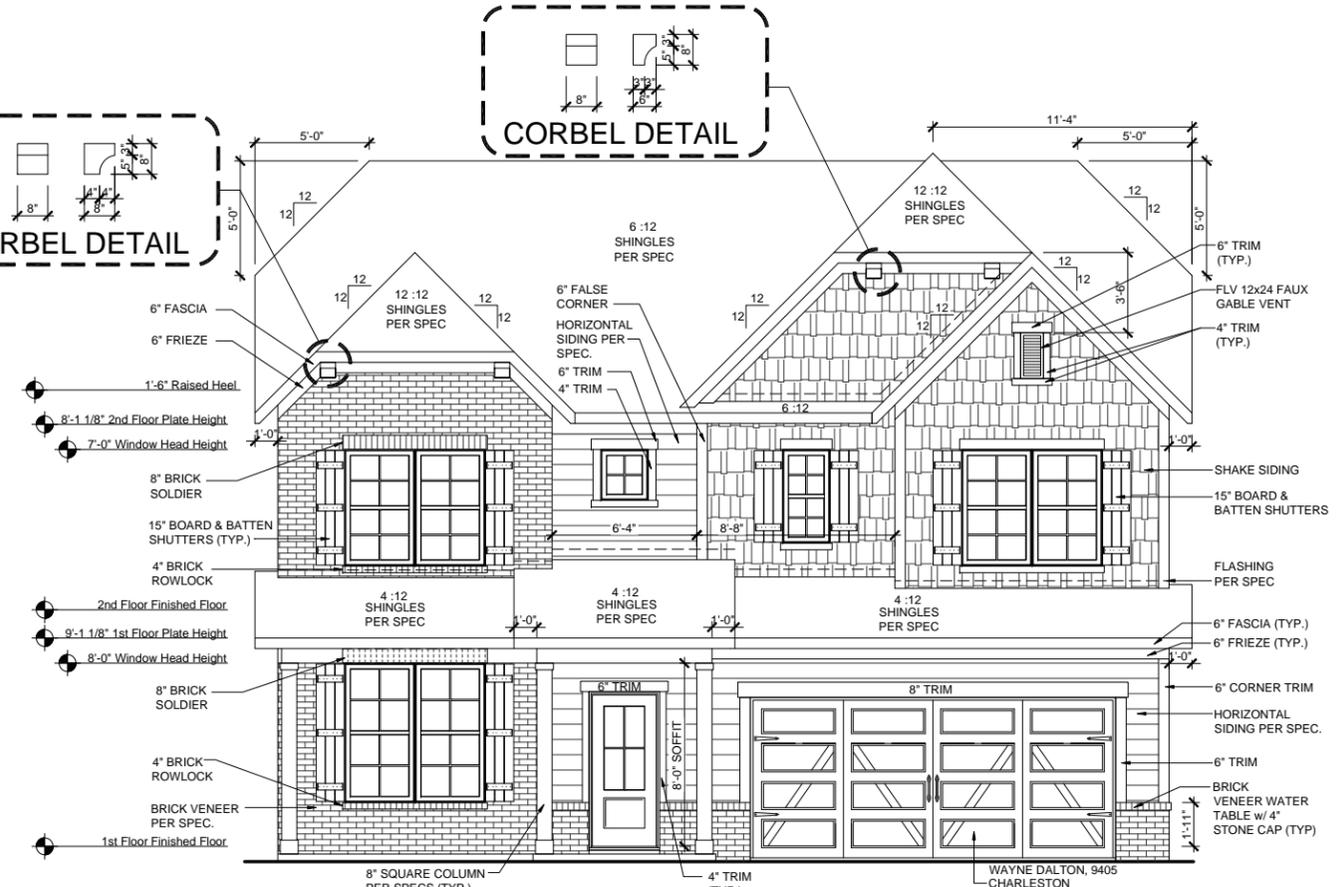
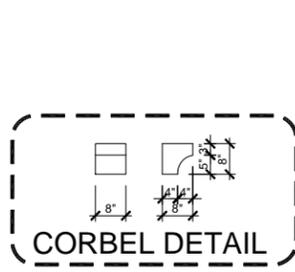
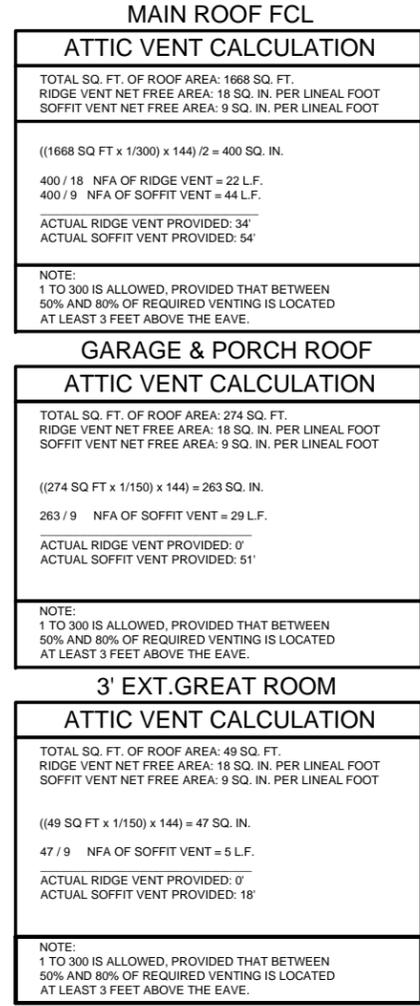


RLH V6431.3
Elevation Plans
Side Elevations FHL

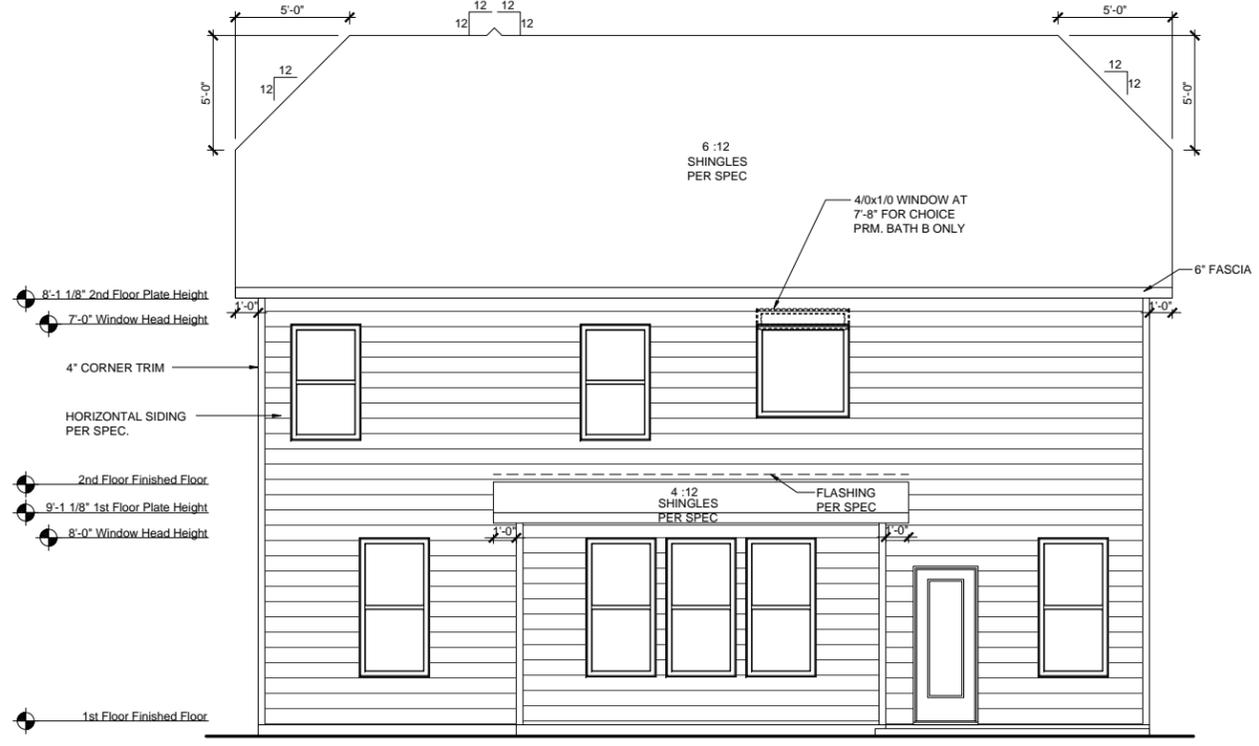
drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:
A-3.3



ROOF PLAN FCL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)



FRONT ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

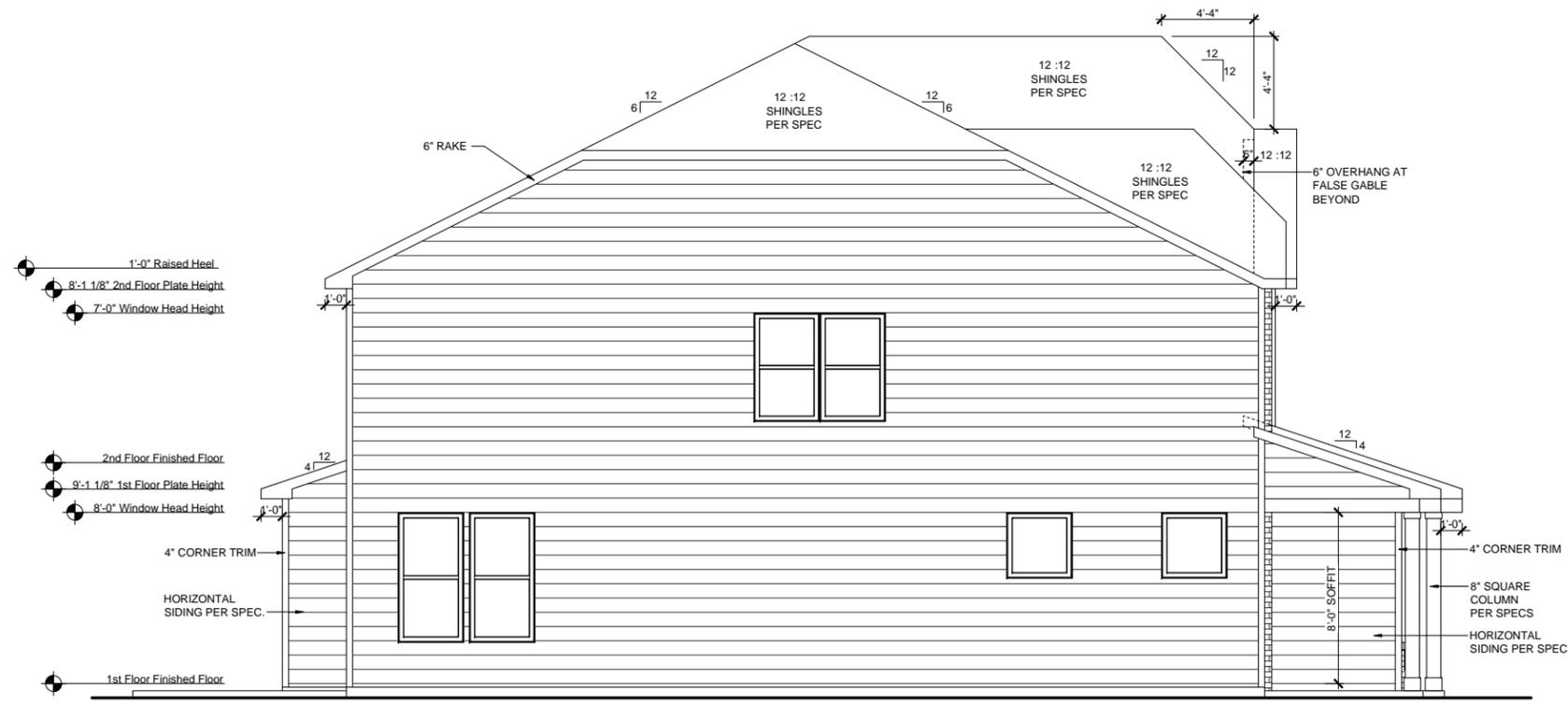
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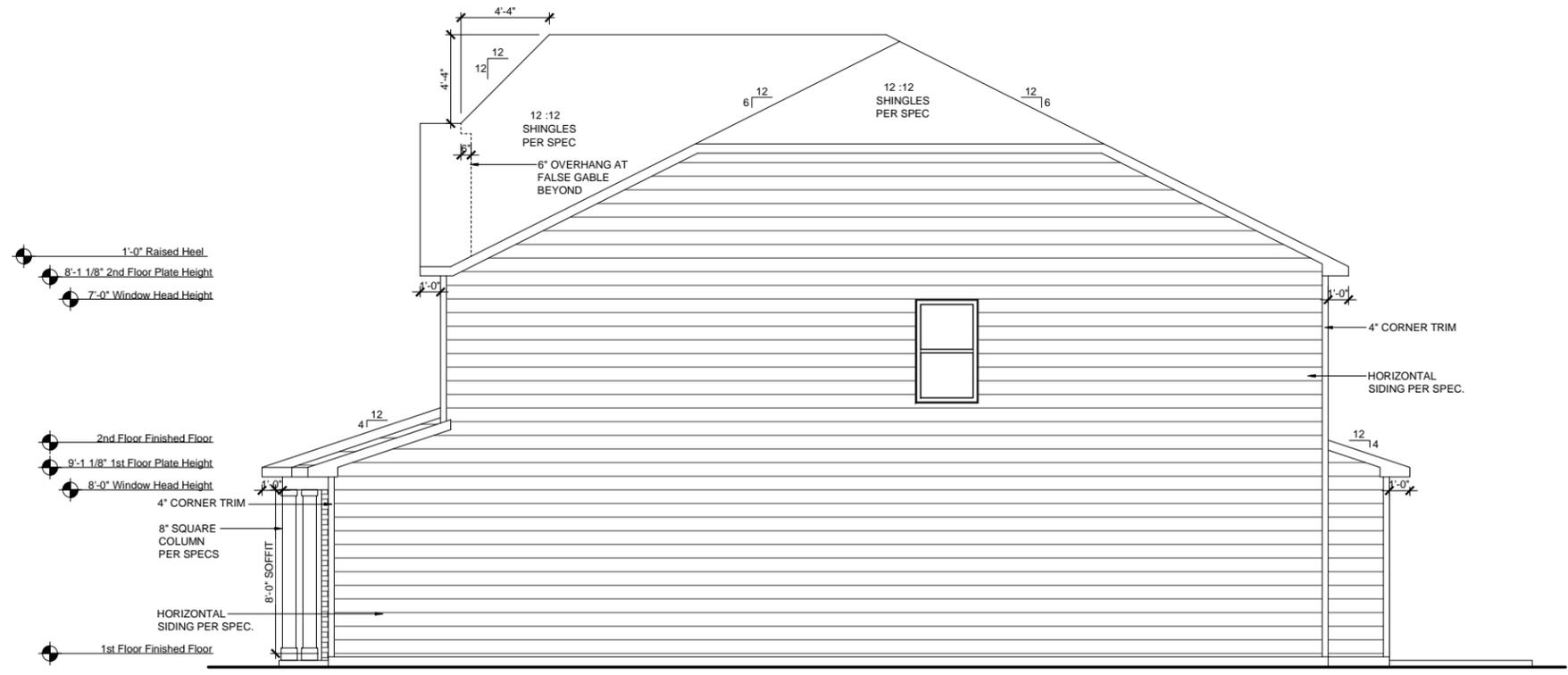
RLH V643 1.3
Elevation Plans
Front Elevation FCL

drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:

A-3.4



LEFT ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION FCL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

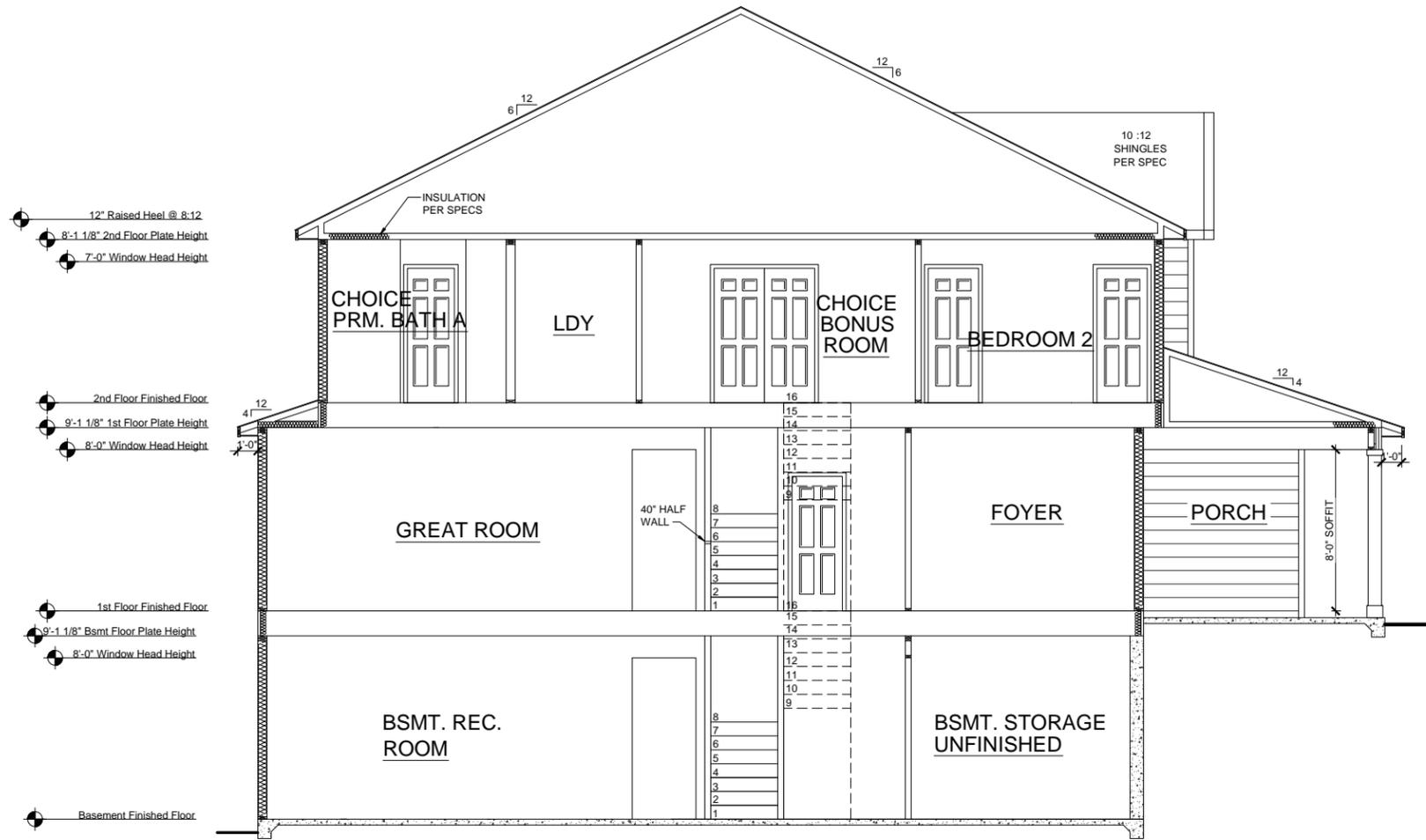
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RLH V6431.3
Elevation Plans
Side Elevations FCL

drawn by: XSI
 checked by: BZH
 date: 09/13/19
 sheet number:

A-3.5

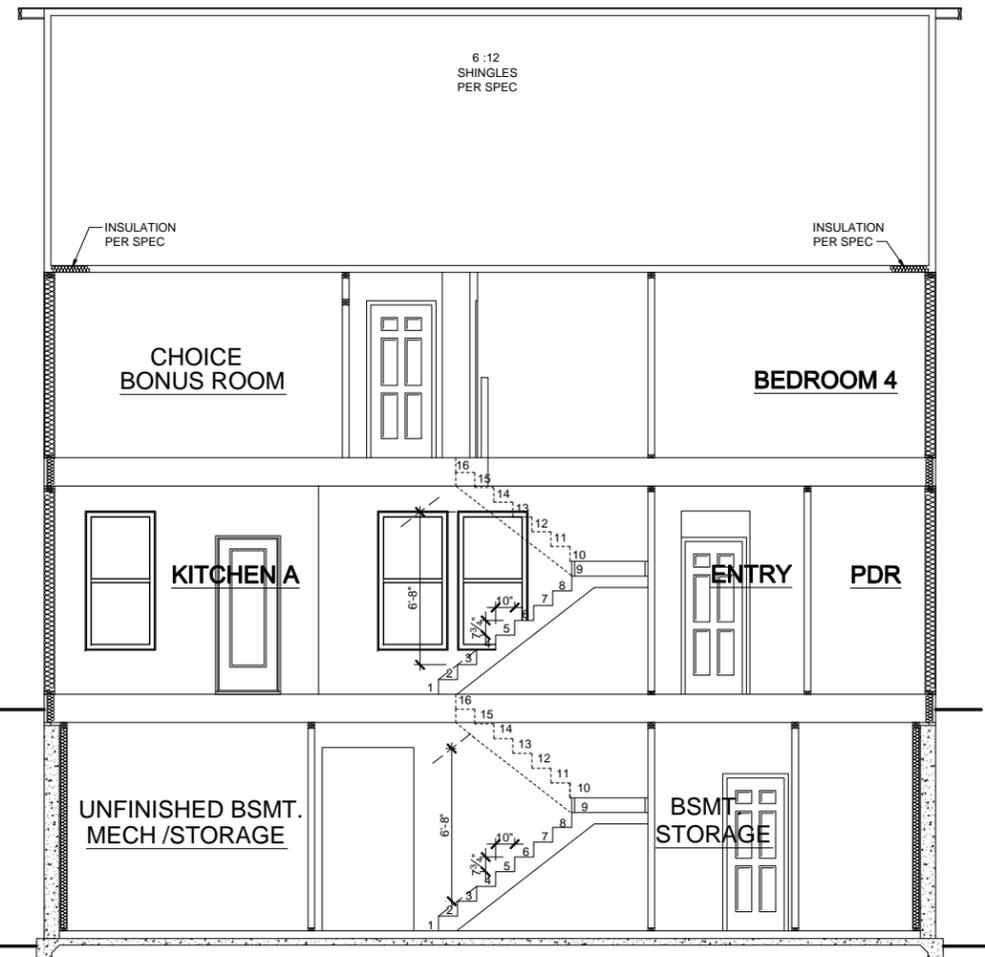


SECTION 1 w/ BASEMENT

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

- 12" Raised Heel @ 8:12
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor
- 9'-1 1/8" Bsmt Floor Plate Height
- 8'-0" Window Head Height
- Basement Finished Floor

- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor
- 9'-1 1/8" Bsmt Floor Plate Height
- 8'-0" Window Head Height
- Basement Finished Floor



SECTION 2 w/ BASEMENT

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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RLH V643 1.3
Typical Sections
Sections

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number:
A-4.1

Square Footage Options	
Area	Square Footage
Opt. Screened Porch	119 SF
Opt. Finished Basement Area	929 SF
Unfinished Basement Area	344 SF
Extended Patio/Deck	110 SF



**REAR ELEVATION
AT BASEMENT**
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.1	10-11-19
1.2	03-24-20
1.3	07-22-20

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RLH V643 1.3
Structural Options
Optional Basement Elevation

drawn by: XSI
checked by: BZH
date: 09/13/19
sheet number:
O-3.0



DOUGLAS RLH V648 THORNEBURY COMMUNITY

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	BEAZER HOMES RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	MULHERN & KULP ENGINEERING CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 PH: 770-777-0074

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC RESIDENTIAL CODE, SPECIFICALLY:
 - GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
 - ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
 - GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
 - DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan TRL
F-1.1	Slab Plan TRM
F-1.2	Slab Plan FHL/FHM
F-1.3	Slab Plan FCL
F-1.4	Slab Plan Options
A-1.0	First Floor Plan & Partial
A-2.0	Second Floor Plan & Partial
A-3.0	Front Elevation TRL
A-3.1	Side Elevation TRL
A-3.2	Front Elevation FHL
A-3.3	Side Elevation FHL
A-3.4	Front Elevation FCL
A-3.5	Side Elevation FCL
A-4.0	Typical Sections
O-1.0	Choice Options
O-2.0	Optional Screened Porch
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan
E-3.0	Option Electrical Plans

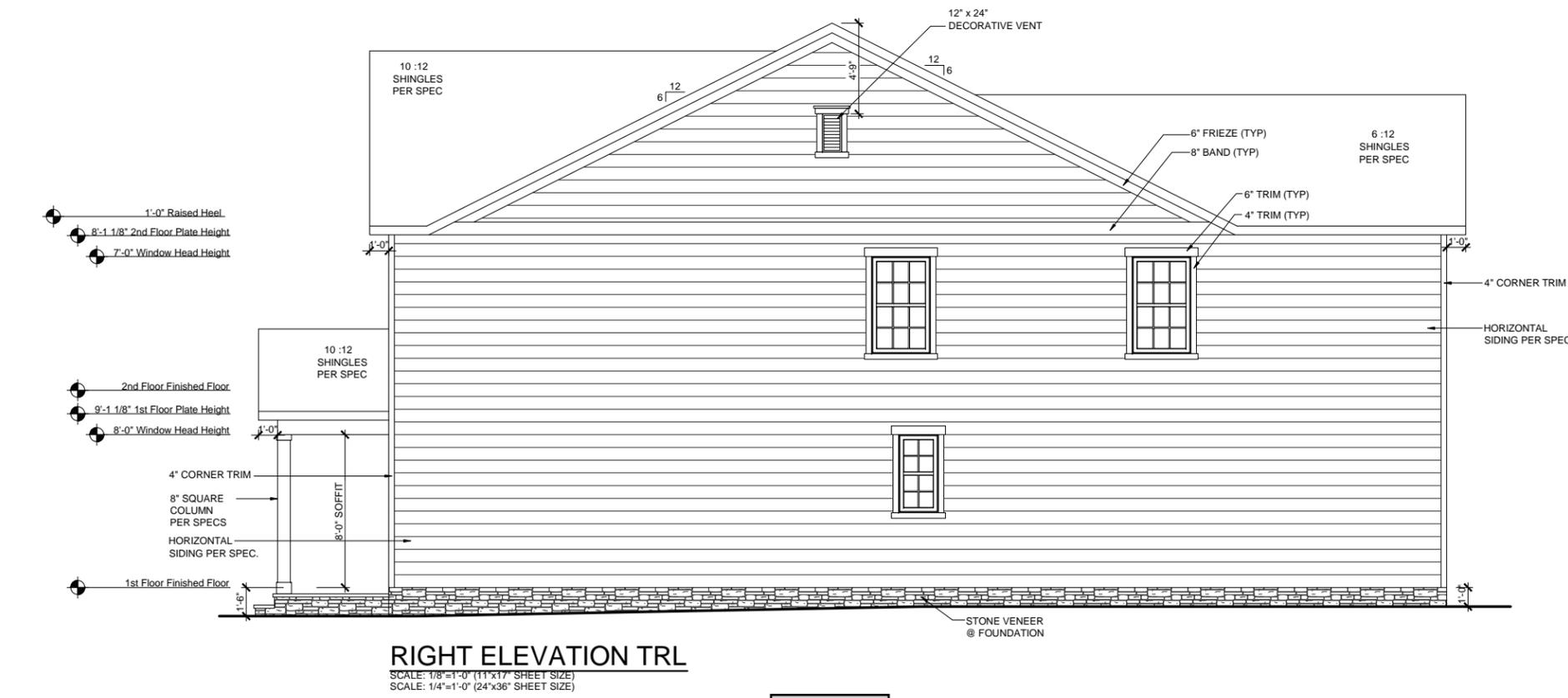
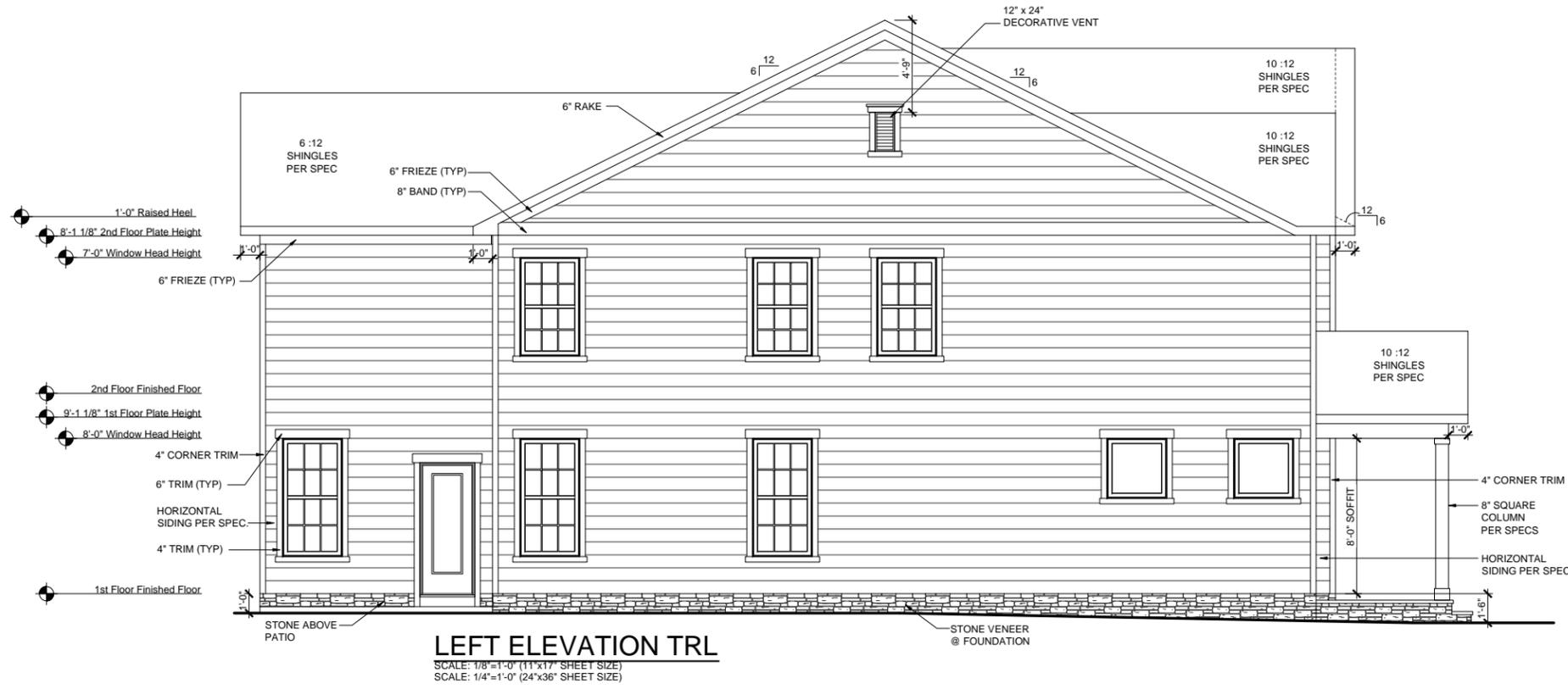
REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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THORNEBURY COMMUNITY
RLH V648 1.3
Cover Sheets
Cover Sheet

drawn by: XSI
 checked by: BZH
 date: 10/05/19
 sheet number:
CS-1.0



REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

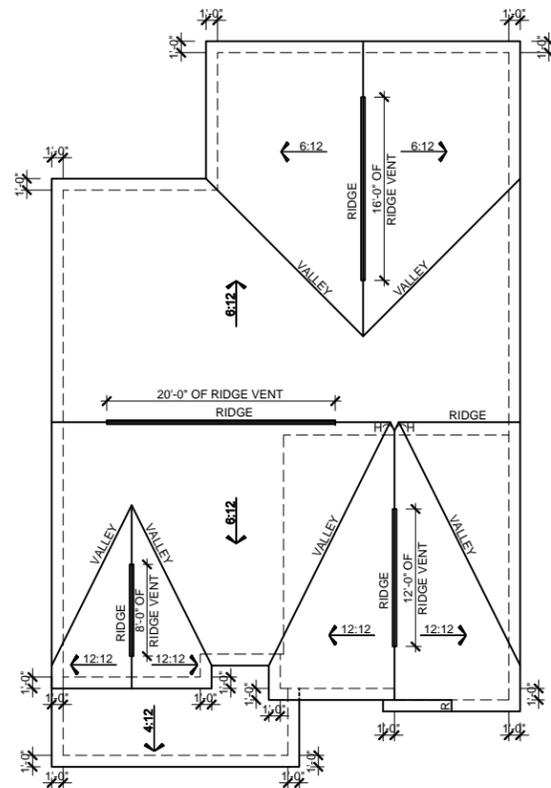
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RLH V648 1.3
Elevation Plans
Side Elevations TRL

drawn by: XSI
 checked by: BZH
 date: 10/05/19
 sheet number:
A-3.1

THORNEBURY COMMUNITY



ROOF PLAN FHL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FHL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1979 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((1979 \text{ SQ FT} \times 1/300) \times 144) / 2 = 475 \text{ SQ. IN.}$

475 / 18 NFA OF RIDGE VENT = 26 L.F.
 475 / 9 NFA OF SOFFIT VENT = 53 L.F.

ACTUAL RIDGE VENT PROVIDED: 56'
 ACTUAL SOFFIT VENT PROVIDED: 49'

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

PORCH ROOF

ATTIC VENT CALCULATION

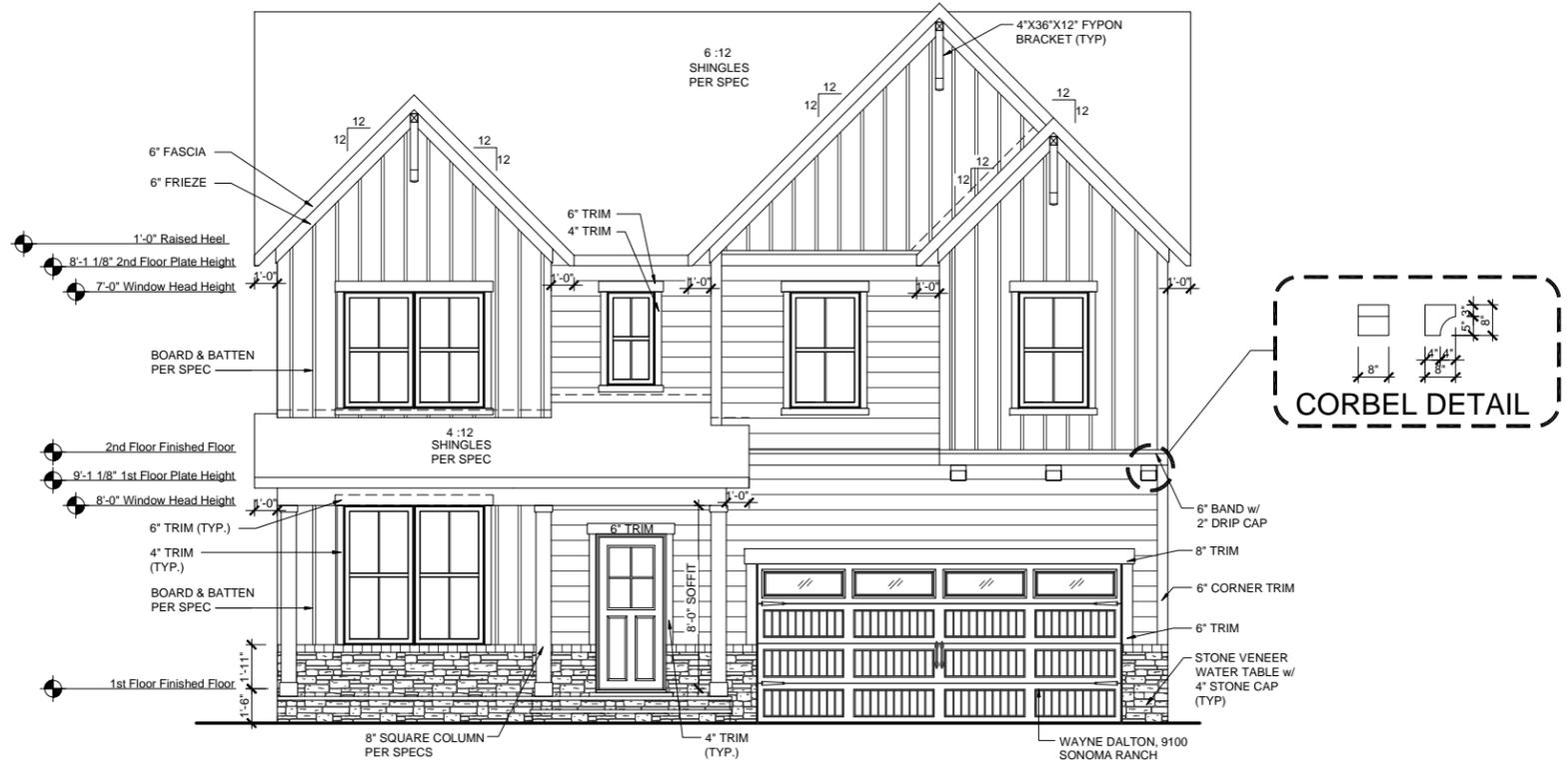
TOTAL SQ. FT. OF ROOF AREA: 148 SQ. FT.
 RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
 SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((148 \text{ SQ FT} \times 1/150) \times 144) = 142 \text{ SQ. IN.}$

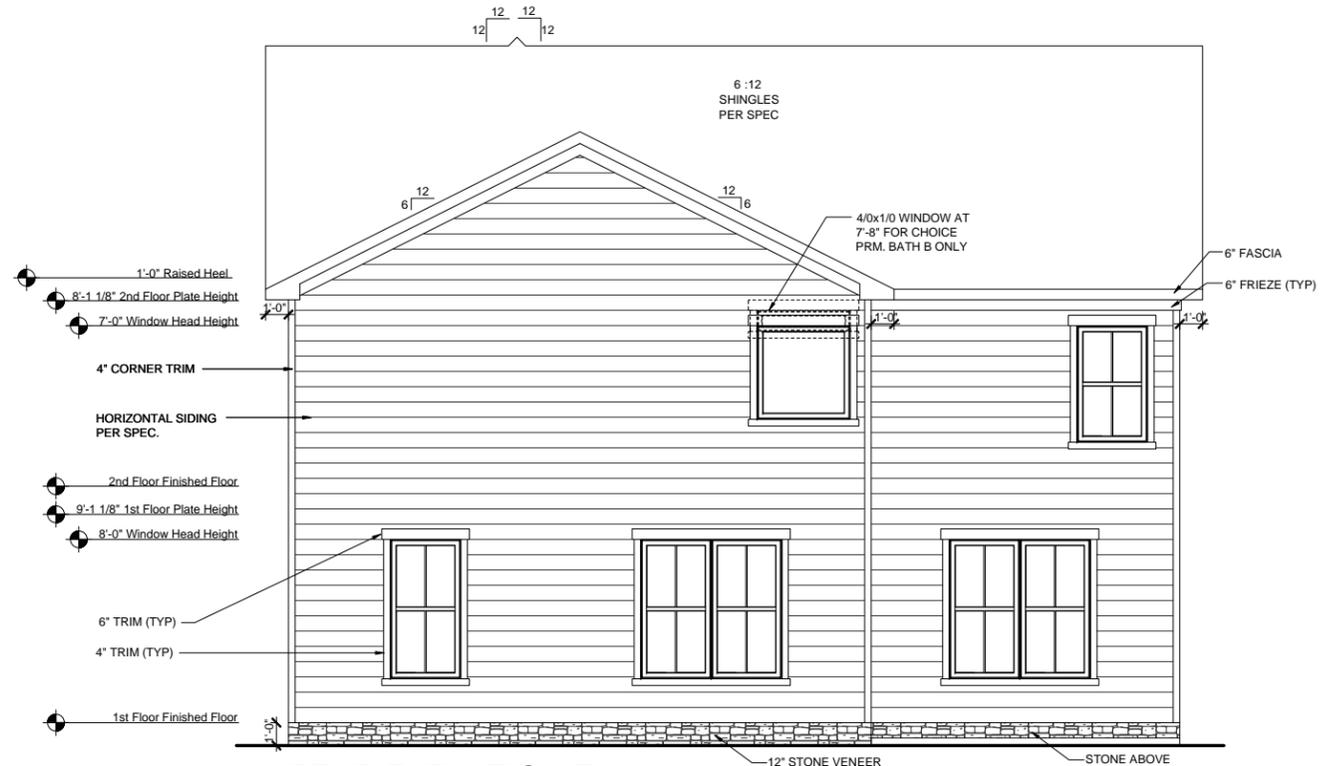
142 / 9 NFA OF SOFFIT VENT = 16 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
 ACTUAL SOFFIT VENT PROVIDED: 22'

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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THORNBURY COMMUNITY

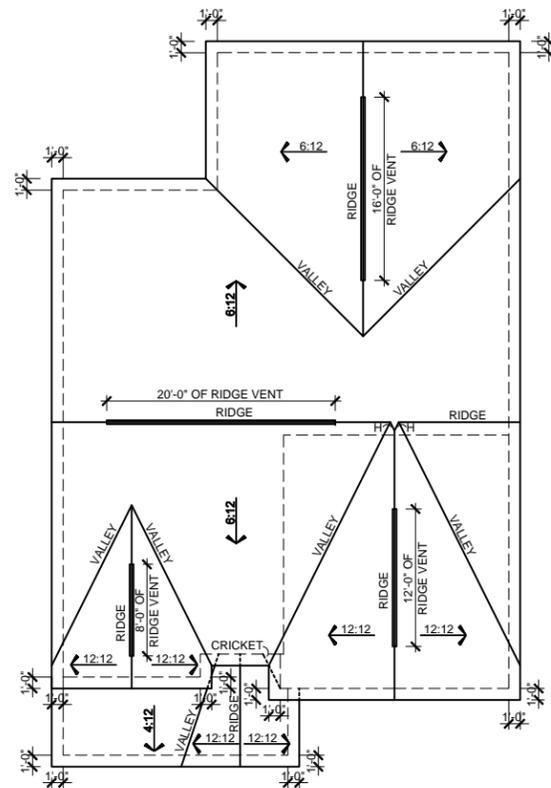
RLH V648 1.3

Elevation Plans

Front Elevation FHL

drawn by: XSI
 checked by: BZH
 date: 10/05/19
 sheet number:

A-3.2



ROOF PLAN FCL
SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF FCL

ATTIC VENT CALCULATION

TOTAL SQ. FT. OF ROOF AREA: 1969 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((1969 \text{ SQ FT} \times 1/300) \times 144) / 2 = 473 \text{ SQ. IN.}$

473 / 18 NFA OF RIDGE VENT = 26 L.F.
473 / 9 NFA OF SOFFIT VENT = 53 L.F.

ACTUAL RIDGE VENT PROVIDED: 56'
ACTUAL SOFFIT VENT PROVIDED: 48'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

PORCH ROOF

ATTIC VENT CALCULATION

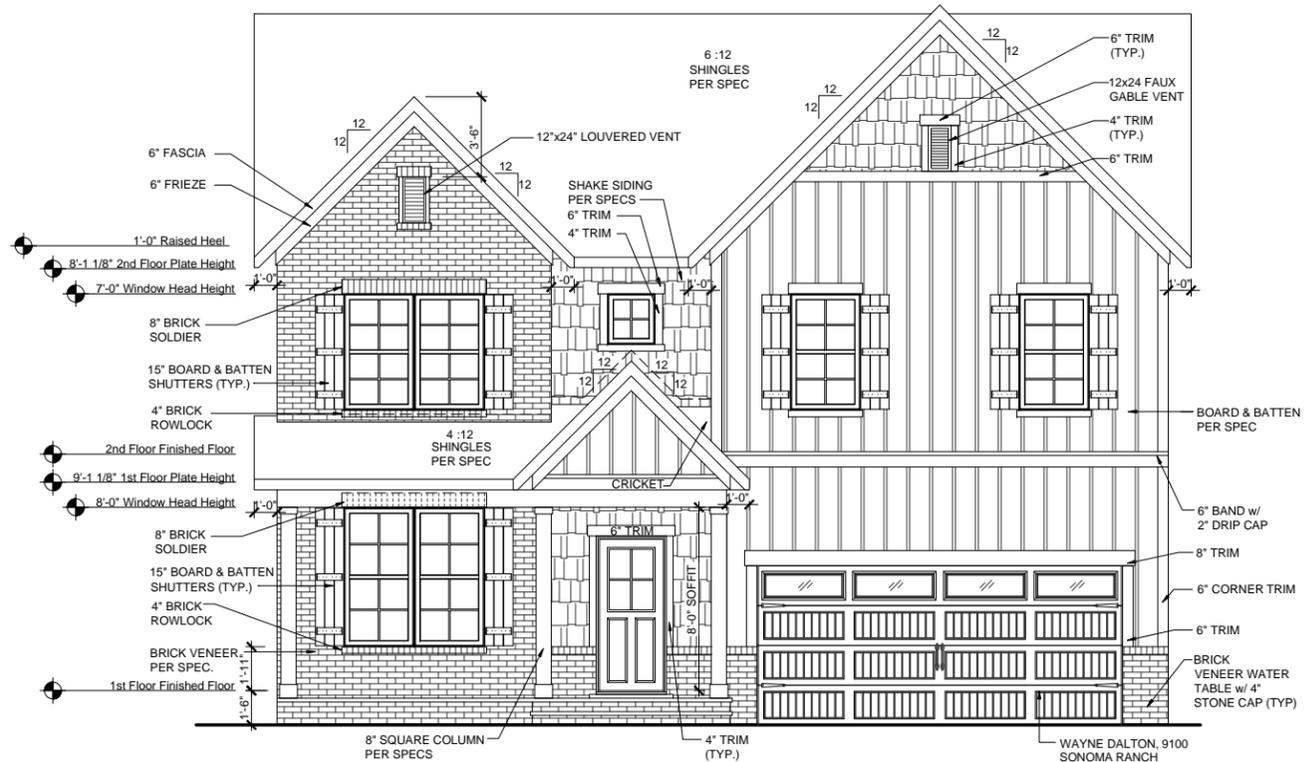
TOTAL SQ. FT. OF ROOF AREA: 148 SQ. FT.
RIDGE VENT NET FREE AREA: 18 SQ. IN. PER LINEAL FOOT
SOFFIT VENT NET FREE AREA: 9 SQ. IN. PER LINEAL FOOT

$((148 \text{ SQ FT} \times 1/150) \times 144) = 142 \text{ SQ. IN.}$

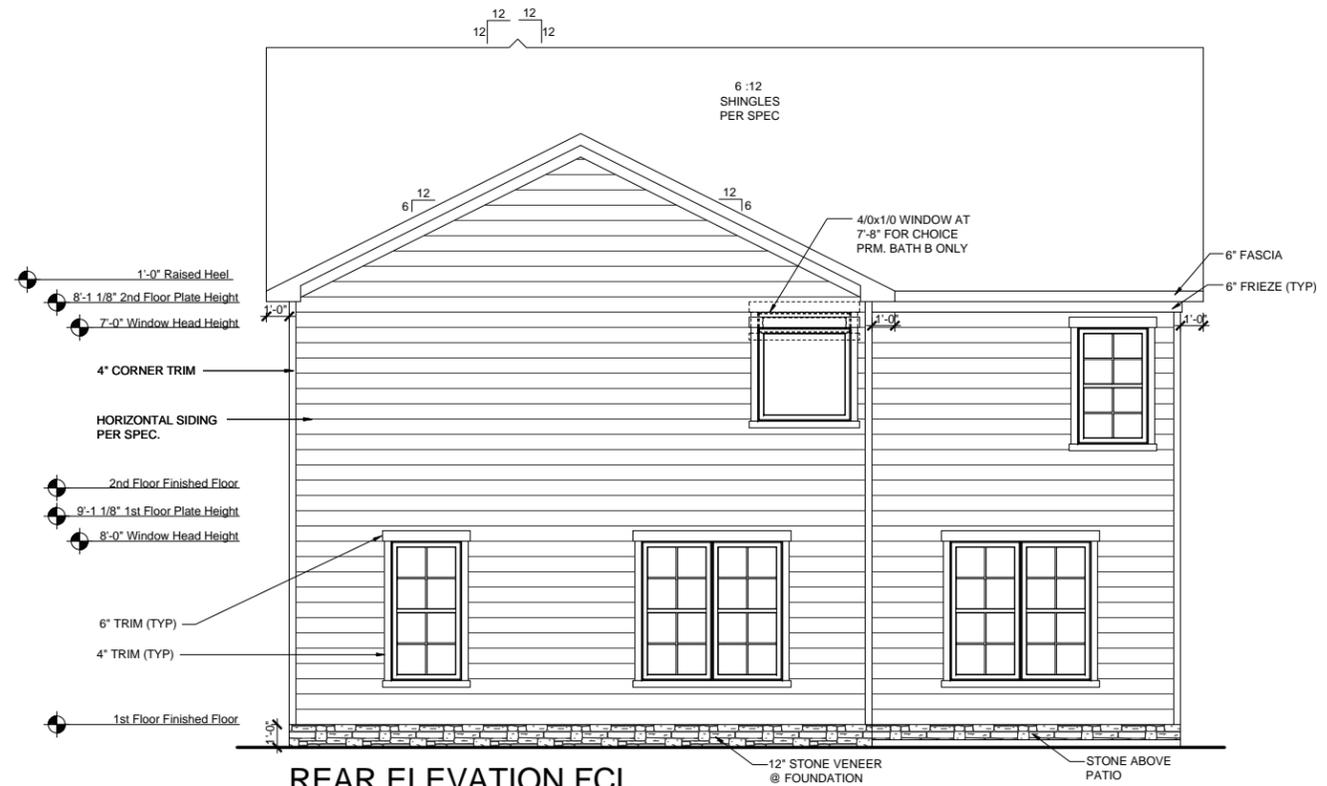
142 / 9 NFA OF SOFFIT VENT = 16 L.F.

ACTUAL RIDGE VENT PROVIDED: 0'
ACTUAL SOFFIT VENT PROVIDED: 18'

NOTE:
1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 50% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION FCL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION FCL
SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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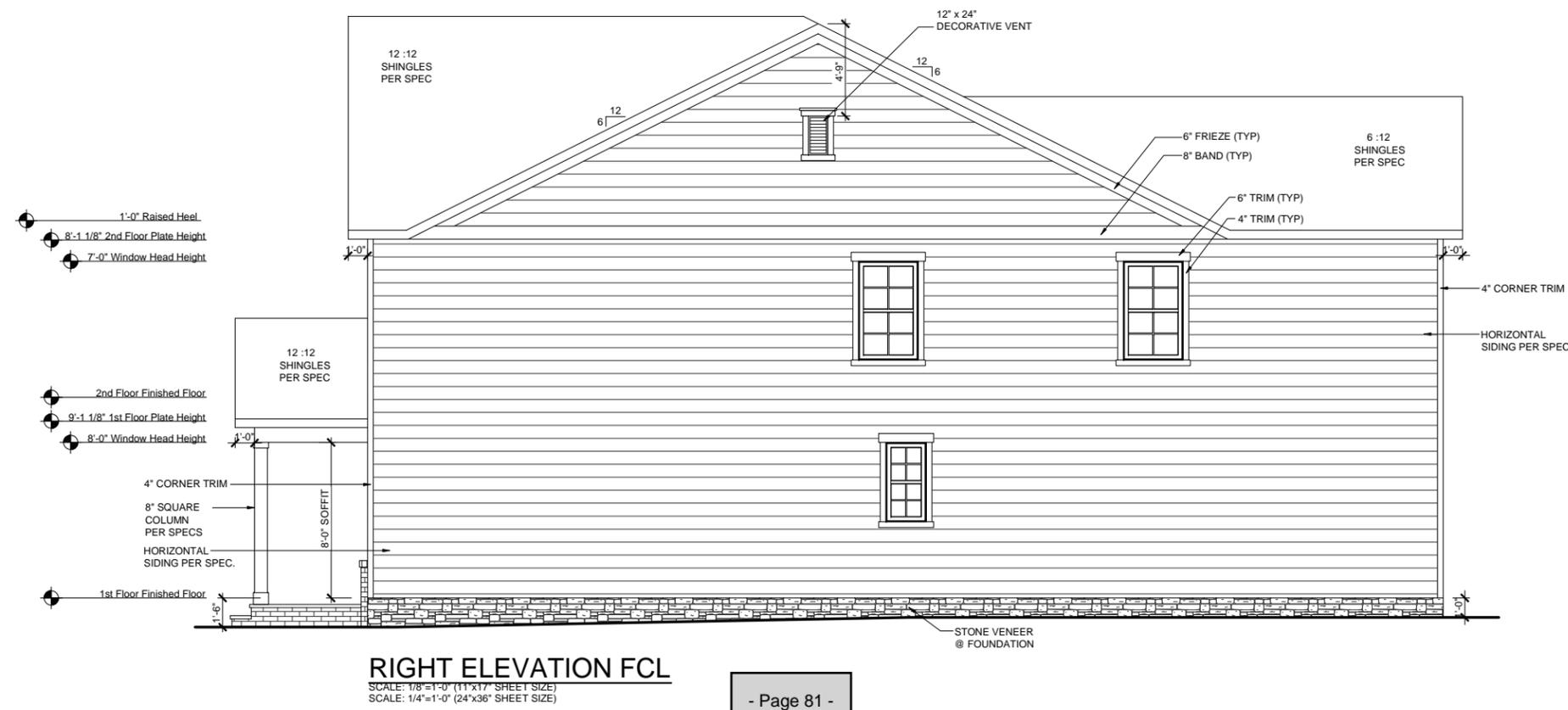
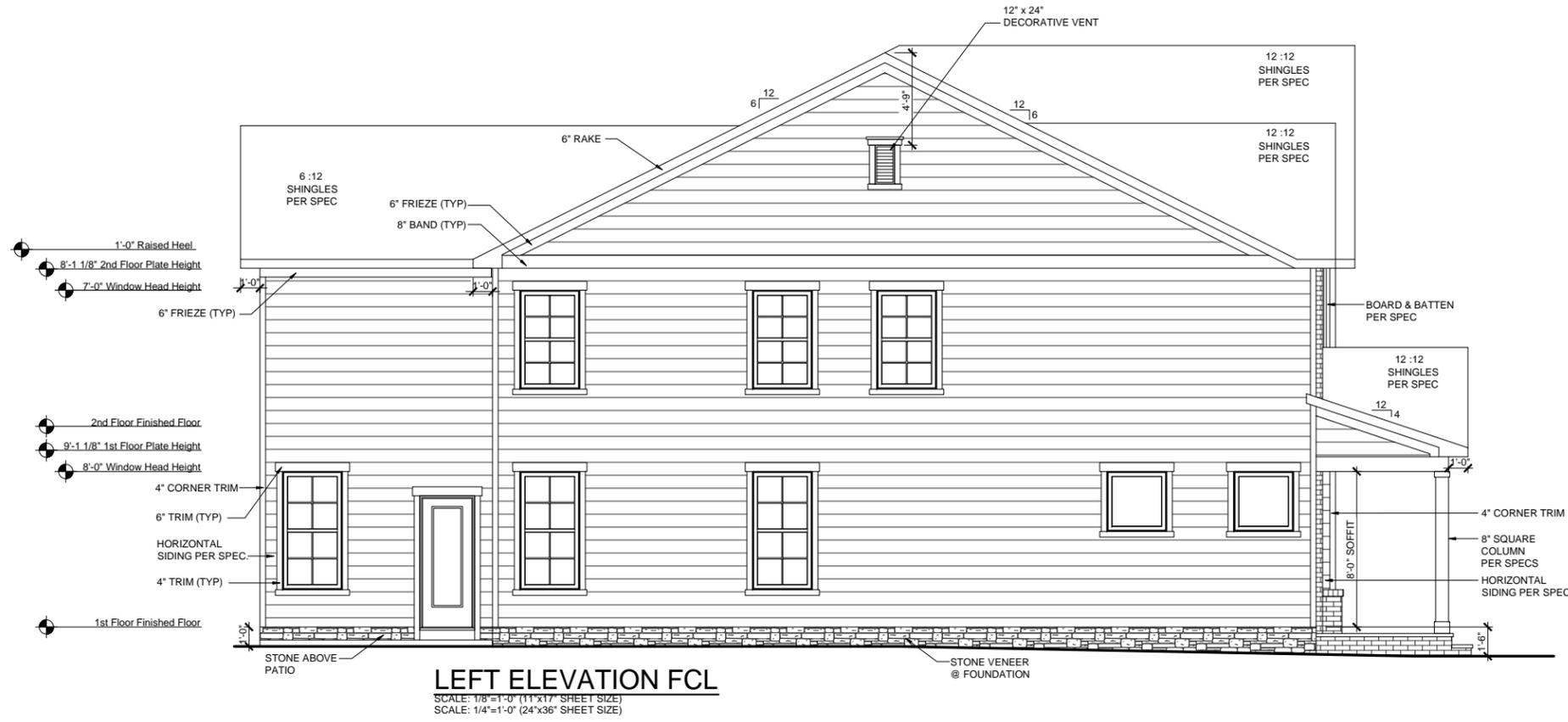
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RLH V648 1.3
Elevation Plans
Front Elevation FCL

drawn by: XSI
checked by: BZH
date: 10/05/19
sheet number:
A-3.4

THORNBURY COMMUNITY



Plot Date: 2/24/2021 11:21:57 AM; By: AMD

REV.	DATE
1.2	07-01-2020
1.3	14-10-2020
1.3	02-24-2021

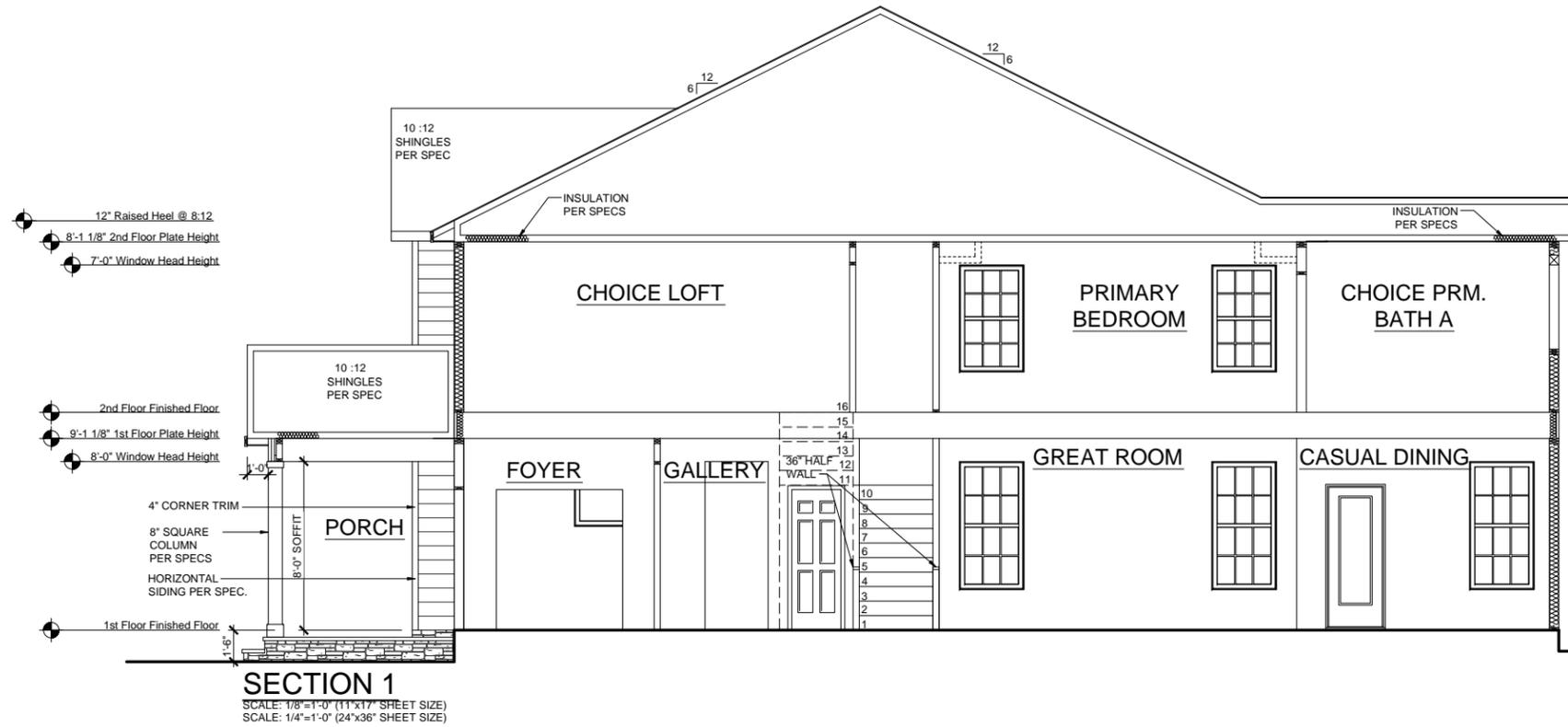
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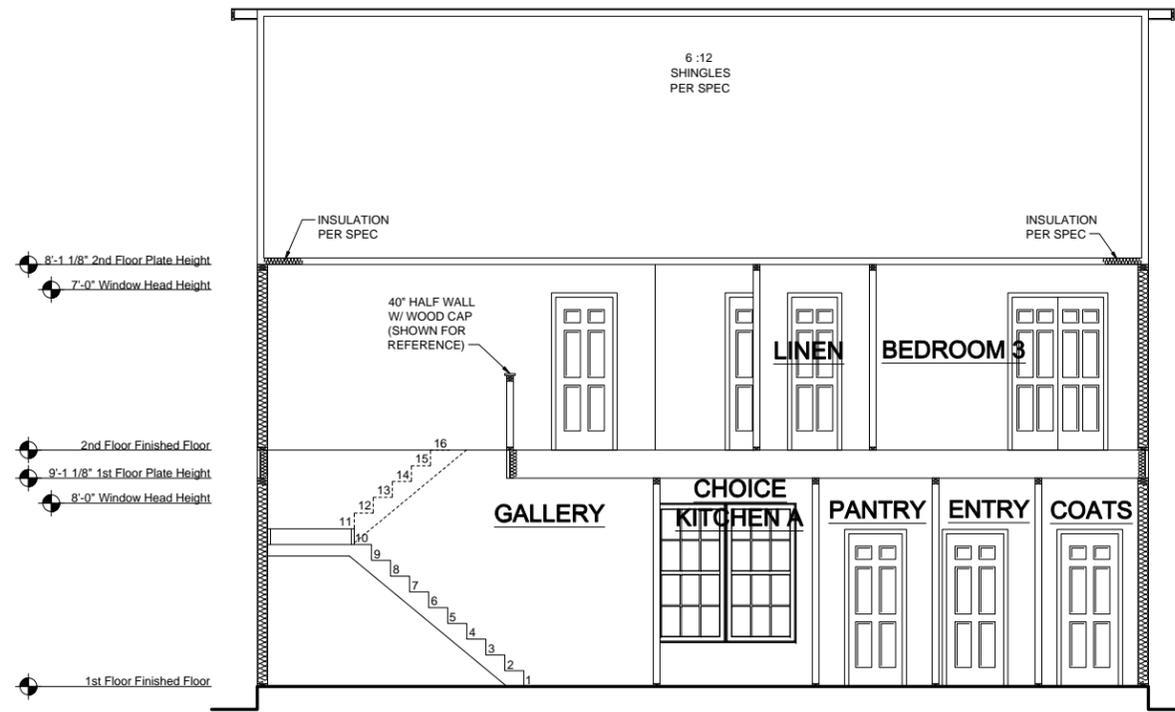
RLH V648 1.3
Elevation Plans
Side Elevations FCL

drawn by: XSI
 checked by: BZH
 date: 10/05/19
 sheet number:
A-3.5

THORNBURY COMMUNITY



SECTION 1
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.2	07-01-2020
1.2	14-10-2020
1.3	02-24-2021

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RLH V648 1.3
Typical Sections
Sections

drawn by: XSI
 checked by: BZH
 date: 10/05/19
 sheet number:
A-4.0

THORNEBURY COMMUNITY

Building 1 elev DWN





**T477 PARKER
FRONT ELEVATION - FHL**
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)

**T439 BRAXTON
FRONT ELEVATION - FHL**
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)

**T433 ADDISON
FRONT ELEVATION - ACL**
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)

**T437 MAXWELL
FRONT ELEVATION - ACL**
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)

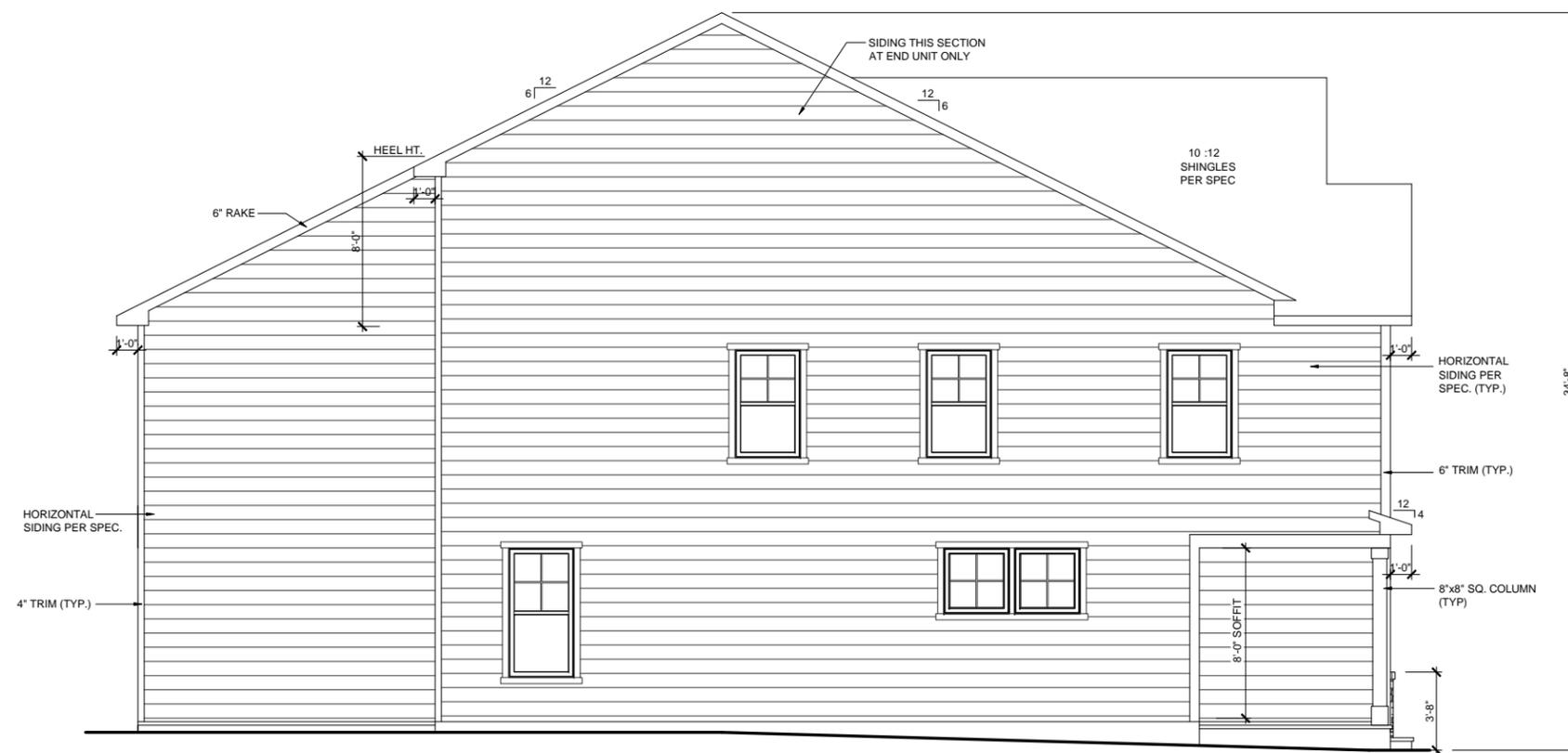


26' TH SERIES

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

FRONT ELEVATION

DATE: 4-30-2021



LEFT ELEVATION
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

- 1'-0" Raised Heel
- 8'-1 1/8" 2nd Floor Plate Height
- 6'-1 1/8" Window Head Height

- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height

- 1st Floor Finished Floor



RIGHT ELEVATION
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

- 8'-1 1/8" 2nd Floor Plate Height
- 6'-1 1/8" Window Head Height

- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height

- 1st Floor Finished Floor



26' TH SERIES

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

SIDE ELEVATIONS

DATE: 4-30-2021



REAR ELEVATION
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Addison

4 beds / 3 baths
2,148 sq. ft.
2-car garage



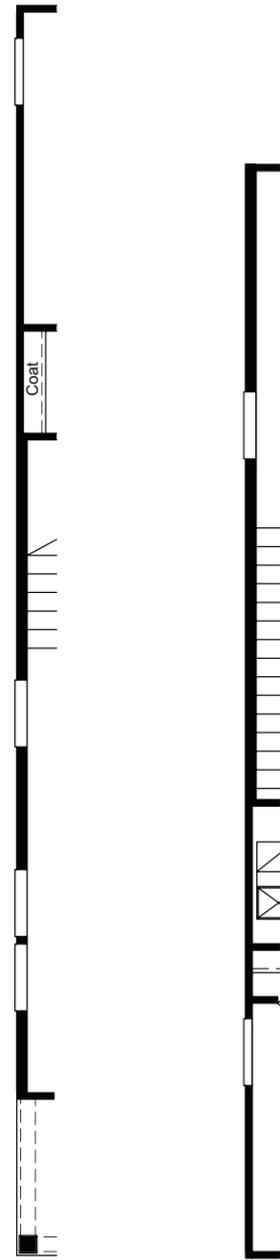
Arts & Crafts L Exterior



Farmhouse L Exterior

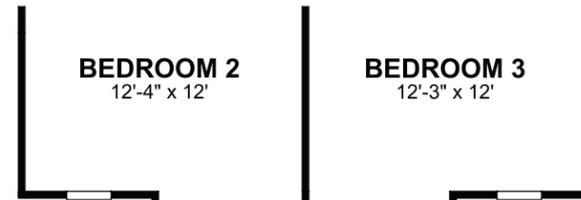


Traditional L Exterior

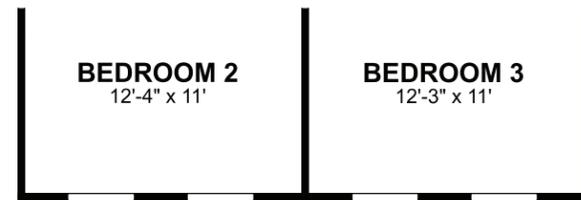


Opt End Unit
First Floor

Opt End Unit
Second Floor



Opt Elevation ACL



Opt Elevation FHL

Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door Dotted Lines Denote Optional Items
W - Washer	----- Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	

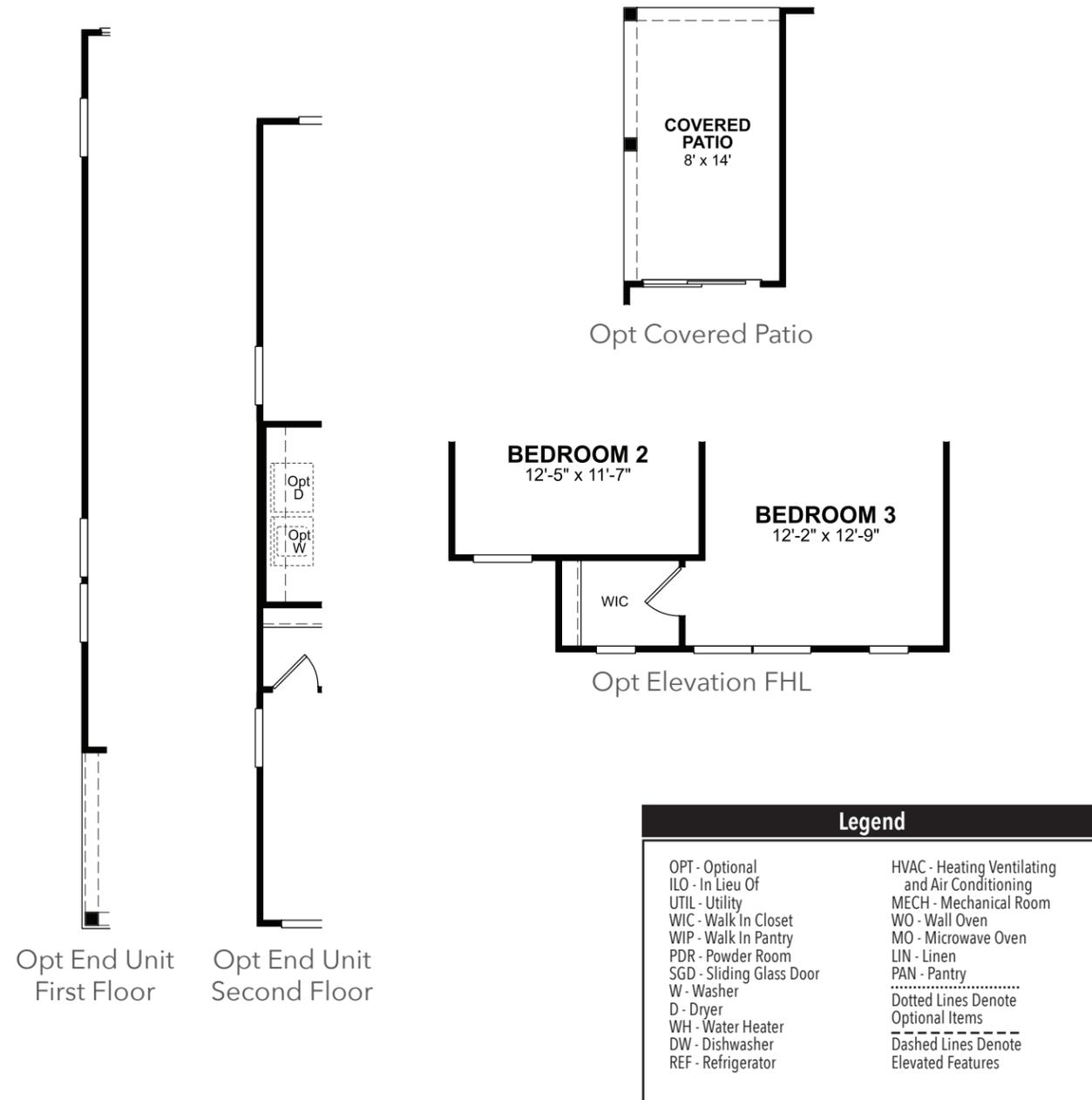
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Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Braxton

3 beds / 2.5 baths
2,282 sq. ft.
2-car garage



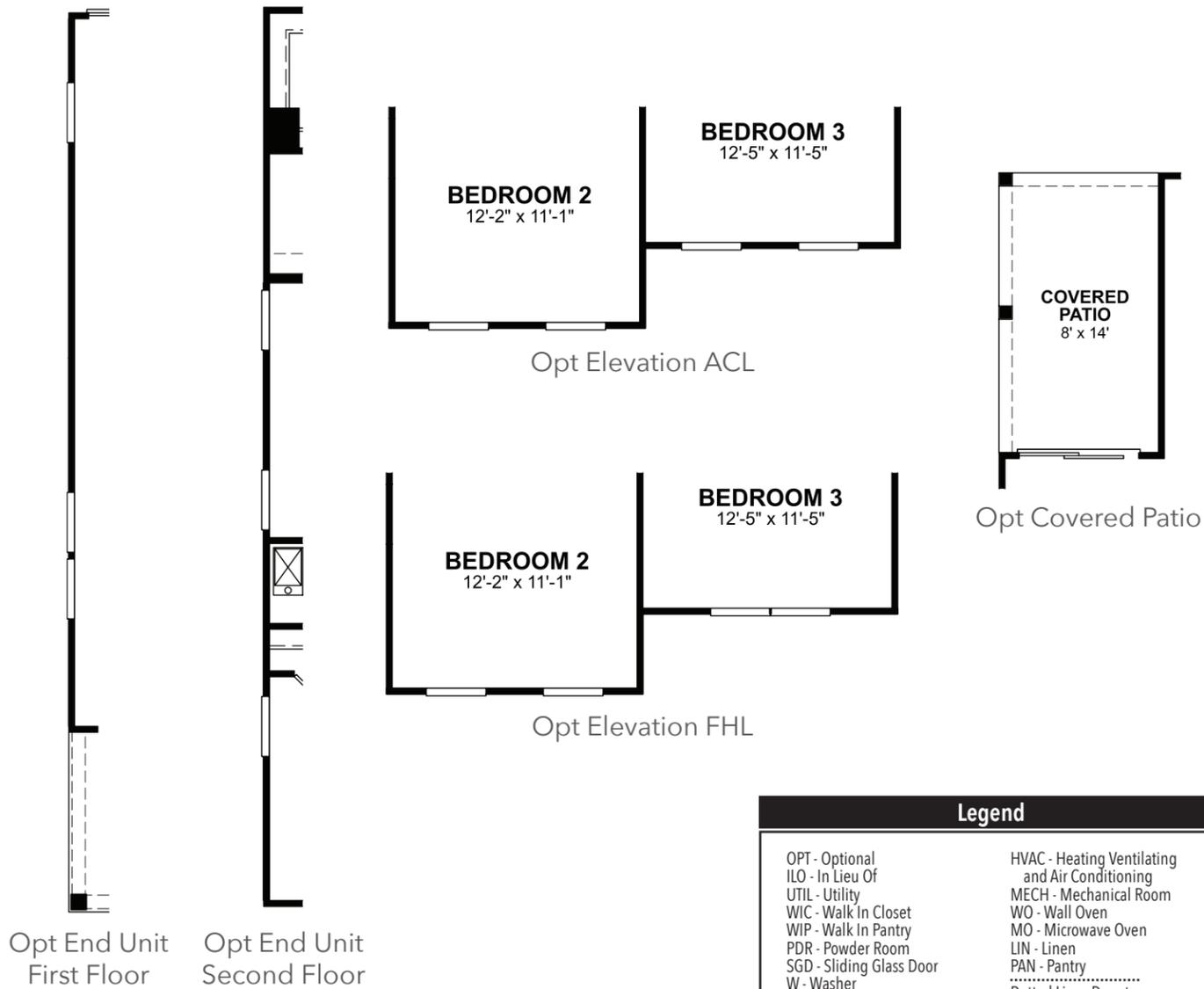
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Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Legend	
OPT - Optional	HVAC - Heating Ventilating and Air Conditioning
ILO - In Lieu Of	MECH - Mechanical Room
UTIL - Utility	WO - Wall Oven
WIC - Walk In Closet	MO - Microwave Oven
WIP - Walk In Pantry	LIN - Linen
PDR - Powder Room	PAN - Pantry
SGD - Sliding Glass Door Dotted Lines Denote Optional Items
W - Washer	----- Dashed Lines Denote Elevated Features
D - Dryer	
WH - Water Heater	
DW - Dishwasher	
REF - Refrigerator	



Maxwell

3 beds / 2.5 baths
2,207 sq. ft.
2-car garage



Arts & Crafts L Exterior



Farmhouse L Exterior



Traditional L Exterior

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Paid Options

Structural options that add square footage or other structure (s) to the home for a fee



Parker

3-4 beds / 2.5-3.5 baths
2,623 sq. ft.
2-car garage



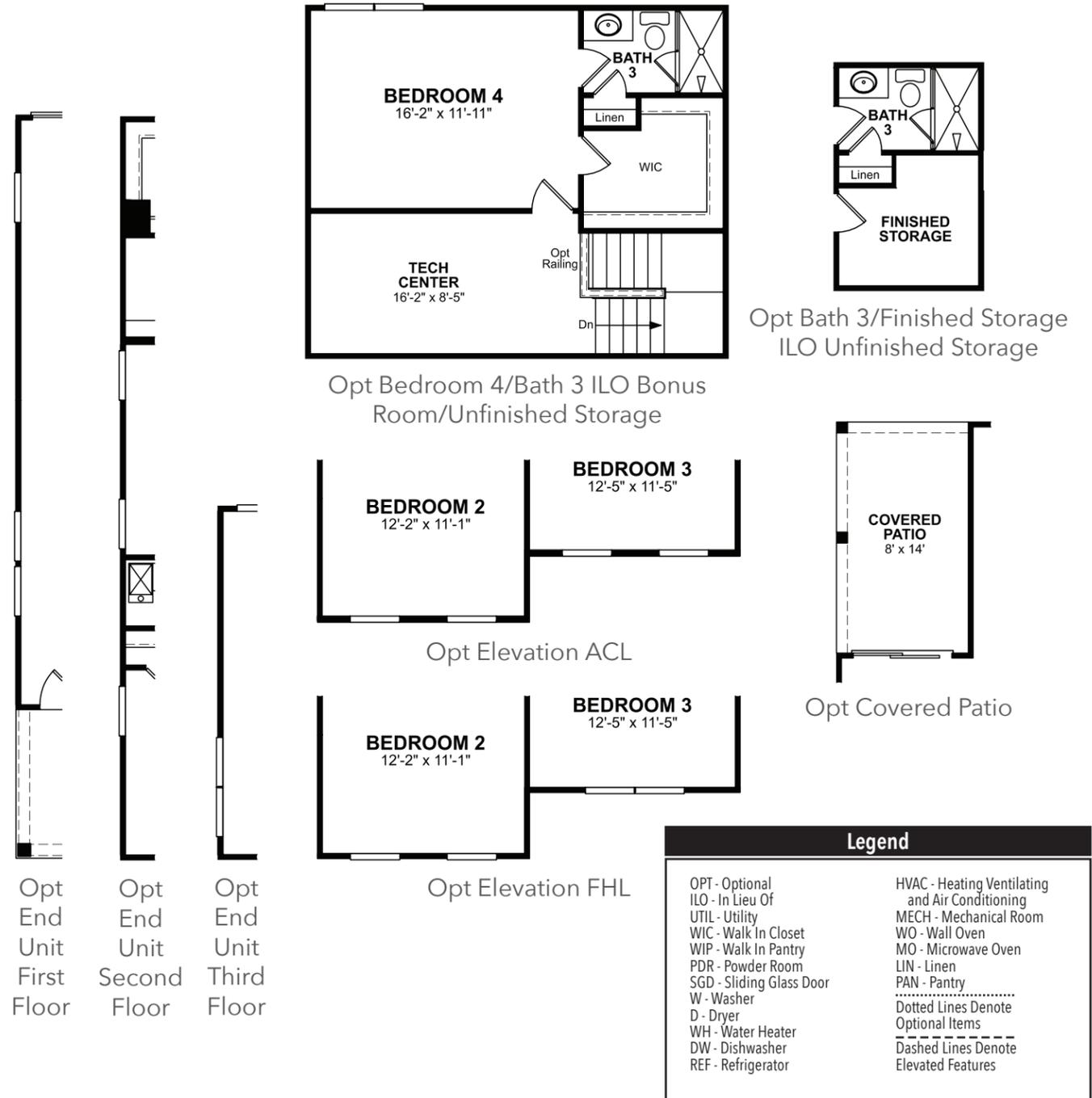
Arts & Crafts L Exterior



Farmhouse L Exterior



Traditional L Exterior



Opt End Unit First Floor
Opt End Unit Second Floor
Opt End Unit Third Floor

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BEAZER HOMES

ADDISON RLH T433

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan - TRL
F-1.1	Slab Plan - ACL
F-1.2	Slab Plan - FHL
A-1.0	First Floor Plan
A-1.1	First Floor Partial
A-2.0	Second Floor Plan
A-2.1	Second Floor Partial
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	First Floor Electrical Plan
E-2.0	Second Floor Electrical Plan

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
<p>BEAZER HOMES</p> <p>PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328</p> <p>PH: 770-392-2100</p>	<p>BEAZER HOMES</p> <p>DIVISION ADDRESS ADDRESS CITY, STATE ZIP</p> <p>CONTACT: PH: NUMBER FAX: NUMBER</p>	<p>CONSULTANT</p> <p>ADDRESS ADDRESS CITY, STATE ZIP</p> <p>PH: NUMBER FAX: NUMBER</p>

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

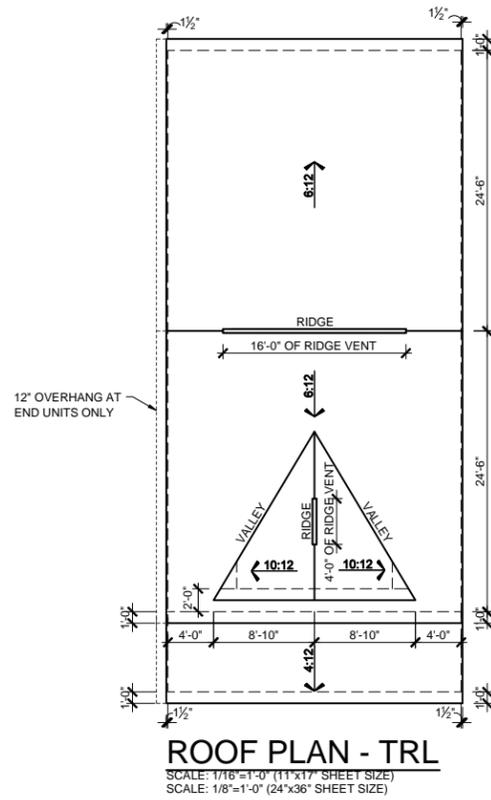
ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER



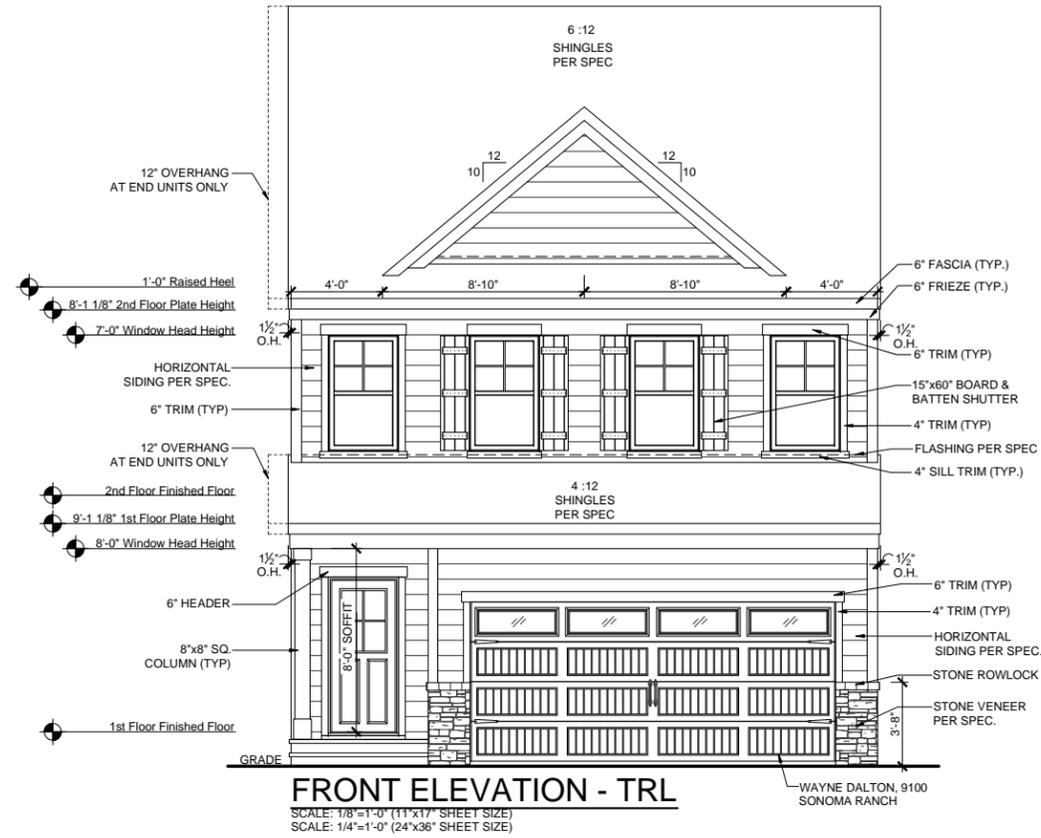
RLH T433 2.1
Cover Sheets
Cover Sheet

drawn by: XSI
checked by: BZH
date: 7/26/19
sheet number:
CS-1.0



MAIN ROOF	
ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1258 S.F.	
VENTING =	
1258 S.F. / 150 =	8.38 S.F. REQUIRED
1258 S.F. / 300 =	4.19 S.F. REQUIRED
Ridge Vents:	20 lin ft
Soffit Vents:	52 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF	
ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 180 S.F.	
VENTING =	
180 S.F. / 150 =	1.2 S.F. REQUIRED
180 S.F. / 300 =	0.6 S.F. REQUIRED
Ridge Vents:	0 lin ft
Soffit Vents:	26 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	



REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

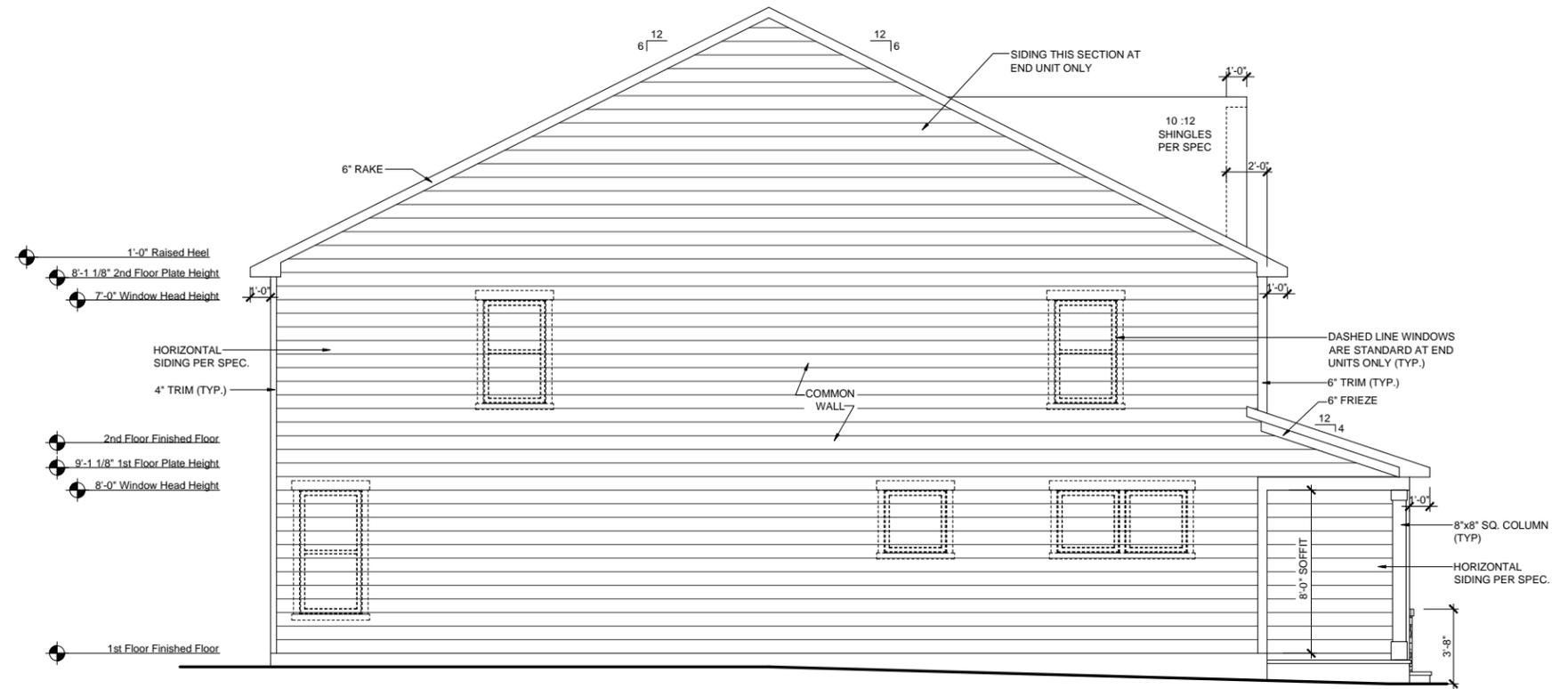
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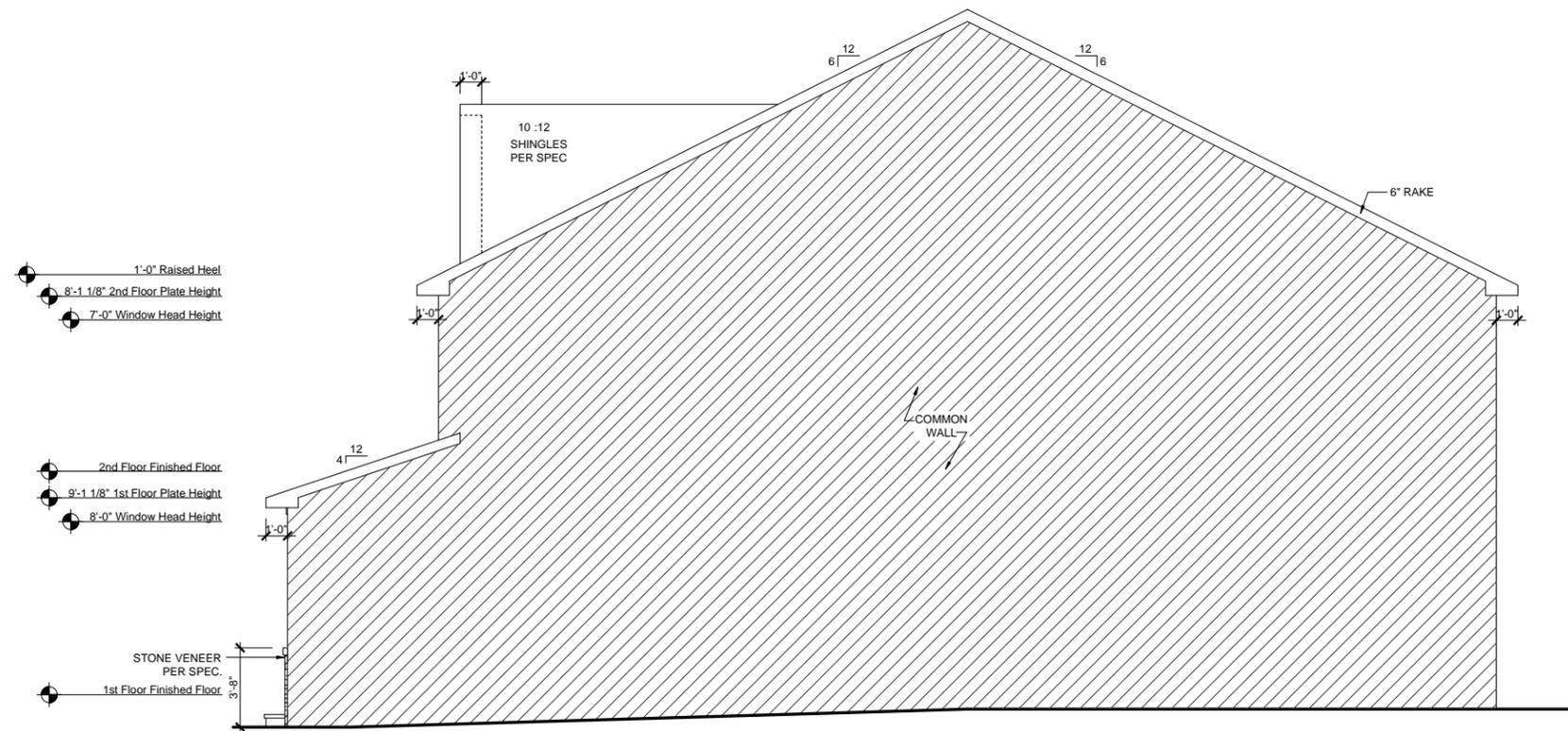
RLH T4332.1
Elevation Plans
Front Elevation TRL

drawn by: XSI
 checked by: BZH
 date: 7/26/19
 sheet number:
A-3.0

ROBERTS CROSSING



LEFT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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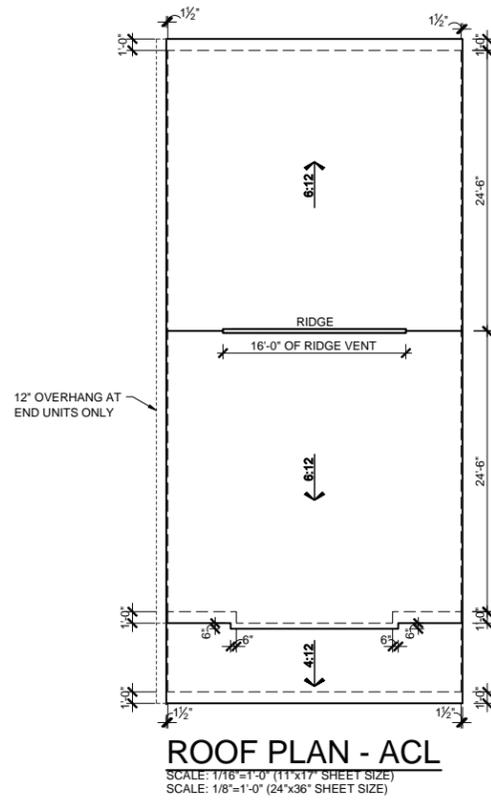


RLH T4332.1
Elevation Plans
Side Elevations TRL

drawn by: XSI
 checked by: BZH
 date: 7/26/19
 sheet number:

A-3.1

ROBERTS CROSSING



MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1271 S.F.
 VENTING =
 1271 S.F. / 150 = 8.47 S.F. REQUIRED
 1271 S.F. / 300 = 4.23 S.F. REQUIRED

Ridge Vents: 16 lin ft
 Soffit Vents: 53 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

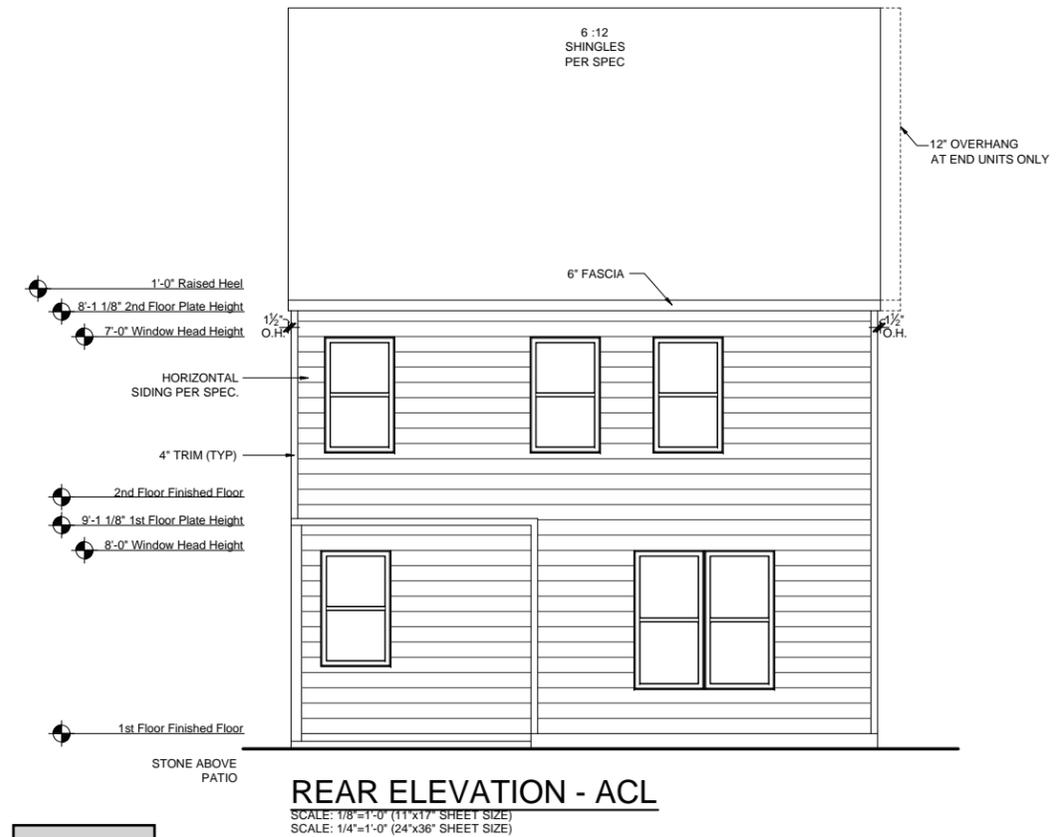
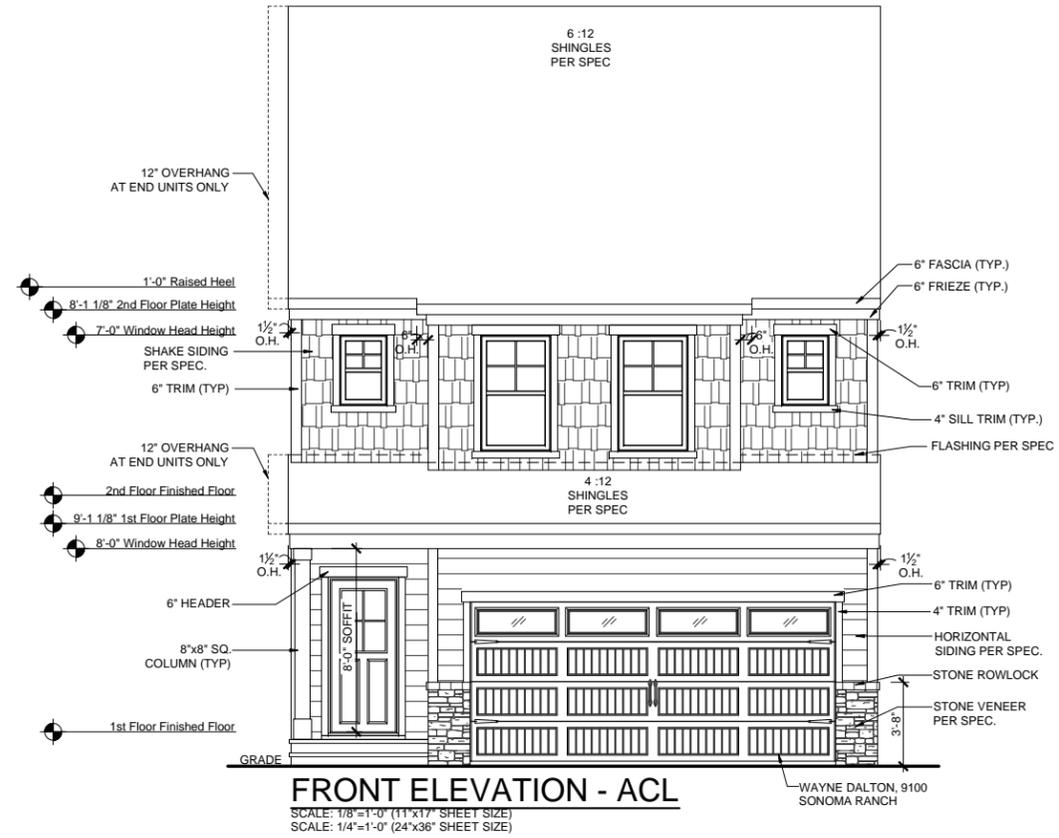
GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 166 S.F.
 VENTING =
 166 S.F. / 150 = 1.1 S.F. REQUIRED
 166 S.F. / 300 = 0.55 S.F. REQUIRED

Ridge Vents: 0 lin ft
 Soffit Vents: 26 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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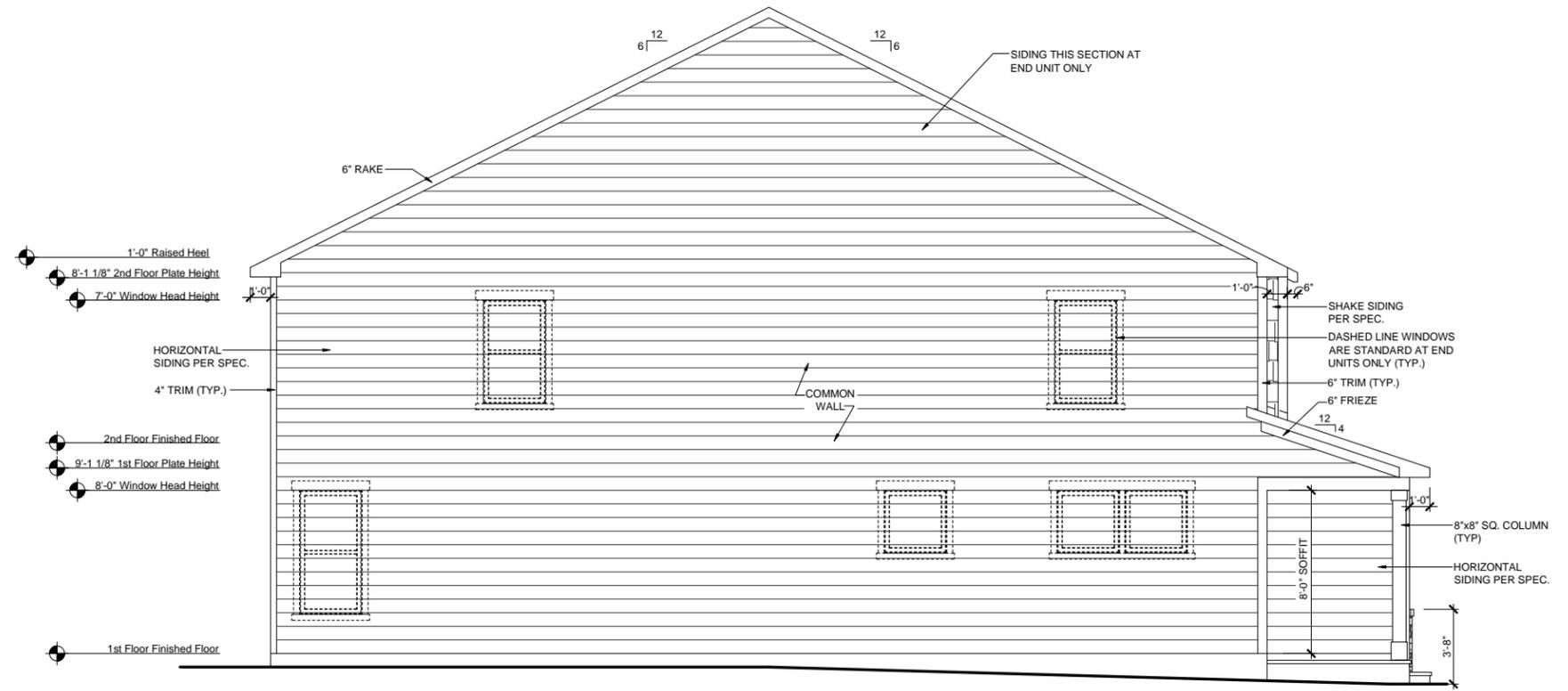


RLH T4332.1
Elevation Plans
Front Elevation ACL

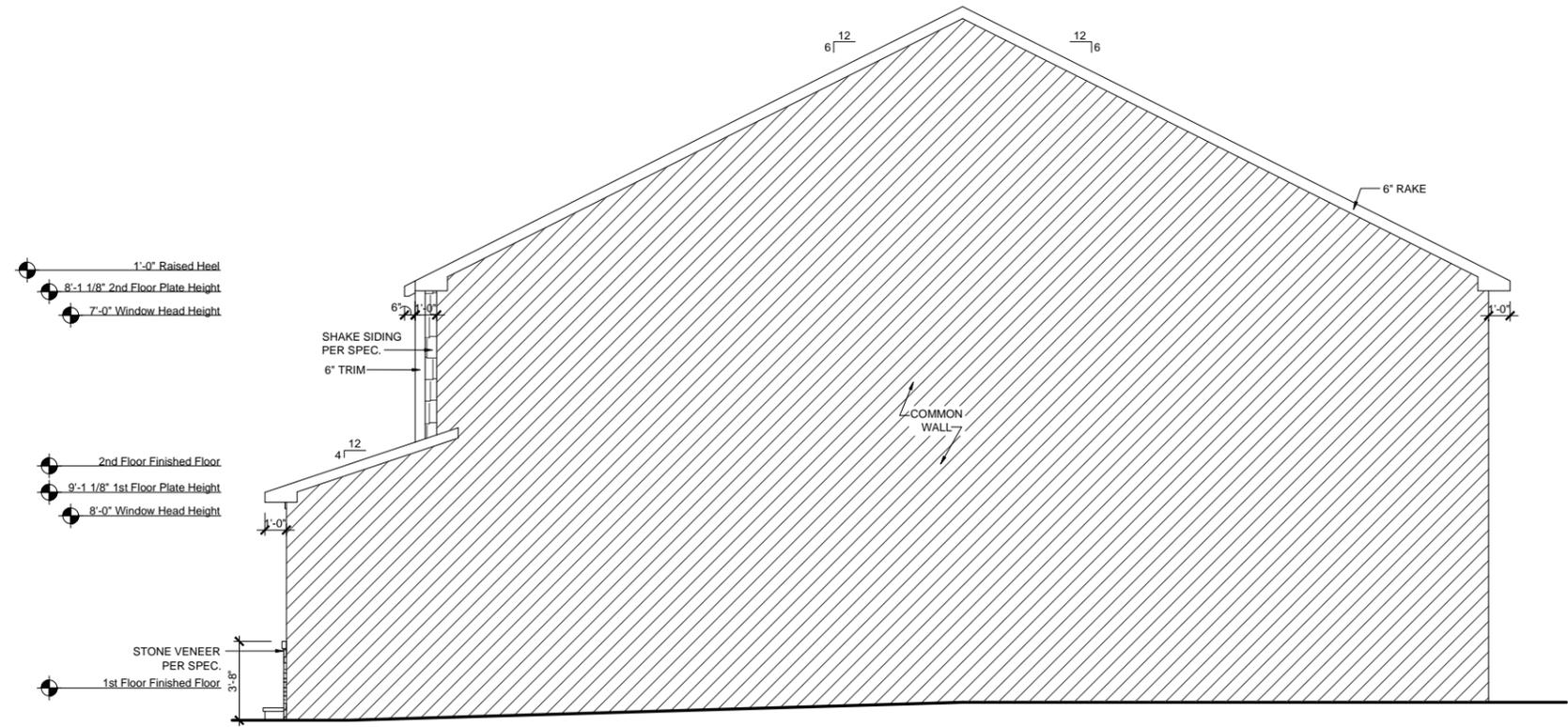
drawn by: XSI
 checked by: BZH
 date: 7/26/19

sheet number:
A-3.2

ROBERTS CROSSING



LEFT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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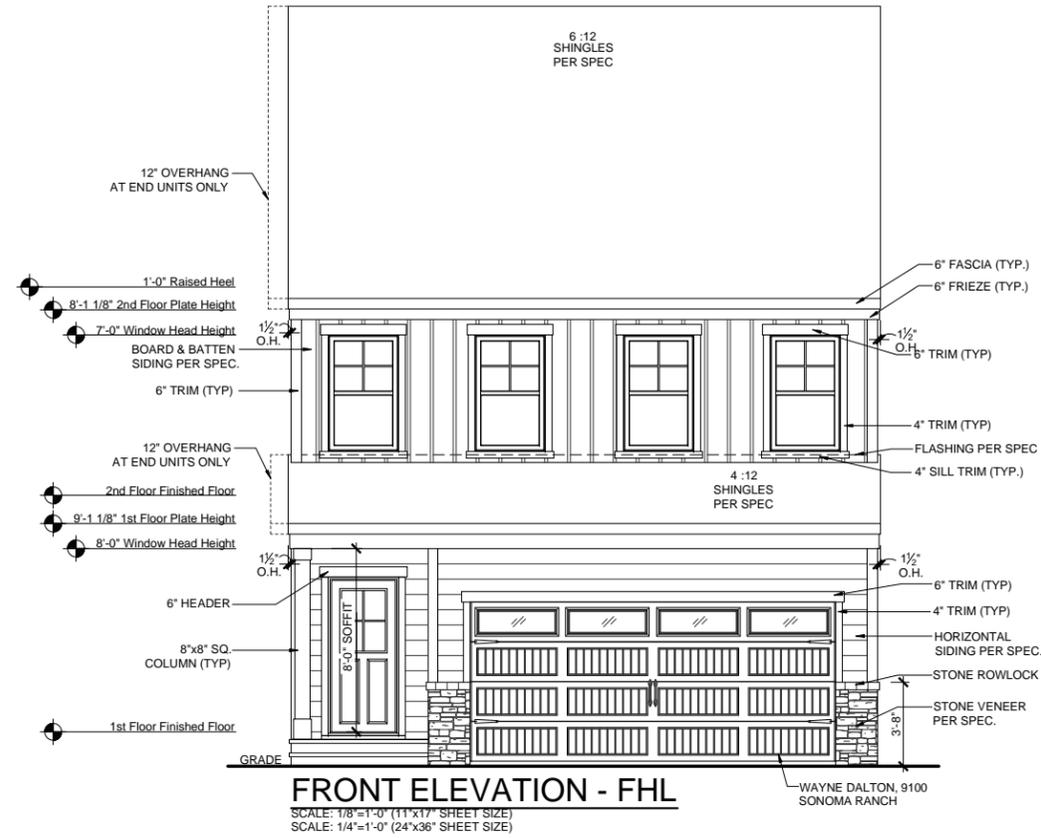
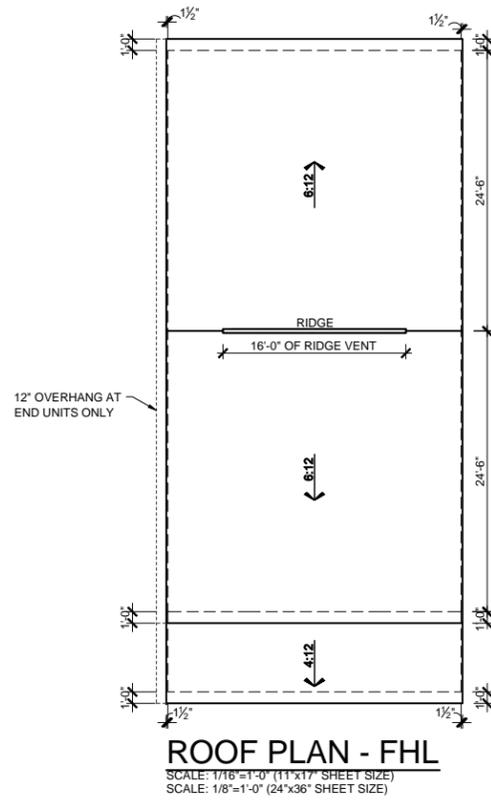


RLH T4332.1
Elevation Plans
Side Elevations ACL

drawn by: XSI
 checked by: BZH
 date: 7/26/19
 sheet number:

A-3.3

ROBERTS CROSSING



MAIN ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1258 S.F.	
VENTING =	
1258 S.F. / 150 =	8.38 S.F. REQUIRED
1258 S.F. / 300 =	4.19 S.F. REQUIRED
Ridge Vents:	16 lin ft
Soffit Vents:	53 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 180 S.F.	
VENTING =	
180 S.F. / 150 =	1.2 S.F. REQUIRED
180 S.F. / 300 =	0.6 S.F. REQUIRED
Ridge Vents:	0 lin ft
Soffit Vents:	26 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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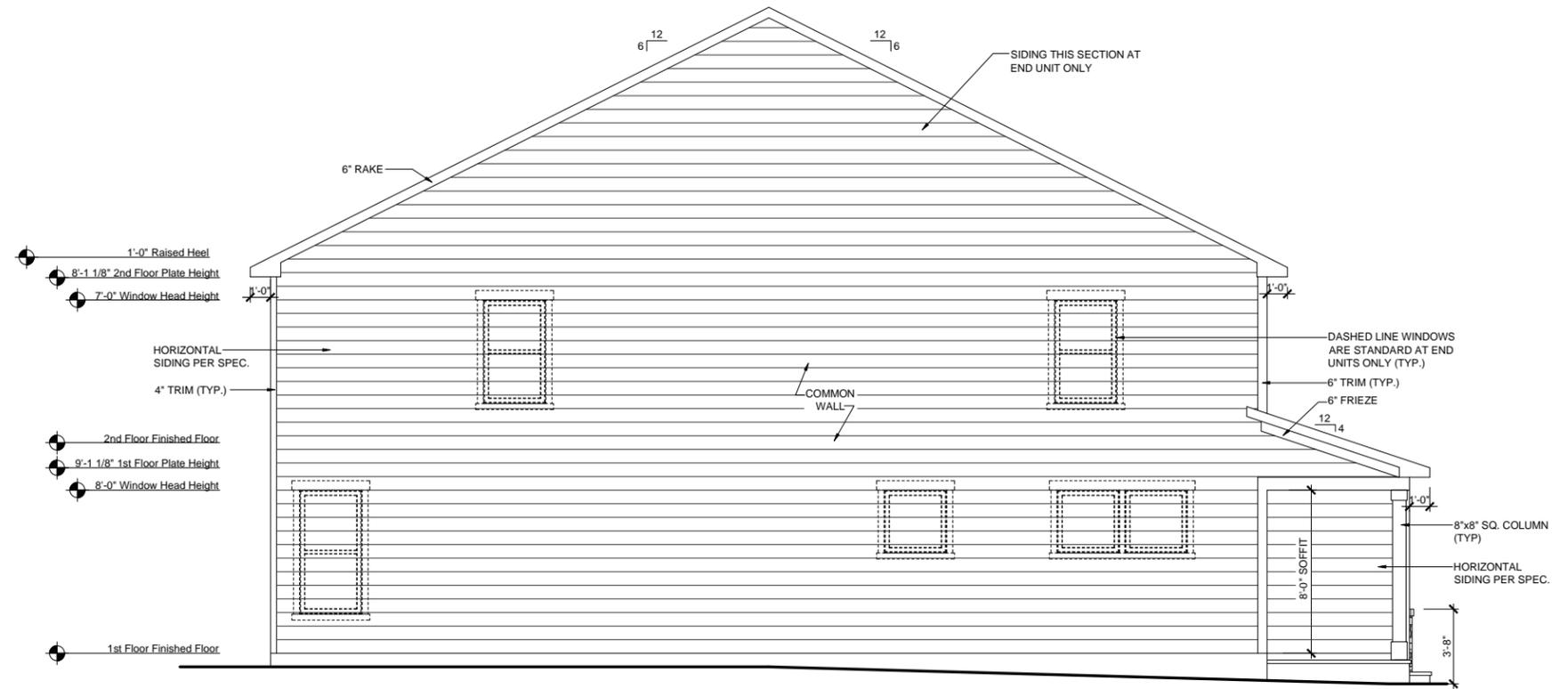


RLH T4332.1
Elevation Plans
Front Elevation FHL

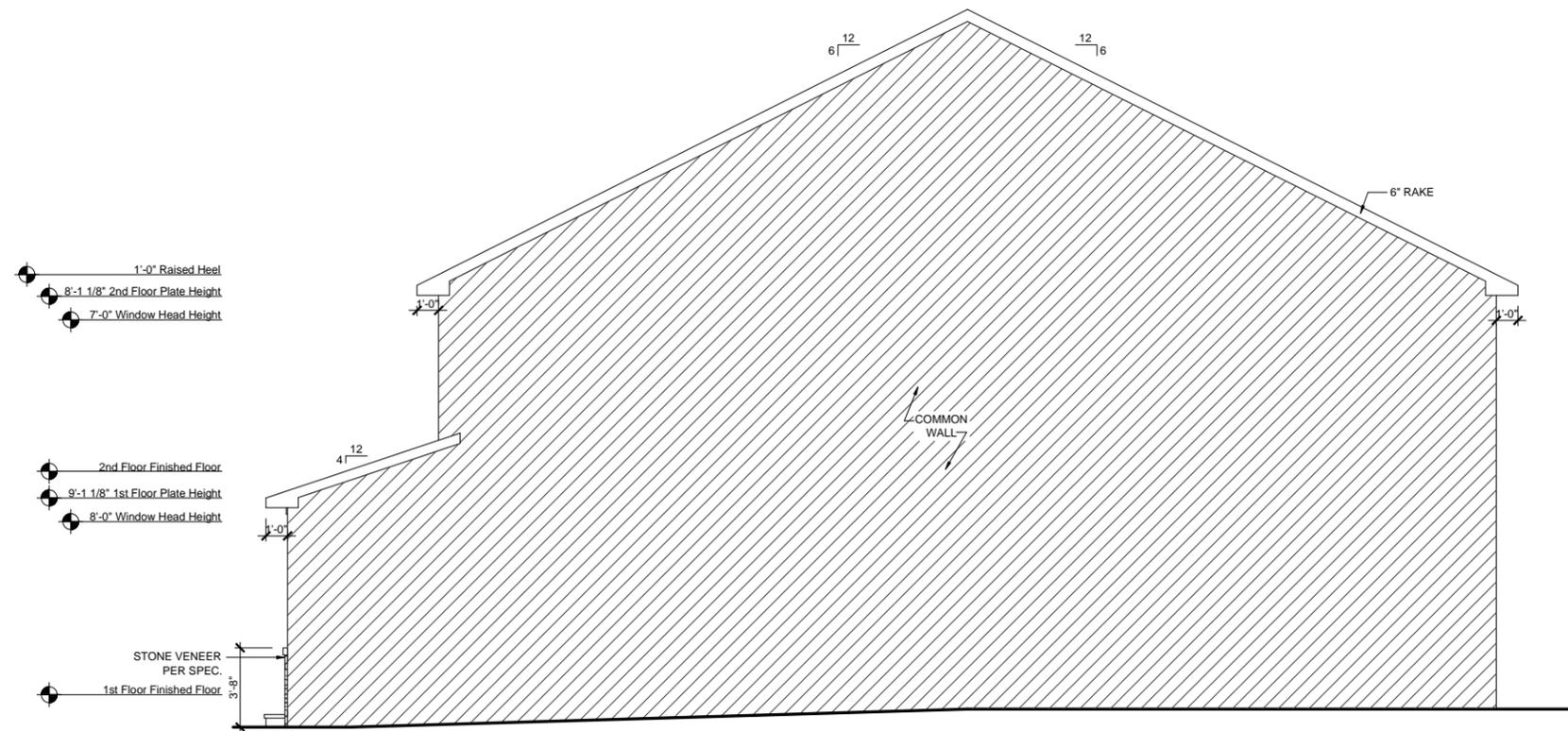
drawn by: XSI
 checked by: BZH
 date: 7/26/19
 sheet number:

A-3.4

ROBERTS CROSSING



LEFT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v2.0	09-18-20
v2.1	02-23-21

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RLH T4332.1
Elevation Plans
Side Elevations FHL

drawn by: XSI
 checked by: BZH
 date: 7/26/19
 sheet number:
A-3.5

ROBERTS CROSSING



BEAZER HOMES MAXWELL RLH T437

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partial
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partial
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	1st Floor Electrical Plan
E-2.0	2nd Floor Electrical Plan

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	BEAZER HOMES RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	MULHERN & KULP ENGINEERING CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 & PH: 770-777-0074

NOTE:
 AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
 ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
 - GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
 - ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
 - GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
 - DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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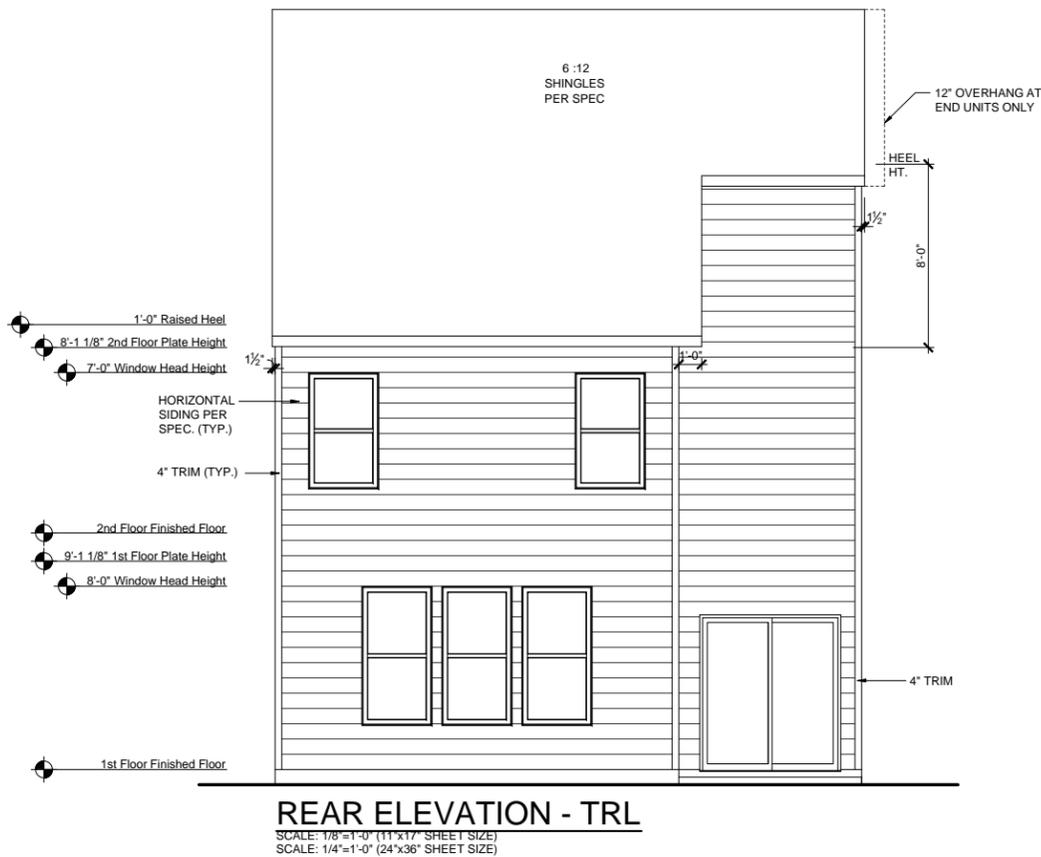
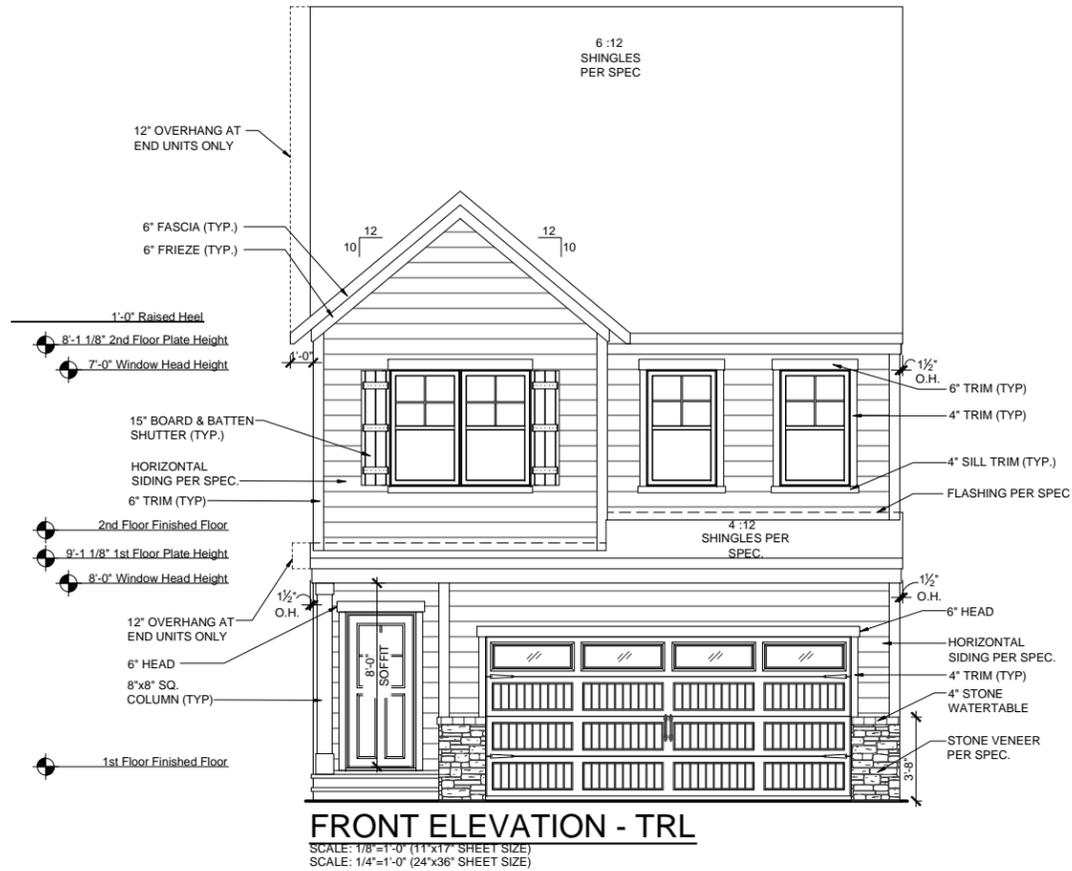
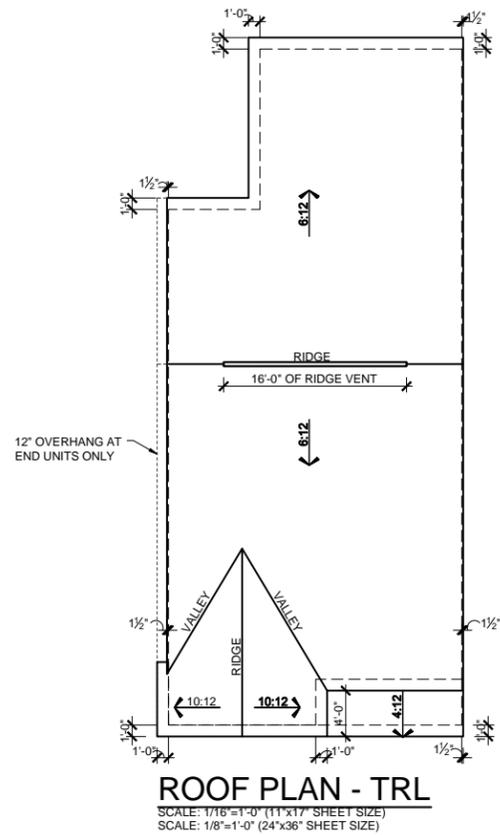
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RLH T437 2.1
Cover Sheets
Cover Sheet

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:
CS-1.0

ROBERT'S CROSSING



MAIN ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1351 S.F.	
VENTING =	
1351 S.F. / 150 =	9.00 S.F. REQUIRED
1351 S.F. / 300 =	4.50 S.F. REQUIRED
Ridge Vents: 16 lin ft	
Soffit Vents: 45 lin ft	
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 51 S.F.	
VENTING =	
51 S.F. / 150 =	0.34 S.F. REQUIRED
51 S.F. / 300 =	0.17 S.F. REQUIRED
Ridge Vents: 0 lin ft	
Soffit Vents: 26 lin ft	
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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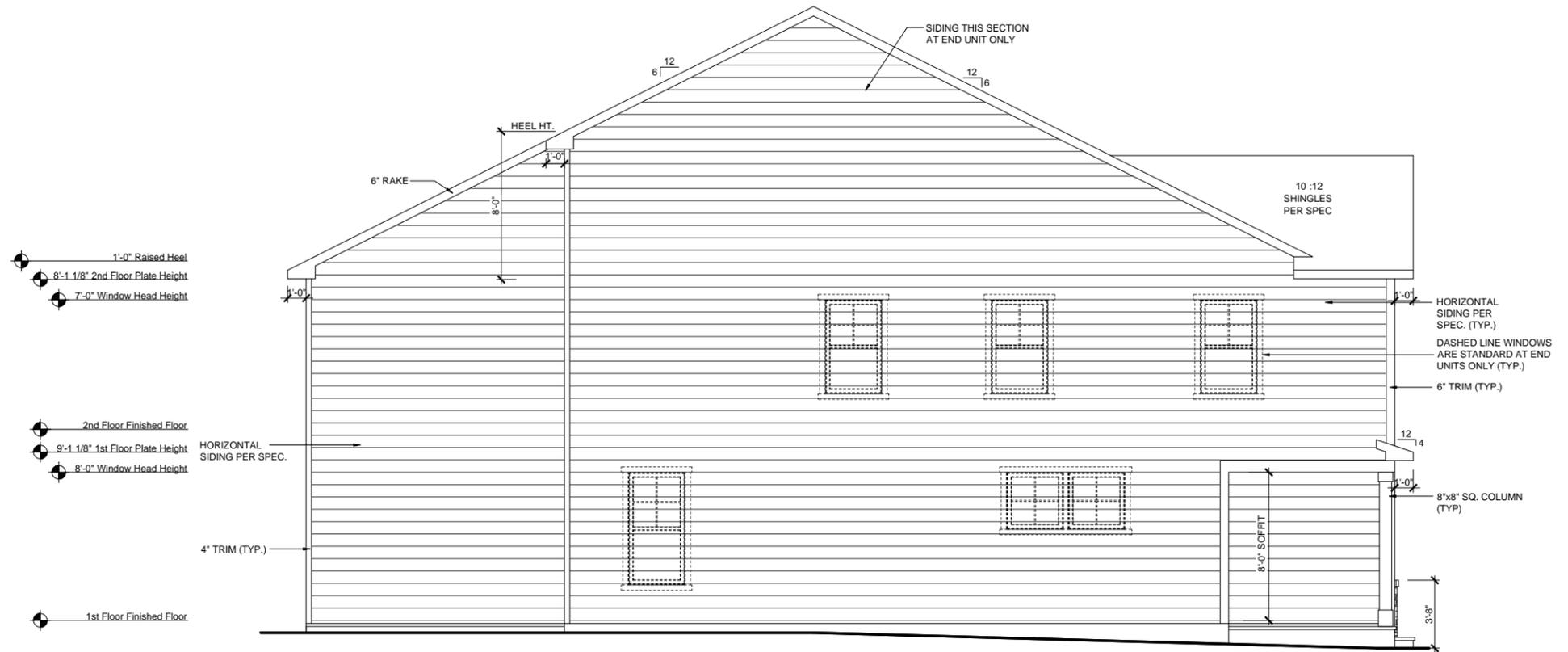
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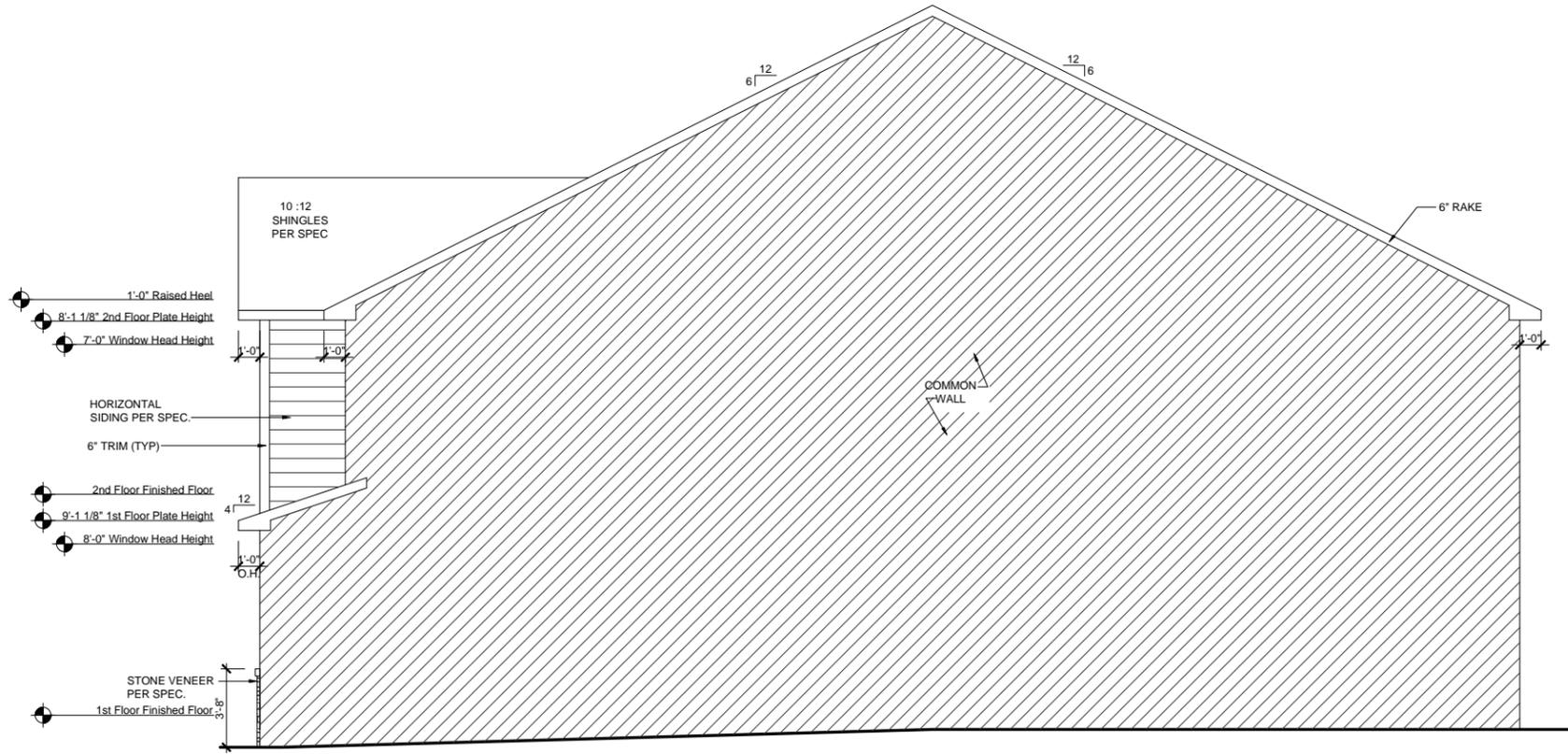
RLH T4372.1
Elevation Plans
Front Elevation TRL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:
A-3.0

ROBERT'S CROSSING



LEFT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

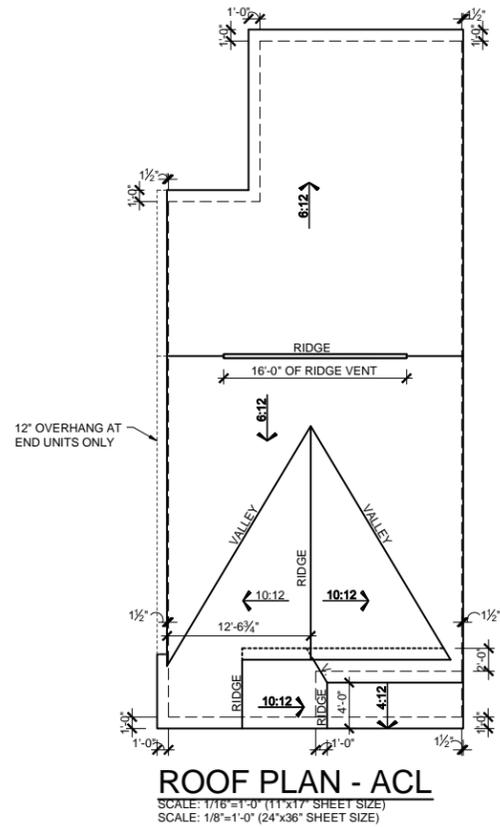
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RLH T4372.1
Elevation Plans
Side Elevations TRL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.1

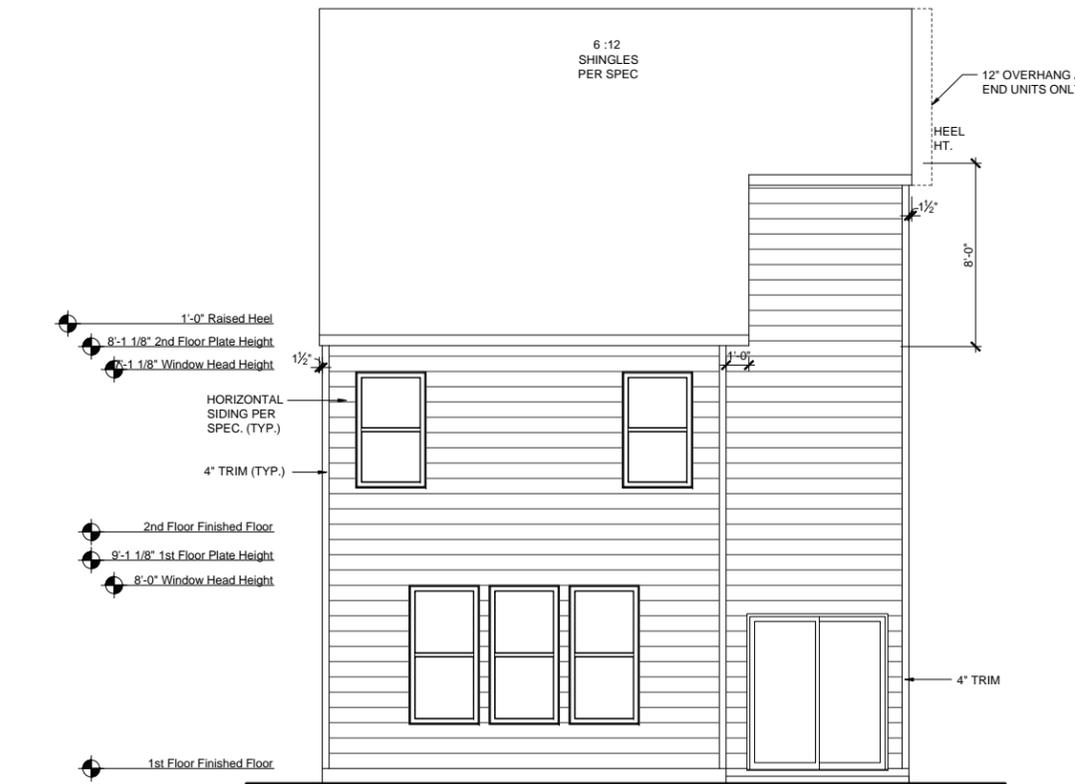
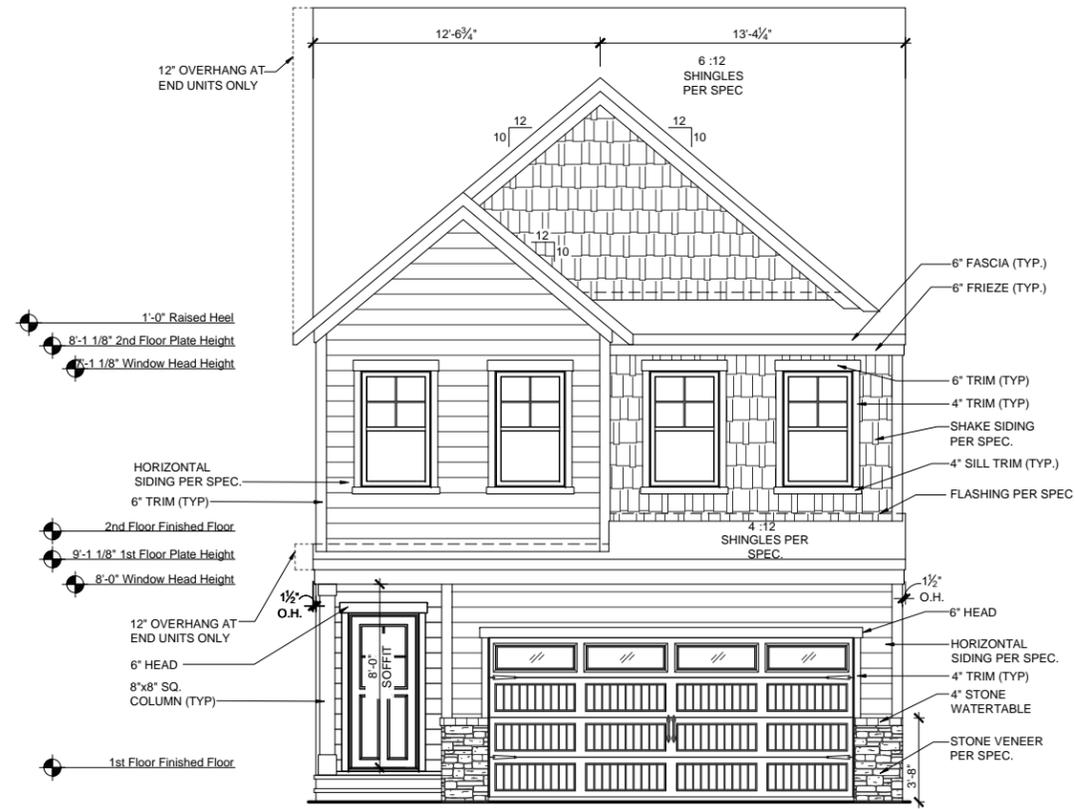


MAIN ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1351 S.F.	
VENTING =	
1351 S.F. / 150 =	9.00 S.F. REQUIRED
1351 S.F. / 300 =	4.50 S.F. REQUIRED
Ridge Vents:	16 lin ft
Soffit Vents:	45 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 51 S.F.	
VENTING =	
51 S.F. / 150 =	0.34 S.F. REQUIRED
51 S.F. / 300 =	0.17 S.F. REQUIRED
Ridge Vents:	0 lin ft
Soffit Vents:	26 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	



REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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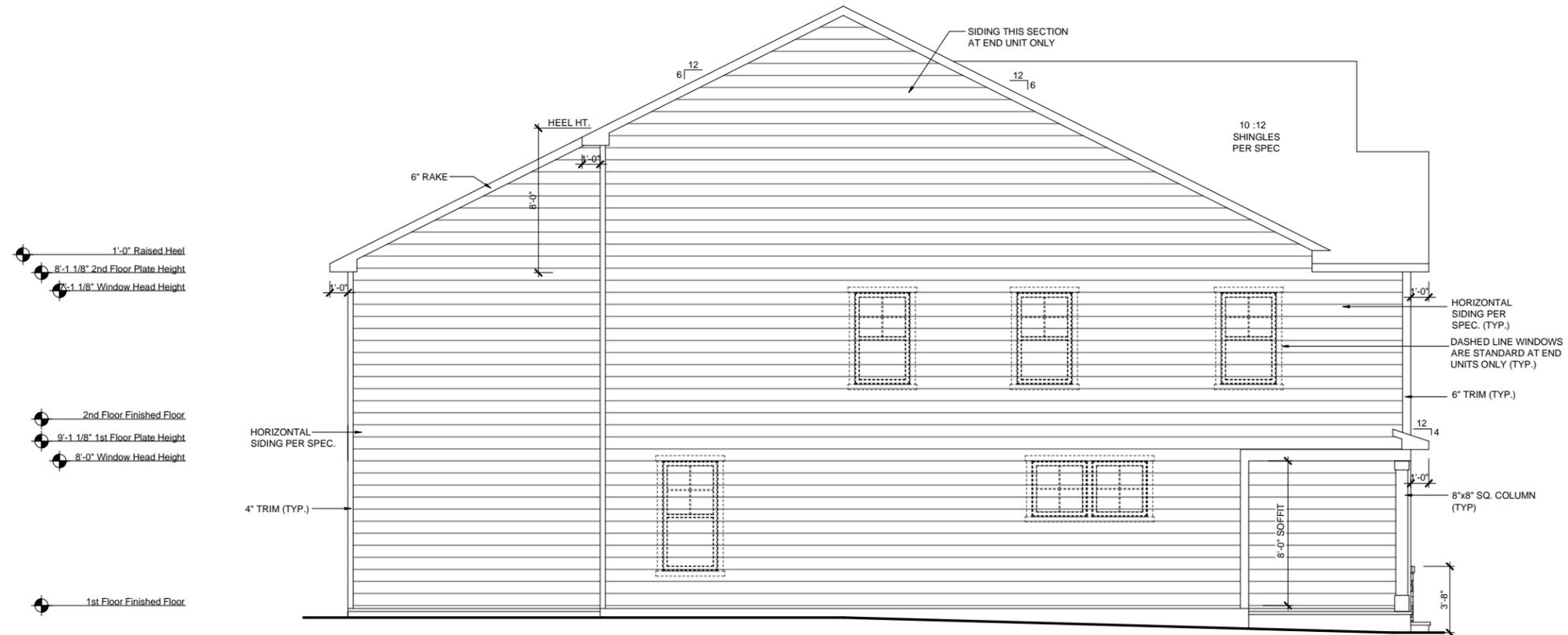
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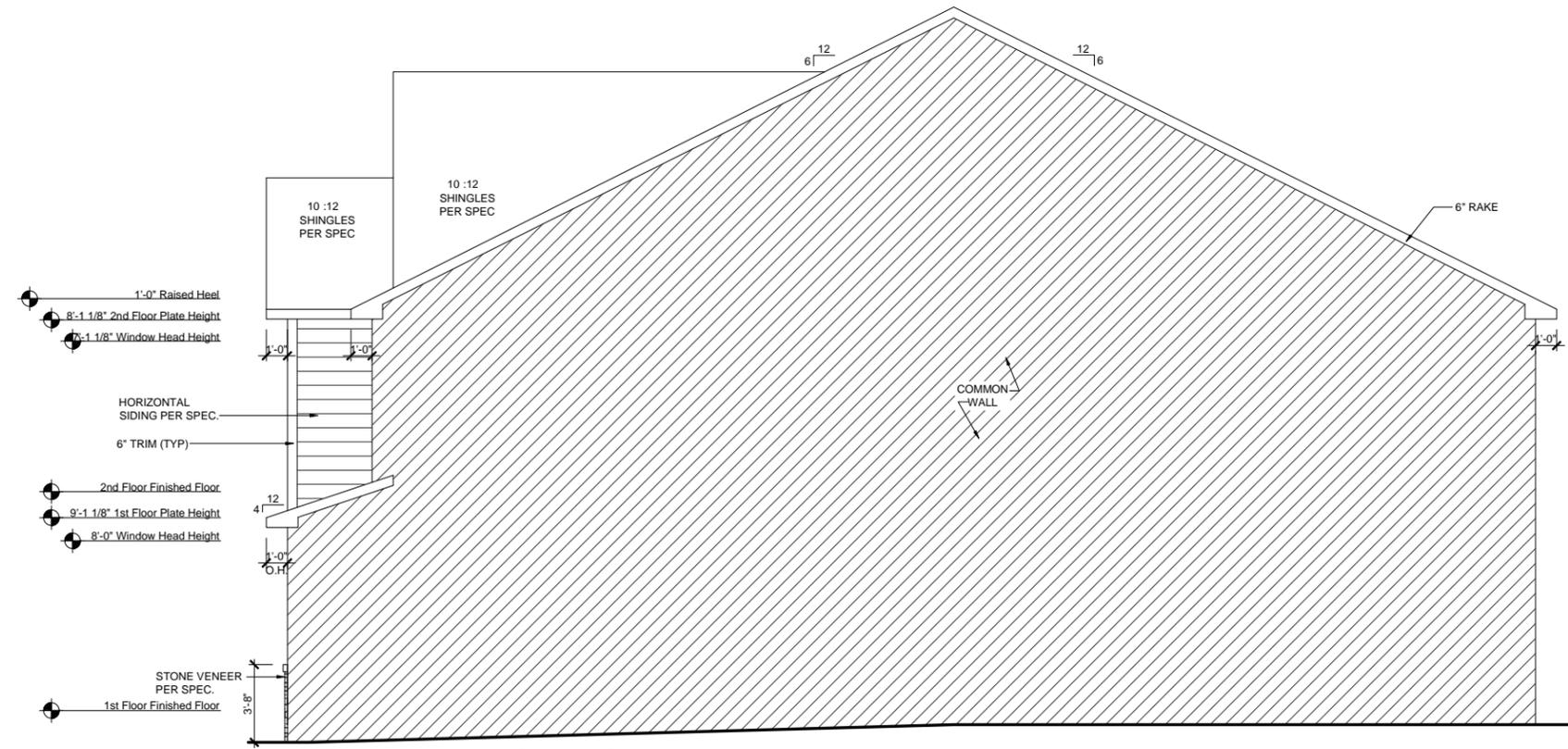
RLH T4372.1
Elevation Plans
Front Elevation ACL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.2



LEFT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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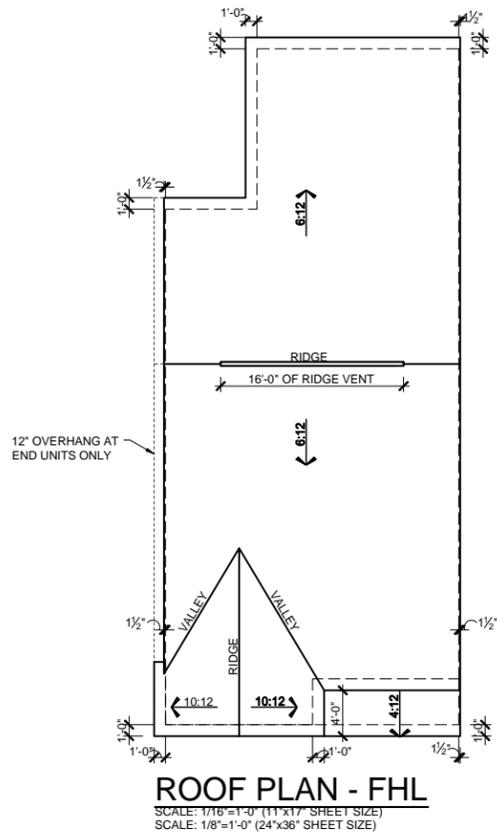


RLH T4372.1
Elevation Plans
Side Elevations ACL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.3

ROBERT'S CROSSING



**MAIN ROOF
ATTIC VENT CALCULATIONS**

ROOF SQUARE FOOTAGE = 1351 S.F.
 VENTING =
 1351 S.F. / 150 = 9.00 S.F. REQUIRED
 1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
 Soffit Vents: 45 lin ft

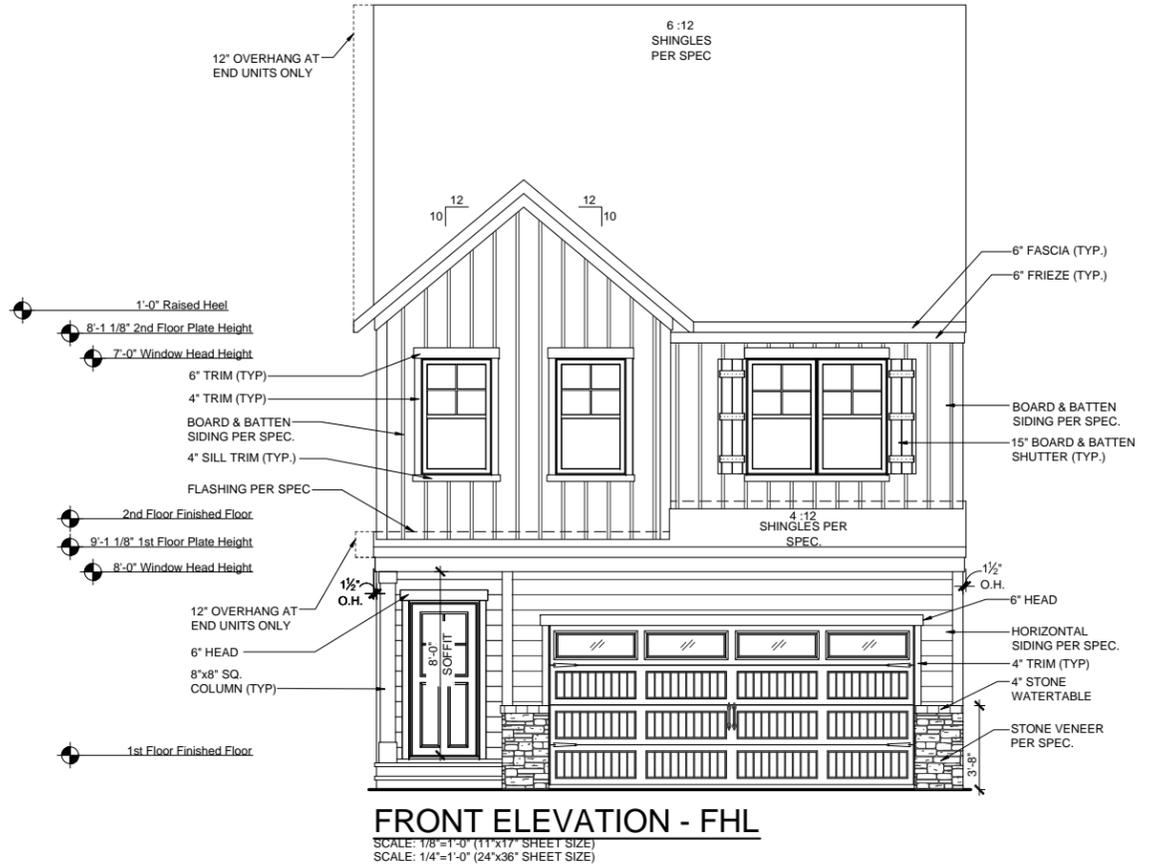
NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

**GARAGE/PORCH ROOF
ATTIC VENT CALCULATIONS**

ROOF SQUARE FOOTAGE = 51 S.F.
 VENTING =
 51 S.F. / 150 = 0.34 S.F. REQUIRED
 51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft
 Soffit Vents: 26 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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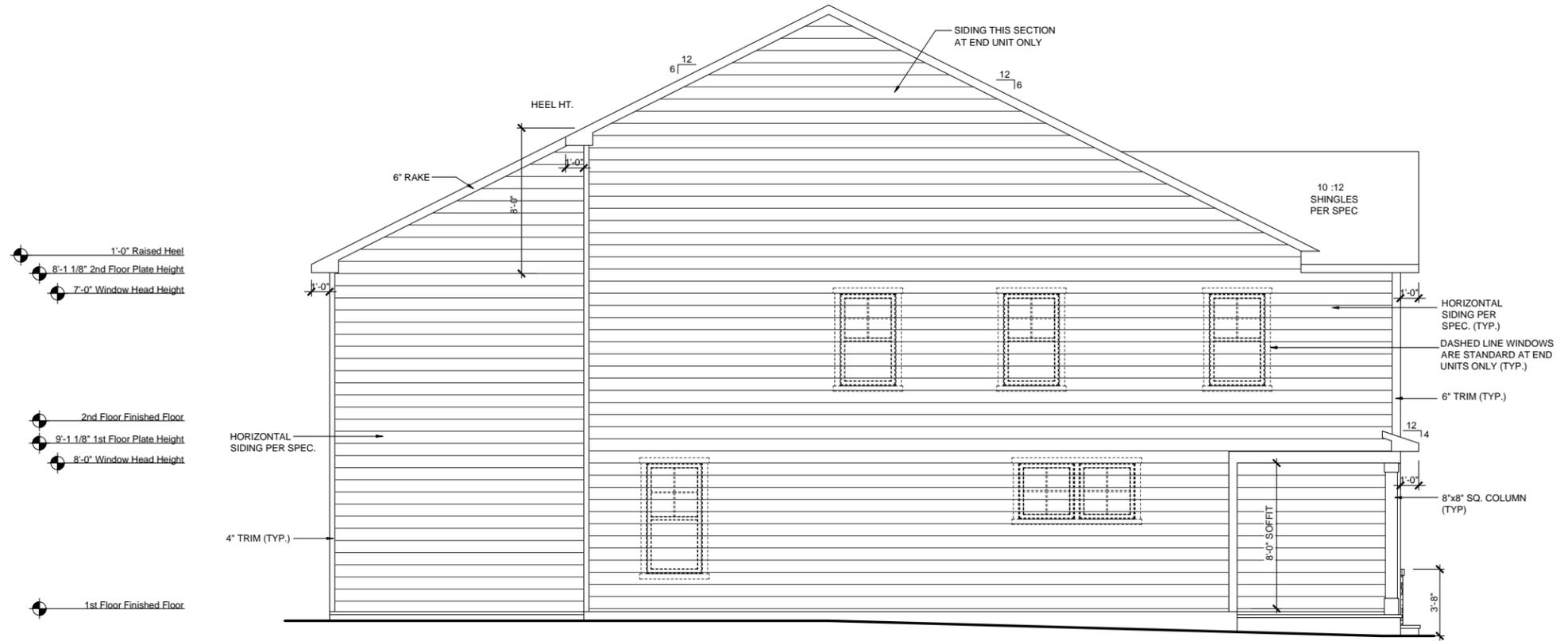


ROBERT'S CROSSING

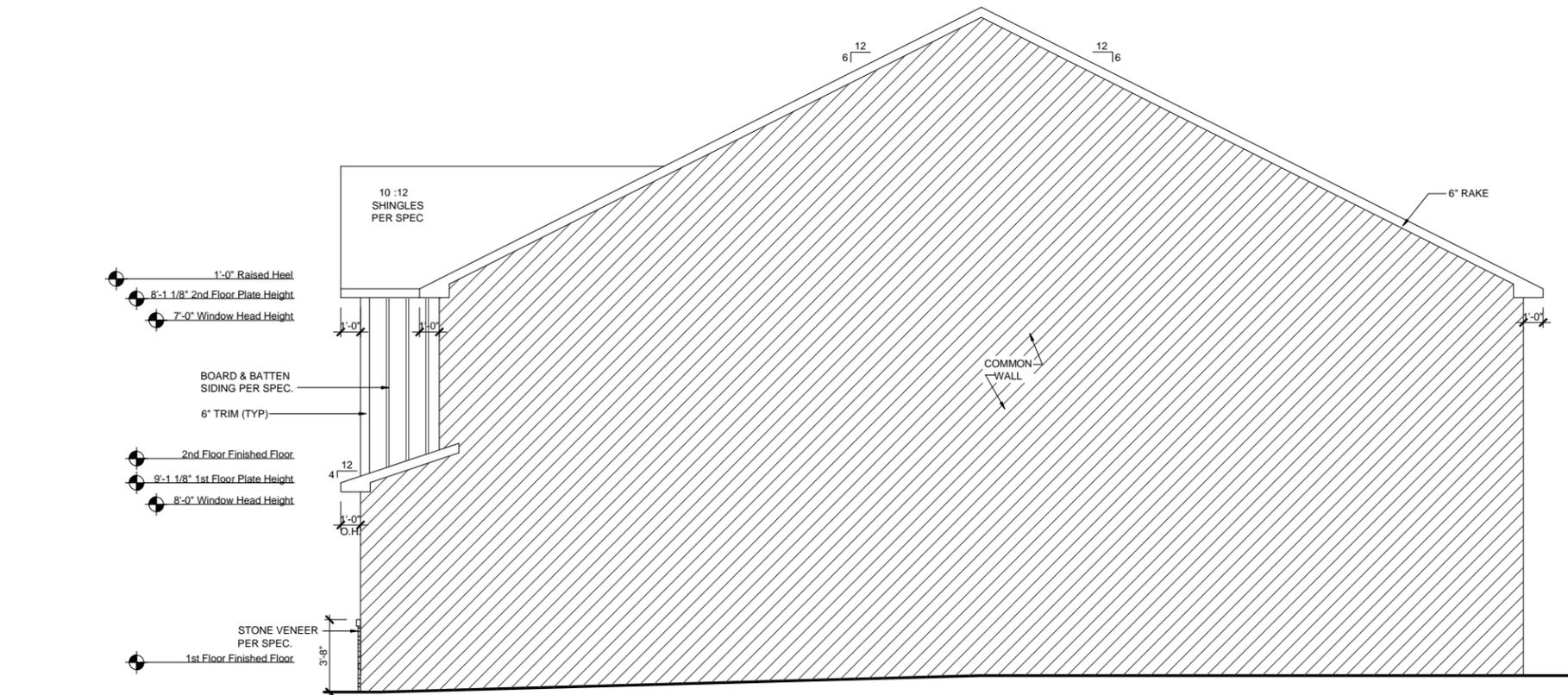
RLH T4372.1
Elevation Plans
Front Elevation FHL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.4



LEFT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.3	06.30.2020
v2.0	09.17.2020
v2.1	02.23.2021

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RLH T4372.1
Elevation Plans
Front Elevation FHL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.5

ROBERT'S CROSSING



**BEAZER
HOMES
BRAXTON
RLH T439**

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partials
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partials
A-3.0	Front Elevations TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevations ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevations FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Sections
E-1.0	1st Floor Electrical Plans
E-2.0	2nd Floor Electrical Plans

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
<p>BEAZER HOMES</p> <p>PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328</p> <p>PH: 770-392-2100</p>	<p>BEAZER HOMES</p> <p>RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607</p> <p>PH: 919-881-9350</p>	<p>MULHERN & KULP ENGINEERING</p> <p>CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002</p> <p>PH: 770-777-0074</p>

NOTE:
AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
- GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
- ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
- GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
- DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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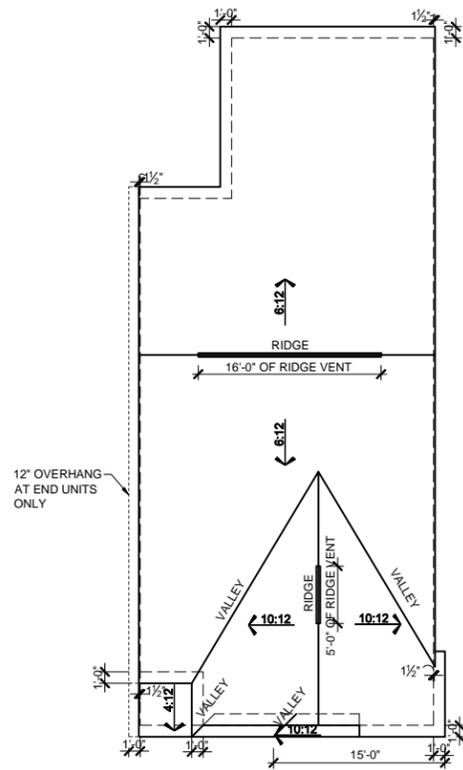
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RLH T439 2.1
Cover Sheets
Cover Sheet

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:
CS-1.0

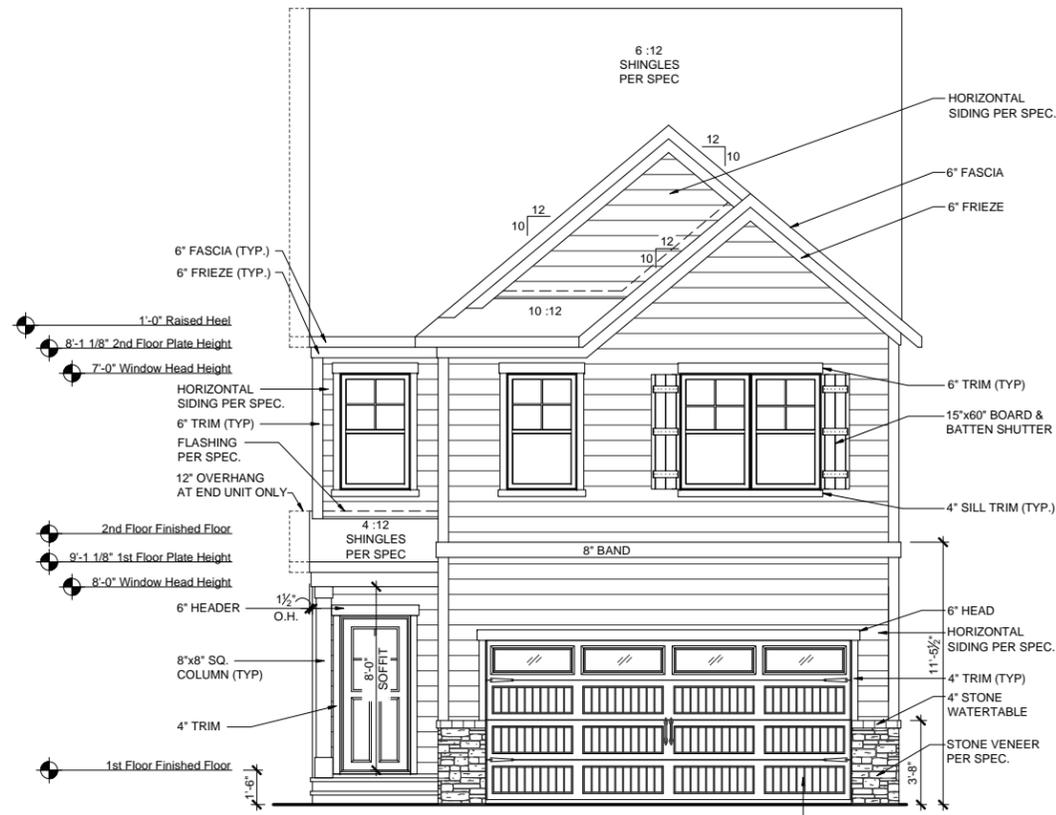
ROBERT'S CROSSING



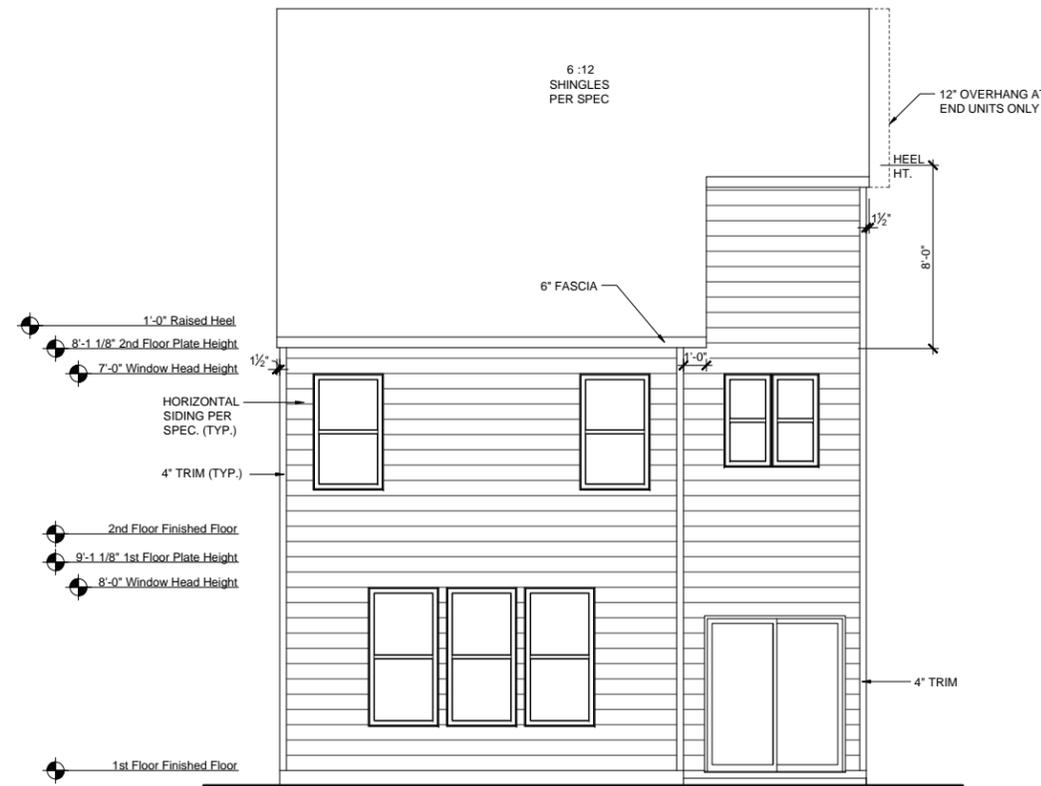
ROOF PLAN - TRL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF	
ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1428 S.F.	
VENTING =	
1428 S.F. / 150 =	9.52 S.F. REQUIRED
1428 S.F. / 300 =	4.76 S.F. REQUIRED
Ridge Vents:	21 lin ft
Soffit Vents:	43 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF	
ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 91 S.F.	
VENTING =	
91 S.F. / 150 =	0.60 S.F. REQUIRED
91 S.F. / 300 =	0.30 S.F. REQUIRED
Ridge Vents:	0 lin ft
Soffit Vents:	28 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	



FRONT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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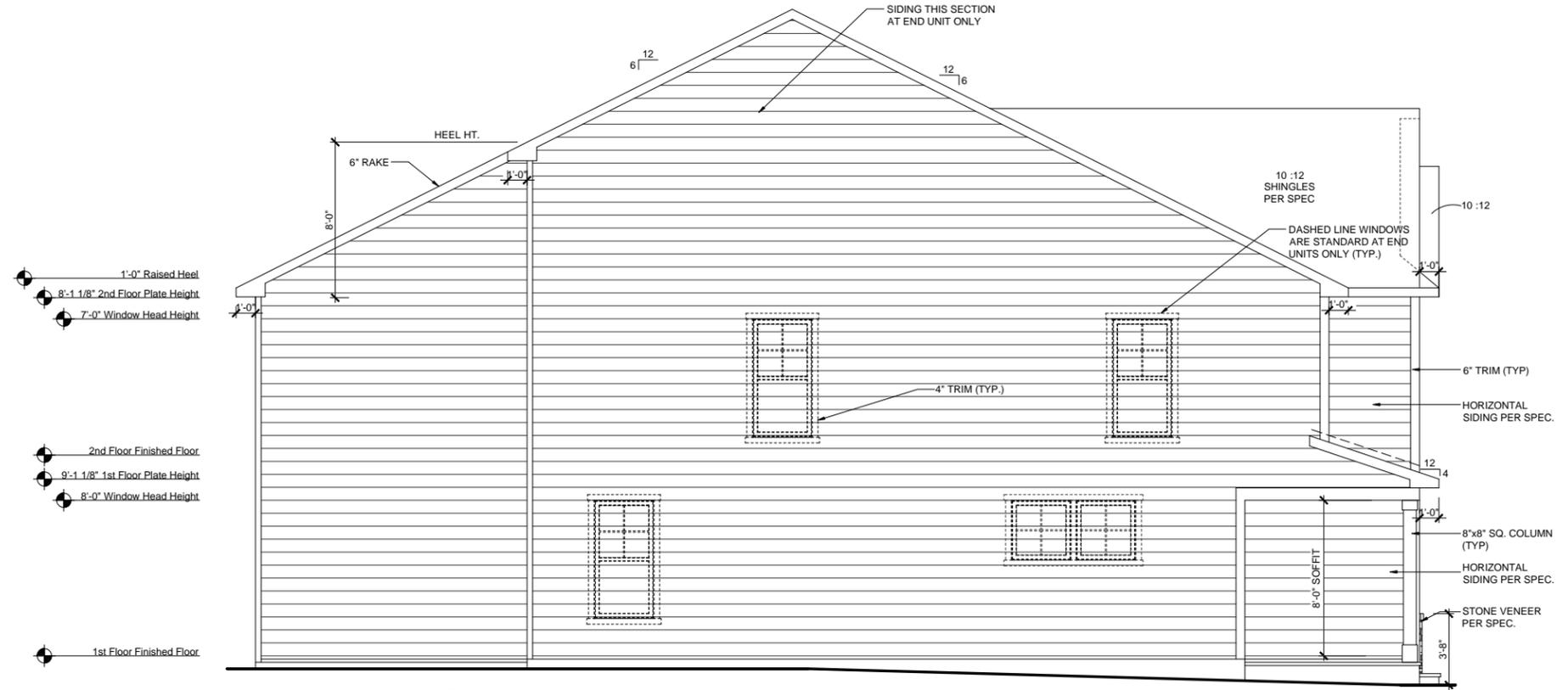


RLH T4392.1
Elevation Plans
Front Elevation TRL

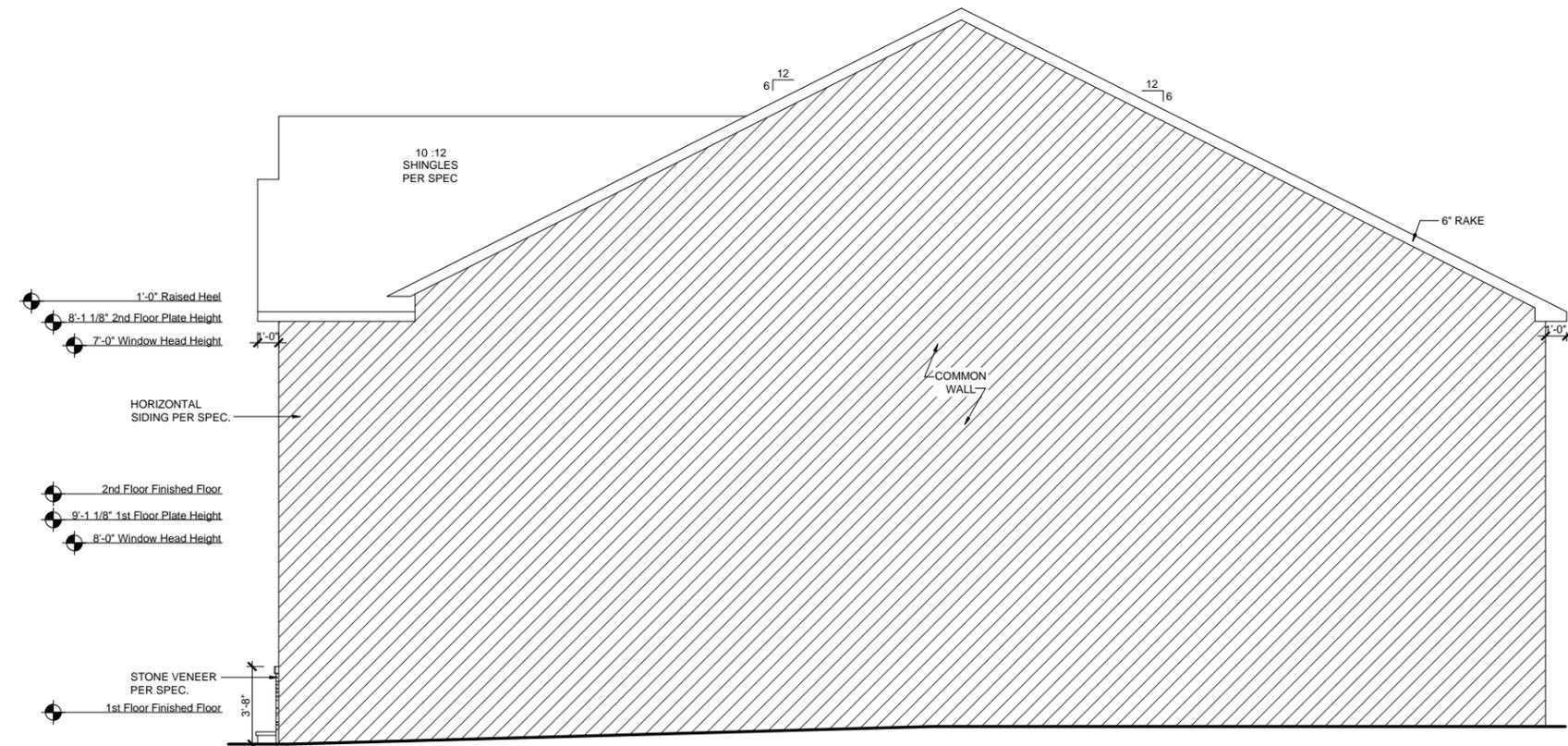
drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.0

ROBERT'S CROSSING



LEFT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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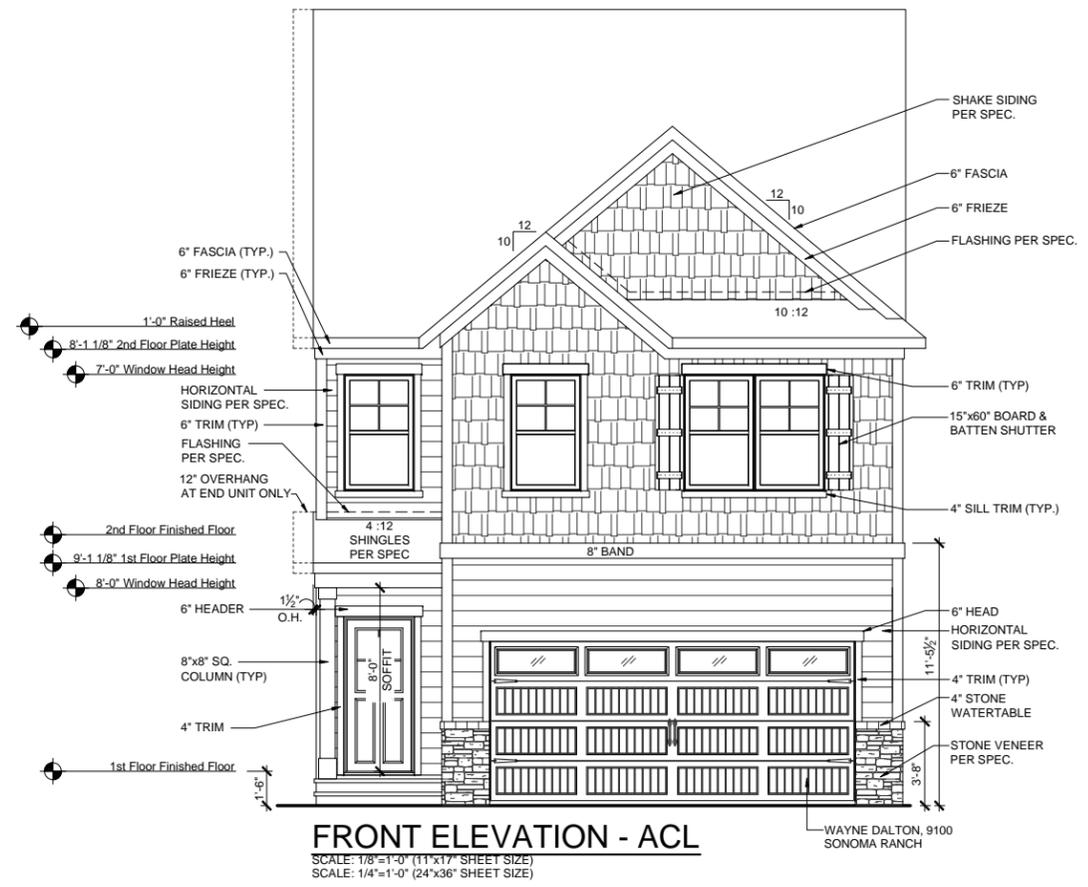
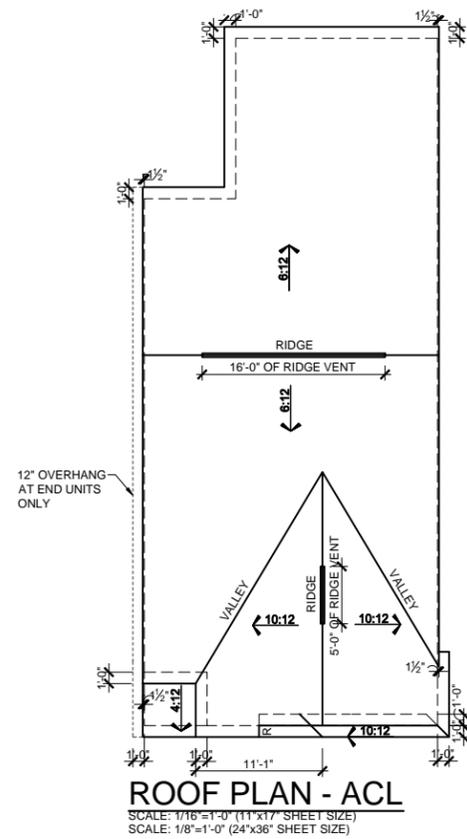


RLH T4392.1
Elevation Plans
Side Elevations TRL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.1

ROBERT'S CROSSING



MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1428 S.F.
 VENTING =
 1428 S.F. / 150 = 9.52 S.F. REQUIRED
 1428 S.F. / 300 = 4.76 S.F. REQUIRED

Ridge Vents: 21 lin ft
 Soffit Vents: 50 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 91 S.F.
 VENTING =
 91 S.F. / 150 = 0.61 S.F. REQUIRED
 91 S.F. / 300 = 0.31 S.F. REQUIRED

Ridge Vents: 0 lin ft
 Soffit Vents: 28 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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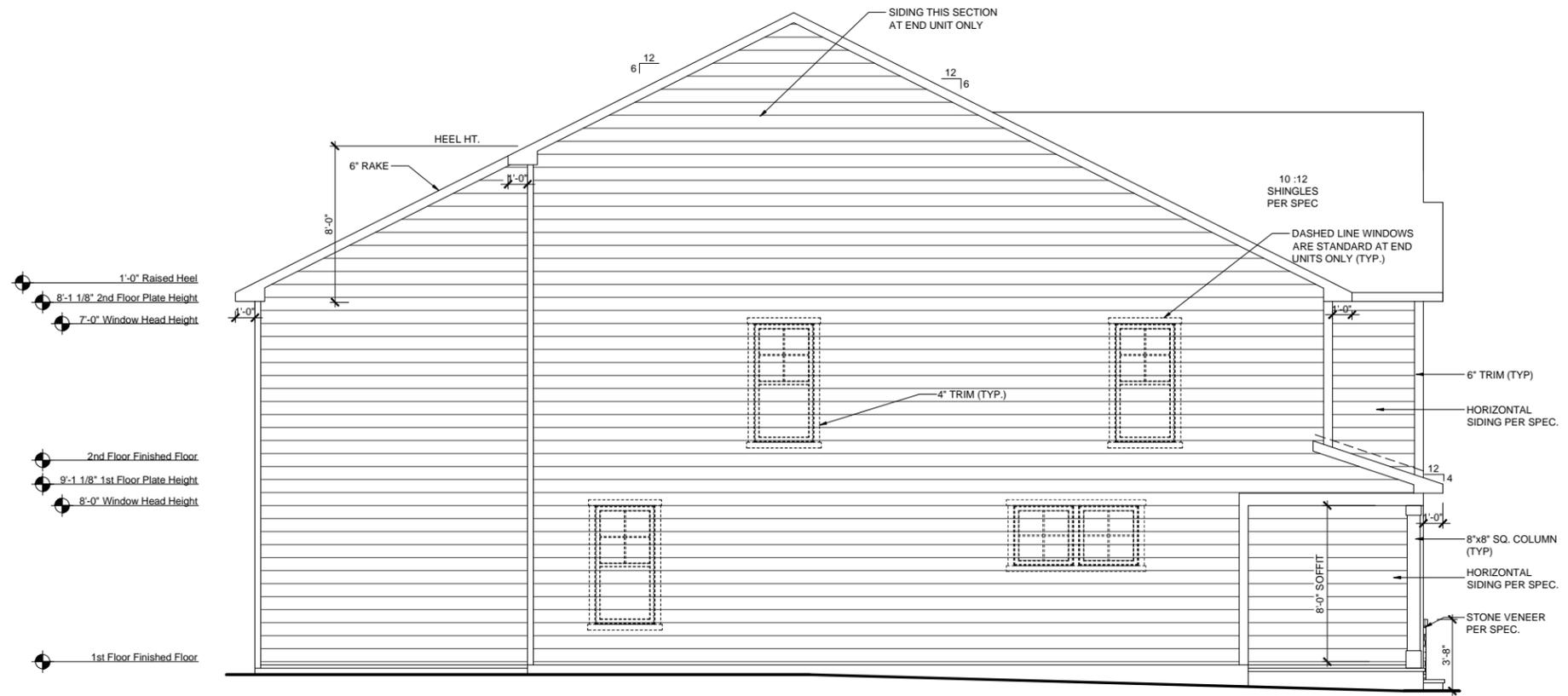
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RLH T4392.1
Elevation Plans
Front Elevation ACL

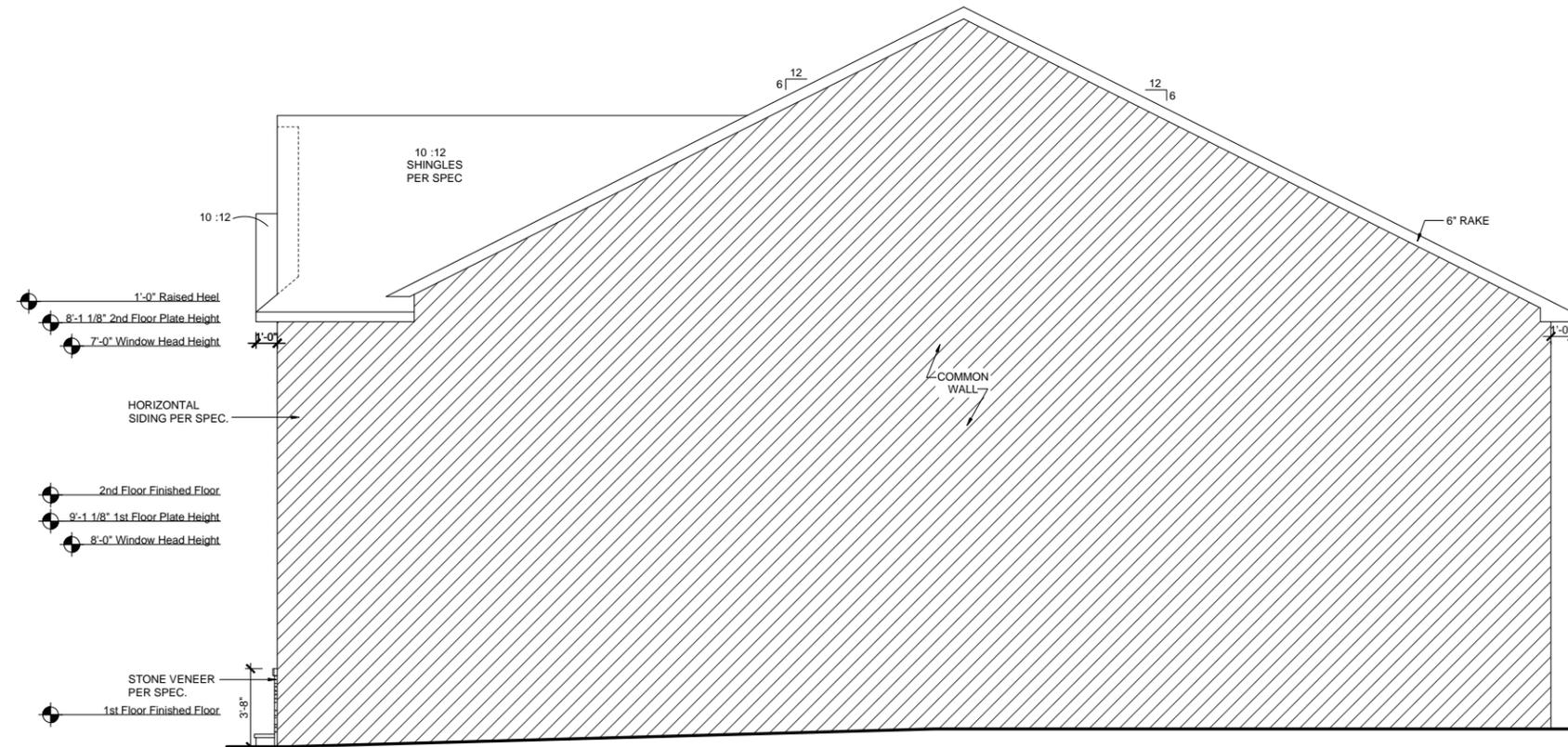
drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.2



LEFT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - ACL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
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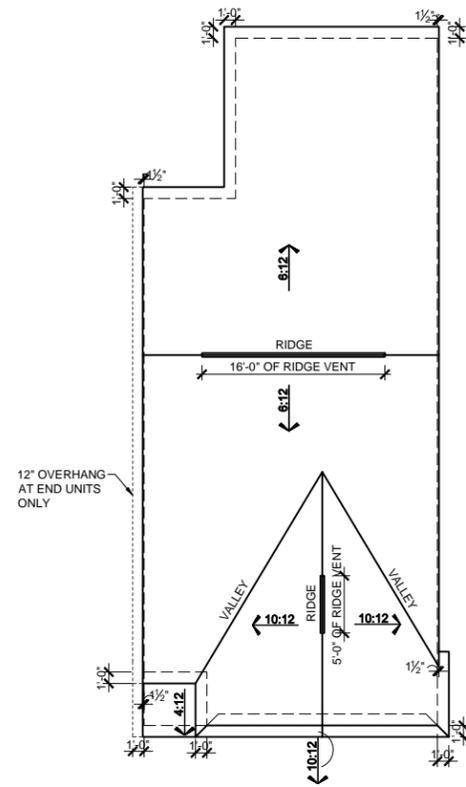


RLH T4392.1
Elevation Plans
Side Elevations ACL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:

A-3.3

ROBERT'S CROSSING



ROOF PLAN - FHL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1428 S.F.

VENTING =

1428 S.F. / 150 = 9.52 S.F. REQUIRED
 1428 S.F. / 300 = 4.76 S.F. REQUIRED

Ridge Vents: 21 lin ft
 Soffit Vents: 50 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

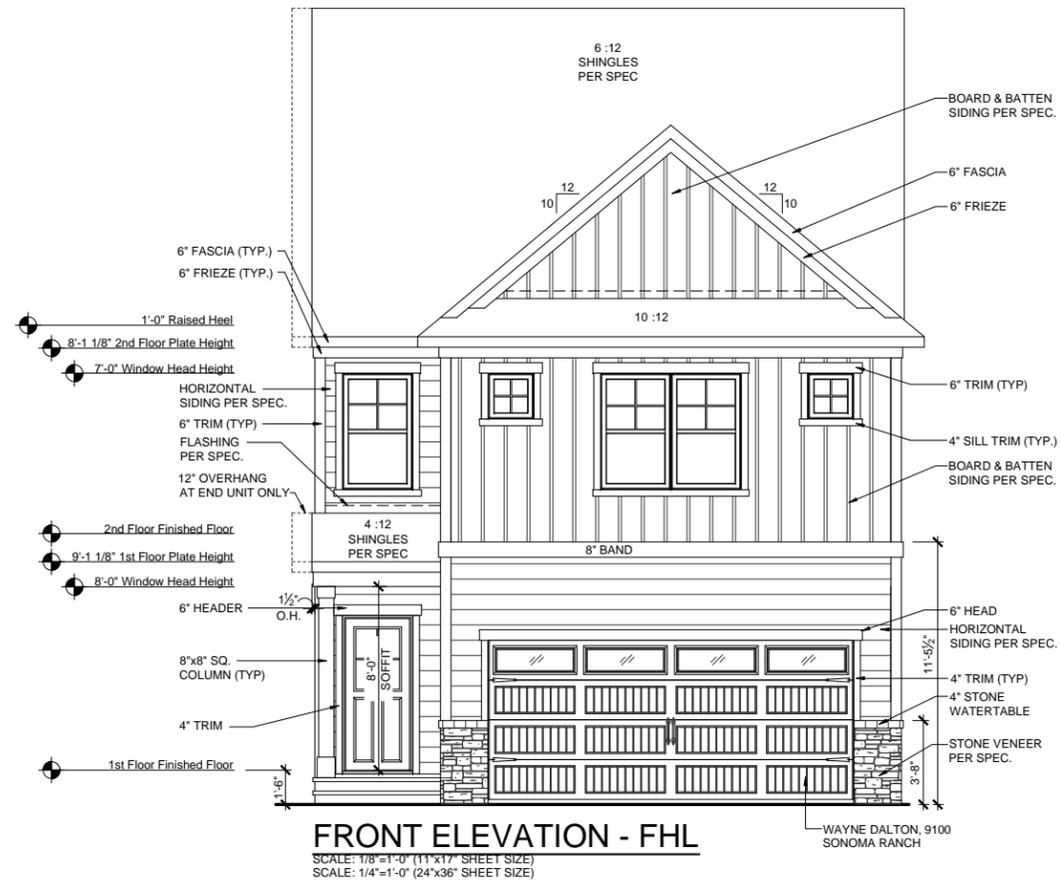
ROOF SQUARE FOOTAGE = 91 S.F.

VENTING =

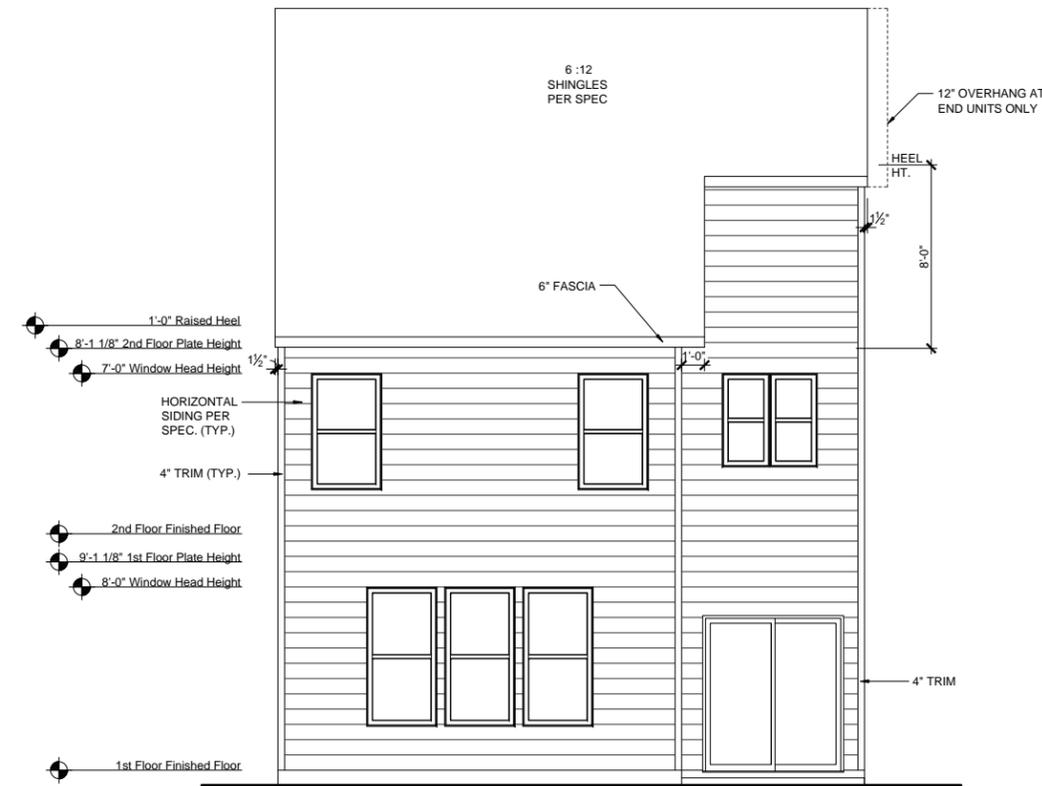
91 S.F. / 150 = 0.61 S.F. REQUIRED
 91 S.F. / 300 = 0.31 S.F. REQUIRED

Ridge Vents: 0 lin ft
 Soffit Vents: 28 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
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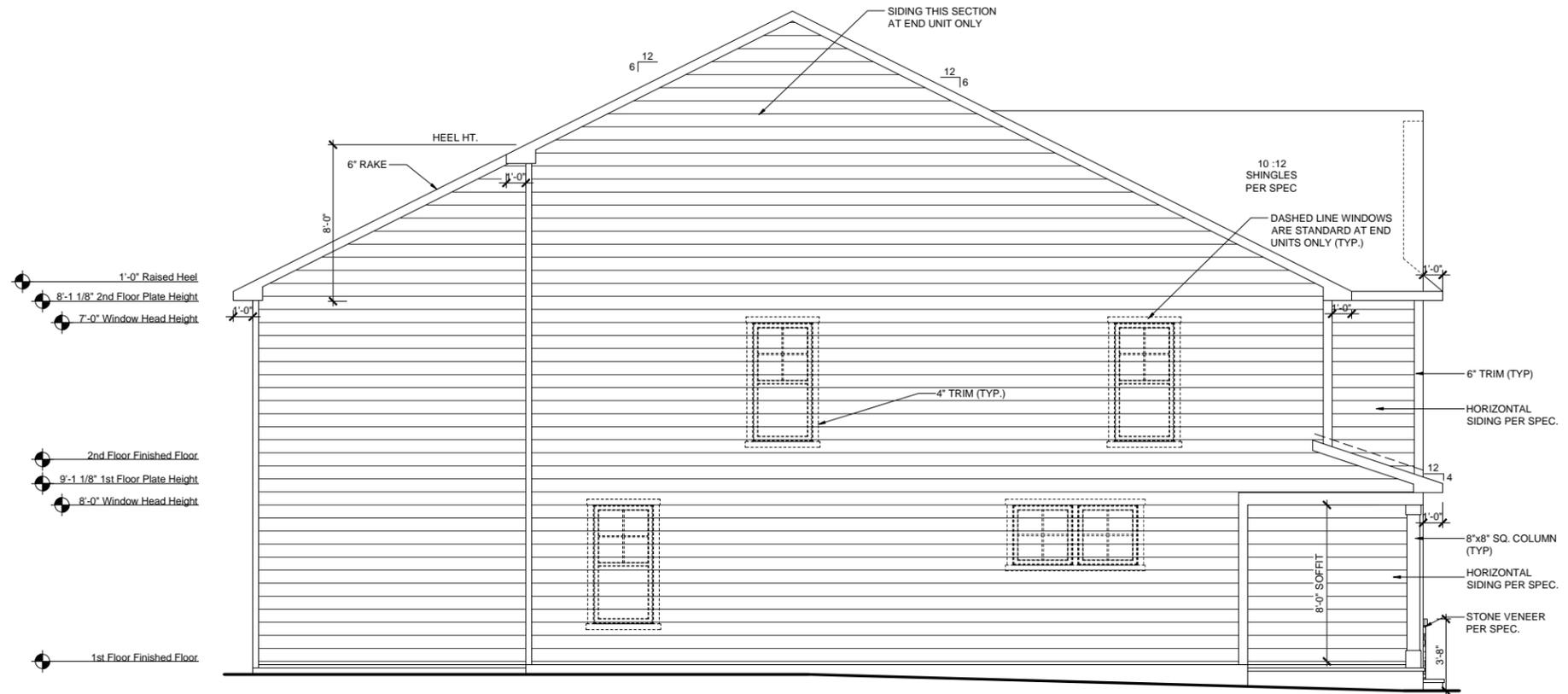


RLH T4392.1
Elevation Plans
Front Elevation FHL

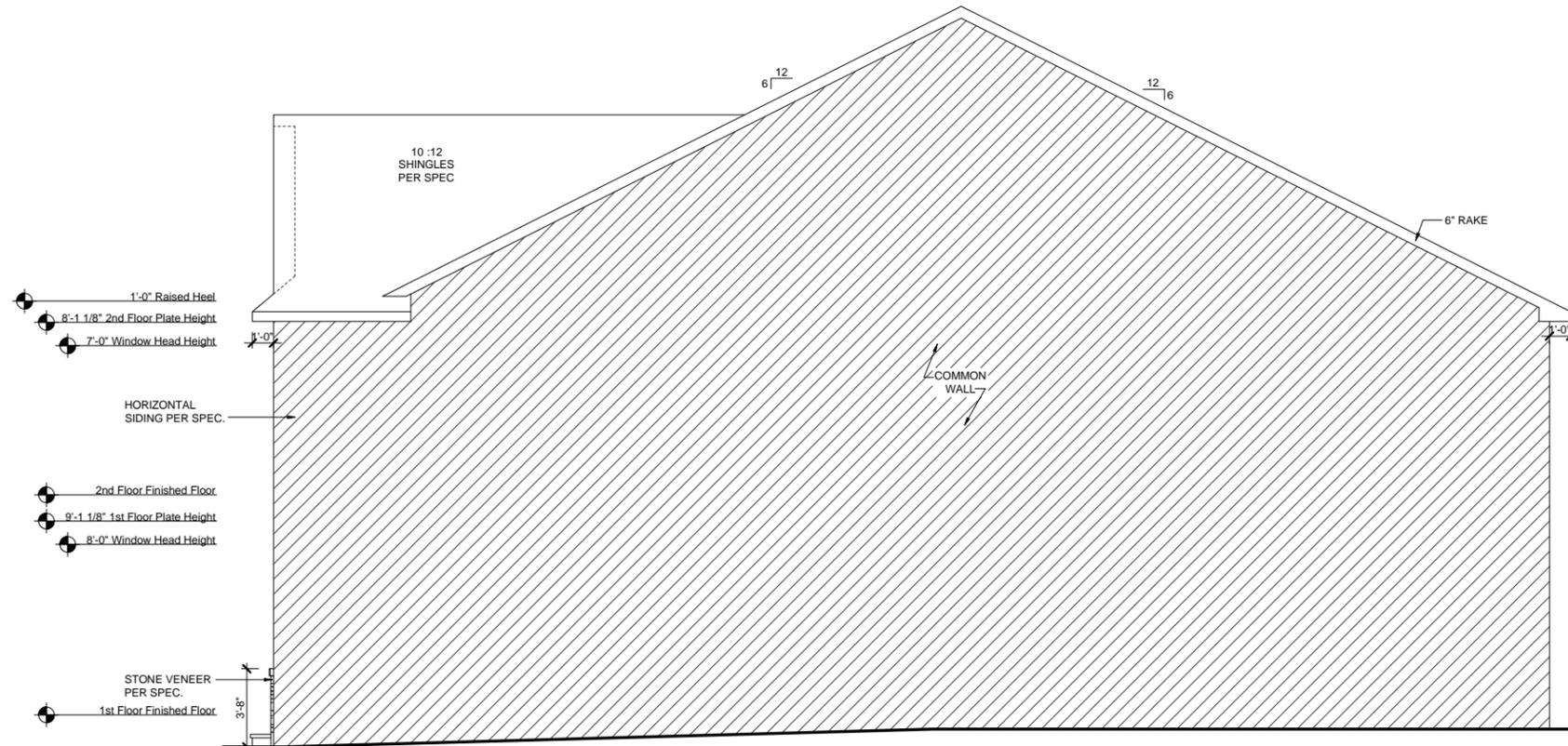
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 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.4

ROBERT'S CROSSING



LEFT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - FHL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
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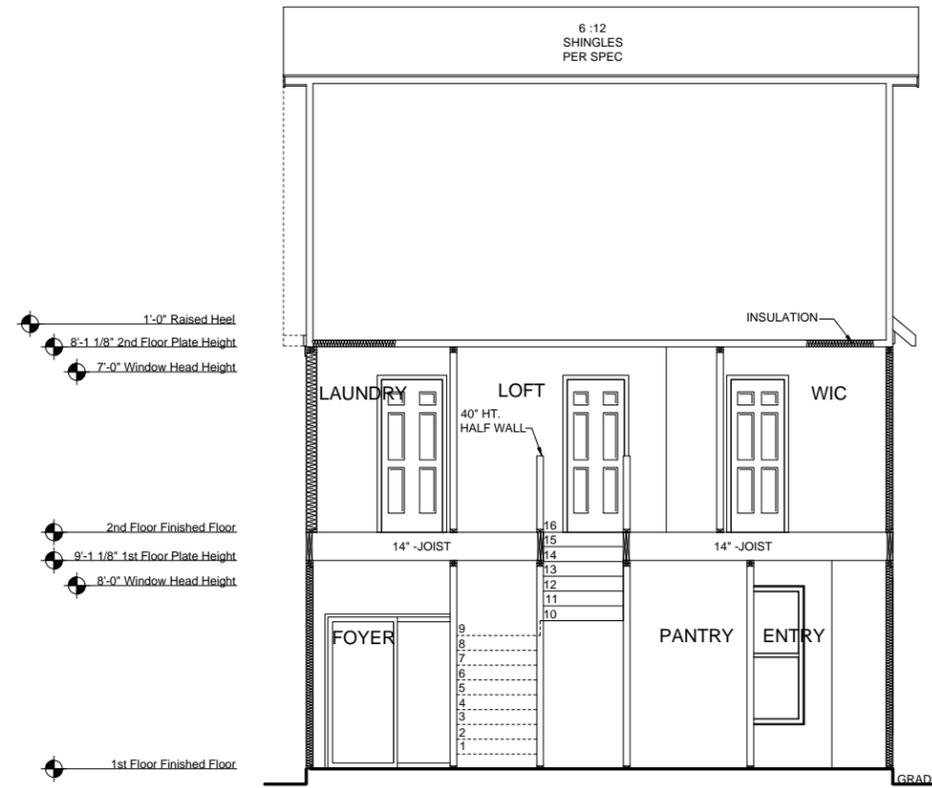


RLH T4392.1
Elevation Plans
Side Elevations FHL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

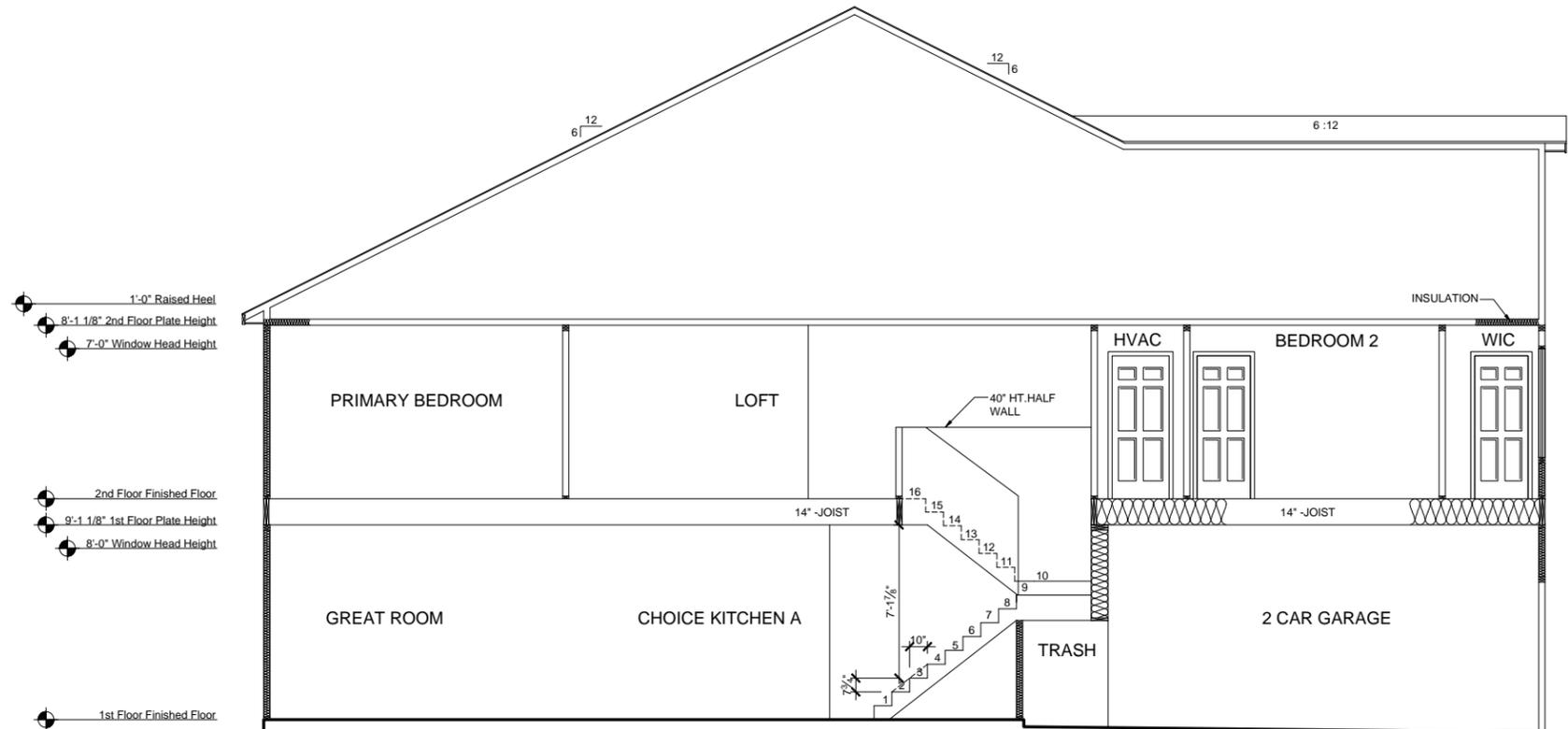
A-3.5

ROBERT'S CROSSING



SECTION 1

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



SECTION 2

SCALE: 1/8"=1'-0"
SCALE: 1/4"=1'-0"

REV.	DATE
v1.2	04-21-2020
v1.3	06-30-2020
v2.0	10-27-2020
v2.1	02-23-2021

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RLH T4392.1
Typical Sections
Sections

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:

A-4.0

ROBERT'S CROSSING



BEAZER HOMES PARKER RLH T477

Sheet List	
Sheet #	Description
CS-1.0	Cover Sheet
F-1.0	Slab Plan Elev TRL
F-1.1	Slab Plan Elev ACL
F-1.2	Slab Plan Elev FHL
F-1.3	Slab Options
A-1.0	First Floor Plan
A-1.1	First Floor Partial
A-1.2	Opt. Covered Patio
A-2.0	Second Floor Plan
A-2.1	Second Floor Partial
A-2.2	Third Floor Plan
A-3.0	Front Elevation TRL
A-3.1	Side Elevations TRL
A-3.2	Front Elevation ACL
A-3.3	Side Elevations ACL
A-3.4	Front Elevation FHL
A-3.5	Side Elevations FHL
A-4.0	Typical Section
E-1.0	1st Floor Electrical Plan
E-2.0	2nd Floor Electrical Plan
E-3.0	3rd Floor Electrical Plan

CORPORATE CONTACTS	DIVISION CONTACTS	CONSULTANT CONTACTS
BEAZER HOMES PLANNING AND DESIGN 1000 ABERNATHY ROAD SUITE 260 ATLANTA, GA 30328 PH: 770-392-2100	BEAZER HOMES RALEIGH DIVISION 5400 TRINITY ROAD SUITE 313 RALEIGH, NC 27607 PH: 919-881-9350	MULHERN & KULP ENGINEERING CONSULTANT 20 S. MAPLE ST, STE 150 AMBLER, PA. 19002 & PH: 770-777-0074

NOTE:
 AS PER SECTION R312 OF THE 2018 NCSBC IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 72 INCHES ABOVE THE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING OF WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW OS LOCATED.

NOTE:
 ALL BEAZER HOMES HOUSES WILL COMPLY WITH ALL PERTINENT ASPECTS OF SECTION 302 & 309 OF THE 2018 NCSBC, RESIDENTIAL CODE, SPECIFICALLY:
 - GARAGE SLABS WILL SLOPE FROM BACK TO FRONT
 - ALL GARAGE CEILINGS WITH ATTIC ABOVE AND WALLS ADJACENT TO RESIDENCES WILL BE COVERED WITH AT LEAST 1/2" DRYWALL
 - GARAGE CEILINGS WILL BE COVERED WITH 5/8" TYPE "X" GYPSUM BOARD ONLY WHEN THERE ARE HABITABLE ROOMS ABOVE GARAGE.
 - DOOR BETWEEN THE RESIDENCE AND THE GARAGE WILL BE SOLID WOOD DOORS OF AT LEAST 1 3/8" THICK, SOLID OR HONEY-COMB CORED METAL CLAD DOORS OR 20 MINUTE RATED DOORS.

ABBREVIATION LEGEND

A.F.F.	ABOVE FINISH FLOOR
ABV.	ABOVE FINISH FLOOR
CLG	CEILING
DH	DOUBLE HUNG
DN	DOWN
DW	DISH WASHER
F.A.U.	FORCED AIR UNIT
H.B.	HOSE BIBB
MC	MEDICINE CABINET
OPT.	OPTION
PDR	POWDER
P.E.	PER ELEVATION
R	RADIUS
R & S	ROD & SHELF
REF.	REFRIGERATOR
SH	SINGLE HUNG
SHF	SHELF
SHWR	SHOWER
STD.	STANDARD
SWL	SOFT WATER LOOP
WH	WATER HEATER

REV.	DATE
1.0	10.30.2020
1.1	02.23.2021

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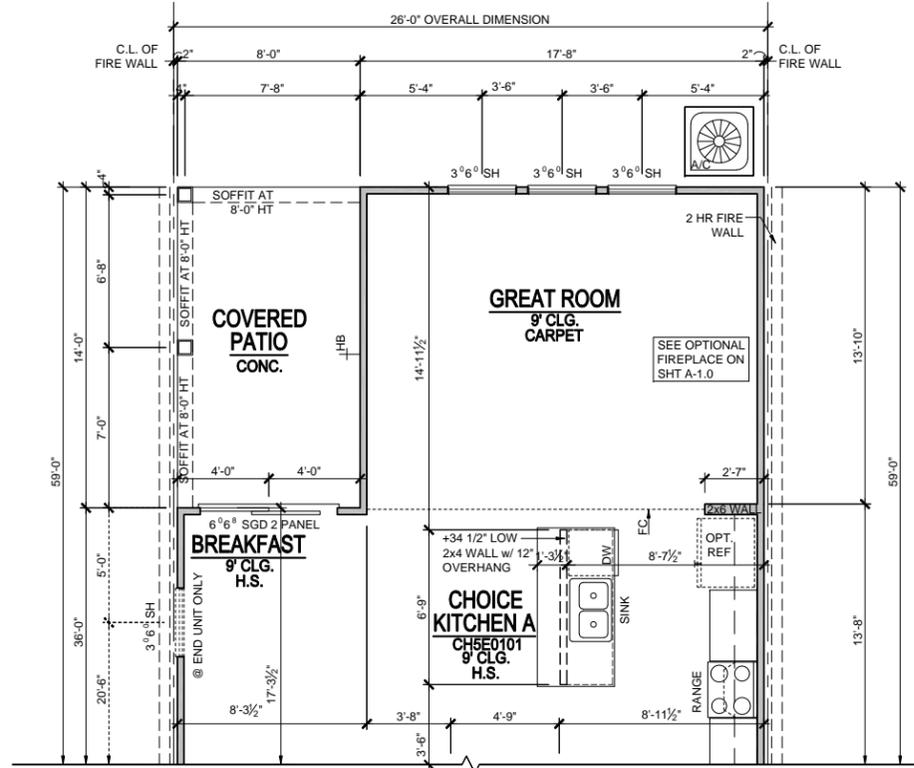
RLH T477 1.1
Cover Sheets
Cover Sheet

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:
CS-1.0

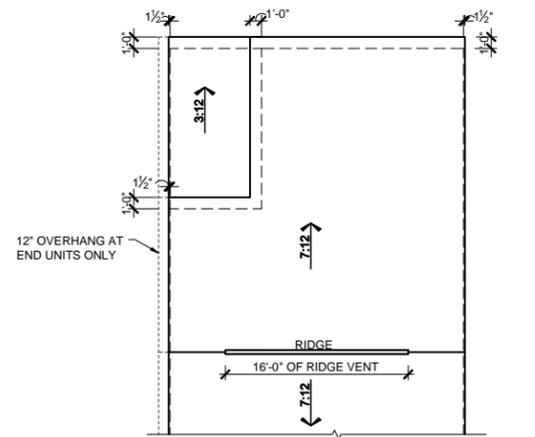
ROBERT'S CROSSING

Square Footage Options	
Area	Square Footage
Opt. Covered Patio	112 SF
Opt. Bath 3/W.I.C./Finished Storage	125 SF

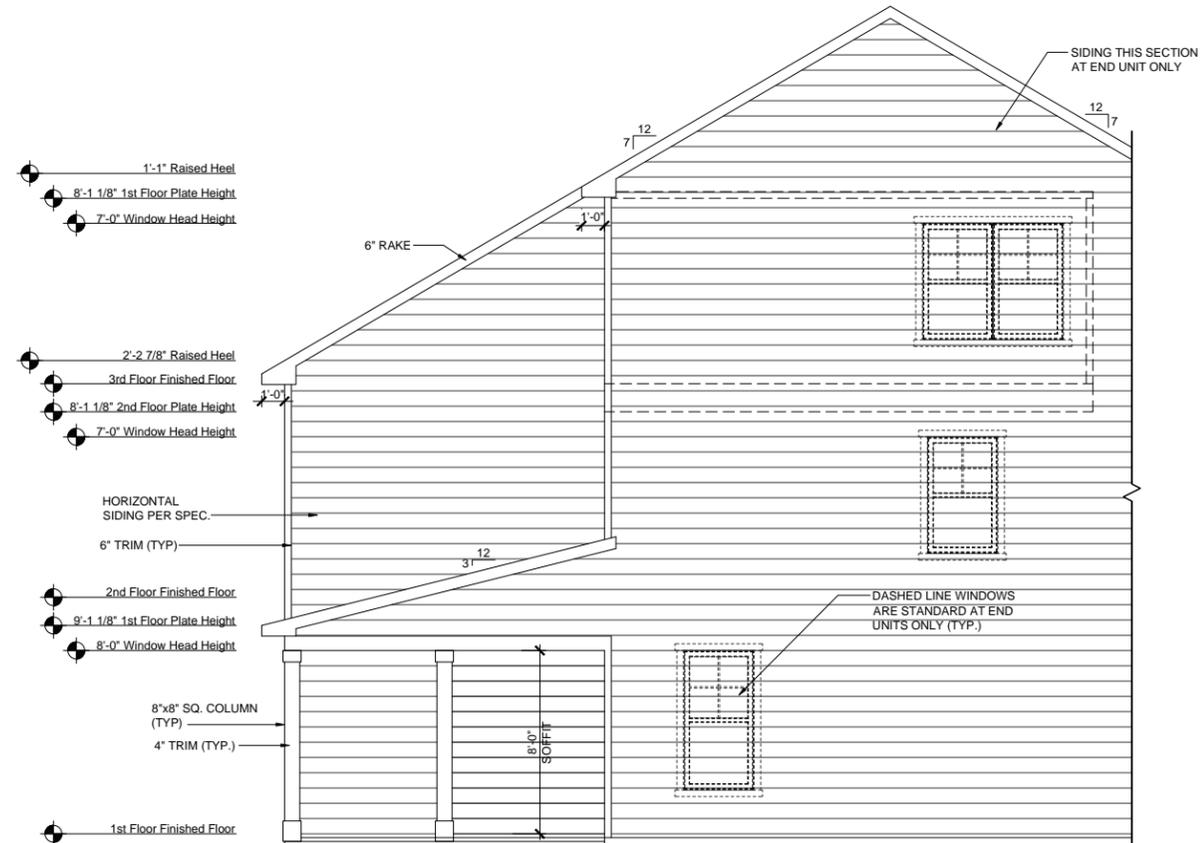
NOTE:
U 305 1 HOUR FIREWALL AT UNIT OFFSETS
U373 2 HOUR FIREWALL AS DESIGNATED



Optional Covered Patio
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)



ROOF PLAN W/OPT. COVERED PATIO
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/8"=1'-0" (24'x36" SHEET SIZE)



LEFT ELEVATION W/OPT. COVERED PATIO
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)



REAR ELEVATION W/OPT. COVERED PATIO
SCALE: 1/8"=1'-0" (11'x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24'x36" SHEET SIZE)

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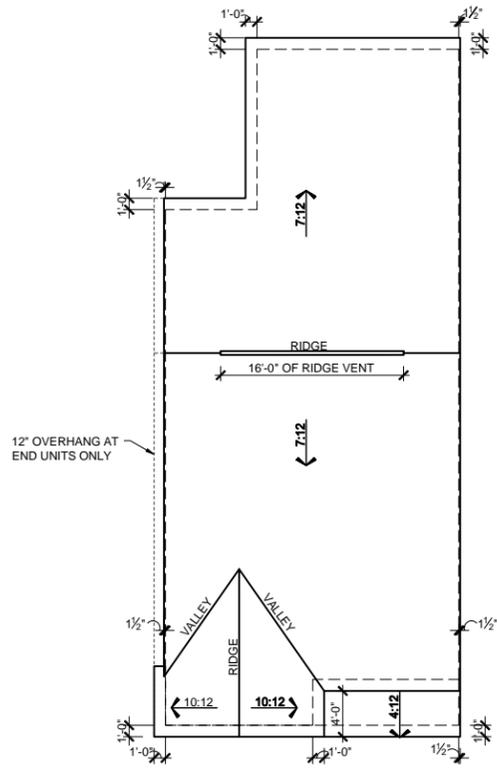


RLH T4771.1
Structural Options
Opt. Covered Patio

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:

A-1.2

ROBERTS CROSSING



ROOF PLAN - TRL
 SCALE: 1/16"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/8"=1'-0" (24"x36" SHEET SIZE)

MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.

VENTING =

1351 S.F. / 150 = 9.00 S.F. REQUIRED

1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft

Soffit Vents: 45 lin ft

NOTE:

1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 51 S.F.

VENTING =

51 S.F. / 150 = 0.34 S.F. REQUIRED

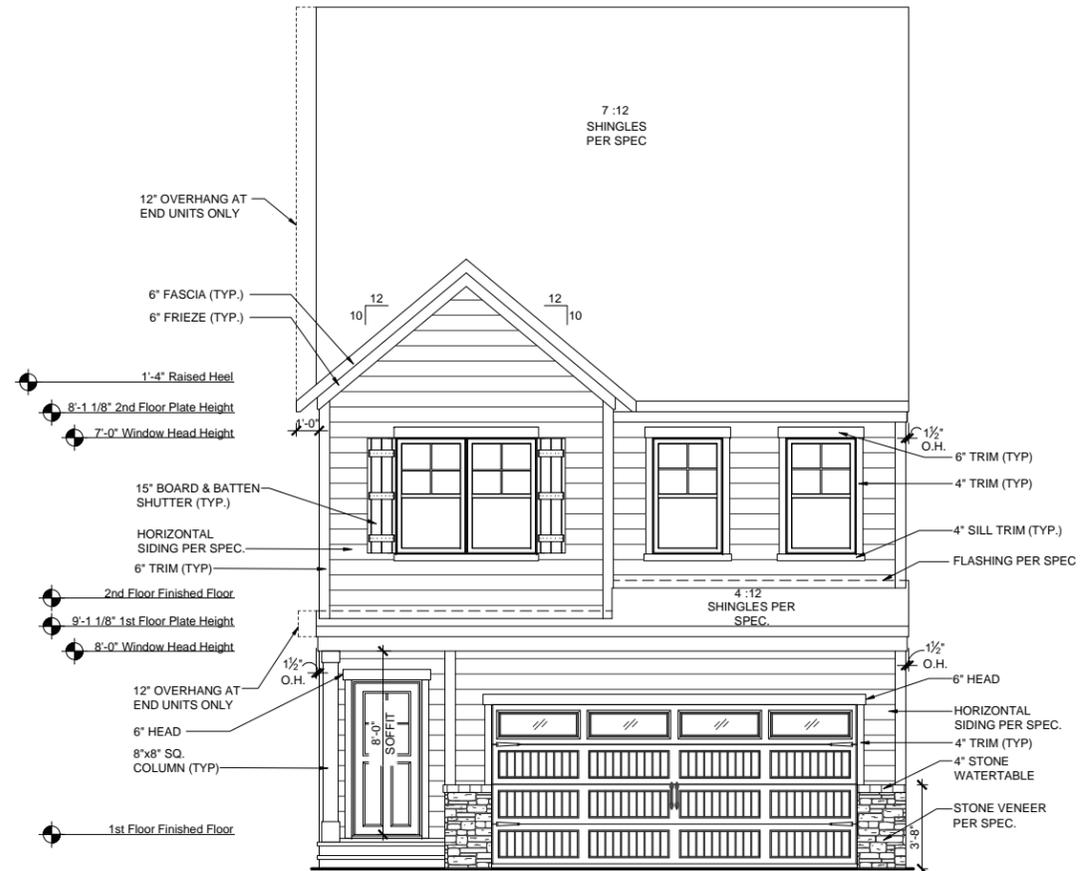
51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft

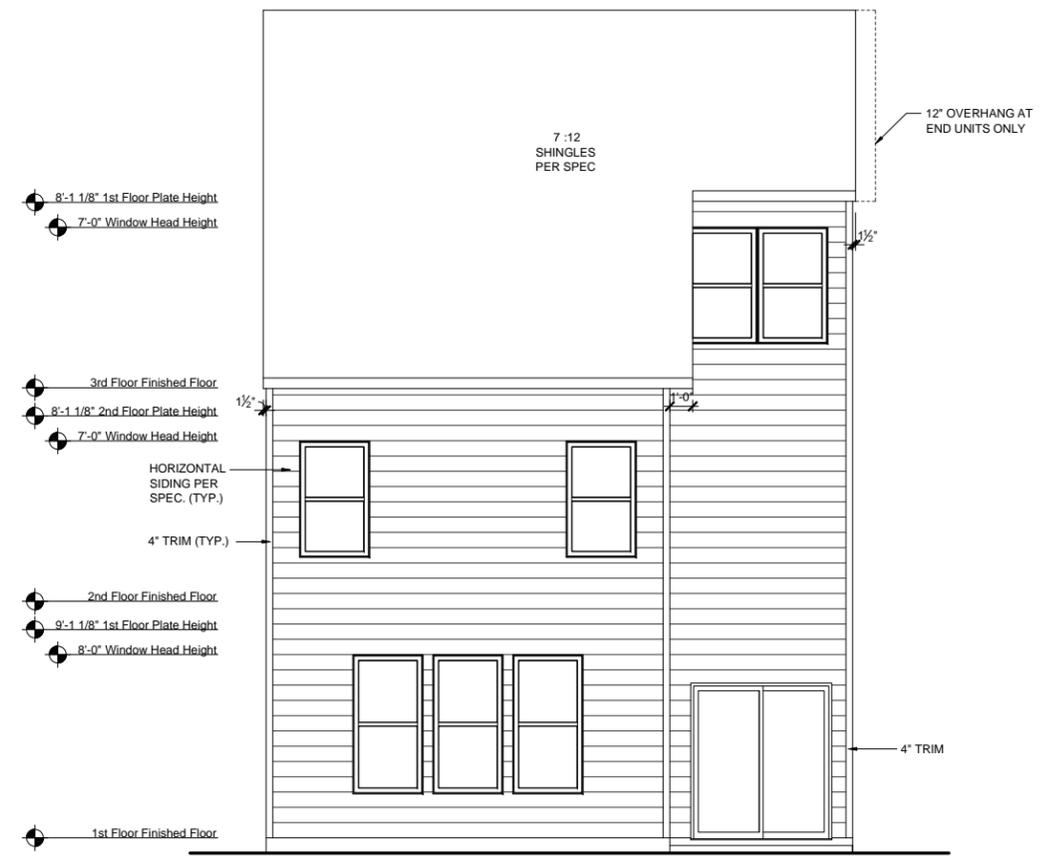
Soffit Vents: 26 lin ft

NOTE:

1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.



FRONT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



REAR ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

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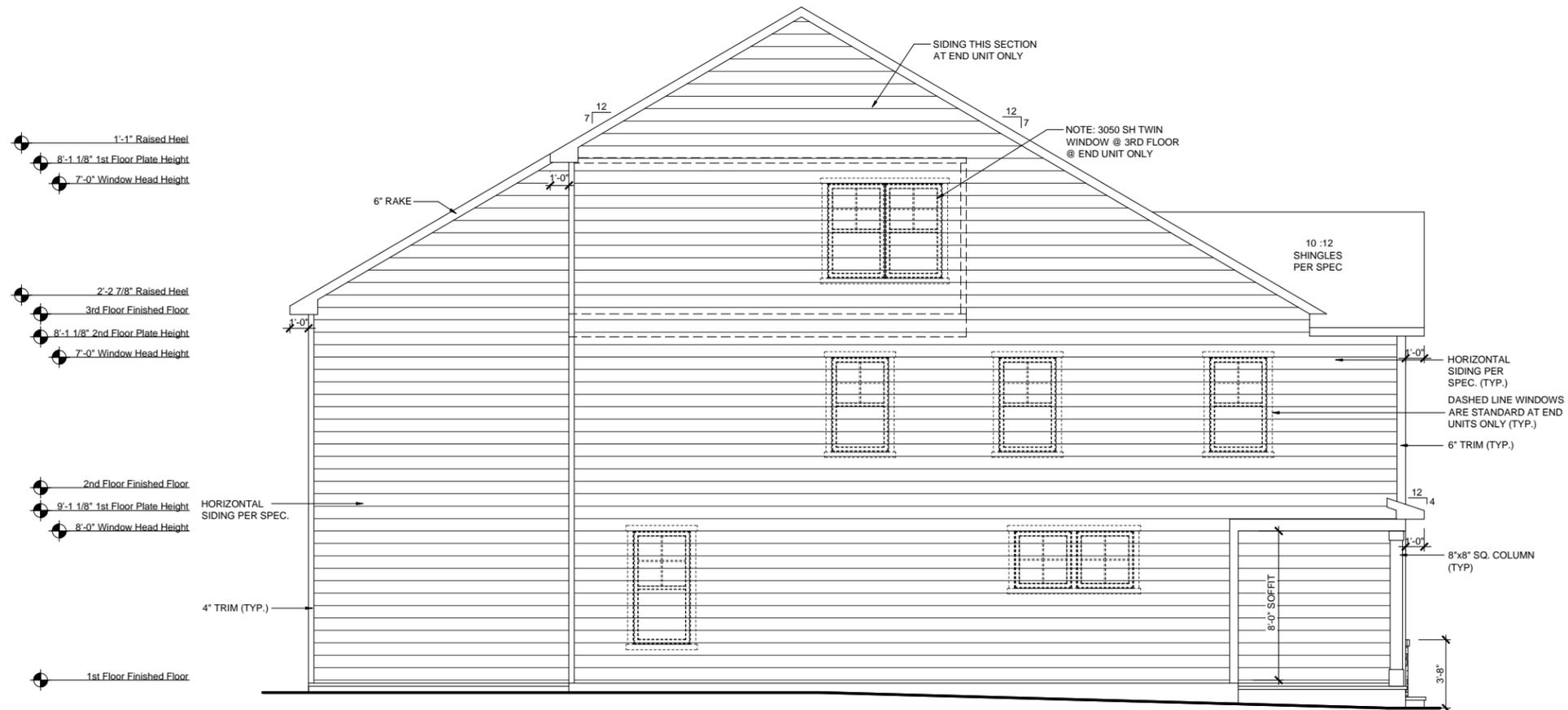
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RLH T4771.1
Elevation Plans
Front Elevation TRL

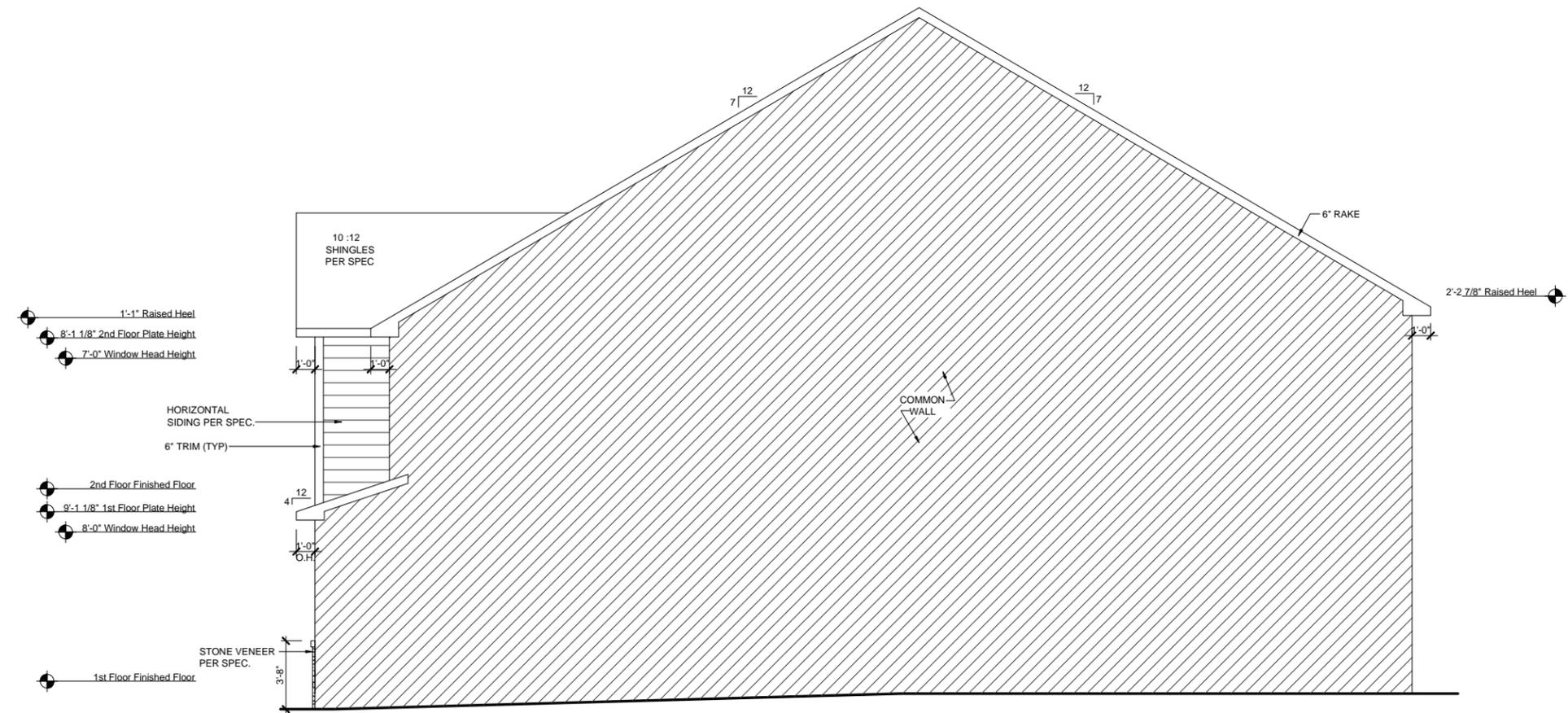
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A-3.0



- 1'-1" Raised Heel
- 8'-1 1/8" 1st Floor Plate Height
- 7'-0" Window Head Height
- 2'-2 7/8" Raised Heel
- 3rd Floor Finished Floor
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor

LEFT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



- 1'-1" Raised Heel
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor

RIGHT ELEVATION - TRL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

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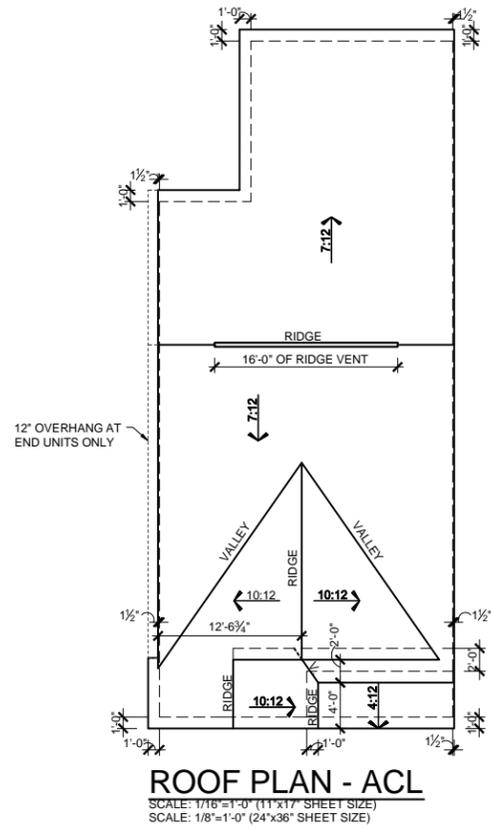
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RLH T4771.1
Elevation Plans
Side Elevations TRL

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A-3.1

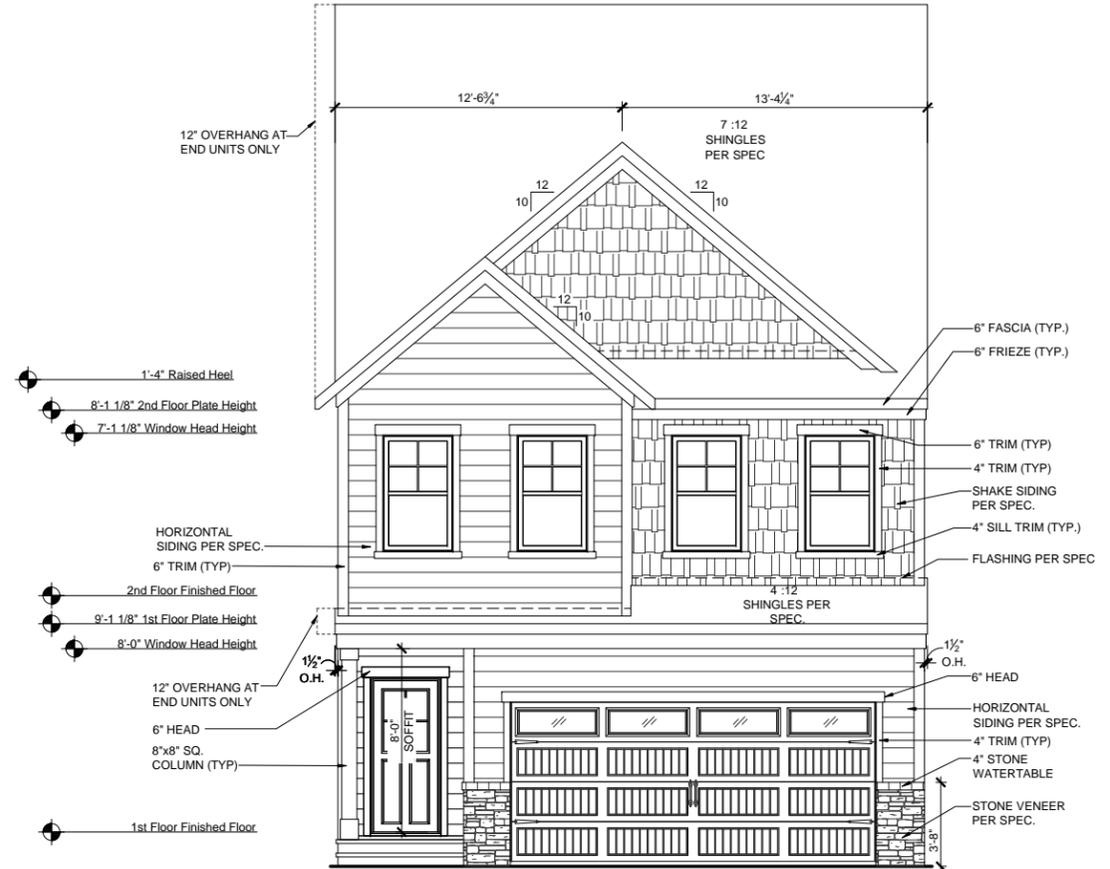


MAIN ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 1351 S.F.	
VENTING =	
1351 S.F. / 150 =	9.00 S.F. REQUIRED
1351 S.F. / 300 =	4.50 S.F. REQUIRED
Ridge Vents:	16 lin ft
Soffit Vents:	45 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	

GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS	
ROOF SQUARE FOOTAGE = 51 S.F.	
VENTING =	
51 S.F. / 150 =	0.34 S.F. REQUIRED
51 S.F. / 300 =	0.17 S.F. REQUIRED
Ridge Vents:	0 lin ft
Soffit Vents:	26 lin ft
NOTE: 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.	



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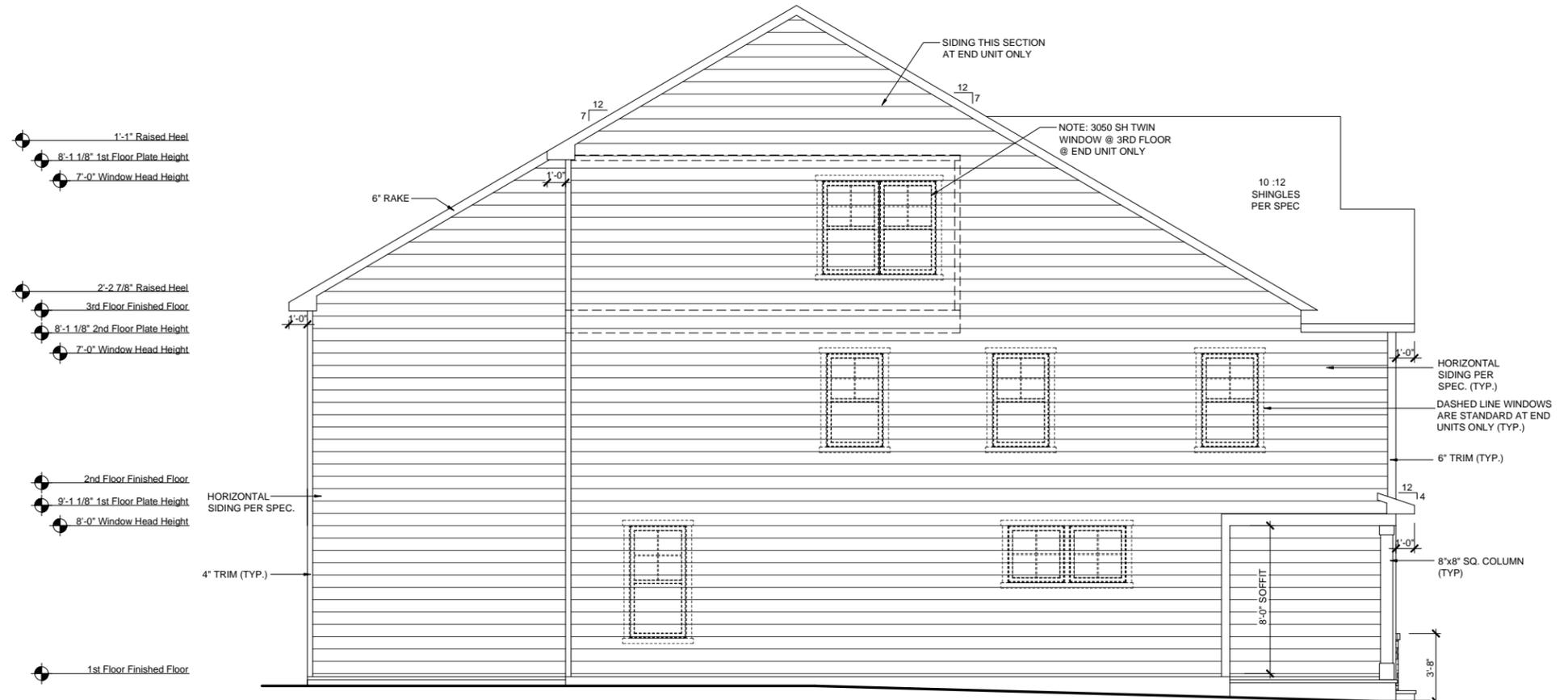
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RLH T477 1.1
Elevation Plans
Front Elevation ACL

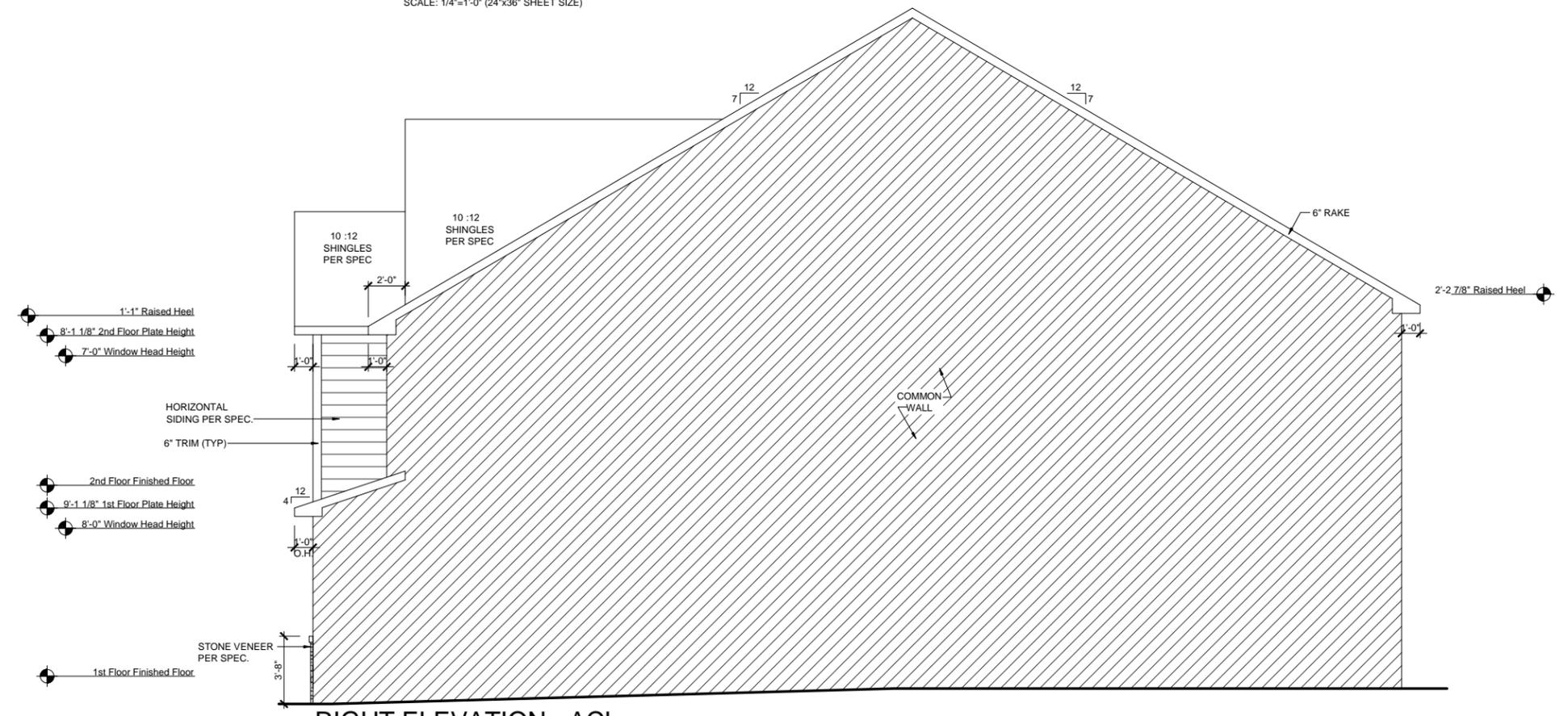
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A-3.2



- 1'-1" Raised Heel
- 8'-1 1/8" 1st Floor Plate Height
- 7'-0" Window Head Height
- 2'-2 7/8" Raised Heel
- 3rd Floor Finished Floor
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor

LEFT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



- 1'-1" Raised Heel
- 8'-1 1/8" 2nd Floor Plate Height
- 7'-0" Window Head Height
- 2nd Floor Finished Floor
- 9'-1 1/8" 1st Floor Plate Height
- 8'-0" Window Head Height
- 1st Floor Finished Floor

RIGHT ELEVATION - ACL
 SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
 SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
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1.1	02.23.2021

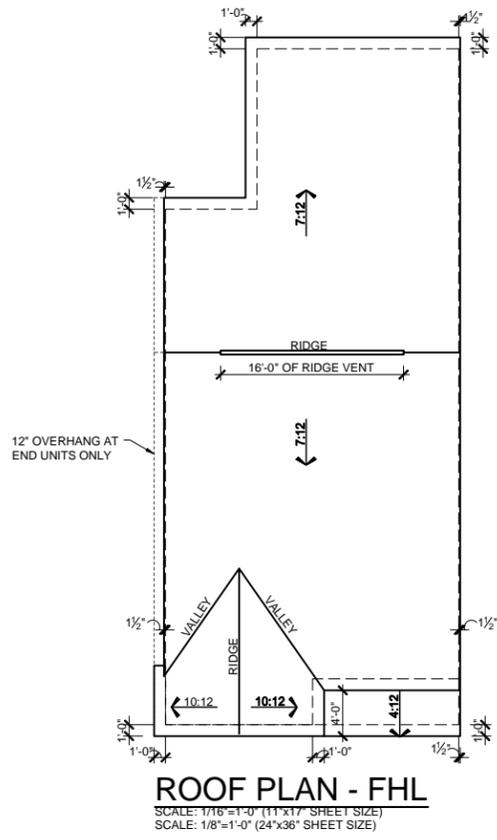
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RLH T477 1.1
Elevation Plans
Side Elevations ACL

drawn by: XSI
 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.3



MAIN ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 1351 S.F.
 VENTING =
 1351 S.F. / 150 = 9.00 S.F. REQUIRED
 1351 S.F. / 300 = 4.50 S.F. REQUIRED

Ridge Vents: 16 lin ft
 Soffit Vents: 45 lin ft

NOTE:
 1 TO 300 IS ALLOWED, PROVIDED THAT BETWEEN 60% AND 80% OF REQUIRED VENTING IS LOCATED AT LEAST 3 FEET ABOVE THE EAVE.

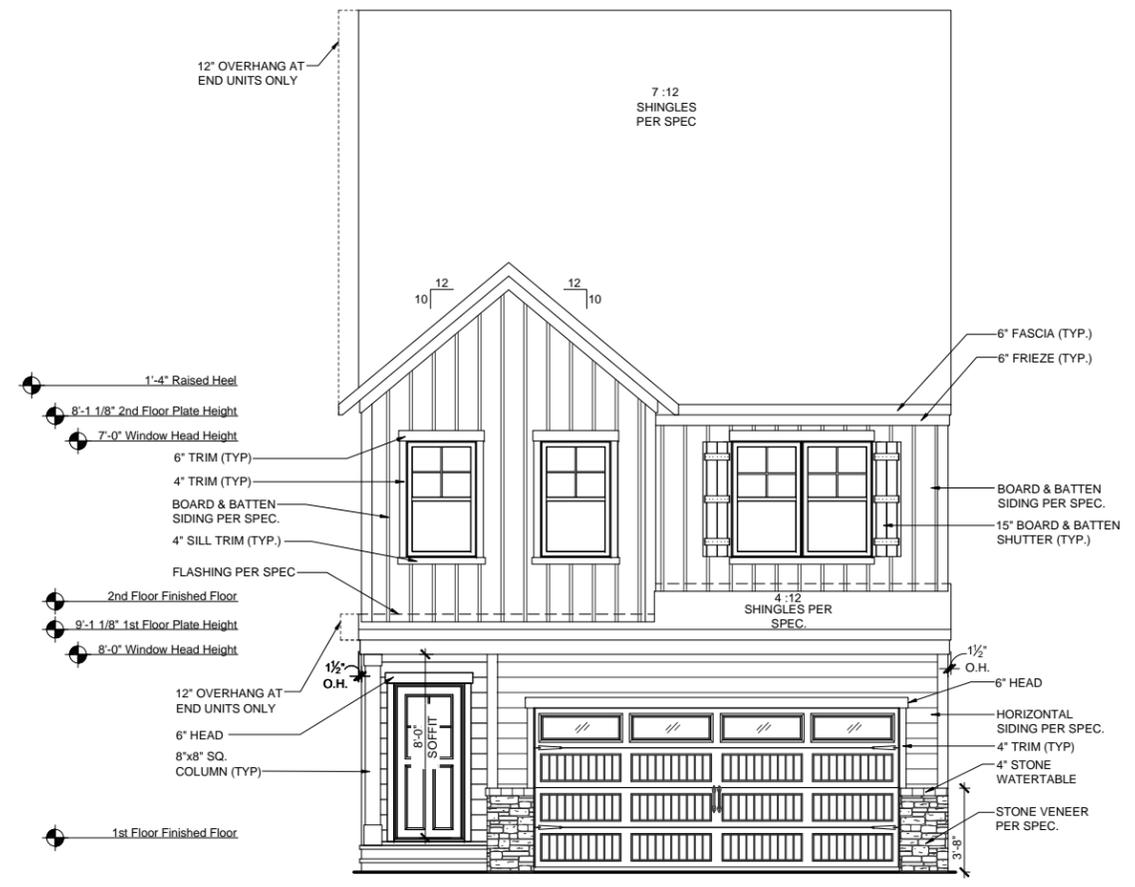
GARAGE/PORCH ROOF

ATTIC VENT CALCULATIONS

ROOF SQUARE FOOTAGE = 51 S.F.
 VENTING =
 51 S.F. / 150 = 0.34 S.F. REQUIRED
 51 S.F. / 300 = 0.17 S.F. REQUIRED

Ridge Vents: 0 lin ft
 Soffit Vents: 26 lin ft

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RLH T477 1.1
Elevation Plans
Front Elevation FHL

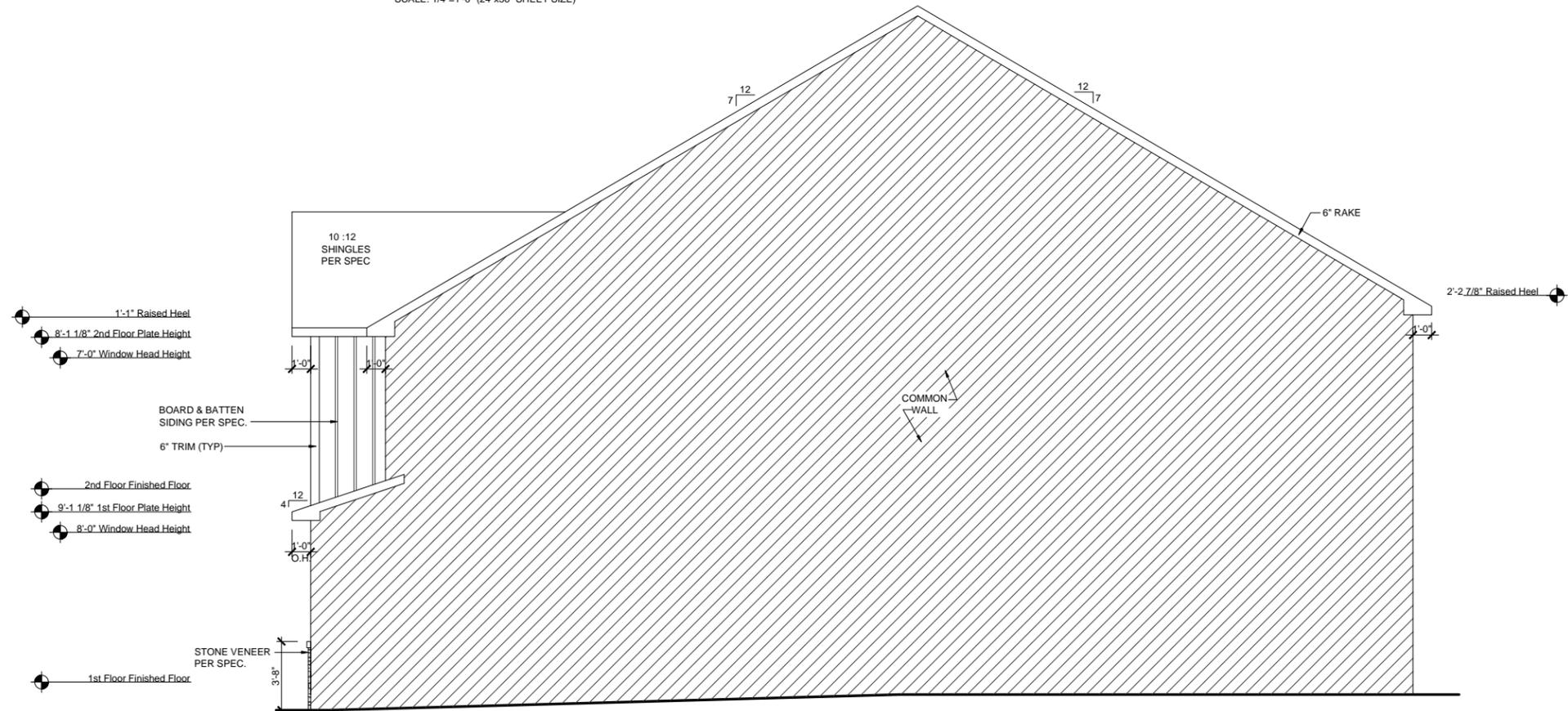
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 checked by: BZH
 date: 09/20/19
 sheet number:

A-3.4



LEFT ELEVATION - FHL

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)



RIGHT ELEVATION - FH

SCALE: 1/8"=1'-0" (11"x17" SHEET SIZE)
SCALE: 1/4"=1'-0" (24"x36" SHEET SIZE)

REV.	DATE
1.0	10.30.2020
1.1	02.23.2021

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RLH T477 1.1
Elevation Plans
Front Elevation FHL

drawn by: XSI
checked by: BZH
date: 09/20/19
sheet number:

A-3.5

ROBERT'S CROSSING

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Marty Stone, PE, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc.

Approval Recommended?

Yes

Item Details

The Town of Apex and Meritage Homes of Carolinas, Inc. executed an Amendment to the original Utility Infrastructure Agreement on August 21, 2018. Under the terms of that agreement, Meritage Homes of Carolinas, Inc. is ultimately due either 20% of the new Capital Reimbursement Fees or the old acreage fees that were in the original Developer's Agreement, whichever is greater, up to the final approved actual construction cost of \$5,559,960.25. In this case, the acreage fees are the basis for reimbursement. The calculated reimbursement due is \$388,248.21 as shown on the attached spreadsheet. After this payment, the balance of eligible reimbursement is \$4,901,868.66, which may be paid in the future as benefited lands develop.

Funds for the reimbursement will be covered by a transfer from the Water Sewer HB 463 Capital Reserve Fund.

Attachments

- Spreadsheet Detailing Credits & Fees for Deer Creek Reimbursement
- Budget Ordinance Amendment No. 10



Credits and Fees for Deer Creek Reimbursement through 10/20/2021

Deer Creek - 100% CO'd

Total										
Plat	Acreage	# Units	Water CRF Paid	Potential Water Acreage Fees		Sewer CRF Paid	Potential Sewer Acreage Fees		Date Paid	
				\$2,230/acre*			\$2,230/acre*			
Ph 1	26.84	62	\$ 202,616.00	\$	59,853.20	\$ 218,054.00	\$	59,853.20		11/13/2017
Ph 2	8.23	47	\$ 153,596.00	\$	18,352.90	\$ 165,299.00	\$	18,352.90		11/13/2017
Ph 3	18.21	58	\$ 103,414.00	\$	40,608.30	\$ 213,150.00	\$	40,608.30		11/5/2018
Ph 4	4.85	23	\$ 75,164.00	\$	10,815.50	\$ 80,891.00	\$	10,815.50		5/8/2018
Ph 5	6.74	42	\$ 137,256.00	\$	15,030.20	\$ 147,714.00	\$	15,030.20		5/8/2018
Ph 6	16.69	22	\$ 39,226.00	\$	37,218.70	\$ 80,850.00	\$	37,218.70		7/9/2018
Totals	81.56	254	\$ 711,272.00	\$	181,878.80	\$ 905,958.00	\$	181,878.80		
20%			\$ 142,254.40			\$ 181,191.60				

*Rate in effect at the time of approval FY 2015/2016 Fee Schedule

Benefited Land- Retreat at Cedar Crossing

Total										
Plat	Acreage	# Units	Water CRF Paid thru 10/20/21	Potential Water Acreage Fees		Sewer CRF Paid thru 10/20/21	Potential Sewer Acreage Fees		Date Paid	
				\$2445/acre			\$2445/acre			
Ph 1	7.394	24	\$ 37,443.00	\$	18,078.33	\$ 77,175.00	\$	18,078.33		At Permit
Ph 2	7.097	22	\$ 30,311.00	\$	17,352.17	\$ 62,475.00	\$	17,352.17		At Permit
				\$	-		\$	-		
				\$	-		\$	-		
Totals	14.491	46	\$ 67,754.00	\$	35,430.50	\$ 77,175.00	\$	35,430.50		
20%			\$ 13,550.80			\$ 15,435.00				

Benefited Land- Willow Hills

Total										
Plat	Acreage	# Units	Water CRF Paid thru 10/20/21	Potential Water Acreage Fees		Sewer CRF Paid thru 10/20/21	Potential Sewer Acreage Fees		Date Paid	
				\$2445/acre			\$2445/acre			
Ph 1	19.59	17	\$ 28,528.00	\$	47,897.55	\$ 58,800.00	\$	47,897.55		At Permit
Ph 2	26.11	27	\$ 33,877.00	\$	63,838.95	\$ 69,825.00	\$	63,838.95		At Permit
				\$	-		\$	-		
				\$	-		\$	-		
Totals	45.7	44	\$ 62,405.00	\$	111,736.50	\$ 128,625.00	\$	111,736.50		
20%			\$ 12,481.00			\$ 25,725.00				

CREDITS TO DATE SUMMARY:

DESCRIPTION	WATER	SEWER	TOTAL
Deer Creek Maximum Potential Credit	\$ 1,404,997.48	\$ 4,154,962.77	\$ 5,559,960.25
20% CRFs	\$ 168,286.20	\$ 222,351.60	\$ 390,637.80
Potential Acreage Fees	\$ 329,045.80	\$ 329,045.80	\$ 658,091.59
Total Reimbursement Eligible as of 10/20/21	\$ 329,045.80	\$ 329,045.80	\$ 658,091.59
Less 1st Reimbursement Payment on 11/13/18 (Ck# 232828)	\$ (134,921.69)	\$ (134,921.69)	\$ (269,843.38)
			\$ -
Balance Due 10/20/21	\$ 194,124.11	\$ 194,124.11	\$ 388,248.21
BALANCE OF REMAINING POTENTIAL CREDITS AFTER LAST REIMBURSEMENT	\$ 1,075,951.69	\$ 3,825,916.98	\$ 4,901,868.66



Town of Apex
Budget Ordinance Amendment No. 10

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:

WATER SEWER FUND

Section 1. Revenues:

Transfer from Water Sewer HB 463 Capital Reserve	\$388,250
Total Revenues	\$388,250

Section 2. Expenditures:

Water Treatment-Capital Outlay-Improvements	\$194,125
Sewer Treatment-Capital Outlay-Improvements	\$194,125
Total Expenditures	\$388,250

WATER SEWER HB463 CAPITAL RESERVE FUND

Section 3.

Appropriated Fund Balance	\$388,250
Total Revenues	\$388,250

Section 4.

Transfer to Water Sewer Fund	\$388,250
Total Expenditures	\$388,250

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

Adopted this the 23rd day of November, 2021

Attest:

 Jacques K. Gilbert, Mayor

 Donna B. Hosch, MMC, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the October 26, 2021 Regular Council Meeting

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 10.26.21 Regular Meeting Minutes





VIRTUAL REGULAR TOWN COUNCIL MEETING

October 26, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

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

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

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

COMMENCEMENT

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

PRESENTATIONS

PR1 Apex Town Council and Apex Public School Foundation

Presentation by the Apex Public School Foundation

Council Member Mahaffey stated that the Town has partnered with the Apex Public School Foundation to present the Peak STAR (Staff Teacher Administration Recognition) Award. The award honors staff members for their contributions and impact on students and the education system.

Stephanie Mitchell, President of The Apex Public School Foundation, recognized the 1st honoree of the Peak STAR Award, Mr. Terrell Olive, Custodian at Apex Elementary School. Katie Caggia, Principal of Apex Elementary School shared comments received about Mr. Olive and praised Mr. Olive for always making everyone feel good, for his work ethic, and maintaining a safe and clean environment for the best student experience. Mr. Olive thanked the Apex Elementary School staff. Council

congratulated Mr. Olive and thanked him for his hard work in assisting with the process to keep children in school during these times.

PR2 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program.

Staff provided Council with an update on the Town's Customer Assistance Program as of September 30, 2021. Staff stated that the program has a 90% approval rate, and that average amount received is approximately \$600 per applicant.

CONSENT AGENDA

CN2 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Edwards Pond, LLC to install a concrete driveway that will encroach 157 S.F. onto the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN3 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a concrete driveway that will encroach 7 S.F. onto the Town's 39 S.F. Public Drainage Easement and authorize the Town Manager to execute the same.

CN4 Jacques K. Gilbert, Mayor

Appoint Audra Killingsworth, Town Council Member, Tina Sherman, Town Planning Board Member, Philip J. Welch, Jr., Rhett Fussell, Valeria Cesanelli, Paul Kane, Seth Friedman, Jacob Rogers and Martha L. Rodgers to the Housing Advisory Board.

CN5 Michael Deaton, Water Resources Director

Set a Public Hearing concerning the proposed amendments to Article III of Chapter 12 to add a Stormwater Utility Ordinance for Tuesday, November 9, 2021 at 6:00 p.m.

CN6 Colleen Merays, Downtown & Small Business Development Coordinator & Captain Ann Stephens

Town Sponsored Event request for the Town of Apex to host Apex Night Out on Saturday, November 6, 2021 at The Depot Parking Lot, Plaza and Seaboard St.

CN7 Donna B. Hosch, Town Clerk & Tesa Silver, Deputy Town Clerk

Minutes of the October 6, 2021 Special Council Meeting and the October 12, 2021 Regular Council Meeting

- CN8 Michael Deaton, PE, Director
Interlocal Agreement (ILA) with the Town of Cary to provide water service to a single family residence located at 5921 Farmpond Road.
- CN9 Taylor Wray, Cultural Arts Marketing and Events Specialist
Reappoint Tom Colwell as Chair and Bethany Bryant as Vice-Chair on the Apex Public Art Committee.
- CN10 Mary Beth Manville, Human Resources Director
Organization and Workforce Study contract between the Town and Baker Tilly-US, LLC, authorizing the Town Manager to execute the same, and approve corresponding Budget Ordinance Amendment No. 8.

Council Member Stallings requested that Consent Agenda Item 1 be pulled for discussion to New Business 1.

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

Council Member Killingsworth made the motion
to approve with the requested change;
Council Member Mahaffey seconded.
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;
Mayor Pro Tem Dozier seconded.
The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

There were no Public Forum comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business Items for consideration.

NEW BUSINESS

CN1 Marty Stone, Assistant Town Manager

Master Encroachment Agreement with Google Fiber North Carolina, LLC and authorize the Town Manager to execute the same.

Assistant Town Manager Stone explained that the questions posed by Council are standard business practices for Google. Assistant Town Manger Stone stated that Google will send a notification through IDT and the TRC reviews everything to ensure that the town's infrastructure is protected and safe. Staff is being proactive by being involved in the process ensuring utilities are protected. Council asked if Google would use AT&T's existing infrastructure and staff stated that if that occurred a discussion between the two private companies would occur with no town involvement. Council asked if this was the only area Google would be entering and staff stated that the Town is not currently aware of additional plans. Staff stated that the process and encroachment agreement are being utilized as a mechanism to be notified of upcoming projects.

Mayor Gilbert called for a motion.

Council Member Gantt made the motion

to approve the encroachment agreement and authorize the Town Manager to execute the same;

Council member Killingsworth seconded.

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

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Updates on Town operations by Town Manager Catherine Crosby

Town Manager Crosby shared her experiences observing staff at various department throughout the town, thanked staff for their involvement with her visits, and acknowledged the recent Peak Performers. She stated that the grand opening for the Senior Center would occur on Monday, the Depot reopening would occur tomorrow, and that a swearing in ceremony was held for Police Chief Armstrong.

CLOSED SESSION

CS1 Steve Adams, Real Estate & 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.

Council Member Stallings made the motion;

Council Member Gantt seconded.

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

Mayor Gilbert called for a motion to return to Open Session.

Council Member Killingsworth made the motion;

Council Member Stallings seconded.

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: November 23,2021

Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works & Transportation

Requested Motion

Motion to approve an Infrastructure Reimbursement Agreement with the Triad Math and Science Academy Company for installation of sidewalk and curb and gutter along Dropseed Drive for actual costs incurred not to exceed \$50,000.00, authorize Town manager to execute same and approve corresponding Budget Ordinance Amendment 11 and Capital Project Ordinance Amendment 2022-03.

Approval Recommended?

Yes

Item Details

The UDO requires installation of curb and gutter along both sides of the existing town-maintained section of Dropseed Drive along with installation of five-foot sidewalk on the east side to meet minimum street standards during construction of the proposed Triangle Math and Science campus. The proposed plan would provide curb and gutter to protect the roadway shoulder and complete a sidewalk gap for residents in Deer Creek as well as allow for pedestrian access to the school. The public street was originally built to serve as a required second point of vehicular access to residential development in the northeast corner of Deer Creek due to that phase exceeding 50 units, and was approved without curb and gutter and sidewalk through the future reserved commercial area of the Deer Creek PUD plan. Commercial development would have provided curb and gutter and sidewalk as part of a plan that may have also included realignment of the street. Since a school is now planned for that area of the Deer Creek PUD, improvement of the public street if required by Apex to be completed by the school is considered a financial responsibility for the municipality according to state statutes. Funding will be appropriated fund balance.

Attached to the Agreement are the Street Improvements (Exhibit A) and Cost of Construction (Exhibit B).

Attachments

- Infrastructure Reimbursement Agreement
- Budget Ordinance Amendment 11
- Capital Project Ordinance Amendment 2022-03



STATE OF NORTH CAROLINA

INFRASTRUCTURE REIMBURSEMENT AGREEMENT

COUNTY OF WAKE

THIS INFRASTRUCTURE REIMBURSEMENT AGREEMENT ("Agreement"), entered into as of this _____ day of _____, 2021 ("Effective Date"), by and between the **TOWN OF APEX**, a North Carolina municipal corporation (the "Town"), and Triad Math and Science Academy Company, a North Carolina nonprofit corporation (the "School") with its principal office located at 700 Creek Ridge Rd., Greensboro, NC 27406. The Town and School may be individually referred to as a "Party" and collectively referred to as the "Parties."

STATEMENT OF PURPOSE

WHEREAS, the School is a facility engaged in the educational instruction of children from 6th through 12th grade, focusing on science, technology, engineering, and math at which attendance satisfies the compulsory attendance law; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-307.1, the Town is required to reimburse a school for municipal street improvements required by the Town that are physically connected to a driveway on the school site and are required for safe ingress and egress to the Town's municipal street system; and

WHEREAS, the School will be constructing certain right of way improvements in connection with the construction of the Triad Math and Science Academy to be located at 400 New Hill Rd. Apex, NC 27502 (the "Development Project"); and

WHEREAS, the Town has identified certain street improvements that will be required, consisting of approximately 1,900 linear feet of concrete curb and gutter and 525 square yards of 5 foot wide concrete sidewalk, and other associated facilities (collectively the "Street Improvements"), as shown on Exhibit A, attached and incorporated herein by reference; and

WHEREAS, the School has prepared plans and specifications suitable for construction, and is willing to obtain requisite encroachment agreements, rights of entry, and/or easements from any and all affected property owners to construct the Street Improvements; and

WHEREAS, the Town agrees that the Street Improvements are for a public purpose and that following construction of the Street Improvements and final acceptance by the Town, the Town shall be responsible for the maintenance of the Street Improvements; and

WHEREAS, the Parties desire to memorialize the terms of their agreement with regard to the design, construction and payment for the Street Improvements so that the work on the Development Project may proceed as planned.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

**ARTICLE I
PROJECT SCOPE AND FINANCING**

1.1. Recitals. The recitals to this Agreement are incorporated into this Agreement.

1.2. Street Improvements. The scope of work for the Street Improvements is as set out in Exhibit A (hereafter the “Scope of Work” or “Work”) attached and incorporated herein by reference. The Street Improvements include the installation of sidewalk and curb and gutter.

1.3. Town Reimbursement. In accordance with Exhibit B, “Engineer’s Opinion of Probable Cost”, dated August 30, 2021, and prepared by Kimley-Horn & Associates, Inc., the estimated actual cost of the Street Improvements including services such as labor, supervision, management, materials, engineering/design costs, permitting, rights-of-way and easement acquisition, management and construction of the Street Improvements and the amount to be reimbursed by the Town to the School for actual costs incurred is an amount not to exceed \$50,000.00. Such actual cost amounts have been arrived at and approved by the Parties. The Town is not a party to any proposed contract entered into between the School and its contractor(s) for the work necessary to complete the Street Improvements. The School shall consult with the Town regarding the Street Improvements. Reimbursement of all costs associated with the Town’s required Street Improvements shall be assessed for value consistent with the Town’s transportation improvement projects of the same type and size. In order to receive reimbursement, School shall comply with all of the following:

- (a) The School shall be open for the general or specialized instruction (focusing on science, technology, engineering, and math), administration, or student services and support of children in any combination of grades, from the 6th through the 12th grade;
- (b) The School shall provide paid itemized invoices from the contractor of the Work completed for which the School is requesting reimbursement;
- (c) Reimbursement requests that exceed 10 percent (10%) of the estimated costs of the Street Improvements as provided in Exhibit B shall first require written justification from the School for the increased cost before being eligible for reimbursement;
- (d) The Town shall only provide reimbursement for those improvements required by the Town located in a Town-maintained right of way. The School may install improvements that exceed those required by the Town. However, the School shall be responsible for the costs of those additional improvements. Nothing herein requires the School to agree to make any improvements beyond those that are required by the Town.
- (e) The following costs are not reimbursable:
 - (i) Improvements that exceed the Town’s requirements;
 - (ii) Any connection that is not on the Town’s right-of-way but instead on the School’s property;
 - (iii) Any on-campus transportation improvements required to manage traffic flow, parking, and routing within the property’s limits of the school drop-off and pick-up queuing, student and teacher parking, and loading dock expansions or relocations;
 - (iv) New utilities required for the selected school site that are not directly associated with and impacting its access points to the Town’s street system. The school shall coordinate with the Town prior to the placement of any utilities in the Town’s right-of-way. If the school chooses to place a new utility at the school site that must be moved for transportation improvements, the Town shall not reimburse for the movement of those utilities. The

Town shall only provide reimbursements for existing utilities that require relocation for the Street Improvements.

- (v) Any improvements to the Town's street system that are part of a mixed-use development site that also include a school where such improvements would be required if a school were not part of the development. The Town shall first analyze the site without considering the school facilities and then analyze the site with the school facilities included. Any improvements that are not necessitated by traffic from the school facilities shall not be reimbursable.
- (vi) Improvements made to the Town's street system for developments planned for purposes other than a school. Any additional improvement to the Town's street system required by the conversion of property to a school and in accordance with N.C. Gen. Stat. § 160A-307.1 shall be eligible; however, an additional school study may be required if the Town has previously been approached and analyzed the site according to a non-school or non-educational land use.

ARTICLE II SCHOOL RIGHTS AND RESPONSIBILITIES

2.1. School Liability. The Parties understand and agree that the School, its successors and permitted assigns, is a nonprofit corporation contracting with the Town and is referred to as the School. To the extent that more than one entity executes this Agreement as the School(s), the liability of each such entity to perform all obligations hereunder shall be deemed to be joint and several, and all notices, payments and agreements given or made by, with or to any of such entities shall be deemed to have been given or made by, with or to all of them.

2.2. Design and Engineering Services. The Parties agree that based on the fact that the public street runs through the intended construction site and any Street Improvements are part of the overall design contemplated by the School's site plan, there are no additional professional services and engineering services necessary to plan, design, or permit the Street Improvements or that are otherwise attributable to the Street Improvements and therefore will not be reimbursable as part of this Agreement. The School's engineer has prepared plans and construction specifications necessary for the site plan that also included pricing for the construction of the Street Improvements as identified in Exhibit B.

2.3. Applicable Design Standards for Street Improvements. The School warrants that in addition to the standards set out in Section 2.2, the plans for the Street Improvements prepared for the site plan are in accordance with applicable design standards that are contained in local, state, and federal standards, specifications, requirements and laws including but not limited to: Town of Apex Standard Specifications and Standard Details; North Carolina Department of Transportation ("NCDOT") 2018 Standard Specifications for Roads and Structures; NCDOT 2018 Roadway Standard Drawings; and US DOT Manual on Uniform Traffic Control Devices, including any NC Supplement. For the purposes of this Agreement the following modifications are hereby made to the NCDOT Standard Specifications for Roads and Structures:

"Engineer" or "Resident Engineer" as referenced in the NCDOT Standard Specifications shall be defined as the Town Engineer, or their duly authorized representative(s);

"Contractor" as referenced in the NCDOT Standard Specifications shall be defined as the School, or its duly authorized representative;

“State” or “Department” as referenced in the NCDOT Standard Specifications shall be defined as the Town of Apex.

2.4. Easements and Right-of-Way. Prior to commencement of any construction, the School shall acquire, dedicate and/or donate or cause to be acquired, dedicated and/or donated to the Town all rights-of-way and easements, both temporary and permanent, as agreed to by the Parties and required to construct the Street Improvements and to perform future maintenance. The School shall be responsible for recording the requisite easements with the Register of Deeds of Wake County, or filing record plat drawings to show dedicated rights-of-way and/or easements, and provide the Town with written confirmation of rights-of-way and/or easements obtained from each property owner who will be affected by the Work associated with the Street Improvements.

2.5. Rights of Access. The Parties understand and agree that driveway locations and dimensions **not shown or included** in the Street Improvements and exhibits to this Agreement are subject to approval by NCDOT. The School agrees that issuance of permits for the School’s driveways will be in accordance with and administered through the applicable approval process. The School further agrees that it is responsible for all design costs and work associated with the permitting process and all costs associated with the construction of the School’s driveways in order to connect to the Street Improvements.

2.6. Ownership and Use of the School’s Work Product. Upon termination of this Agreement or upon acceptance by the Town of the Street Improvements as provided herein, School shall take all necessary measures and at the request of the Town shall provide to the Town, any portion of the construction plans which directly relate and pertain to the Street Improvements and make available all associated documents, reports, specifications, designs, developments, computations, permits and other materials prepared, obtained or delivered by the engineer (collectively the “Deliverables”) as necessary and suitable for public bidding in order to allow the Town to construct the Street Improvements in lieu of the School; and in such event the Town shall waive and release the School for any liability or loss related to all such Deliverables.

In the event of termination or assignment under this Agreement and upon receipt of written notice from the Town, the School further agrees to execute and deliver such assignments and other documents as the Town may later require to perfect, maintain, and enforce the Town’s rights as owner of the portion of the plans which include the Street Improvements within thirty (30) days of such notice from the Town.

2.7. Schedule. The School agrees to prosecute or cause its contractor(s) to prosecute the Work associated with the Street Improvements diligently and without material interruption to completion in a good and workmanlike manner and to cause the Street Improvements to be substantially completed on or prior to December 31, 2023 (the “Work Completion Date”), subject to force majeure events described in Section 4.11 below. The School agrees to notify the Town if the scheduled completion is or will be delayed.

2.8. Administration. The School shall provide (a) contract administration and (b) routine engineering inspection and payment verification services with respect to the design and construction elements of the Street Improvements in the same manner as it will provide such services in connection with the design and construction elements of the Development Project.

2.9. School Project Manager. The School shall identify one or more of its employees to serve as the project manager (the "School Project Manager") to (i) act as the School's representative, (ii) coordinate the Street Improvements, and (iii) facilitate communication with the Town and others concerning the Street Improvements. To the extent the School designates more than one employee to serve as the School's Project Manager, the names and addresses of each School Project Manager shall be provided to the Town prior to the commencement of construction of the Street Improvements.

2.10. Payment Responsibilities for Design and Construction Services. The Parties understand and agree that the Town is not a party to any contract entered into between the School and any design consultant(s) or sub-consultant(s) for the work necessary to complete the design or any contractors or subcontractors for construction of the Street Improvements. Except as otherwise provided herein and subject to the obligation of the Town to reimburse for costs of the Street Improvements in accordance with this Agreement, the School shall be responsible for making all payments to any and all consultants and sub-consultants for design services and any contractors and subcontractors for construction of the Street Improvements.

2.11. Warranties. The School shall cause the contract(s) with the contractor(s) to warrant that the Work associated with the Street Improvements be undertaken by such contractor(s) in accordance with the Approved Plans (as defined in this Agreement), and any modifications thereto as provided for in this Agreement, for the period of one year from the date of acceptance of the Street Improvements by the Town (the "Warranty Period"). The Town shall be named as a beneficiary on any and all such warranties obtained by the School affecting the Street Improvements. During the Warranty Period, the School shall cause the contractor(s) to repair, replace or remedy all defects in materials, equipment or workmanship and replace any property damaged as a result thereof, upon receipt of written notice from either the School or the Town of the discovery of any defects during that period.

2.12. Utility Relocation. The Town shall only provide reimbursements for relocation of existing water mains and other existing public and private utilities required by the Street Improvements as provided in Section 1.2 and as identified on Exhibit B. The School shall be responsible for any and all costs that may be incurred for all other relocation of water mains and other public and private utilities. The Town shall not be responsible for any delay costs associated with any third-party utility installations or relocations.

2.13. Insurance. The School shall purchase and maintain the following insurance during the life of this Agreement with a company authorized to do business in the State of North Carolina:

- **Automobile Liability Insurance**: Bodily injury and property damage liability covering all owned, non-owned and hired automobiles for limits of not less than \$1,000,000 bodily injury each person, each accident and \$1,000,000 property damage, or \$1,000,000 combined single limit each occurrence/aggregate.
- **Comprehensive General Liability**: Bodily injury and property damage liability as shall protect the School and any subcontractor performing Work under this Agreement from claims of bodily injury or property damage which arise from operation of this Agreement whether such operations are performed by the School, any subcontractor or any person directly or indirectly employed by either. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence/aggregate and \$1,000,000 property damage each occurrence/aggregate or \$1,000,000 bodily injury and property damage combined single limits each occurrence/aggregate. This insurance shall include coverage for

products/completed operation, personal injury and contractual liability assumed under the indemnity provision of this Agreement.

- **Worker's Compensation:** In conformance with State law, with Employers' Liability limits of at least \$100,000 per accident limit, \$300,000 disease per policy limit, \$1,000,000 disease each employee limit.

The Town shall be exempt from, and in no way liable for, any sums of money that may represent a deductible in any insurance policy. The payment of such deductible shall be the sole responsibility of the School and/or subcontractor providing such insurance.

The Town shall be named as an additional insured under the Comprehensive General Liability and Automobile Liability Insurance policies required by this Agreement. At the time of execution of the Agreement, certificates of all required insurance shall be furnished to the Town and shall contain the provision that the Town will be given thirty (30) days written notice of any intent to amend or terminate by either the insured or the insuring company.

The School is advised that if any part of the Work under this Agreement is sublet, the subcontractor(s) shall carry insurance as required above. However, this will in no way relieve the School from providing full insurance coverage on all phases of the Work as required above, including any that is sublet.

ARTICLE III TOWN RIGHTS AND RESPONSIBILITIES

3.1. **Review of Design Services.** The Town shall have the right to review and approve the School's design plans that include the Street Improvements, including conceptual design plans, preliminary design plans, right-of-way plans, final design plans, and shop drawings (collectively, the "Approved Plans"). The Town shall have a maximum of two (2) weeks to coordinate the review and comments from Town staff for each submittal, unless the Parties agree to modify the time period. Staff review will be performed by representatives of each Town Department that is responsible for design and construction of material aspects of the Street Improvements. Work shall not begin until the Town has provided approval, such approval not to be unreasonably withheld or delayed by the Town.

3.2. **Town Project Manager.** The Town shall identify one or more of its employees to serve as the project manager (the "Town Project Manager") to (a) act as the Town's representative; (b) make periodic inspections on behalf of the Town to determine compliance with the Approved Plans; (c) serve as liaison between the Town and the School; and (d) approve requests from the School for payment from the Town. To the extent the Town designates more than one employee to serve as the Town's Project Manager, the names and addresses of each Town Project Manager shall be provided to the School prior to the commencement of construction of the Street Improvements. Notwithstanding any such designation, the Town Project Manager shall bear primary responsibility for coordination of the Town staff reviews in an effort to promote efficient interaction with the School and the School's contractor(s) and subcontractor(s).

3.3. **Town's Construction Inspection.** The Town shall have a right to access and to make regular and periodic inspections of the Street Improvements as construction progresses to verify that Work is performed in accordance with the Approved Plans, and School shall not interfere with such access or inspection by the Town or its designated representative(s). If the Town determines that the Street Improvements have not been completed in accordance with the Approved Plans, promptly upon

completion of the applicable inspection, the Town shall provide the School with written notice of such deficiencies and defects; in such event, the School shall then correct or cause to be corrected the deficiencies and defects within a reasonable period of time for further inspection by the Town, unless the School contests the Town's notice of deficiencies and defects in which event the Parties shall work in good faith to promptly resolve such contest.

Approval and acceptance of the Work pursuant to this Section shall not constitute acceptance of public rights-of-way or water mains for maintenance by either the Town or any of its departments.

The School shall be responsible for all testing required for the Street Improvements under this Agreement and shall follow all applicable standards and protocols for materials and testing. The School shall provide the Town with copies of all reports generated from such testing. In the event said testing indicates or identifies areas of noncompliance, School agrees to make the changes necessary, including repair or replacement of defective materials and/or Work, at no cost to the Town until construction testing indicates compliance with applicable standards.

3.4. Quality of Work and Inspections. All trades shall be performed by skilled craftsmen with appropriate licenses. The School shall be responsible for and shall cause its contractor(s) and subcontractor(s) to include this provision in its contracts ensuring that all materials, equipment, and workmanship incorporated into the Work are of the specified quality and fully conform to all requirements of this Agreement. The School shall carry out a quality control program for this purpose. Prior to commencement of any construction, the School shall provide a written copy of its quality control / quality assurance plan to the Town.

All Work (which term includes but is not restricted to materials, and workmanship, of components) shall be subject to inspection and testing by the Town at all reasonable times and at all reasonable places prior to acceptance, but the Town shall have no obligation to make any such inspection or testing. Any such inspection or testing is for the sole benefit of the Town and shall not relieve the School of the responsibility of providing quality control measures to ensure that the Work strictly complies with the requirements of this Agreement. Except to the extent specified by the Town or as otherwise set forth in this Agreement, no inspection or testing by the Town shall be construed as constituting or implying acceptance. Inspection or testing shall not relieve the School of responsibility for damage to or loss of the material prior to acceptance, or in any way affect the continuing rights of the Town after acceptance of the completed Work.

Any condition or situation deemed by the Town to be unsatisfactory pursuant to the Design Standards and any other express provisions of this Agreement, including Section 2.3, shall be remedied by the School as soon as reasonably possible, but not later than fifteen (15) business days after receipt of written notice from the Town, excluding any emergency or public safety conditions in which event the Town reserves all rights to make all necessary repairs. The School shall, without charge, replace any material or correct any Work found by the Town to not conform to the requirements of this Agreement, unless the Town consents in writing to accept such material or workmanship or unless the School contests the Town's determination that the Work does not conform to the requirements of this Agreement in which event the Parties shall work in good faith to promptly resolve such contest. Subject to the foregoing, the School shall promptly remove rejected material from the premises.

Subject to the foregoing, if the School does not promptly replace rejected material or correct rejected Work, the Town may:

- (a) By contract or otherwise, replace such material or correct such workmanship, or remove unauthorized work, and charge the cost thereof to the School, or

- (b) Terminate the School's right to proceed in accordance with this Agreement but subject to force majeure events and the notice and cure rights of Section 4.3.

3.5. Construction Reimbursement/Time and Manner of Town Reimbursement.

3.5.1. Final Inspection. When the Work has been completed, the Town will make all final inspections and tests it deems appropriate for the purpose of ascertaining that the Work has been completed in accordance with the Approved Plans and requirements of this Agreement. If the Town determines that the Street Improvements have not been completed in accordance with the Approved Plans or this Agreement, the Town shall provide the School with written notice of such deficiencies and defects; in such event, the School shall then correct or cause to be corrected the deficiencies and defects within a reasonable period of time for further inspection by the Town, unless the School contests the Town's notice of deficiencies and defects in which event the Parties shall work in good faith to promptly resolve such contest.

When the Town has determined that all deficiencies have been corrected or any contest regarding such deficiencies has been resolved and that the Work has been completed in all respects in accordance with this Agreement, the Town shall accept the Work and shall thereafter be responsible for maintenance and repair of the Street Improvements (subject to the warranties set forth in Section 2.11). Thereafter no further performance of the Work shall be required, except as regards to latent defects, fraud, or such gross mistakes as may amount to fraud, or as regards the Town's rights under any warranty or guaranty under this Agreement. When the Town takes possession of the Work, it shall provide prompt notice of the same to School, and the School will be relieved of the duty of maintaining and protecting the Work, and of the risk of loss thereof or damage thereto, except to the extent of its duties and obligations described in this Section.

3.5.2. Total Town Reimbursement. Upon the School's satisfactory completion of the Street Improvements and the Town's acceptance of the same, the Town shall reimburse the School an amount not to exceed \$50,000.00 (Total Town Reimbursement) for the actual costs to construct the Street Improvements. The Total Town Reimbursement amount, as itemized and set forth in Exhibit B attached hereto, includes all labor, supervision, management, materials, and engineering/design costs incurred by School. In the event the actual costs to construct the Street Improvements exceed this amount, School agrees it will be solely responsible for those additional costs and shall have no further recourse against the Town for compensation or contribution. The Town is not a party to any proposed contract entered into between School and its contractor(s) for the work necessary to complete the Street Improvements.

Upon the Town's acceptance of the Street Improvements, the School shall invoice the Town for the actual expenses incurred for the construction of the Street Improvements. The Town agrees to make the payment described above to the School within ninety (90) days of receipt of a complete and accurate pay request based on the agreed lump sum and unit prices for the actual quantities used in the Work. The Town's payment is further conditioned upon the Street Improvements being completed and accepted on or before December 31, 2023.

- 3.6. Warranty of Materials and Workmanship. In accordance with the terms of this Agreement, specifically including Section 2.11, the warranties of the School's contractor(s) and

subcontractor(s) shall collectively cover all Work and as to each applicable portion of the Work associated with the Street Improvements, shall comply with the provisions of Section 2.11 for a period of one (1) year from the date of final acceptance by the Town. All materials and equipment provided shall be listed and labeled for the purpose intended and must be in good working order. All Work shall have a one (1) year warranty from the date of final acceptance of the final Work against any latent defects, design, materials, workmanship and installation.

3.7. Changes in Design or Construction. Changes in the scope of the Street Improvements may be made by mutual written agreement of the Town and the School.

3.8. Town Not Liable for Delays. The Town shall not be liable to the School, its agents or representatives, or any consultants, sub-consultants, contractors or subcontractors, for or on account of any stoppages or delay in the performance of any obligations of the Town or any other third party hereunder, or other legal or equitable proceedings or on account of any other delay for any cause beyond the Town's reasonable control. Notwithstanding this, neither party shall be liable to the other under any circumstances for lost profits or any other consequential, special or indirect damages.

ARTICLE IV MISCELLANEOUS

4.1. Term and Completion. This Agreement shall commence upon the effective date and shall continue in full force and effect until the obligations contained herein have been completed unless sooner terminated or extended in accordance with the terms in the Agreement.

4.2. Assignment. This Agreement shall not be assignable without the consent of the Town. Any assignment attempted without the written consent of the Town shall be void.

4.3. Remedies for Breach of the Agreement. In the event of the breach of any term, provision or condition of this Agreement by any Party hereto, subject to the notice and cure rights and the provisions of Section 4.3.5 below, the non-breaching Party shall be entitled, in addition to the rights and remedies described below, to such rights and remedies as shall be available at law and in equity, excluding the remedy of specific performance, including termination of this Agreement upon written notice to the other Party. Unless both Parties agree by mutual consent to a different time period, prior to the exercise of such rights and remedies, the defaulting Party shall be entitled to receive from the other Party written notice of such breach, and (i) the defaulting Party shall have a period of ten (10) business days to cure such breach related to the payment of money, and (ii) the defaulting Party shall have a period of thirty (30) days to cure such breach not related to payment of money unless such non-monetary default by its nature cannot reasonably be cured within such thirty (30) day period in which case the defaulting Party shall have a reasonable amount of time, not to exceed ninety (90) days, to cure such non-monetary default.

4.4. Termination.

4.4.1. Termination for Convenience. The Town may terminate Work under this Agreement, in whole or in part, at any time without cause by giving written notice to the School. The Town shall pay the School all properly incurred actual costs for Work properly completed by the School and accepted by the Town as of the date of termination.

4.4.2. Termination for Default. Without limiting any other termination rights set forth in this Agreement, either party may terminate this Agreement by written notice to the other for default if the other party fails to cure a material breach within the time period for cure of such breach specified in Section 4.3. The Town may terminate this Contract for default without a cure period if the School:

- (a) Fails to obtain, maintain, or provide proof of the insurance policies and endorsements as required by this Agreement; or
- (b) Ceases or fails to do business as a school, makes an assignment for the benefit of creditors, admits in writing its inability to pay debts as they become due, files a petition in bankruptcy or has an involuntary bankruptcy petition filed against it (except in connection with a reorganization under which the School's function is continued and performance of all its obligations under this Agreement shall continue), or if a receiver, trustee or liquidator is appointed for it or any substantial part of the School's assets or properties; or
- (c) Acts or fails to act in a way that creates a risk to safety or is likely to cause the Town to incur property damage, fines, or penalties; or
- (d) Ceases to operate as a facility engaged in the educational instruction of children in any grade or combination of grades from 6th through the 12th grade at which attendance satisfies the compulsory attendance law.

4.4.3. Town Right to Cover. If, subject to force majeure as further defined in this Agreement and the written notice and cure rights described in Section 4.3 above, (i) the School fails to meet the completion date or resolution time set forth in this Agreement (including the Exhibits), the Town may take any of the following actions with or without terminating this Agreement, and in addition to and without limiting any other remedies it may have:

- (a) Employ such means as it may deem advisable and appropriate to perform itself or obtain services from a third party to perform the Work until the matter is resolved and the School is again able to resume performance under this Agreement; and
- (b) Deduct any and all expenses incurred by the Town in obtaining or performing the Work from any money then due or to become due to the School.

4.4.4. Town Right to Withhold Payment. If the School breaches any provision of this Agreement beyond the passage of the notice and cure periods described above and subject to force majeure events, as defined hereafter, upon delivery of the Town's written notice of such breach to the School, the Town shall have a right to withhold all payments due to the School until such breach has been fully cured or a dispute over such breach has been resolved.

4.4.5. Authority to Terminate. Authority to terminate this Agreement on behalf of the Town rests with the Town Manager or designee.

4.4.6. Remedies Cumulative. Upon breach of this Agreement, each party may seek all legal and equitable remedies to which it may be entitled. The remedies set forth

herein shall be deemed cumulative and not exclusive and may be exercised successively or concurrently, in addition to any other available remedy.

4.5. Notice. Whenever written notice is required under the terms of this Agreement, all notices, requests for payment, requests to modify the Street Improvements, and any other questions concerning this Agreement should be addressed as follows:

If to the Town: Town of Apex
 Attn: Russell Dalton
 PO Box 250
 Apex, NC 27502
 russell.dalton@apexnc.org
 919-249-3358

If to the School: TMSA Central Office
 Attn: Ben Karaduman
 104 Towerview Court
 Cary, NC 27513
 EMAIL: bkaraduman@tmsapcs.org
 PHONE: 919-650-2270

Notice shall be effective upon the date of receipt by the intended recipient, provided that any notice that is sent by telefax or electronic mail shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier. Each party may change its address for notification purposes by giving the other party written notice of the new address and the date upon which it shall become effective.

4.6. Indemnification. To the fullest extent permitted by law, the School shall indemnify, defend and hold harmless the Town and its agents and employees from and against all claims, damages, losses, expenses, including but not limited to attorney’s fees, arising out of or resulting from the School’s or any of the School’s contractor(s) or subcontractor(s) work in connection with the Street Improvements, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible or intangible property including the loss of use resulting therefrom, and (2) is caused in whole or in part by any negligent act or omission of the School, any of the School’s contractor(s) or subcontractor(s), anyone directly or indirectly employed by any of them or any one for whose acts any of them may be liable.

This Section shall remain in force despite termination of this Agreement (whether by expiration of the term or otherwise).

4.7. Americans with Disabilities Act. In constructing the Street Improvements the School agrees to comply with all applicable requirements of the Americans with Disabilities Act of 1990 (ADA), as amended, 42 USC §§ 12101 *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794; and the following regulations and any amendments thereto:

- (a) Department of Justice (DOJ) regulations, “Nondiscrimination on the Basis of Disability in State and Local Government Services,” 28 CFR Part 35;

- (b) General Services Administration regulations, "Accommodations for the Physically Handicapped," 41 CFR Subpart 101-19;
- (c) Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630;

In addition to constructing the Street Improvements in compliance with the above requirements, the School shall perform all construction activities in such a manner that ensures ADA compliance throughout the construction phase. The School shall employ Best Practices to maintain accessibility for all temporary elements including, curb ramps, sidewalks, signage, etc.

Failure of the School to comply with these requirements shall constitute a material breach of this Agreement and shall be grounds for termination of this Agreement by the Town as set forth in Section 4.4, above.

The School agrees to include the above requirements in each subcontract, modified only if necessary, to identify the affected parties.

4.8. Compliance with Laws. The School shall comply with all applicable federal, state, and local laws and regulations and shall obtain all applicable permits and licenses in connection with its obligations under this Agreement.

4.9. No Third-Party Rights. This Agreement is entered into by and between the parties hereto for their exclusive benefit. The parties do not intend to create or establish by this Agreement any third-party beneficiary status or rights, and no such third-party shall be entitled to enforce any right of obligation or enjoy any benefit created or established by this Agreement.

4.10. Binding Effect. This Agreement shall be binding upon, inure to the benefit of and be enforceable by the Parties hereto and their respective successors and assigns.

4.11. Applicable Law. This Agreement shall be enforced, interpreted and construed by and under the laws of the State of North Carolina.

4.12. Entire Agreement. This Agreement is the entire agreement between the Parties with respect to its subject matter and there are no other representations, understandings or agreements between the Parties relative to such subject matter. This Agreement supersedes all prior agreements, negotiations, representations and proposals ("Prior Agreements"), written or oral.

4.13. Amendment. No amendment or modification to this Agreement shall be valid unless in writing and signed by all Parties to this Agreement.

4.14. Severability. The invalidity of one or more of the phrases, sentences, clauses or sections contained in this Agreement shall not affect the validity of the remaining portion of the Agreement so long as the material purposes of the Agreement can be determined and effectuated. If any provision of this Agreement is held to be unenforceable, then both parties shall be relieved of all obligations arising under such provision, but only to the extent that such provision is unenforceable, and this Agreement shall be deemed amended by modifying such provision to the extent necessary to make it enforceable while preserving its intent.

4.15. Jurisdiction and Venue. Any and all legal actions or proceedings relating to this Agreement shall be brought in a state or federal court sitting in Wake County, North Carolina. By the execution of this Agreement, the parties submit to the jurisdiction of said courts and hereby irrevocably waive any and all objections that they may have with respect to venue in any court sitting in Wake County, North Carolina. This Section shall not apply to subsequent actions to enforce a judgment entered in actions heard pursuant to this Section.

**ARTICLE V
REQUIRED TOWN AGREEMENT TERMS**

5.1. Non-Discrimination Policy. Pursuant to Section 3-2 of the Town of Apex Code of Ordinances, School hereby warrants and agrees that School will not discriminate against a protected class in employment, subcontracting practices, or the solicitation or hiring of vendors, suppliers, or commercial customers in connection with this Agreement. For the purposes of this Agreement “protected class” includes age, race, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.

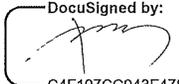
5.2. E-Verify. The School shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes and shall require each of the subcontractors to do so as well.

5.3. NC Prohibition on Contracts with Companies that Invest in Iran or Boycott Israel. The School certifies that: (i) it is not identified on the Final Divestment List or any other list of prohibited investments created by the NC State Treasurer pursuant to N.C.G.S. §147-86.58 (collectively, the “Treasurer’s IDA List”); (ii) it has not been designated by the NC State Treasurer pursuant to N.C.G.S. §147-86.81 as a company engaged in the boycott of Israel (such designation being referred to as the “Treasurer’s IB List”); and (iii) it will not take any action causing it to appear on the Treasurer’s IDA List or the Treasurer’s IB List during the term of this Contract. In signing this Agreement, the School further agrees, as an independent obligation, separate and apart from this Agreement, to reimburse the Town for any and all damages, costs and attorneys’ fees incurred by the Town in connection with any claim that this Agreement or any part thereof is void due to School appearing on the Treasurer’s IDA List or the Treasurer’s IB List at any time before or during the term of this Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS THEREOF, the contracting parties, by their authorized agents, affix their signatures and seals this _____ day of _____, 2021.

Triad Math and Science Academy Company

DocuSigned by:

C4F197CC943F478...

By: _____

Signature

Ben Karaduman

Print Name

Superintendent

Title

11/8/2021

Date

Town of Apex

Catherine Crosby, Town Manager

Attest:

Donna Hosch, Town Clerk

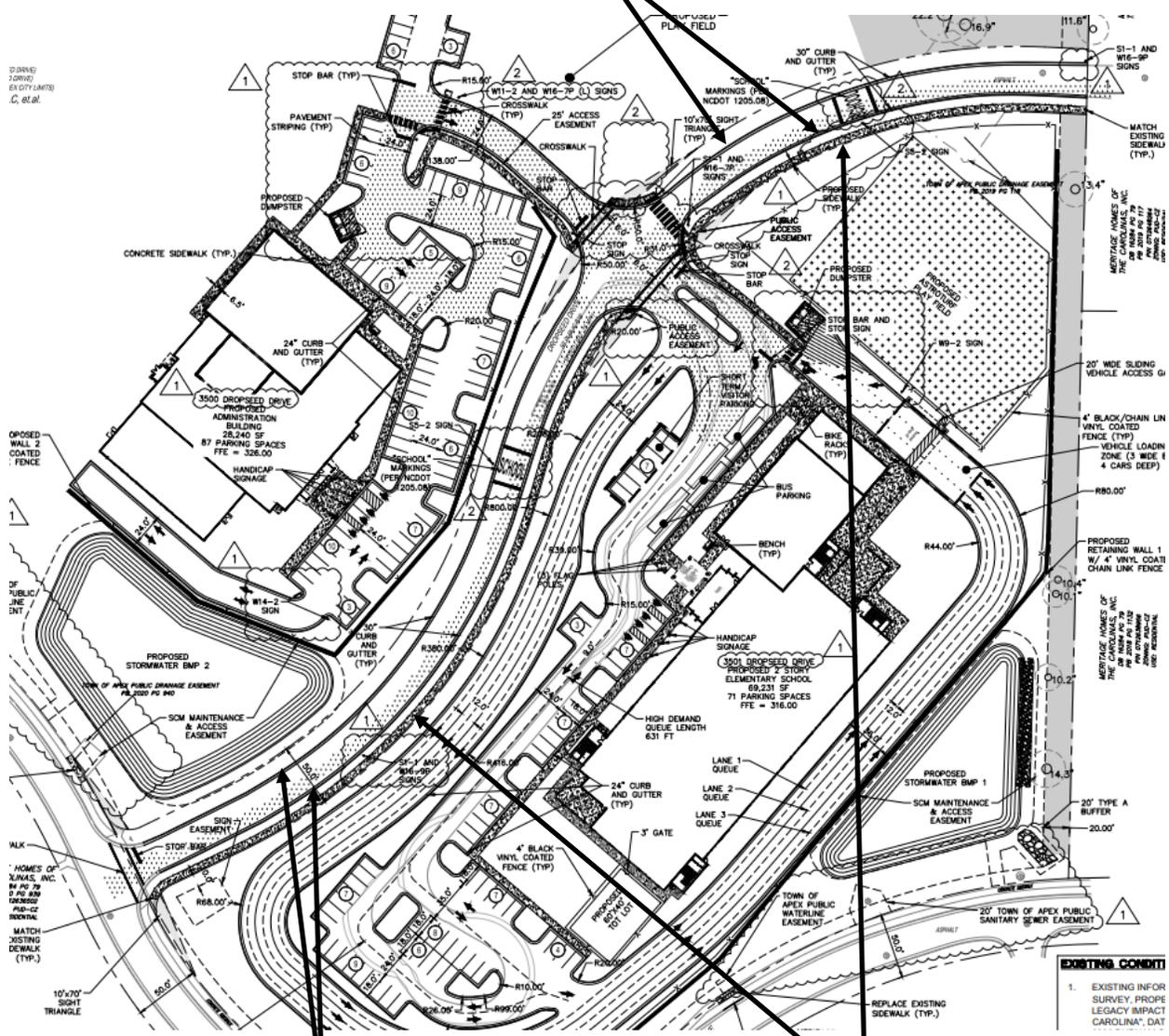
This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Vance Holloman, Finance Director

Exhibit A

Street Improvements

Add 2.5' curb & gutter on east and west sides of Dropseed Drive



Add 2.5' curb & gutter on east and west sides of Dropseed Drive

Add 5' sidewalk along east side of Dropseed Drive

Exhibit B

Cost of Construction

KIMLEY-HORN & ASSOCIATES, INC.

421 Fayetteville Street, Suite 600

Raleigh, North Carolina 27601

TEL: (919) 677-2000 FAX: (919) 677-2050

ENGINEER'S OPINION OF PROBABLE COST

PROJECT: TMSA - Dropseed Drive

PREPARED BY: Katie Judd

CHECKED BY: Chris Bostic

JOB NUMBER: 013804000

DATE: 8/30/2021

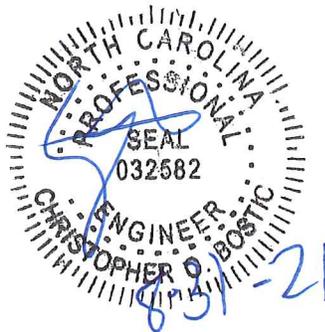
DATE: 8/30/2021

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT BID	TOTAL
		Estimate		Estimate	Estimate
1	Concrete Curb and Gutter	1900	LF	\$14.00	\$26,600.00
2	5' Concrete Sidewalk	525	SY	\$45.00	\$23,625.00
TOTAL					\$50,000

Notes:

1. Cost opinion is based on the Minor Site Plan for TMSA dated August 13, 2021.
2. Cost opinion does not include costs for unsuitable soils or general conditions.

The Engineer has no control over the cost of labor, materials, or equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Engineer's experience and qualifications and represent the Engineer's judgement as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.





Town of Apex

Budget Ordinance Amendment No. 11

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

GENERAL FUND

Section 1. Revenues:

Appropriated Fund Balance	\$50,000
Total Revenues	\$50,000

Section 2. Expenditures:

Transfer to Street Improvements Capital Project Fund	\$50,000
Total Expenditures	\$50,000

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

Adopted this the 23rd day of November, 2021

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, MMC, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2022-3

63 - Street Improvements Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

Transfer from General Fund	50,000
Total Revenues	\$50,000

Section 2. The expenditures anticipated are:

School Infrastructure Improvement Reimbursements	50,000
Total Expenditures	\$50,000

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

Adopted this the 23rd day of Novemeber, 2021.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Catherine Crosby, Jason Armstrong, Laurie Hohe

Department(s): Administration, Police, Legal

Requested Motion

Motion to approve an ordinance amendment to multiple town code sections providing that certain violations of the Town Code are punishable as misdemeanors.

Approval Recommended?

Yes

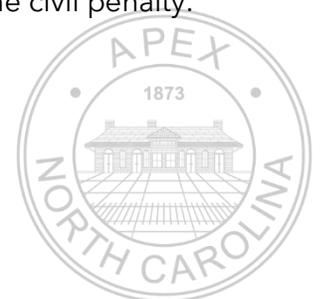
Item Details

Pursuant to N.C.G.S. 14-4 and N.C.G.S 160A-175, violation of a town ordinance has always been punishable as a misdemeanor or infraction. Recently enacted legislation, effective December 1, 2021, amends those statutes and their application to municipalities. In order to enforce a criminal penalty for violation of a town ordinance, municipalities must now specify such a penalty in each ordinance for which it applies. While the current Town Code provides that unless otherwise specified, any violation of the Code is a misdemeanor, it does not specify each section as is now required by law. The purpose of this amendment is to provide the specification required by the new legislation so that criminal enforcement of specific code sections remains possible. The amendment does not criminalize any violation that is not already criminalized by the Town Code, it only serves to retain that penalty option through compliance with the new legislation.

The town code also provides for civil penalties as a mode of enforcement for any violation. That remains in this amendment but now specifies that such a violation carries a penalty of \$100.00 unless otherwise provided in an ordinance. The current code does not provide a dollar amount for the civil penalty.

Attachments

- Ordinance Amendment to multiple code sections



ORDINANCE NO. 2021-1123-40

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF APEX TOWN
CODE**

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

Section 1. Section 1-8 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 1-8. General penalty; enforcement of ordinances; continuing violations.

- (a) ~~Unless otherwise specifically provided~~**If specified as such in the ordinance,** violation of ~~any~~ provision of this Code or any other ordinance shall be a misdemeanor or an infraction as the case may be, as provided by section 14-4 of the General Statutes of North Carolina, and punishable as provided therein.
- (b) Violation of any provision of this Code or any other ordinance shall **also** subject the offender to a civil penalty **in the amount of, unless otherwise specified, \$100 for each day the violation continues,** to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of time prescribed by the court after such offender has been cited for such violation.

...

Section 2. Section 2-53 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 2-53. Duties of police officers generally.

It shall be the duty of the police officers to:

- (1) Especially preserve public peace, prevent crimes, detect and arrest offenders, and suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and public places.
- (2) Protect the rights of persons and property.
- (3) Preserve order at town elections and all public meetings and assemblages.
- (4) Regulate the movements of vehicles in the streets, bridges, parks, public squares and highways.
- (5) Provide proper police attendance at fires.

-
- (6) Carefully observe and inspect all places of public amusement, all places of business having license to carry on such businesses and to suppress and restrain all unlawful and disorderly conduct or practices therein.
 - (7) Enforce penalties for the violation of laws and ordinances in the town.
 - (8) Arrest all persons guilty of violating any law or ordinance **with a criminal penalty as specified.**
 - (9) Prevent as far as possible any damage to property, buildings, streets and sidewalks.
 - (10) Report to the chief of police any repairs needed to any public property.
 - (11) Serve all processes issued to them.
 - (12) Summon as many persons as may be necessary to assist them in the duties herein outlined.
 - (13) Perform all other duties that may be assigned to them by the chief of police.

Section 3. Section 2-55 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 2-55. Summoning of aid by police.

The chief of police or any police officer of the town shall have authority, if resisted in the execution of lawful duties, to summon a sufficient number of persons to aid them in enforcing the law. It shall be unlawful for any person so summoned to refuse to assist the chief of police or other officers. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 4. Subsection (d) of Section 4-1 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 4-1. Animal sanitation.

(d) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 5. Subsection (c) of Section 4-3 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 4-3. Prohibition of certain animals.

(c) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 6. Section 5-104 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 5-104. Alternative remedies.

Neither this division, nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action ~~or otherwise or to enforce this article by criminal process as authorized by G.S. 14-4 and section 5-106 of this Code;~~ and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy provided herein or in other ordinances or laws.

Section 7. Section 5-118 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 5-118. Penalties.

Any person violating the provisions of this article shall be subject to all the applicable punishment, penalties, and equitable relief provided for by ~~G.S. 143-151.26 through 143-151.36 and 160A-175~~ **section 1-8 of this Code.**

Section 8. Section 6-9 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-9. Removal of bodies—Prohibited in certain cases.

Removal, by the heirs, of a body so that the plot may be sold for profit to themselves or removal contrary to the expressed or implied wish of the original plot owner is repugnant to the ordinary sense of decency and is absolutely forbidden. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 9. Subsection (p) of Section 6-16 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-16. General rules.

(p) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 10. Subsection (u) of Section 6-17 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-17. Traffic rules.

(u) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 11. Section 6-19 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-19. Lounging on grounds.

Persons shall not be permitted to sit or to lounge on any of the grounds, graves or monuments in the cemetery or in any of the buildings. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 12. Section 6-21 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-21. Gathering flowers, injuring trees, etc.

All persons are prohibited from gathering flowers, either wild or cultivated; breaking trees, shrubbery or plants; or disturbing the birds. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 13. Section 6-22 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-22. Loud talking.

No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 14. Section 6-23 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-23. Rubbish.

The throwing of rubbish on the drives and paths or any part of the grounds is prohibited. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 15. Section 6-24 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-24. Peddling or soliciting.

Peddling of flowers or plants, or soliciting the sale of any commodity is positively prohibited within the confines of the cemetery. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 16. Section 6-25 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-25. Notices and advertisements.

No signs, notices or advertisements of any kind shall be allowed in the cemetery. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 17. Section 6-39 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 6-39. Casket not to be disturbed.

Once a casket containing a body is within the confines of the cemetery, no funeral director or embalmer, assistant, employee or agent shall be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased, a relative in charge of the

funeral or without a court order. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 18. Section 7-7 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 7-7. Required compliance with proclamation.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter. **A violation of any restriction imposed by a proclamation authorized by this chapter is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 19. Subsection (h) of Section 9-22 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

(h) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 20. Section 9-23 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-23. Quantities—Private residences.

Private residences shall be allowed the following quantities of flammable fluids or explosives:

- (1) *Flammable fluids.* Maximum quantity allowed is five gallons if kept in approved metal containers.
- (2) *Oil burner installations.* Maximum quantity of fuel oil allowed is 285 gallons if kept in approved metal tank on noncombustible supports. Larger quantities may be stored in an underground tank with pump feed.
- (3) *Explosives.* Maximum quantity allowed is five canisters of powder.

(4) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 21. Section 9-24 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-24. Same—Dealers.

Dealers shall be allowed the following quantities of flammable fluids or explosives:

- (1) Flammable fluids. Maximum quantity is 100 gallons if kept in approved metal containers; larger quantities must be stored in buildings constructed of brick or stone, provided with iron roofs or arched roofs made of brick or stone. There may be no openings in such structure except fireproof doors located in one end or side. The floor of such building must be at least three feet below lowest level of the ground immediately surrounding.
- (2) Explosives. Maximum quantity allowed is 60 pounds of powder or 25 pounds of dynamite.
- (3) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 22. Section 9-44 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-44. General prohibition on outdoor burning and open burning.

Open burning and outdoor burning are prohibited in the town unless the burning is specifically permitted by this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 23. Section 9-45 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-45. Open burning of refuse.

Open burning of refuse is prohibited. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 24. Section 9-46 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-46. Burning trees, logs, brush, stumps, leaves, and grass clippings.

Open burning of trees, logs, brush, stumps, leaves and grass clippings is prohibited. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 25. Section 9-47 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-47. Patio wood-burning units.

No person shall install, use, or maintain a patio wood-burning unit in the town except that such units are permitted provided they are located on a noncombustible surface and located a minimum distance of 20 feet from the residence or any raised structure. Outdoor masonry fireplaces constructed in the same manner as indoor residential fireplaces shall be permitted in the town. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 26. Section 9-48 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-48. Campfires.

Campfires shall not be permitted in the town unless the campfire is located at least 25 feet from any structure and 25 feet from any property line. The campfire shall be no larger than four square feet and shall be surrounded by bricks at least two tiers high. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 27. Section 9-50 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-50. Liability.

A person utilizing or maintaining an outdoor fire in violation of this article shall be responsible for all fire suppression costs caused by the violation **and the same is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 28. Section 9-51 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-51. Sky lanterns.

It shall be unlawful for any person to ignite, set aloft, or use a sky lantern in the town. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 29. Section 9-70 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 9-70. Combustible landscaping materials prohibited in certain areas.

No person shall place, keep or store pine straw or any other material with a fire rate of spread of more than 24 inches per minute within ten feet of a building with combustible exterior construction. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 30. Section 10-6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-6. Discarded refrigerators, etc.

It shall be unlawful for any person to discard or have stored outside any icebox, refrigerator, freezer chest or any other airtight box on any lot, street, alley, yard, platform or any other location outside of a building without first removing or making the latching mechanism inoperative in such a manner as not to prevent the opening from the inside of such items by small children, or in the alternative shall remove the doors. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 31. Section 10-20 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-20. Breeding places in water to be treated.

It shall be unlawful to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed,

unless such collection of water is treated so as to effectually prevent such breeding. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 32. Section 10-23 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-23. Presence of larvae; failure to act.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within three days after notice by the town shall be deemed a violation of this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 33. Section 10-32 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-32. Smoking prohibited in municipal buildings.

It shall be unlawful for any person to smoke, use vapor products, or use tobacco products in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town. **Violation of this section shall constitute an infraction punishable by a fine of \$50.00.**

Section 34. Section 10-33 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-33. Smoking prohibited in municipal vehicles.

It shall be unlawful for any person to smoke, use vapor products, or use tobacco products in any vehicle now or hereafter owned or leased by the town. **Violation of this section shall constitute an infraction punishable by a fine of \$50.00.**

Section 35. Section 10-34 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 10-34. Smoking in greenways, parks, and park property prohibited.

It shall be unlawful to smoke, use vapor products, or use tobacco products in any town park, on any town greenway, or upon any town park property except in designated areas.

Violation of this section shall constitute an infraction punishable by a fine of \$50.00.

Section 36. Section 10-35 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

~~Sec. 10-35. Penalty.~~

~~Violation of this article shall constitute an infraction punishable by a fine of \$50.00.~~

Section 37. Section 12-18 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-18. Damage to property used in service.

It shall be unlawful to detach or otherwise damage any wire, meter or any other appliance or apparatus used in connection with the operation of the town electric system. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 38. Subsection (i) of Section 12-76 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-76. Conditions for discharge into treatment system.

(i) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 39. Section 12-77 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-77. Discharge into sewers at appropriate places; discharge of substances damaging to system.

No person shall pour, throw or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole or at any opening therein other than a sewer

connection; nor shall any person discharge into any sanitary or storm sewer any substance likely to obstruct or cause damage to the same or any substance of such high causticity or of a sufficiently acid nature to interfere materially with the equipment used in connection therewith. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4**

Section 40. Subsection (d) of Section 12-78 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-78. Limitations on discharge.

(d) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 41. Section 12-88 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-88. Damage, etc., to sewer system prohibited.

No person shall obstruct, break, remove or otherwise damage any portion of any manhole, flush-tank or other part of any public sanitary or storm sewer. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 42. Section 12-111 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-111. Prompt removal of garbage.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, cafe, restaurant, lunch stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a container as hereinafter provided in this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 43. Section 12-113 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-113. Wet garbage.

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other noncombustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 44. Section 12-114 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-114. Deposit of garbage in public places and on private property.

No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town, except in garbage containers as provided in this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 45. Section 12-115 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-115. Transportation of garbage by private persons.

No person shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town any garbage without first having procured a permit therefor from the town council. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 46. Subsection (e) of Section 12-117 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-117. Same—Regulations.

(e) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 47. Subsection (d) of Section 12-118 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-118. Building materials; tree and lawn trimmings.

(d) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 48. Section 12-119 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-119. Burning of leaves and related items.

No person shall burn leaves, shrubs, trees, limbs, and the like on the streets or sidewalks. No person shall burn leaves, shrubs, trees, limbs, and the like on private property except pursuant to a permit issued by the town fire chief under chapter 9 of this Code. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 49. Section 12-120 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-120. Removal of dead animals.

Dead animals will be removed as soon as possible during normal business hours. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 50. Subsection (f) of Section 12-128 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-128. Pre-collection practices.

(f) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 51. Subsection (c) of Section 12-130 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-130. Disposal of yard waste.

(c) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 52. Subsection (c) of Section 12-193 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-193. Specific prohibitions.

(c) In addition to the enforcement actions provided in section 12-196, a violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 53. Subsection (o) of Section 12-194 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-194. Grease interceptors.

(o) In addition to the enforcement actions provided in section 12-196, a violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 54. Subsection (i) of Section 12-195 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 12-195. Grease interceptor inspections and documentation.

(i) In addition to the enforcement actions provided in section 12-196, a violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 55. Section 13-52.6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 13-52.6. Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or wear any badge or permit issued under the provisions of this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 56. Subsection (k) of Section 13-53 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 13-53. Prohibited acts.

- (k) A violation of this section by someone engaged in peddling or soliciting is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 57. Subsection (b) of Section 13-69.4 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 13-69.4. Violations.

- (b) ~~In addition to any criminal enforcement,~~ **The town or any individual may pursue any available civil remedies deemed appropriate and necessary.**

Section 58. Section 14-1 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-1. Attempts; aiding and abetting; attempts to avoid doing required acts.

- (a) It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**
- (b) It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given to authority thereof; and it shall be unlawful for any person to aid or abet the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given to authority thereof. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 59. Section 14-2 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-2. Interfering with police.

It shall be unlawful for any person to interfere with, hamper, molest, resist or hinder a police officer in the lawful discharge of such officer's duty. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 60. Section 14-3 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-3. Police and fire alarms and signals; unauthorized use.

No person without special authority from the police department or fire department shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 61. Section 14-4 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-4. Congregating near fires.

It shall be unlawful to congregate on the streets, sidewalks or alleys near a fire in a manner which would interfere with the activities of the fire department. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 62. Section 14-5 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-5. Impersonation of town officers and employees.

No person shall falsely represent him or herself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority,

assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in such person's presence. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 63. Subsection (b) of Section 14-6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-6. Disorderly conduct.

- (b) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.** ~~Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 1-8.~~

Section 64. Section 14-7 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-7. Failure to pay admission fees.

It shall be unlawful for any person to attempt to see any public entertainment for which a fee is charged without paying the required admission fee. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 65. Section 14-8 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-8. Failure to pay transportation fare.

No person except persons entitled to free transportation shall ride any bus, taxicab or other public conveyance without paying the fare prescribed or allowed by law. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 66. Section 14-9 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-9. Advertising—By marking streets, sidewalks or poles.

It shall be unlawful to advertise or attempt to advertise by marking or painting on any of the streets, sidewalks or poles in the town except with permission of the town council~~board~~. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 67. Section 14-10 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-10. Same—Posting bills.

No person shall stick, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property owned by the town, any printed, written or painted advertisement, bill, notice, sign or poster. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 68. Section 14-11 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-11. Same—On streets by creating noise.

No person shall advertise any article of any kind for sale by crying out on the street or sidewalk. No person shall advertise any article of any kind or any event of any kind by crying out the same or by using therefor any megaphone, bell, horn or other noisemaking device on any street or sidewalk, except with permission of the town council. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 69. Section 14-12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-12. Begging—Permit required.

It shall be unlawful for any person to beg on any public street or public place without a permit. This section does not apply to any person requesting donations for any church, religious or charitable organization. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 70. Section 14-13 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-13. Same—Indirect solicitation of alms by sale of articles.

It shall be unlawful for any person to solicit alms in any public place by offering for sale any article of merchandise. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 71. Subsection (e) of Section 14-17 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-17. Discharge of firearms, air rifles, bows and arrows, etc.

(e) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 72. Subsection (c) of Section 14-17.1 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-17.1. Firearms; display on public property while under the influence of an impairing substance.

(c) **A violation of this section is punishable as a misdemeanor.** This section shall be enforced as provided in G.S. 160A-175 or as provided in this Code. ~~Any criminal violation of this section shall be punished by a fine not to exceed \$200.00 and up to 30 days in jail or both.~~

Section 73. Subsection (a) of Section 14-17.2 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-17.2. Possession of weapons prohibited on town property; signage.

(a) *Carrying of firearm or deadly weapon prohibited.*

...

(4) A violation of this subsection (a) is punishable as a misdemeanor as provided by G.S. 14-4.

Section 74. Section 14-18 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-18. Halloween restrictions.

No Halloween "trick or treating" shall be carried on after the hour of 9:00 p.m. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 75. Section 14-19 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-19. Damaging property—Public property on streets and places of town.

No person shall break, destroy or in any manner damage any light, pump, well or tree in any street or public place or deface or in any manner damage any building belonging to the town. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 76. Section 14-20 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-20. Same—Water system, police alarm systems, etc.

No person shall wilfully or negligently damage or interfere with any valve, valve box, meter, meter box, storm or sanitary sewer manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the town's water, sewer, police or fire alarm system. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 77. Section 14-21 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-21. Same—Signs, etc.

It shall be unlawful for any person to deface, damage, knock down or remove posted, painted or erected signs, signals or devices authorized by this Code. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 78. Section 14-22 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-22. Trespass on town property.

It shall be unlawful for any person to enter upon any real property belonging to, or under the control of, the town unless such person does so under the direction or supervision of the governing body of the town. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 79. Section 14-23 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-23. Loafing in vehicles without permission.

It shall be unlawful for any person to loaf or sit in or upon the vehicle of any other person while such vehicle is standing at any place within the town unless such person has permission from the owner or person in charge thereof to do so. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 80. Subsection (c) of Section 14-24 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-24. Loitering—On streets.

(c) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 81. Subsection (c) of Section 14-25 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-25. Same—On business premises; after 11:00 p.m.

(c) A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 82. Section 14-26 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-26. Same—Offensive use of premises; permitting loitering.

No occupant of any house, whether residence or business, shall permit such house to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 83. Section 14-27 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-27. Assembling so as to block passage on streets.

All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street, and all persons so collecting and standing shall disperse and move upon the demand of any police officer. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 84. Subsection (e) of Section 14-30 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-30. Measurement techniques.

- (e) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements. **A violation of this subsection is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 85. Subsection (f) of Section 14-31 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-31. Sound emission standards and limitations.

- (f) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 86. Section 14-33 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-33. Other prohibited noises.

(a) The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

...

(b) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 87. Section 14-34 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-34. Sound magnification.

Except for parades and related activities defined in section 14-32(4) and subject to the other exceptions enumerated in section 14-32(1), (2), (3), (5), (6), and (7); it shall be unlawful for any person to use or operate on or over any street within the town any radio, phonograph or other similar mechanical device to produce sound or any mechanical loudspeaker or other sound-magnifying device at a level of volume greater than 55 dB(A) measured at a distance of 20 feet. Any such operation shall be unlawful unless such loudspeaker or other mechanical sound-magnifying device shall be equipped with a control by which the power output can be registered and determined. Except for parades and related activities section 14-32(4) and subject to the other exceptions enumerated in section 14-32(1), (2), (3), (5), (6), and (7); no such equipment or device shall be used or operated on the streets of the town during the period between 8:30 p.m. and 9:00 a.m. Further, no such equipment or device shall be operated to produce magnified sounds along that portion of any street within the block where there is located any school, institution of learning, church or court, while the same are in session, or where any hospital, funeral home, or undertaking establishment is located, or where a funeral is being conducted at any place. Further, no such equipment or device shall be operated on the streets of this town on Sunday. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 88. Subsection (b) of Section 14-37 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-37. Penalties for violation of noise restrictions.

- (b) *Criminal penalties.* **A violation of this Chapter is punishable as a misdemeanor as provided by G.S. 14-4.** ~~Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor punishable by imprisonment not to exceed 30 days or by fine not to exceed \$50.00. Each day of a continuing violation shall constitute a separate violation under this subsection.~~

Section 89. Subsection (b) of Section 14-38 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-38. Bird sanctuary.

- (b) It shall be unlawful intentionally to trap, hunt, shoot or otherwise kill, within the sanctuary hereby established, any native wild bird; provided, it shall be lawful to trap or otherwise destroy starlings, crows or similar birds or fowl when such birds or fowl are found to congregate in such numbers in a particular locality or otherwise constitute a nuisance or a menace to health or property and do in fact inflict serious damage to property within the town. If firearms are used to eradicate birds causing such damage to persons or property within the town, then a permit shall first be obtained from the chief of police as provided under section 14-17. The bird clubs of the town are hereby granted permission to erect artistic signs, giving notice of the regulations herein provided, at such places and of such design as may be approved by the mayor. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 90. Subsection (e) of Section 15-6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 15-6. Opening and closing town parks; remaining in parks after closing; forfeiture of right to use park.

- (e) In addition to any other enforcement remedies provided by **section 1-8 of this Code and G.S. 160A-175**~~law~~, violators of subsections (c) or (d) are subject to criminal penalties for trespass.

Section 91. Subsection (y) of Section 15-7 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 15-7. Rules and regulations; illegal acts.

- (y) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4. In addition,** ~~Any~~ law enforcement officer may issue a citation for a civil penalty for any violation of section 15-5, and subsections 15-7(l) or 15-7(q), in the amount of \$100.00. This authority shall be in addition to any other authority under this Code or North Carolina law, and shall not preclude in any way any law enforcement officer from exercising any authority or carrying out the duties of a law enforcement officer. Enforcement of any unpaid citation may be by issuance of a criminal summons, by the filing of a civil complaint to collect the unpaid debt owed to the town, and/or by any other means authorized by law.

Section 92. Subsection (i) of Section 15-9 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 15-9. Regulation of certain activities at special events.

- (i) *Failure to comply.* **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.** In addition to any other enforcement remedies provided by **section 1-8 and G.S. 14-4**~~law~~, violators of this section will be asked to leave the event in an orderly fashion. Failure to comply with the request will subject the violator to issuance of a criminal complaint for trespassing.

Section 93. Section 18-5 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-5. Same—Defacing numbers.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with section 18-3 except for repair or replacement of such number. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 94. Section 18-7 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-7. Driveway connections.

No person shall make any driveway connection to a street without first having obtained a written permit from the code enforcement officer. Driveway connections shall be permitted and constructed in accordance with existing ordinances and other policies as the town council may prescribe. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 95. Section 18-9 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-9. Damage to streets or sidewalks.

No person shall damage, deface or mar in any manner whatsoever any of the streets or sidewalks. The town shall have the right and privilege to repair any such damage, defacement or mar and assess the cost thereof against the offender. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 96. Subsection (a) of Section 18-11 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-11. Obstructions—Structures; vehicles.

- (a) It shall be unlawful to build, erect, construct or place any porch, steps, fence, wall, storage pod, dumpster, construction materials, construction equipment, similar items, or other obstruction whatsoever in or over any of the streets or sidewalks. It shall be unlawful to obstruct any sidewalk or street with any buggy, wheelbarrow, wagon, automobile, truck or other vehicle, railroad car, chair, bench, open gate, chicken coop, box or other article; provided, that a margin not exceeding two and one-half feet in width on the inside of the sidewalk in the business blocks shall be allowed for the exhibition of merchandise by abutting merchants; provided further, that this section shall not apply to baby carriages and invalid chairs rolled on the sidewalks in such manner as not to obstruct the same. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 97. Section 18-12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-12. Same—Boxes, etc.; building materials.

No brick, stone, wood or other substances obstructing the free passage of persons or vehicles shall be placed or suffered to lie in any of the sidewalks, alleys, streets or other public ways of the town, nor shall any person place thereon any boxes, crates, casks or barrels of any description or any other obstruction of any kind; provided, that any person erecting a building may with permission place building material for immediate use on the streets in such a way as to not interfere with the usual traffic. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 98. Section 18-14 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-14. Auction sales on streets; attracting crowds.

It shall be unlawful to hold any auction sale on any street, except at designated places, without permission of the police; and it shall be unlawful to attract a crowd on any street, sidewalk or public thoroughfare so as to impede travel thereon. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 99. Section 18-15 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-15. Awnings.

It shall be unlawful to erect or maintain in front of any building any shelter, sunshade or awning which shall extend over the sidewalk less than seven feet above the level of any sidewalk or which shall extend more than ten feet from the building to which it may be attached; provided, that stationary awning arms shall not be less than eight feet above the level of the sidewalk. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 100. Section 18-16 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-16. Signs.

It shall be unlawful to hang or suspend any sign over or above the sidewalk or streets at less than eight feet from the ground over the sidewalk and less than 15 feet from the ground above the street. The sign shall be kept securely fastened at all times. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 101. Section 18-18 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 18-18. Excavations—Permit required.

No person shall make any excavation, cut or any other opening in any of the streets or sidewalks without first having obtained a written permit from the department of inspections. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 102. Section 20-2 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-2. Applicability of chapter to public employees.

The provisions of this chapter shall apply to the drivers of any vehicle owned or operated by or used in the service of the United States government, the state government, county government or municipal government, and it shall be unlawful for any driver of such vehicle to violate any of the provisions of this chapter. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 103. Subsection (d) of Section 20-3 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-3. Protective helmets required.

(d) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 104. Section 20-4 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-4. Obedience to police.

It shall be unlawful for any person to refuse or to obey or disobey any lawful order of a police officer when such officer is on duty. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

For the provisions of this section an officer is considered to be on duty when in uniform or when such officer has identified such person's self to be a police officer.

Section 105. Section 20-7 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-7. Use of skates, coasters, toy vehicles, etc.

No person on roller skates, a skateboard, or riding on or in any coaster, toy vehicle or similar device shall go upon any public street posted greater than 25 miles per hour speed limit or outside of a residential area unless it be while crossing at a crosswalk or intersection or on a street closed for a town sanctioned event. Additionally, all devices included in this section shall be prohibited from traveling on sidewalks along North Salem Street between Chatham Street and Center Street at all times. No parent or guardian of any juvenile shall knowingly allow any juvenile to violate this section. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 106. Subsection (d) of Section 20-11 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-11. Transportation of explosives.

(d) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 107. Section 20-12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-12. Transportation of flammable fluids.

Vehicles carrying flammable fluids may not park within the town limits and must follow such truck routes as may have been established, except vehicles with a maximum capacity of 1,800 gallons (separated in compartments holding no more than 600 gallons each), which may park for the purposes of loading and unloading only. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 108. Section 20-14 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-14. Display, etc., of unauthorized signs, signals or markings.

No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain and no public authority shall permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property, adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 109. Section 20-15 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-15. Entering, riding, etc., vehicle without consent of owner or driver and improper behavior.

No person shall enter, cling to, jump on or ride any vehicle without the consent of the owner or driver of such vehicle. Additionally, it shall be unlawful to cling to, jump on, or attempt to enter a vehicle while it is in motion. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 110. Section 20-16 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-16. Boarding or leaving vehicle.

No person shall board or alight from any public conveyance or other vehicle on the public streets while such conveyance or vehicle is in motion. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 111. Subsection (b) of Section 20-34 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-34. Abandoned motor vehicles.

- (b) *Unlawful.* It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such motor vehicle to become an abandoned motor vehicle as the term is defined herein. **A violation of the same is punishable as an infraction as provided by G.S. 14-4.** If a motor vehicle is abandoned on a public street or highway, it shall be the duty and responsibility of the owner or person entitled to possession of the motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal.

Section 112. Subsection (b) of Section 20-34.1 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-34.1. Health or safety hazard vehicles.

- (b) *Unlawful.* All health or safety hazard vehicles are hereby found, deemed and declared to be unlawful public health nuisances and hazards to the public health and safety. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a health or safety hazard vehicle. **A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.**

Section 113. Subsection (b) of Section 20-34.2 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-34.2. Aesthetic nuisance vehicles.

-
- (b) *Unlawful.* It shall be unlawful for the registered owner or person entitled to possession of an aesthetic nuisance vehicle, or for the owner, lessee, or occupant of the real property upon which an aesthetic nuisance vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed. **A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.**

Section 114. Section 20-51 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-51. Sitting, lying, etc., upon streets and pedestrian facilities.

No person shall willfully stand, sit or lie upon any portion of a highway, street, sidewalk, greenway, or multi-use path in such a manner as to impede the regular flow of vehicular or pedestrian traffic. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 115. Subsection (c) of Section 20-52 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-52. Standing, etc., in street to solicit employment, business or contributions; hitchhiking.

- (c) **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 116. Subsection (c) of Section 20-53 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-53. Right-of-way—At crosswalks.

- (c) **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 117. Subsection (f) of Section 20-54 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-54. Same—At places other than crosswalks.

(f) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 118. Section 20-55 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-55. Same—Blind persons.

At any street crossing or intersection where the movement of traffic is not regulated by a police officer or by traffic control signal, any blind or partially blind person shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind person shall extend before such person's self at arms-length a cane white in color or white tipped with red or if such person is accompanied by a guide dog. Upon receiving such a signal, all traffic at or approaching such crossing or intersection shall come to a complete stop, leaving a clear lane through which such blind person may pass and such vehicle shall remain stationary until such blind person has completed such crossing or intersection. At such intersection or crossing where the movement of traffic is controlled by traffic control signals, blind or partially blind persons shall be entitled to the right-of-way if such person having such cane or accompanied by such dog shall be partly across such crossing or intersection at the time that the traffic control signal changes, and all vehicles shall stop and remain stopped until such person has completed the crossing. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 119. Section 20-56 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-56. Use of white cane.

It shall be unlawful for any person, except one who is wholly or partially blind, to carry or use on the public streets or in any other public place a cane or walking stick white in color or one that is white tipped with red. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 120. Subsection (d) of Section 20-61 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-61. Turn signs, lane markers, etc.

(d) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 121. Section 20-62 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-62. Same—No parking and safety zone markers.

Whenever authorized signs or markings are placed, erected or installed indicating no parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 122. Section 20-64 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-64. Traffic signals generally.

The driver of any vehicle shall obey any official traffic control signal placed or located on any public street or public highway. "Signal light" shall refer to an illuminated circular indication assigned to one or more lanes and "arrow signal light" shall refer to an illuminated arrow-shaped indication pointing in the assigned direction of travel for a single lane. "Assigned" shall refer to the nearest aligned signal light or arrow signal light facing the direction of travel of one or more lanes.

The following colors only shall be used and such terms and lights shall indicate the following action:

- (1) *Green signal light.*
 - a. Vehicular traffic in the lane or lanes assigned to the signal light may proceed straight through or turn either right or left unless a sign prohibits such turn; provided, that vehicular traffic shall yield the right-of-way to other vehicles and pedestrians who may be lawfully within the intersection.
 - b. Pedestrians facing such signal light may proceed across the roadway within the crosswalk area, whether marked or unmarked.
- (2) *Yellow signal light.*

-
- a. Vehicular traffic in the lane or lanes assigned to the signal light shall stop before entering the intersection, or if a crosswalk is present, vehicular traffic shall stop before entering the nearest crosswalk at the intersection; however, if such stop cannot be made in safety, the vehicle may proceed cautiously through the intersection.
 - b. Pedestrians facing such signal light are thereby warned that there will not be sufficient time to safely cross the roadway, and any such pedestrian then starting to cross such roadway shall yield the right-of-way to all vehicles.

(3) *Red signal light.*

- a. Vehicular traffic in the lane or lanes assigned to the signal light shall stop before entering the intersection, or if a crosswalk is present, vehicular traffic shall stop before entering the nearest crosswalk and shall remain in a stopped position until the green signal light is illuminated and the red signal light is no longer illuminated; provided that except where prohibited by sign, such vehicle may turn right after stopping and yielding to other vehicles and pedestrians.
- b. No pedestrian facing such signal light shall enter the roadway unless such pedestrian can do so without interfering with any vehicular traffic. **A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.**

(4) *Green arrow signal light.*

- a. Vehicular traffic in the turning lane assigned to the signal light may cautiously enter the intersection and can continue in the direction indicated by the arrow.
- b. No pedestrians in conflict with such signal light, whether facing such signal light or otherwise, shall enter the roadway unless he can do so without interfering with any vehicular traffic. **A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.**

(5) *Flashing yellow arrow signal light.*

- a. Vehicular traffic in the turning lane assigned to the signal light may turn in the direction indicated by the arrow; provided, that vehicular traffic shall yield the right-of-way to other oncoming vehicles and pedestrians who may be lawfully in the intersection.

A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.

- b. Pedestrians facing such signal light may proceed across the roadway within the crosswalk area, whether marked or unmarked.

Section 123. Section 20-65 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-65. Flashing signals.

The driver of any vehicle shall obey any flashing light displayed on a public street in accordance with the direction as follows:

- (1) *Flashing red light:* When a red flashing signal is clearly displayed or located on a public street, the driver of any vehicle facing such light shall stop before entering the nearest crosswalk at an intersection or at such other line when marked, and the right to proceed shall be subject to the rule of safety and noninterference with other traffic.
- (2) *Flashing yellow light:* When a yellow flashing signal is clearly displayed or located on a public street, the driver of any vehicle facing such light shall proceed through the intersection with caution, provided that movement can be made in safety.
- (3) **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 124. Subsection (a) of Section 20-68 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-68. Stop intersections.

- (a) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main traveled or through street. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution. **A violation of this subsection is punishable as an infraction as provided by G.S. 14-4.**

Section 125. Section 20-69 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-69. Yielding right-of-way—In obedience to signs.

Whenever authorized yield right-of-way signs are placed, erected or installed at any street intersection, any vehicle facing such signs shall slow down and yield the right-of-way to any vehicle in movement on the main traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled highway or street. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 126. Subsection (a) of Section 20-71 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-71. One-way streets.

- (a) Upon those streets, or portions thereof, designated in subsection (b) as one-way streets, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 127. Section 20-80 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-80. Steering mechanism.

The steering mechanism of every self-propelled vehicle operated on the public streets shall be maintained in good working order, sufficient to enable the operator to control the vehicle's movements and to maneuver it safely. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 128. Section 20-81 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-81. Brakes.

Every motor vehicle, when operated upon a public street, shall be equipped with brakes adequate to control the movement of and to stop such vehicle, and such brakes shall be maintained in good working order. The brakes shall conform to the standards as set forth by the commissioner of motor vehicles. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 129. Section 20-82 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-82. Lights.

Every vehicle operated upon a public street during the period from a half hour after sunset to a half hour before sunrise and at any other times when there is not sufficient light to render clearly discernible any person on the public street at a distance of 400 feet ahead or 500 feet ahead when windshield wipers are in use due to environmental factors reducing visibility, other than intermittent use in misting rain, sleet, or snow, shall display lights on such vehicle as determined by the commissioner of motor vehicles. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 130. Section 20-83 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-83. Horns and other warning devices—Horns required.

Every motor vehicle, when operated upon the public streets, shall be equipped with a horn in good working condition capable of emitting a sound audible under normal conditions from a distance of not less than 200 feet. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 131. Section 20-84 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-84. Same—Sirens, whistles; use of horns.

It shall be unlawful for any vehicle except an emergency vehicle to be equipped with a siren, or for any person at any time to use a horn otherwise than as a reasonable warning or to make unnecessary or unreasonable loud or harsh sound by means of a horn or other

device. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 132. Section 20-85 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-85. Vehicles out of repair so as to cause noise.

It shall be unlawful to operate a motor vehicle so out of repair as to cause unnecessary or unreasonable grinding, grating, squealing, rattling or other annoying noises. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 133. Section 20-86 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-86. Windshield wipers.

No motor vehicle which is equipped with a permanent windshield shall be operated upon the public streets unless such windshield is equipped with a device for cleaning snow, rain, moisture or other matter from the windshield directly in front of the operator, which device shall be in good working order and so constructed as to be controlled or operated by the operator of the vehicle; provided, that on any vehicle equipped by its manufacturer with such devices on both sides of the windshield, both such devices shall be in good working order. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 134. Section 20-87 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-87. Obstructions to vision.

It shall be unlawful for any person to drive any vehicle upon a public street with any sign, poster or other nontransparent material upon the front windshield, side winds, side or rear windows, or hanging from the rear view mirror of such vehicle other than a toll transponder, parking pass, certificate, or other paper required to be so displayed by law or approved by the commissioner of motor vehicles. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 135. Section 20-88 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-88. Television.

No person shall drive any motor vehicle with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 136. Section 20-89 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-89. Street gates.

- (a) A gate shall be located across streets at the following locations and access through the gates shall be as stated:
 - (1) *Sandy Hill Court.* At such time as Sandy Hill Court is extended from Castlewood Subdivision to a subdivision to the north of Castlewood Subdivision, a locked gate shall be located across Sandy Hill Court where Castlewood Subdivision adjoins the subdivision to the north. When locked, the gate shall leave a four-foot-wide opening across Sandy Hill Court. No motorized vehicles or traffic shall pass through the gate or its four-foot-wide opening except for public emergency vehicles. **A violation is punishable as an infraction as provided by G.S. 14-4.** Additionally, Town of Apex personnel may unlock the gate and the full width of Sandy Hill Court may be used for motor vehicular access for emergencies.

Section 137. Section 20-100 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-100. Speed limits.

For the purpose of this section, "street" means a street, road, or highway located within the corporate limits of the town that is not part of the state highway/road system. It shall be unlawful for any person to drive a vehicle upon a street at a speed greater than provided by this section. No person shall drive a vehicle upon a street at a speed greater

than is reasonable and prudent under the conditions then existing even if the speed limit provided by this section would otherwise allow a greater speed. Existing conditions that may require lesser driving speeds include, but are not limited to, pedestrian activity, on-street parking activity, obstructions in the travel way, maintenance work on the roadway or utilities, weather, less than optimal road surface conditions or reduced visibility. Pursuant to G.S. 20-141(e) all speed limits other than 35 miles per hour applicable to streets or sections thereof shall be posted by signage erected upon the street or section thereof affected. All 35 miles per hour speed limits may be posted, but are effective whether or not posted. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

The following speed limits apply as indicated:

- (1) Speed shall be limited to 35 miles per hour on all streets, except as otherwise provided in the following subsections;
- (2) Speed shall be limited to 25 miles per hour on all residential streets in residential subdivisions and all streets in the central business district, also including Salem Street from its intersection with East Williams Street to 300 feet north of Center Street;
- (3) Speed shall be limited to ten miles per hour less than the otherwise applicable speed limit provided by section 20-100 within any school zone during posted hours of enforcement on days school is in session;
- (4) Speed shall be limited to 15 miles per hour when turning at any corner or intersection or when proceeding through a parking lot, but shall not be posted;
- (5) Speed shall be limited to 15 miles per hour on any street within any town recreation park;
- (6) Speed shall be limited to 25 miles per hour on the following streets or sections thereof as indicated:

Abraham Circle, Ada Street, Ambergate Station, Baucom Street, Beaver Creek Commons Drive, Bullock Court, Chatham Street from its intersection with Jones Street eastwardly to its terminus 100 feet east of Briarcliff Street, Cooke Street, Corenna Street, Creekside Landing Drive, Culvert Street, Cunningham Street, Dogwood Lane, Ellington Street, First Street, Harward Street, Hughes Street from its intersection with East Williams Street, northward to the terminus of Hughes Street north of Center Street, James Street eastward from Williams Street to Schieffelin Road, Lynch Street, Mason Street, Moore Street, Olive Street, Saunders Street, Second Street, Short Street, Third Street, Tunstall Avenue, Upchurch Street, West Street, Wrenn Street, and James Street from its intersection with Tingen Road to its intersection with Minley Way.

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- (7) Speed shall be limited to 45 miles per hour on the following streets or sections thereof as indicated:

Richardson Road.

Section 138. Section 20-101 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-101. Rapid acceleration of vehicle.

It shall be unlawful to operate or accelerate a motor vehicle in such a manner as to cause squealing or spinning of tires or to propel sand, dirt, gravel or rocks by the tires. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 139. Section 20-102 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-102. Left turns—Generally.

Any driver of a vehicle making a left turn at an intersection or within a block shall first give the proper signal by hand or signal light and then move the vehicle as near to the centerline as possible and shall then make the left turn after seeing that the movement can be made in safety. Turns at an intersection shall be made beyond the center of the intersection and the driver of such vehicle shall then proceed in the new direction along the right lane. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 140. Section 20-103 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-103. Same—At certain intersections.

In making left turns at the street intersections that are so marked, all traffic shall travel to the left of the center of such intersections as may be indicated by buttons, markers or other directing signs. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 141. Section 20-104 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-104. "U" turns.

No driver of any vehicle shall turn such vehicle around in the street and head in the opposite direction within the business district. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 142. Section 20-105 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-105. Turning at intersections marked by traffic lanes.

At intersections where turn lanes are clearly marked by arrows or other markings, the driver of any vehicle shall make a turn from the lane so indicating such driver's intended direction of movement. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 143. Section 20-106 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-106. Driving on laned streets.

No person driving a vehicle on a street where such street is clearly marked by lines indicating traffic lanes shall drive outside these lines unless such movement can be made in safety. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 144. Section 20-107 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-107. Emerging from alley or driveway.

The driver of any vehicle or a pedestrian emerging from an alley, driveway or building shall come to a complete stop prior to entering onto a sidewalk or the sidewalk area extending across the alleyway, driveway or building frontage and shall remain in such stopped position until movement into or across the street can be made in safety without

interfering with any vehicular or pedestrian traffic lawfully using such street. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 145. Section 20-108 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-108. Backing.

No person shall back a vehicle into any intersection or crosswalk, nor shall a driver back such vehicle otherwise on a public street without ensuring that such movement can be made in safety and only then when ample warning is given by horn, hand signal or other signal. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 146. Section 20-109 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-109. Driving through funeral procession.

No person shall drive a vehicle through a funeral procession, except police or fire department vehicles or ambulances responding to emergency calls. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 147. Section 10-110 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-110. Moving from parked position.

The driver of any vehicle parallel parked shall leave such position in the direction that such vehicle is headed. The driver of any vehicle parked at an angle shall back out from the curb at the same angle until such vehicle has cleared the other vehicles so parked and shall then proceed in the direction that such vehicle is most nearly headed; provided, that such movement can be made in safety. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 148. Section 20-111 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-111. Railroad warning signals.

Whenever any person driving a vehicle approaches a street railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railroad train, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing. Additionally, it shall be unlawful to proceed across a street railway grade crossing when railroad gate arms are lowered. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 149. Section 20-112 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-112. Driving on sidewalk.

No person shall drive a motor vehicle upon any sidewalk area with the exception of a permanent or temporary driveway. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 150. Subsection (c) of Section 20-113 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-113. Right-of-way at intersections.

(c) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 151. Section 20-114 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-114. Obstructing traffic at intersections.

No person shall move a vehicle across an intersection or a marked crosswalk, unless there is sufficient space on the other side of such intersection or crosswalk to accommodate such vehicle without obstructing the passage of other vehicles or pedestrians, even if a

traffic control signal indicates such movement to be lawful. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 152. Section 20-115 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-115. School zones.

Whenever authorized signs are placed designating any street or part thereof as a school zone, the driver of any motor vehicle using such street or part thereof shall exercise the greatest care for the protection of pedestrians. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 153. Section 20-117 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-117. Stopping in street generally.

No person shall stop a vehicle in the street, except for the purpose of parking, unless such stop is made necessary by the approach of emergency vehicles, by the approach of a funeral or other procession which is given right-of-way, by the stopping of a public conveyance, by the stopping of a school bus, by the stopping of any other vehicle located in front of such vehicle, by the lowering of railroad gates, by being given countermanding traffic signals, or by the passing of some other vehicle or pedestrian, or by some emergency or when proceeding cannot be done in safety. In all cases covered by these exceptions such vehicle shall stop so as not to obstruct any footpath, pedestrian aisle, safety zone, crossing or street intersection if possible to do so. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 154. Section 20-118 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-118. No through truck traffic on certain streets.

No trucks except those either picking up or delivering items of cargo or providing a service to some person, business or other place within the restricted area shall be permitted to travel on the following streets or sections thereof:

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- (1) Tunstall Avenue between East Williams Street and Center Street.
 - (2) Knollwood Drive between U.S. 64 and Laura Duncan Road.
 - (3) Salem Street between 900 N. Salem Street and East Williams Street.
 - (4) Commercial trucks are prohibited from travel along Mason Street within the small town character area of the Town of Apex.
 - (5) Hughes Street between NC 55 and Center Street (SR 1010).

A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 155. Section 20-119 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-119. Avoidance of official traffic control devices.

It shall be unlawful to drive an automobile or other motor vehicle across or onto a sidewalk or across the property of a service station or other commercial establishment or across public property for the purpose of avoiding an official traffic control device; further, when signs have been erected giving notice thereof, it shall be unlawful to drive across private property for the exclusive purpose of traveling from one public street to another public street. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 156. Section 20-125 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-125. Conduct on approach of emergency vehicle.

Upon the approach of any police or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle, except as otherwise provided in G.S. 20-157, giving audible signal by bell, siren or exhaust whistle audible under normal conditions from a distance of not less than 1,000 feet, the driver of every other vehicle shall immediately drive such vehicle to a position parallel to the right edge or curb, clear of any intersection of streets and shall stop and remain in such position unless otherwise directed by a police officer until the emergency vehicle shall have passed. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 157. Subsection (a) of Section 20-126 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-126. Exceptions to right-of-way rule; operation of emergency vehicle.

- (a) The driver of a vehicle upon the public streets shall yield the right-of-way to police and fire department vehicles and public and private ambulances and rescue squad emergency service vehicles and human tissue transport vehicles, when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of such vehicle from the duty to drive with due regard for the safety of all persons using the public streets, nor shall it protect such driver from the consequences of any arbitrary exercise of such right-of-way. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 158. Section 20-127 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-127. Following fire apparatus.

It shall be unlawful for the driver of any vehicle other than an emergency vehicle to follow any fire apparatus traveling in response to a fire alarm closer than one city block or to drive into or park such vehicle within one block where fire apparatus has stopped to answer a fire alarm. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 159. Section 20-128 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-128. Driving over fire hose; blocking fire-fighting apparatus.

It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time, or to block any firefighting apparatus or any other firefighting equipment from its source of supply regardless of its distance from the fire. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 160. Section 20-129 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-129. Quiet zones.

Whenever authorized signs are placed indicating a zone of quiet, any person operating a motor vehicle within such zone shall not sound the horn or any other warning device located on such vehicle, except in an emergency. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 161. Section 20-130 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-130. Number of persons allowed in front seat.

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver of such vehicle, to ride in the front seat or driver's seat of such vehicle. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 162. Section 20-131 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-131. Riding on portion of vehicle not intended for passenger use.

No person shall ride on any portion of any public conveyance or other vehicle not designed or intended for the use of passengers on the public streets. This provision shall not apply to an employee engaged in the necessary discharge of such person's duty, nor to persons riding in truck bodies in spaces intended for merchandise. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 163. Section 20-132 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-132. Leaning out of vehicle, etc.

No person shall allow any part of such person's body to protrude beyond the limits of the vehicle in which such person is riding, except to give such signals as required by law, and no person shall hang onto any vehicle whatsoever. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 164. Section 20-140 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-140. Riding on handlebars.

The operator of a motorcycle or bicycle, while operating such vehicle upon the public streets, shall not carry any person upon the handlebars, frame or tank of such vehicle, nor shall any person so ride upon any such vehicle. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 165. Section 20-141 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-141. Operating without hands on handlebars.

No person shall operate a bicycle or motorcycle on the public streets without having at least one hand on the handlebars at all times. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 166. Section 20-142 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-142. Riding more than two abreast.

It shall be unlawful for persons operating motorcycles or bicycles on the public streets to travel more than two abreast. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 167. Section 20-143 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-143. Riding bicycles, scooters and skateboards on sidewalk.

No person shall ride a bicycle, scooter or skateboard on any public sidewalk without due caution and shall yield the right-of-way to all pedestrians and persons on other permitted devices using said sidewalks. Speed shall be limited to ten miles per hour on sidewalks and paths of five feet or less in width and when crossing the intersection of a public street or driveway along any sidewalk or path. No person shall ride a bicycle, scooter or skateboard on the sidewalks along North Salem Street between Chatham Street and Templeton Street or along Chatham Street between Seaboard Street and Commerce Street. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 168. Section 20-144 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-144. Helmets for riders on motorcycles.

No motorcycle shall be operated on a public street unless the operator and all passengers thereon wear safety helmets of a type approved by the commissioner of motor vehicles. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 169. Section 20-145 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-145. Number of persons permitted on motorcycles.

No person shall operate a motorcycle upon the public streets when the number of persons upon such motorcycle, including the operator, shall exceed the number of persons for which it was designed to carry. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 170. Section 20-146 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-146. Attaching bicycles, coasters, etc., to moving vehicle.

Any person riding upon any bicycle, skateboard, motorcycle, coaster, sled, roller skates, toy vehicle or any other such vehicle shall not attach such vehicle or such person's self to any moving vehicle upon any public street. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 171. Section 20-150 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-150. Stopping, standing or parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

- (1) On a sidewalk. For the purpose of this subsection the sidewalk will be deemed to continue in front of all businesses and residences from a direct line of the sidewalk on each side of such business or residence.
- (2) Within 15 feet of a residential driveway unless permitted by the owner(s) of the property for which the driveway accesses.
- (3) On a crosswalk or within 15 feet of a crosswalk.
- (4) Within 30 feet of any crossing roadway, flashing beacon, stop sign, yield sign, or traffic control signal.
- (5) On either side of any street approaching an underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.

-
- (6) On either side of any street approaching a railroad grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street which are closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching railroad train.
 - (7) Within 30 feet of a street excavation or temporary obstruction in such manner that would obstruct the flow of traffic.
 - (8) Upon any bridge or other elevated structure or within an underpass, except to repair such place.
 - (9) Within 15 feet of a public facility driveway, commercial driveway, or alley.
 - (10) Along any portion of a street without marked parking spaces where the clear distance from the side of the parked vehicle to the marked street centerline or to the edge of a left turn lane is less than ten feet.
 - (11) In any area designated as a fire lane including designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.
 - (12) Within 15 feet of a fire hydrant.

A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 172. Section 20-151 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-151. Moving another's vehicle into a prohibited position.

No person shall move a vehicle, not owned by such person or without the consent of the owner of such vehicle, into any prohibited area or sufficiently away from the curb to make such distance unlawful. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 173. Section 20-152 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-152. Obstructing passage of other vehicles, etc.

No person shall park a vehicle, whether attended or unattended, so as to interrupt or interfere with the passage of public conveyances or other vehicles. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 174. Section 20-153 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-153. Double parking and parking within traffic lane.

No person shall park a vehicle, whether attended or unattended, on the roadway side of another vehicle parking at the edge of the roadway or curb or on the main traveled portion of any street unless so directed by competent authority or when a special hazard exists. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 175. Section 20-154 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-154. Prohibited purposes—Generally.

No person shall stand or park a vehicle upon any street or in any parking space along such street for principal purposes of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing it, except repairs necessitated by an emergency.
- (3) Storage thereof by garages, dealers or other persons when such storage is not incidental to the bona fide use and operation of such vehicles.
- (4) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another.

A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 176. Section 20-155 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-155. Parallel parking.

Where not otherwise indicated by this chapter and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb or edge of pavement when curb is not present and not more than 12 inches therefrom. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 177. Section 20-156 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-156. Setting brakes and stopping motor.

No person having control or charge of a vehicle shall allow such vehicle to stand on any highway or public street without first effectively setting the brakes thereon and stopping the motor of such vehicle. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 178. Section 20-157 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-157. Turning wheels on grades.

Any person having control or charge of a vehicle shall, when such vehicle is standing on a grade, turn the front wheels of such vehicle into the curb or shoulder of the road. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 179. Section 20-159 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-159. Backing to curb.

No vehicle shall be parked by backing the vehicle to a curb unless in the actual process of loading or unloading provided such vehicle does not block the flow of traffic. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 180. Section 20-160 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-160. Side of vehicle to curb.

No vehicle shall be parked either attended or unattended with its left side to the curb except on one-way streets where parking is permitted on the left side. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 181. Section 20-161 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-161. Alleys.

No person shall park a vehicle within any alley or entrance thereto so as to block the alley from the free movement of other traffic. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 182. Subsection (d) of Section 20-162 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-162. Parking within lines of designated parking spaces; duration.

(d) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 183. Subsection (a) of Section 20-163 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-163. Reserved parking zones.

(a) No person except authorized personnel shall park a vehicle in a zone or parking space designated by a sign or signs indicating such areas to be for reserved parking only. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 184. Section 20-164 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-164. No parking zones.

No person shall park a vehicle, whether attended or unattended, within a zone designated as no parking by signs or yellow markings. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.** Signs or yellow markings shall be erected or applied designated "no parking at any time" in the following areas:

...

Section 185. Subsection (e) of Section 20-165 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-165. No parking in school zones and time designated zones.

(e) **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 186. Subsection (a) of Section 20-166 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-166. Loading zones.

(a) No person shall park a vehicle in a loading zone designated by a sign or signs indicating such area to be a loading zone, except for the express purpose of loading and unloading only of such vehicle. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 187. Subsection (a) of Section 20-167 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-167. Time-limited areas during certain hours.

- (a) When official signs are placed, erected or installed giving notice thereof, no person shall park a vehicle for longer than the limits stated on the signs, as set out in the following subsections at any time between the hours of 8:00 a.m. and 6:00 p.m., on any day, except Sunday and public holidays, upon any of the areas so posted. The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period, and shall not defeat the application of this section. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 188. Section 20-168 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-168. Designation of parking for persons with disabilities.

It shall be unlawful to park or leave standing any vehicle in a space designated with a sign displaying "Reserved Parking" for handicapped persons in conformance with G.S. 20-37.6(d), when the vehicle does not display the distinguishing license plate or placard as required by state statute. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 189. Section 20-170 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-170. Processing of parking violation citations; fines and penalties for parking violations.

- (b) The following parking violations shall be subject to fines as indicated:
- (1) No parking zones\$30.00
 - (2) Spaces reserved for handicapped parking\$100.00
 - (3) Too close to an intersection\$30.00
 - (4) Too far from curb or street edge\$30.00
 - (5) Double parked\$30.00
 - (6) Fire lane\$50.00

-
- (7) Restricted time zones\$30.00
 - (8) Wrong side of the street\$30.00
 - (9) Blocking fire hydrant\$50.00
 - (10) All other\$30.00

All violations of the requirements of this ~~section~~ article shall be prosecuted as violations of a town ordinance, pursuant to G.S. 160A-175, but violations shall not be subject to civil penalties in the nature of a debt, as allowed in G.S. 160A-175(c). Violations shall be ~~misdemeanors or~~ infractions pursuant to G.S. 14-4.

Section 190. Subsection (c) of Section 20-173 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-173. Electric vehicle charging stations

(c) A violation of this section is punishable as an infraction as provided by G.S. 14-4.

Section 191. Section 20-190 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-190. Blocking certain crossings.

No railroad company shall allow any of its trains to obstruct crossings at any street or road in the town for a longer time than five minutes. **A violation of this section is punishable as an infraction as provided by G.S. 14-4.**

Section 192. Section 20-197 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-197. Permit—Required.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this article. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 193. Section 20-201 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-201. Prohibited acts—Carrying firearms; taking or keeping vicious animal.

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line or group demonstration are hereby prohibited and declared unlawful:

- (1) The carrying on or about the person any firearm or any weapon or article, including, but not limited to, blackjacks, nightsticks or flashlights, which by their use might constitute a deadly weapon.
- (2) The taking or keeping of any vicious animal, whether leashed or unleashed.
- (3) Disrupting, blocking, obstructing, or interfering with pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other building access which abuts the public sidewalk.

A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 194. Section 20-202 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-202. Same—Interference with permitted activity.

No person shall hamper, obstruct, impede or interfere with any parade, picket line or group demonstration being conducted under authority of a permit duly issued by the chief of police. **A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.**

Section 195. Section 20-203 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 20-203. Regulation and conduct of picketing.

Picket lines and picketing shall be subject to the following additional regulations:

- (1) Picketing may be conducted only on the sidewalks reserved for pedestrian movement and may not be conducted on the portion of a street used primarily for vehicular traffic.

-
- (2) If more than one group of picketers, promoting different objectives, desires to picket at the same time or near the same location, the chief of police may, without regard to the purpose or content of the message, assign each group a place to picket so as to maintain the public peace. Members of one group assigned to a specific location shall not enter the area assigned to another group. Priority of location shall be determined by which group arrived first.
 - (3) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done. Placards, flags, or signs shall not be of a size or displayed in a nature that would obstruct passage of pedestrian or vehicular traffic.
 - (4) Spectators of pickets shall not physically interfere with any individuals engaged in picketing. Neither picketers nor spectators shall speak fighting words or make threats that would tend to provoke a reasonable person to a breach of the peace.

A violation of this section is punishable as a misdemeanor as provided by G.S. 14-4.

Section 196. 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 197. 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 198. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 23rd day of November 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
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: November 23, 2021

Item Details

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

Department(s): Economic Development

Requested Motion

Motion to approve the Co-sponsored Apex Farmers' Market request to amend their approved schedule and add an additional market day on Saturday, December 18, 2021 in The Depot Parking Lot.

Approval Recommended?

Yes

Item Details

Apex Farmers' Market - Saturday from 9am-12pm, Depot Parking Lot - A farmer's market with 10x10 tents of goods.

This co-sponsored special event request includes Town services from the Police to close the parking lot on December 18, 2021 from 7am - 1pm.

Attachments

- N/A



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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

A motion to approve a Resolution accepting American Rescue Plan Act Funds.

Approval Recommended?

Yes

Item Details

On November 8th the Town received its first allocation of American Rescue Plan Act (ARPA) Funds in the amount of \$2,628,840.50. This represents one half of the amount the Town will receive from the federal government. The UNC School of Government (SOG) staff has advised local governments that it is necessary to adopt a resolution accepting ARPA funds. They have indicated the resolution does not need to be adopted prior to receipt of the funds but should be adopted soon after. The attached resolution is based upon an example provided by the SOG.

It is not necessary for the Town to have adopted a budget for the use of the funds prior to receiving the funds. However, a budget must be adopted prior to the Town expending or obligating the funds in anyway.

Attachments

- Resolution Accepting ARPA Funds



Town of Apex Resolution for Accepting American Rescue Plan Act Funds

WHEREAS, the Town of Apex is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF).

WHEREAS, the US Treasury Department will provide for the distribution of funds to eligible North Carolina municipalities; and

WHEREAS, before receiving a payment, the Town Council is required to formally accept the CSLRF funds;

WHEREAS, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law;

WHEREAS, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the Town of Apex must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex that we do hereby accept and request CSLRF funding to be distributed by the US Treasury Department; and

FURTHER RESOLVED that the Town of Apex affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FUTHER RESOLVED that the Town of Apex will comply with procedures created by the US Treasury Department to receive funds under the act; and

FURTHER RESOLVED that the Town of Apex will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds; and

FURTHER RESOLVED that the Town Council of the Town of Apex designates and directs the Town Finance Officer to take all actions necessary on behalf of the town council to receive the CSLRF funds.

ADOPTED, this the 23rd day of November, 2021.

/s/ _____

Jacques K. Gilbert, Mayor

/s/ _____

Jontesca D. Silver, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

A motion to approve the form of a proposed vendor agreement between the Town and Wake County which will enable eligible Apex utility customers to receive assistance under the Low Income Water Assistance Program(LIHWAP) and authorize the Finance Director to execute the agreement.

Approval Recommended?

Yes

Item Details

Wake County is operating a program in conjunction with the State to provide assistance to low income utility customers who have outstanding water account balances and have, or are in danger of having, their water cutoff. The Town of Apex typically cuts off electric services for unpaid amounts. Staff estimates there are approximately 700 water customers who do not receive electric services from the Town. Staff does not know how many of those accounts have been or are in danger of being disconnected or how many would meet the low income criteria set at a household income at or below 150% of the Federal Poverty level.

The vendor agreement has been reviewed by the Town Attorney who indicated the agreement must be approved by the Town Council due to the provision of Item 4 which would obligate the Town not to disconnect the recipient's services for 90 days after receiving a payment for the balance due through the Program. This deviates from the Town's cutoff policy. Typically a customer would be cutoff 45 days after receiving a bill and failing to pay. Staff recommends approval and views the potential brief extension of the cutoff period for these customers justified by the receipt of the past due funds and the value of the assistance to a low income customer.

The County would make payments directly to the Town on the customer's behalf. The customer would have to apply to the County for assistance. If the Town participates in the Program efforts will be made by staff to make customers aware of the Program and how to apply for funds.

Attachments

- LIHWAP Policy Manual
- LIHWAP Vendor Agreement



ENERGY PROGRAMS

EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

600.01 GENERAL INFORMATION

Low Income Household Water Assistance Program (LIHWAP) is a federally funded program that provides emergency assistance to low-income households to prevent disconnection or provide assistance with reconnection of drinking and wastewater services.

600.02 PRIORITY GROUPS

A. LIHWAP assistance will be made available to households based on a priority group system. To lessen the hardship on those households that have already lost water services or are in jeopardy of losing water services, groups 1 and 2 will be served first. If funds are available, group 3 will be served after groups 1 and 2 are completed. The classification of groups are as follows:

1. Group 1 consists of households that have had water services disconnected.
2. Group 2 consists of households that are in jeopardy of water services being disconnected, unless action is taken to prevent the disconnect.
3. Group 3 consists of households that have current water services bills and need assistance to maintain service.

B. LIHWAP assistance will be made available through one of two methods:

1. Data matching:

Households in Priority Groups 1 or 2 that are receiving TANF, FNS or received LIEAP in Fiscal year 2020-2021 are categorically eligible and do not need to make an application, complete an interview or provide income. These households may be matched automatically using information received from the local water providers and payments will be sent to the providers. Thorough documentation in the notes section under the person page is needed to identify households in groups 1 or 2 that were categorically eligible and did not have to complete an application for LIHWAP. Documentation must include detailed information on what was used to determine categorical eligibility, the amount paid and vendor information.

If a household is not auto matched or is not categorically eligible as defined above, the household must apply for assistance. When applying, the applicant must provide verification of the household's income and water/wastewater bill. If the applicant is categorically eligible and not data matched, an application and income is not needed but households will need to submit a copy of their bill to determine their priority status, provider, and amount needed to alleviate the need.

Application:

ENERGY PROGRAMS

EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

- a. Priority groups 1 & 2 will be given first priority to receive LIHWAP assistance during the month of December 2021. The household may receive assistance by data matching, through their categorical eligibility status, or by application. The household's priority group will be determined with the use of the client's bill.
- b. Households in Group 3 may not apply during the month of December 2021. After all households in groups 1 & 2 are assisted, group 3 will be assisted with any remaining funds beginning January 3, 2022.

600.03 ASSISTANCE TIMEFRAMES

A. December 1, 2021 through January 3, 2022

1. Data Matching:

- a. Data matching will occur for all active categorically eligible households that meet the criteria for priority groups 1 and 2.
- b. Payments will be made directly to the water provider for those households that can be data matched.
- c. County will generate form DSS-8105 notifying the client that their water/wastewater bill has been paid.

2. Applications:

- a. Households in Priority Group 1 or 2 that are not categorically eligible will be able to apply through one of the following methods:
 - i. By phone with a telephonic signature;
 - ii. Online through ePASS;
 - iii. By printing and mailing in the application; or
 - iv. In person at their local county DSS office.
- b. Households in priority group 3, whether they are categorically eligible or not, cannot be assisted during this period of time. Priority group 3 households that apply will be denied and instructed to reapply after January 3, 2022. Inform the household that the application will be contingent upon availability of funds.

3. Categorical eligibility:

- a. Households in Priority Group 1 or 2 that are categorically eligible will not be required to apply. County staff will need to complete a search in the NC FAST system to determine if the household is categorically eligible. Households will need to provide information to the local county DSS office that will allow the office to determine their status, identify the vendor for payment, and the amount needed to alleviate the crisis. If the household is

ENERGY PROGRAMS

EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

identified as categorically eligible, the county will complete the payment process to submit payment to the vendor.

B. January 3, 2022 until funds are exhausted:

- a. If funds are available applications will be opened up for households that meet the criteria for priority group 3.
- b. Applications may be processed for all three priority groups after January 3, 2022.
- c. Households that are in priority group 3 that are categorically eligible and not data matched, an application and income is not needed. County staff will need to complete a search in the NC FAST system to determine if the household is categorically eligible. Households will need to provide information to the local county DSS office that will allow the office to determine their status, identify the vendor for payment, and the amount needed. If the household is identified as categorically eligible, the county will complete the payment process to submit payment to the vendor.

600.04 DATA MATCHING

A. Groups 1 or 2 that can be data matched will be served concurrently.

Households that are receiving Work First Family Assistance (WF), Food and Nutrition Services (FNS), or received a Low-Income Energy Assistance Program (LIEAP) payment in Fiscal year 2020-2021 are considered categorically eligible and do not need to make an application.

These households may be matched, and a payment made using information received from the local water providers, the household, and the North Carolina Families Accessing Services through Technology (NC FAST).

B. Data Matching Process:

1. Once data sharing agreements are established between water vendors and county offices, vendors should submit data through zixmail at <https://web1.zixmail.net/s/login?b=ncdhhs> and email to Energy.Providers@dhhs.nc.gov. November data should be provided. Water vendors are only required to submit data once. Deadline to submit data is November 12, 2021. For additional information please refer to <https://www.ncdhhs.gov/divisions/social-services/energy-assistance/low-income-household-water-assistance-program-lihwap>.
2. NC FAST will compare data received from the water providers to active cases in NC FAST to match categorically eligible households that meet the criteria for group 1 or group 2.
 - a. Counties also have the option to complete a manual match to proactively start writing checks to vendors.

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EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

3. NC FAST will generate a report that will be made available to the counties for all matched clients who are in Priority Groups 1 or 2 and are potentially eligible for the LIHWAP benefits. The report will list identifying information as well as the amount owed as reported by the water provider.
4. Counties will call the water/wastewater vendor to confirm the amount owed and inform them if the assistance is approved, payment will be issued through the LIHWAP.
5. A list of customers that were not match will be returned to the vendor with a request to provide information about applying for LIHWAP benefits.
 - d. If a household is not auto matched, and the county determines that the household is not categorically eligible, the household must apply for assistance. When applying the applicant must provide the verification of the household's income and water/wastewater bill. County staff will need to complete a search in the NC FAST system to determine if the household is categorically eligible. If the household is identified as categorically eligible, the county will complete the payment process to submit payment to the vendor.

600.05 PROGRAM STARTUP TIMELINE

- A. Counties will work with the local county water and wastewater vendors to establish a Vendor Service and Data Sharing Agreement prior to December 1, 2021.
- B. Data from vendors accepted October 15, 2021 – November 12, 2021.
- C. Prior to December 1, 2021 counties will be notified of their initial allocations.
- D. Prior to December 1, 2021 the public will be notified of the program through press release, social media, and flyers posted in the local county offices.
- E. Prior to December 1, 2021 training for local county DSS offices will be conducted.

600.06 APPLICATION PROCESS

Clients who were matched through the data sharing process or through a county NC FAST search and are categorically eligible, **do not** have to apply for LIHWAP benefits. Clients who were not able to be matched to a vendor account and/or are not categorically eligible and all other households must apply.

The Eastern Band of Cherokees Indians and the Lumbee Tribe received their own LIHWAP funding. Clients should be encouraged to call their tribal office for assistance.

Households with a Native American adult age 18 and older residing in Cumberland, Hoke, Robeson, and Scotland counties, who wish to apply for LIHWAP benefits, must do so through the Lumbee Tribe.

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Households that include an enrolled member of the Eastern Band of Cherokee Indians (EBCI) living in the five-county service area of Cherokee, Graham, Haywood, Jackson, and Swain counties, who wish to apply for LIHWAP benefits, must do so through the EBCI. This includes enrolled EBCI members on and off the Qualla Boundary in the five counties.

NOTE: LIHWAP applicants must be provided the opportunity to register to vote.

A. Application Availability:

1. Households that wish to apply for LIHWAP must be given the opportunity to apply during regular business hours as long as funds are available.
2. Appointments are not required for LIHWAP applications.
3. Applicants are not required to complete applications in the office.
4. Applications may be received by mail, fax, email, Telephone, online through ePASS portal, or dropped off at their local county DSS office.
5. Applications must be processed according to the priority group listed above.
6. Between December 1, 2021 and January 3, 2022 only priority groups 1 & 2 may be approved for assistance.
7. Priority group 3 that apply on or before January 3, 2022 will be denied and instructed to reapply after January 3, 2022. Inform the household that the program is contingent upon funding and assistance cannot be guaranteed.

Example: John Smith applies, and his services are already disconnected. John meets the requirements to be included in Priority Group 1 and may be assisted at this time.

Example: April Johnson applies, and her services are up to date and current. April meets the requirements to be included in Priority Group 3. April may not be assisted until January 3, 2021. Deny application and inform April that she must reapply.

600.07 APPLICATION AND PENDING TIMEFRAMES

A. Applications:

1. Priority Groups 1 & 2 must be processed within 10 business days of receipt of the application.
2. Group 3 must be processed within 10 business days from the receipt of the application.

B. Pending:

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EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

Inform all applicants, either verbally or in writing, that unless the requested information is received with 10 business days from the date of application, the application will be denied.

1. Pend the application for required signatures, interviews, and/or verifications for 10 business days.
2. Issue the household a DSS-8185 to request the required information.
3. Deny the application on the 10th day if the required information is not provided.

600.08 INTERVIEW REQUIREMENTS

Non data matched applicants who are not categorically eligible must complete an interview prior to receiving assistance. The interview does not have to be in-person and can be conducted by telephone.

A. Data Match Payments:

Clients that are data matched for the auto payment do not have to complete an interview.

B. Telephone Applications:

1. Telephone applicants should be interviewed at first contact, whenever possible.
2. Telephone applicants may use the telephonic signature option. Telephonic signature requirements are as follows:
 - a. Worker must summarize the information to which the household provided
 - b. Document that the client's name, date, time of telephone interview and the client's agreement to use verbal attestation of signature over the phone.
 - c. The documentation will be included in a case note in NC FAST to demonstrate that the client has signed the application. Document "Telephone Signature" in the Income Support Application ->Contact Tab->Notes.
3. Only mail the completed application if the applicant declines the telephonic signature option.

C. Inform all applicants that approval is based on availability of funds at the time of application disposition.

D. Explain the applicant's rights and responsibilities.

Applicant has the right to:

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- Receive assistance if eligible and funds are available.
 - Be protected against discrimination on the grounds of race, color, national origin sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program by Title VI of the Civil Rights Act of 1964 and may appeal such discrimination under Section 504 of disability act.
 - Have any information given to agency kept in confidence.
 - Appeal if denied the right to apply or application denied, assistance is incorrect based on county's interpretation of State regulations or decision is not made on the application in a timely manner.
 - If the client disagrees with the decision taken on their application, they have 60 days from the date of their denial letter to ask for a hearing.
 - The hearing will establish if the action taken was correct and the decision may reinstate benefits if applicable.
 - The hearing will be held before an impartial official of the county department of social services.
 - The hearing will be held within 5 calendar days of the household's request, unless household postpones for good reasons. The household can postpone for up to 10 additional calendar days.
 - If client is dissatisfied with the hearing decision, they may request a second hearing before an impartial official of the State Division of Social Services.
 - Client may request the hearing either orally or in writing to the department of social services.
 - Withdrawal from assistance program at anytime
 - Reapply if the household is denied and the situation changes.
- E. The worker's signature is not required. NC FAST provides a transaction history of the case actions based on the North Carolina Identity Management (NCID) of the user for all applications. This is considered the worker's electronic signature.

600.09 BASIC ELIGIBILITY REQUIREMENTS

- A. Duplicate payments to LIHWAP households are not allowed.
- B. Households must meet the criteria for one of the priority groups described above. Household's priority group will be verified using the water/wastewater bill and/or information from the local water provider.

ENERGY PROGRAMS

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- C. Non-categorically eligible households must verify income.
- D. Categorically eligible households are not required to provide verification of income, unless questionable.

600.10 Vulnerability

- A. Households must be vulnerable at the time of application. Vulnerable is defined as having a water or wastewater bill and is subject to the rising cost of water services and meeting one of the following:
 - 1. Household lives in private living arrangement with a water/wastewater source and water costs are billed separately from other utilities;
 - 2. Household lives in private living arrangement with a water/wastewater source and water costs are billed with other utility charges. If the vendor cannot separate the charges or if they have written regulations that does not allow the bill to be broken out independently, LIHWAP may pay for those other utility charges as they are required to restore service or prevent disconnection of services.
 - 3. Household's water/wastewater bill is included in their rent. The household must provide an itemized bill to show the water and/or wastewater portion is included or provide a written statement from landlord.
- B. A person living in an institution is not vulnerable.

600.11 Income

- A. Households will be categorically eligible if they:
 - 1. Are currently receiving Food and Nutrition Services (FNS) benefits
 - 2. Are currently receiving Work First benefits
 - 3. Received Low Income Energy Assistance Program (LIEAP) within the last 12 months
- B. If the household is not categorically eligible, use the household's countable income during the base period. Income must be equal to or less than 150% of the current poverty level.
 - 1. The base period is the month prior to the month of application.
 - 2. Count all sources of income available to the household. Including but not limited to:
 - a. Social Security
 - b. Supplemental Security Income (SSI)
 - c. Wages, Tips, Self-employment

ENERGY PROGRAMS**EP-600 LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)**

d. Contributions

No. Eligible in Household	Maximum Countable Income	No. Eligible in Household	Maximum Countable Income
1	\$1,610	14	\$8,988
2	2,178	15	9,555
3	2,745	16	10,123
4	3,313	17	10,690
5	3,880	18	11,258
6	4,448	19	11,825
7	5,015	20	12,393
8	5,583	21	12,960
9	6,150	22	13,528
10	6,718	23	14,095
11	7,285	24	14,663
12	7,853	25	15,230
13	8,420	26	15,798

600.12 Payment Amount Determination

Payment amount will be based on the household's priority group as follows:

- A. Priority groups 1 & 2 will be based on the amount needed to restore the services or prevent disconnection of services. There is no limit on this amount and may include fees if they are required and/or cannot be separated from the water/wastewater bill.
- B. Priority group 3 benefit amount will be based on the household's size and available income. The maximum benefit amount for priority group 3 is \$600.
- C. If the county receives multiple request in one day, the county must process applications in chronological order and using the hierarchy of the priority groups, until all funds are exhausted.

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Example: Process all group 1 applications and if funds are still available process all group 2 applications, if funds still available process all group 3 applications until funds are depleted.

600.13 Direct Payments

Benefits will be paid directly to the water/waste water providers who have submitted a water/wastewater vendor service agreement that has been approved and is on file with the county department of social services. Payments cannot be made to water providers who do not have a valid vendor service agreement. For data matched clients that do not have to apply, the payment process is the same process that is followed for all Energy payments.

- A. If a household subsequently moves and leaves a credit balance with the water provider, settlement of the credit is between the household and the water provider.
- B. The water provider is not required but may opt to forward the balance to the new water provider if they are aware of the change.
- C. If an applicant becomes deceased, incarcerated, or institutionalized after LIHWAP payment has been made to water provider and the payment results in a credit:
 1. Determine if there are any other adults remaining in the household.
 - a. If so, the credit will remain.
 - b. If not, the credit must be fully refunded back to the local county agency by the vendor. The county will forward the payment amount with a cover letter giving identifying information, and reason why submitted to the Clerk of Court to be applied to the deceased payee's estate. If estate is settled and returned. Local county agency will process funds as an overpayment.
- D. If the provided water and/or wastewater bill is not in the applicant's name or another adult household member's name, the applicant must provide a written statement from the person whose name the bill is in verifying the applicant is responsible for payment, including landlords. Water and/or wastewater bill cannot be in the name of a minor child or deceased person. Rental agreements that contain specific language indicating that the renter is responsible for paying the water bill for that address, can be accepted as a written statement.

600.09 NOTIFICATION TO CUSTOMERS

Applicant households must receive a notice informing them if their application was approved or denied. The LIHWAP notice DSS-8105 will generate in NC FAST for applications taken by caseworkers or through the ePASS portal. Any payment made on client's behalf to provider without an application (categorically eligible households), workers will need to send a manual notice which is posted on the forms website.

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A. Approvals:

The approval notice will inform client of the amount that will be paid directly to their water or waste water vendor, the vendor name and account number.

B. Denials:

When denying an application, generate and mail a denial notice informing the household that they were denied and the reason for the denial and the household's appeal rights.

**Low Income Household Water Assistance Program (LIHWAP)
Water and Wastewater Vendor Agreement
By and Between**

**County Department of Social Services/Human Services
and**

The undersigned Water Provider agrees to participate in the Low Income Household Water Assistance Program (LIHWAP) for the effective 12- month period beginning on (date) _____ through (date) _____ .

The undersigned _____ County Department of Social Services/Human Services (County DSS) will pay to the undersigned Water Provider a portion of the home water or wastewater costs of households eligible to receive such assistance. Payment amounts are determined by individual household needs. Eligible households must have a household income at or below the 150% Federal Poverty level and water services have been disconnected, in jeopardy of disconnection, or have a current bill. Households that receive benefits through the Low Income Home Energy Assistance Program (LIHWAP), Supplemental Nutrition Assistance Program (SNAP), Food and Nutrition Services benefits (FNS) and Temporary Assistance for Needy Families (TANF) will automatically be eligible. The following variables will be used to determine the benefit amount: income, household size, household drinking water burden or household wastewater burden.

The undersigned Water Provider agrees, as conditions of participation in the program, to the following:

1. Follow Low-Income Water Assistance Program (LIHWAP) policies and procedures located in the NC LIHWAP Policy Manual.
2. Provide water and/or wastewater services to each eligible and approved residential household for which payment is provided under LIHWAP; and
3. Restore water services upon payment; and
4. After receiving LIHWAP payment for restoration of water services, maintain services for at least 90 days; and
5. Negotiate for continuation or reconnection of service to households determined eligible for LIHWAP benefits; and
6. Collaborate and do everything possible to ensure the customer has continuous access to home water service; and
7. Charge all LIHWAP eligible households the same price charged for home drinking water and/or wastewater services billed to non-eligible households, as determined by the approved rate setting process; and
8. Not apply LIHWAP payments to account balances that have previously been written off or paid with other funds; and
9. Not apply LIHWAP payments to commercial accounts. LIHWAP payments should only be applied to residential accounts; and
10. Not discriminate against a LIHWAP eligible household with respect to terms, deferred payment plans, credit, conditions of sale, or discounts offered to other customers; and
11. To credit the entire LIHWAP payment to a household's account immediately upon receipt of payment from the County DSS, regardless of whether the payment results in a credit on the account; and
12. To provide documentation such as payment confirmation or updated bills of home water and wastewater supplied to certified households under LIHWAP as may be required by the County DSS to verify funds were applied to the correct accounts; and
13. To provide upon request and at no cost to the County DSS or the household, information on an applicant's home water and wastewater costs, bill payment history, or arrearage history for the last 12- month billing period; and
14. Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to the AGENCY, in compliance with LIHWAP Vendor Refund Policies, no later than 45 days following the end of the program year 2022; and
15. Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit; and
16. Cooperate with any Federal, State, or local investigation, audit, or program review The Vendor shall allow AGENCY representative access to all books and records relating to LIHWAP households for purposes of compliance verification with the Agreement; and

DSS – xxxx
Economic and Family Services

Distribution:
Original – County File
Copy to Vendor

17. LIHWAP funds shall only be applied to open accounts. If an account is closed, the Water Provider must return **all** funds to the County DSS. LIHWAP funds cannot be applied to a closed account with remaining balance.

Termination of the Agreement:

1. Termination of this Agreement may occur by either party terminating its duties under this Agreement upon provision of thirty (30) calendar days written notice to the other.
2. This Agreement will terminate immediately should the Water Provider supply false information or attempt to defraud the State, the County DSS, or the eligible household. In such cases, no additional reimbursement will be made to the Water Provider unless and until such matters are resolved and the Water Provider is exonerated of wrongdoing.

Company Name

Print Name of County

Print Name of Water Provider Representative

Print Name of County DSS Director

Signature of Water Provider Representative

Signature of County DSS Director

Date

Date

Print Mailing Address

Print Mailing Address

Print City, State, Zip Code

Print City, State, Zip Code

Telephone Number

Telephone Number

Provider Federal ID Number (FEIN) or SSN

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

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

Department(s): Human Resources

Requested Motion

Motion to approve the Additional Sick Leave Policy for Town employees, effective January 10, 2021.

Approval Recommended?

Yes

Item Details

At the January 28, 2021 Personnel Committee, Town staff presented a list of potential benefit enhancements to include in the upcoming budget. One of the items included was a new leave benefit, "Additional Sick Leave." This new leave would allow long-term employees to accrue an additional amount of sick leave during their 15th and 25th year of service with the Town, that could be used for a family medical leave qualifying event of their own serious health condition or to care for a family member. At the time of retirement from the Town, any unused additional sick leave could be converted to years of service for retirement or retiree health insurance purposes. The Personnel Committee approved moving forward with the new leave policy, contingent upon Human Resources confirming with the North Carolina Local Government Employees Retirement System that the sick leave would be eligible for retirement purposes. Human Resources Director Mary Beth Manville spoke with two employees at the Local Government Employees' Retirement System, and both confirmed that the sick leave would be eligible for conversion to creditable service as long as the leave was earned under an established Town policy. Therefore, the Town is bringing the policy to Council for approval.

Implementation

If approved, this policy would become effective January 10, 2022, and apply to Town employees who hold full or part-time regular positions and are in an active employment status. Eligible employees would begin accruing the new leave once they meet the years of service requirements. Eligible employees who have

already met the 25 and/or 15 years of service would be credited the amount they would have earned had the policy been in place at the time they met the requirements.

The Town's Personnel Policies would be updated to include the following new policy:

Additional Sick Leave

In addition to regularly accrued sick leave, at the beginning of the 15th year of active service, employees holding a full or part-time regular position will have an Additional Sick Leave account established and accrue ten (10) days per month for the next 12 consecutive months. Beginning at the 25th year, employees will accrue an additional ten (10) days of Additional Sick Leave per month for the next 12 consecutive months.

To use the additional sick leave, an employee must have a family medical leave qualifying event of either their own serious health condition or to care for an immediate family member with a serious health condition. "Serious health conditions" include conditions covered under the Family Medical Leave Act, and a medical certification documenting the need for the leave will be required.

Additional Sick Leave is not eligible for payout but may be used towards years of service requirements for retirement and retiree health insurance purposes. Leave will be prorated based on the Town's sick leave earning rates for employees who do not work a 40 hour per week schedule.

Attachments

- N/A



ORDINANCE NO. 2021-1123-41

**AN ORDINANCE TO AMEND SECTIONS 6-14 AND 13-85
OF APEX TOWN CODE**

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

Section 1. Section 6-14 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as strike-through text and additions shown as bold underlined text:

Sec. 6-14. – Nonliability of town for damage.

The town shall take reasonable precaution to protect property rights of plot owners, within the cemetery, from loss or damage; but it shall not be liable and distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, especially from damage caused by ~~the elements, an act of God~~ **natural disasters, weather-related events**, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.

Section 2. Subsection (c) of section 13-85 of the Town of Apex Code of Ordinances is hereby amended to read as follows with deletions shown as strike-through text and additions shown as bold underlined text:

Sec. 13-85. – Service area construction schedule.

(c) The town may in its discretion extend the time for grantee, acting in good faith, to perform any act required. The time for performance may be extended or excused, as the case may be, for any period during which the grantee demonstrates to the satisfaction of the council that the grantee is being subject to delay or interruption due to any of the following circumstances if reasonably beyond its control:

- (1) Necessary utility rearrangements or pole changeouts;
- (2) Governmental regulatory restrictions;
- (3) Labor strikes or lockouts; or
- (4) War, national emergencies, fire, natural disasters, **flood, storms, epidemic, pandemic**, or other acts of God **events reasonably outside of the grantee's control**.

Section 3. 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 4. 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 5. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the 23th day of November, 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Town Attorney

Requested Motion

Motion to approve ordinance amendment to Sections 6-13 and 13-85 of the Town of Apex Code of Ordinances.

Approval Recommended?

Yes

Item Details

Upon the request of councilmembers, the legal department prepared this ordinance amendment to remove references to "act(s) of God." The ordinance amendment covers two sections, 6-14 and 13-85, which include liability provisions. Section 6-14 is related to the Town's non-liability for damage to cemetery plots due to events outside the Town's reasonable control. Section 13-85 is related to a cable franchise's responsibility under the terms of its franchise to provide service in a specified timeframe, and provides the Town authority to extend that timeframe due to events outside of such franchise's reasonable control.

Attachments

- Ordinance Amendment



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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November, 23, 2021

Item Details

Presenter(s): Steve Maynard, Purchasing & Contracts Manager

Department(s): Finance

Requested Motion

Motion to approve Member Cooperative Bid Agreement for Joint Purchasing of Utility Materials, Supplies, and equipment.

Approval Recommended?

Yes

Item Details

Town of Apex desires to join in this Agreement for the purpose of jointly advertising for and receiving bids for one or more vendors to provide a fixed price or prices to supply various items or category of items of Utility Equipment as may be desired by two or more of Participating Members, to identify the lowest responsive and responsible bidder(s) for each item or category of items, to award a fixed price contract and establish a process whereby each of the Participating Members may issue purchase orders against such fixed price contracts as specified in the bid documents, and to have ElectriCities provide administrative assistance to the Participating Members in the bid and award process and in the administration of the contracts, all in conformity with the requirements of North Carolina General Statute § 143-129 and other relevant public procurement laws.

Attachments

- Member Cooperative Agreement.



**MEMBER COOPERATIVE BID AGREEMENT
FOR JOINT PURCHASING OF
UTILITY MATERIALS, SUPPLIES AND EQUIPMENT**

THIS IS A MEMBER COOPERATIVE BID AGREEMENT made effective the _____ day of _____, 2021, among the North Carolina municipalities and other local political subdivisions, authorities, and agencies of local government being parties signatory to this Agreement either originally or by counterpart executed from time to time (referred to herein individually as a "**Participating Member**" and collectively as the "**Participating Members**") and ELECTRICITIES OF NORTH CAROLINA, INC., a joint municipal assistance agency ("ElectriCities").

RECITALS

A. Each Participating Member desires to purchase various materials, supplies and items of equipment for use in the operation of its electric utility system (referred to herein collectively as ("**Utility Equipment**") during the 2021-2024 calendar years; and desires to jointly advertise and receive bids for fixed prices on those items of Utility Equipment to obtain the lowest price reasonably available to them.

B. Pursuant to §160A-460 et seq. of the General Statutes of North Carolina, the Participating Members desire to join in this Agreement for the purpose of jointly advertising for and receiving bids for one or more vendors to provide a fixed price or prices to supply various items or category of items of Utility Equipment as may be desired by two or more of Participating Members, to identify the lowest responsive and responsible bidder(s) for each item or category of items, to award a fixed price contract and establish a process whereby each of the Participating Members may issue purchase orders against such fixed price contracts as specified in the bid documents, and to have ElectriCities provide administrative assistance to the Participating Members in the bid and award process and in the administration of the contracts, all in conformity with the requirements of North Carolina General Statute § 143-129 and other relevant public procurement laws.

COVENANTS

NOW, THEREFORE, the parties hereto agree as follows:

1. Scope of Member Cooperation. The Participating Members associate themselves under this Agreement for the purpose of proceeding jointly in the competitive procurement of various items of categories of Utility Equipment. As set forth below, the Participating Members, with the administrative assistance of ElectriCities, shall prepare the appropriate bid materials, place required advertisements, receive bids, determine the lowest responsive and responsible bidder(s) (the "**Vendor(s)**"), award a fixed price contract and establish a process whereby each of the Participating Members desiring to participate in a joint bid may issue purchase orders against such contracts directly to the Vendor(s). The Participating Members acknowledge and agree that this Agreement is for the purpose of interlocal cooperation

under North Carolina General Statute §160A-460 et seq. and not as a partnership or joint venture. No Participating Member shall have the power or right to bind or act on behalf of any other Participating Member except as expressly set forth in this Agreement. Neither this Agreement, nor the fixed price contract contained in the bid documents, shall be considered a requirements contract, and a Participating Member will have no obligation to a Vendor under or in connection with the same until and only if the Participating Member issues a purchase order as specified in the bid documents against the fixed price contract to that Vendor. The fixed price contract shall provide that by issuing a purchase order as specified in the fixed price contract to a Vendor for a particular item, the Participating Member will be covenanting not to purchase that item, and that item only, from a source other than the successful Vendor for the term of the fixed price contract. Except as set forth in the preceding sentence, nothing herein shall preclude a Participating Member from purchasing any item or category of Utility Equipment from any source or under any procedures it deems appropriate, in its sole and absolute discretion.

2. Term. The term of this Agreement shall commence on the date hereof and shall end on December 31, 2024.

3. Participation of ElectriCities. Pursuant to this Agreement, the Participating Members have requested that ElectriCities assist them in the administration of the joint bid process and to exercise each other and further powers as may be reasonably necessary to administer the joint fixed price contract as deemed in the best interest of the Participating Members. Except as provided in Section 7 below, the Participating Members shall jointly and severally release, indemnify, defend and hold harmless ElectriCities, and its officers, directors, commissioners, officials, employees and agents, from and against any and all loss, liabilities, claims, damages, fines, penalties, clean-up costs and other pollution related items, costs, fees (including reasonable attorney's fees) and expenses related thereto (referred to herein collectively as "Damages"), resulting or arising out of the services to be provided hereunder by ElectriCities, including, without limitation, those resulting or arising out of the acts or omissions.(negligent or otherwise) of ElectriCities or its officers, directors, commissioners, officials, employees or agents, except those resulting solely from their gross negligence or willful misconduct.

4. Appointment of an Acting Member. By joining in the execution of this Agreement, each Participating Member hereby authorizes the City of Rocky Mount (Rocky Mount"), or such other Participating Member as shall be designated as provided below, to act on its behalf under this Agreement pursuant to North Carolina General Statute §160A-460 et seq. At any time and from time to time, Rocky Mount or a majority of the Participating Members may designate a Participating Member other than Rocky Mount to perform the tasks of Rocky Mount for one or more of the joint bids to be made pursuant to this Agreement. Hereinafter Rocky Mount and the other Participating Member(s), if any are designated as herein provided, shall be referred to as the "**Acting Member**" in connection with each joint bid.

a. Powers and Duties. With the assistance of ElectriCities, the Acting Member, or its delegates under North Carolina General Statute §143-129(a), shall have the following powers and duties:

(i) To canvass or otherwise determine what items or categories of Utility Equipment are desired by the Participating Members, and for which of those items or categories bidding under this Agreement might be advisable,

(ii) To prepare a joint invitation for bids for each item or category of Utility Equipment to be jointly bid hereunder, with appropriate terms and specifications, together with a joint advertisement consistent with the public bid laws, and with the joint purchase approach contemplated by this Agreement. In carrying out this duty, the Acting Member shall observe the following requirements:

(1) The bid documents shall clearly state:

(a) That upon award, the Vendor agrees to enter into the fixed price contract included in the bid documents within the time period set forth in the bid documents, which period shall not exceed thirty (30) days, and to comply with all purchase orders, if any, issued by a Participating Member;

(b) That no contract enforceable against any Participating Member is formed until that Participating Member accepts the fixed price contract and issues its individual purchase order as specified in the bid documents to the Vendor and that the Participating Member's liability to the successful Vendor shall exist solely pursuant to, and only to the extent of, its individual purchase orders.

(2) The right shall be reserved to make multiple awards when it appears in the best interest of the Participating Members. The joint advertisement shall be placed in newspapers having general circulation or any other media permitted in the then current North Carolina General Statutes addressing public bidding and advertisement, and otherwise qualified to advertise legal notices, in each Participating Member desiring to participate in a joint bid.

(3) The location for the receipt and opening of the public bids shall be the offices of ElectriCities in Raleigh, North Carolina, or such other location as shall be designated by the Acting Member.

(iii) To examine the bids to identify all bids complying with the terms and specifications of the invitation for bids, and to tabulate all complying bids, identifying the lowest responsive and responsible bidder or bidders, taking into consideration matters permitted by law and deemed appropriate by the Acting Member; to cause the tabulation and the identification of the lowest responsive and responsible bidder(s) to be transmitted by ElectriCities to each Participating Member, or its delegees under North Carolina General Statute §143-129(a); thereafter, unless otherwise instructed by a majority of the Participating Members desiring to participate in a joint bid, or unless good cause appears to the Acting Member to either recall the tabulation due to error or to reject all bids and cancel the procurement (notification of which decisions shall be transmitted to each Participating Member), to cause a notice to be sent to the lowest and best responsive and responsible Vendor on behalf of all Participating Members desiring to participate in a joint bid together with a fixed price contract form to be executed as set forth in the bid documents;

(iv) to execute fixed price contracts on behalf of the Participating Members desiring to participate in a joint bid and to cause the transmittal of copies of each such contract to each Participating Member desiring to participate in a joint bid, or its delegees under North Carolina General Statute § 143-129(a); and

(v) to exercise such other and further powers as may be reasonably necessary to administer the joint fixed price contracts or as otherwise consistent with the public procurement procedures of the Acting Member.

b. **Hold Harmless.** Each of the Participating Members, other than the Acting Member; hereby jointly and severally agrees, to the fullest extent permitted by law, to release, indemnify, defend and hold harmless the Acting Member, and its officers, councilmen, officials, employees and agents, from and against any and all Damages resulting or arising out of acts or omissions (negligent or otherwise) of the Acting Member, or its officers, councilmen, officials, employees or agents as the Acting Member, except those resulting solely from their gross negligence or willful misconduct, including without limitation, the Acting Member's execution of the Fixed price Contract on behalf of the Participating Members. ElectriCities and the Participating Members agree that the provisions of this paragraph 4(b) shall apply separately to each joint bid conducted pursuant to this Agreement and that the "Acting Member" may be different for one or more joint bids and that this paragraph shall be interpreted and applied accordingly.

5. **Purchase Orders.** Each Participating Member or its delegees under North Carolina General Statute §143-1 29(a), shall be responsible for preparing and executing its own purchase order or orders for each item or category of items of Utility Equipment it desires to purchase pursuant to this Agreement, if any, which purchase orders shall not be inconsistent with the bid documents used in this cooperative bidding. Each purchase order shall provide that the Participating Member shall be solely liable for obligations to the party shown as Vendor on the purchase order and shall permit each Participating Member, at its option, to waive bonding requirements as provided in the North Carolina General Statutes.

6. **Administration of Purchase Contracts.** Each Participating Member shall be solely responsible for the administration and enforcement of its respective purchase orders, if any, and to see that the party shown as Vendor on the purchase order fulfills its obligation to that Participating Member. Each Participating Member will notify ElectriCities as soon as is practicable of any problems or disputes with a vendor, and ElectriCities shall use its good faith efforts to assist the Participating Member in its efforts to resolve the problem or dispute. Each Participating Member hereby agrees, to the fullest extent permitted by law, to release, indemnify, defend and hold harmless the other Participating Members, and their respective officers, councilmen, officials, employees and agents, from and against any and all Damages arising or resulting from that Participating Member issuing a purchase order in connection with a joint bid conducted pursuant to this Agreement.

7. **Costs and Expenses.** ElectriCities shall bear the administrative costs and expenses of activities it participates in pursuant to this Agreement, including the costs of placing all joint legal advertisements in connection with the public bid. Costs may be recovered as agreed upon between ElectriCities and the Participating Members.

8. Assignment. To the extent allowed by applicable law, no Participating Member may assign this Agreement or any of its rights or obligations hereunder without the prior consent of all the other Participating Members.

9. Notice. Except as provided in Section 4.a. hereof, all notices and other communications authorized or required hereunder shall be in writing and shall be deemed given when hand delivered, upon confirmation of receipt of facsimile transfer or three (3) days after being sent by certified mail, return receipt requested, postage prepaid, to ElectriCities and the Participating Members at the last address of each as on record at ElectriCities, or such other address or addresses as a Participating Member hereto may hereafter designate by notice to the other parties hereto given in the manner provided for notices hereunder:

ElectriCities of North Carolina, Inc.
Procurement Specialist
Post Office Box 29513
Raleigh, NC 27626-0513
Facsimile Number: (919) 715-6055

10. Counterparts. This Agreement may be executed in two or more counterparts or through the use of counterpart signature pages. The signature of any party on any counterpart signature page, even if executed after the date of this Agreement, shall be deemed to be a signature to, and may be appended to, a counterpart of this Agreement. All such counterparts and counterpart pages shall be deemed an original and all of which shall together constitute one and the same instrument binding on all parties to this Agreement, notwithstanding that all parties may not have executed all counterparts or the same counterpart, or that counterpart signature pages have been executed after the date of this Agreement and appended to a counterpart of this Agreement. A Participating Member may only directly participate in fixed price contracts jointly bid pursuant to this Agreement where the newspaper notice for that joint bid is published for the first time after the counterpart signature page for that Participating Member is received by ElectriCities. However, nothing herein shall preclude a Participating Member from utilizing Section 143-129(g) of the North Carolina General Statutes or other rights it may have in connection with a joint bid made pursuant to this Agreement to fulfill its public procurement requirements.

11. Entire Agreement. This Agreement constitutes the entire agreement among ElectriCities and the Participating Members with respect to the subject matter described herein, and this Agreement may not be modified except by a writing executed by all the Participating Members. The exhibit and counterpart signature pages attached hereto from time to time are hereby incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this Agreement in the manner prescribed by law, to be effective the day and year first above written.

ELECTRICITIES OF NORTH CAROLINA, INC.



By: _____
Roy Jones
Chief Executive Officer

CITY of ROCKY MOUNT
(as a Participating Member and as Acting
Member)

By: _____

Mayor

ATTEST:

Clerk
[SEAL]

SEPARATE ADDITIONAL SIGNATURE PAGE
FOR PARTICIPATING MEMBER

MEMBER COOPERATIVE BID AGREEMENT
FOR JOINT PURCHASING OF
UTILITY MATERIALS, SUPPLIES AND EQUIPMENT

Town of Apex
Participating Member

By: _____

Catherine Crosby
[Printed Name]

Title: Town Manager

ATTEST:

Clerk
[SEAL]

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Steve Maynard Purchasing & Contracts Manager

Department(s): Finance

Requested Motion

Motion to approve report of award of contract to Wesco Distribution for purchase of single phase pad mount transformers.

Approval Recommended?

Yes

Item Details

Pursuant to NCGS 143-129 and Town Resolution dated February 1, 2004, the Purchasing Manager is authorized to bid and award purchase contracts in formal bidding range. The Purchasing Manager is required to report such contract awards at the first Council meeting following the award of the contract.

Formal bids were submitted on November 4, 2021 at 2:30 PM for single phase pad mount transformers for upcoming projects. Bid was awarded to Wesco Distribution in Clayton based on lead time of delivery.

Attachments

- Bid advertisement
- Bid Tab Sheet





BID PROPOSAL

SINGLE PHASE PAD MOUNT TRANSFORMERS

STEVE MAYNARD
PURCHASING MANAGER
P.O. BOX 250
APEX, NC 27502
(919) 249-3375

ERIC NEUMANN
DIRECTOR OF ELECTRIC UTILITIES
P.O. BOX 250
APEX, NC 27502
(919) 249-3340

TOWN OF APEX
APEX, NORTH CAROLINA

NOTICE TO PROSPECTIVE BIDDERS
INVITATION TO BID

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 2:30PM

FORMAL BID-NO BID BOND REQUIRED

BIDS WILL BE RECEIVED UNTIL NOVEMBER 4, 2021 2:30PM AND WILL BE OPENED IMMEDIATELY THEREAFTER AND READ PUBLICLY AT APEX PUBLIC WORKS, PURCHASING AND INVENTORY, 105-C UPCHURCH ST., APEX, NC 27502 IN THE PURCHASING OFFICE.

BID MUST BE ENCLOSED IN A SEALED ENVELOPE, BID CAN BE SENT VIA USPS, UPS, FEDEX, OR HAND DELIVERED, ADDRESSED TO THE TOWN OF APEX, 105 UPCHURCH ST., APEX, NC 27502, ATTN: STEVE MAYNARD. THE OUTSIDE OF THE ENVELOPE MUST BE MARKED "FOR BID OPENING NOVEMBER 4, 2021 AT 2:30PM FOR TRANSFORMERS."

NO OTHER BIDS WILL BE ACCEPTED AFTER THE CLOSING TIME.

THE TOWN RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

INSTRUCTIONS TO BIDDERS

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

1. BIDS

- 1.1 BIDS MUST BE MADE ON FORM(S) PROVIDED AND MUST NOT BE ALTERED IN ANY MANNER. THE ENTIRE PROPOSAL SHALL BE RETURNED.
- 1.2 SHOULD THE BIDDER FIND DISCREPANCIES IN THE DOCUMENTS OR SHOULD HE BE IN DOUBT AS TO THEIR MEANING, HE SHALL AT ONCE CONTACT PAM KITTO, PURCHASING MANAGER, AT 919-249-3371.
- 1.3 NO BID MAY BE WITHDRAWN AFTER THE SCHEDULED CLOSING TIME FOR THE RECEIPT OF BIDS.

2. DELIVERY

- 2.1 DELIVERY OF MATERIALS SHALL BE F.O.B. TOWN OF APEX, ELECTRIC OPERATIONS CENTER, 2850 MILANO AVE, APEX, NC 27502. DELIVERY OF ALL ITEMS SHALL BE MADE AT SUCH TIME AS TO PERMIT UNLOADING BETWEEN THE HOURS OF 7:30 AM TO 11:30 AM, AND 1:00 PM TO 3:30 PM, MONDAY THROUGH FRIDAY, HOLIDAYS EXCLUDED. **FORTY EIGHT HOURS DELIVERY NOTICE IS REQUIRED.**
- 2.2 EQUIPMENT SHALL BE SHIPPED IN AN OPEN-TOP TRUCK SO AS TO ALLOW UNLOADING BY THE TOWN WITH THE USE OF A TRUCK DERRICK OR CRANE.
- 2.3 TRANSFORMERS TO BE STACKED IN GROUPS OF TWO FOR MORE EFFICIENT STORAGE.
- 2.4 CABLE AND TRANSFORMERS WILL BE SHIPPED ON OPEN-BODY TRAILERS PERMITTING SIDE UNLOADING BY THE TOWN WITH A FORKLIFT OR TRUCK DERRICK.

INSTRUCTIONS TO BIDDERS (CONT.)

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

3. AWARD OF PURCHASE ORDER

3.1 THE AWARD OF THE PURCHASE ORDER WILL BE MADE TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER AS SOON AS PRACTICAL, PROVIDED THAT IN THE SELECTION OF THE ITEMS A PURCHASE ORDER MAY BE AWARDED TO A BIDDER OTHER THAN THE LOWEST, IN THE INTEREST OF STANDARDIZATION OR ULTIMATE ECONOMY, IF THE ADVANTAGE OF SUCH STANDARDIZATION OR ULTIMATE ECONOMY IS CLEARLY EVIDENT.

3.2 THE TOWN RESERVES THE RIGHT TO WAIVE MINOR IRREGULARITIES OR MINOR ERRORS IN ANY PROPOSAL, IF IT APPEARS TO THE TOWN THAT SUCH IRREGULARITIES OR ERRORS WERE MADE THROUGH INADVERTENCE. ANY SUCH IRREGULARITIES OR MINOR ERRORS SO WAIVED MUST BE CORRECTED ON THE PROPOSAL PRIOR TO ITS ACCEPTANCE BY THE TOWN.

3.3 IN ESTIMATING THE LOWEST COST TO THE TOWN, AS ONE OF ITS FACTORS IN DECIDING THE AWARD OF THE PURCHASE ORDER, THE TOWN WILL CONSIDER IN ADDITION TO THE PRICES QUOTED, THE FOLLOWING:

DELIVERY DATE
ADHERENCE TO SPECIFICATIONS AND PLANS
FIRM PRICES
DISCOUNTS OFFERED
COMPATABILITY WITH EXISTING SYSTEM

3.4 THE TOWN RESERVES THE RIGHT TO AWARD ANY SCHEDULE OR COMBINATION THEREOF OR TO AWARD ANY PART OF ANY SCHEDULE. QUANTITIES MAY VARY BY + OR - 5%.

4. PRICES

4.1 PRICES QUOTED SHALL BE FIRM FOR A PERIOD OF NOT LESS THAN 30 DAYS FROM DATE OF OPENING.

GENERAL CONDITIONS

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

DEFECTIVE MATERIALS

- 1.1 ALL MATERIALS FURNISHED HEREUNDER SHALL BE SUBJECT TO THE INSPECTION, TESTS, AND APPROVAL OF THE TOWN, AND THE MATERIALMAN SHALL FURNISH ALL INFORMATION REQUIRED CONCERNING THE NATURE AND SOURCE OF ANY MATERIALS.
- 1.2 THE MATERIALMAN SHALL GUARANTEE HIS MATERIALS AND WORKMANSHIP AGAINST DEFECT DUE TO FAULTY MATERIALS OR FAULTY WORKMANSHIP OR NEGLIGENCE FOR A MINIMUM PERIOD OF 12 MONTHS FOLLOWING ACCEPTANCE OF MATERIALS AND OR COMPLETION OF WORK. HE SHALL MAKE GOOD SUCH DEFECTIVE MATERIALS OR WORKMANSHIP AND ANY DAMAGE RESULTING THEREFROM WITHOUT COST TO THE TOWN OF APEX.
- 1.3 THE MATERIALS AND EQUIPMENT FURNISHED HEREUNDER SHALL BECOME THE PROPERTY OF THE TOWN WHEN DELIVERED AT THE POINT TO WHICH SHIPMENT IS TO BE MADE, PROVIDED, HOWEVER, THAT THE TOWN MAY REJECT ANY SUCH MATERIALS AND EQUIPMENT THAT DO NOT COMPLY WITH THE SPECIFICATIONS FOR MATERIALS AND EQUIPMENT AND WARRANTIES OF THE BIDDER AND MANUFACTURERS. RECOGNITION AND SUBSEQUENT REJECTION OF ANY DEFECTIVE MATERIALS AND EQUIPMENT MAY OCCUR EITHER BEFORE OR AFTER INCORPORATION OF SUCH MATERIALS AND EQUIPMENT WITHIN ONE (1) YEAR OF THE DATE OF DELIVERY OF THE MATERIALS AND EQUIPMENT. UPON ANY SUCH REJECTION, THE BIDDER SHALL REPLACE THE REJECTED MATERIALS AND EQUIPMENT WITH MATERIALS AND EQUIPMENT COMPLYING WITH THE SPECIFICATIONS FOR MATERIALS AND EQUIPMENT AND WARRANTIES, F.O.B. TRUCK AT SUITABLE DESTINATION. THE TOWN SHALL RETURN THE REJECTED MATERIALS F.O.B. TRUCK AT THE SAME DESTINATION. IN THE EVENT OF THE FAILURE OF THE BIDDER TO SO REPLACE REJECTED MATERIALS AND EQUIPMENT, THE TOWN MAY MAKE SUCH REPLACEMENT AND THE COST AND EXPENSE THEREOF SHALL BE PAID BY AND RECOVERABLE FROM THE BIDDER.

GENERAL CONDITIONS (CONT.)

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

1.4 MISCELLANEOUS

THE BIDDER SHALL HOLD HARMLESS AND INDEMNIFY THE TOWN, ITS AGENTS, AND EMPLOYEES, FROM ANY AND ALL CLAIMS, SUITS, AND PROCEEDINGS FOR INFRINGEMENT OF ANY PATENT OR PATENTS COVERING MATERIALS AND EQUIPMENT PURCHASED HEREUNDER. THE BIDDER SHALL DEFEND ANY SUIT OR PROCEEDING BROUGHT AGAINST THE TOWN, ITS AGENTS, OR EMPLOYEES, BASED UPON A CLAIM THAT THE MATERIALS AND EQUIPMENT OR ANY PART THEREOF CONSTITUTE AN INFRINGEMENT OF ANY PATENT, OR IF THE BIDDER SHALL FAIL TO DEFEND SUCH SUIT OR PROCEEDING, THE TOWN MAY DO SO AND THE BIDDER SHALL MAKE REIMBURSEMENT FOR THE EXPENSE OF SUCH LITIGATION. IF THE MATERIALS AND EQUIPMENT, OR ANY PART THEREOF, ARE HELD TO CONSTITUTE INFRINGEMENT AND THE USE THEREOF IS ENJOINED, THE BIDDER SHALL, AT ITS OWN EXPENSE, EITHER PROCURE FOR THE TOWN THE RIGHT TO CONTINUE TO USE THE MATERIALS AND EQUIPMENT, OR SUCH PART THEREOF, OR SHALL REPLACE THE MATERIALS AND EQUIPMENT, OR SUCH PART THEREOF, WITH NON-INFRINGEMENT MATERIALS AND EQUIPMENT.

2.0 STANDARDS

ALL EQUIPMENT AND MATERIALS COVERED BY THESE SPECIFICATIONS AND ALL TESTS APPLIED THERETO SHALL, UNLESS OTHERWISE STATED HEREIN, BE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE LATEST EDITIONS OF THE STANDARDS OF THE A.S.T.M., A.N.S.I., A.E.I.C., N.E.M.A., I.P.C.E.A., AND I.E.E.E.

WHERE THE TERM "STANDARDS" IS USED IN THE SPECIFICATIONS, IT SHALL BE UNDERSTOOD TO REFER TO THE ABOVE STANDARDS.

SCOPE OF MATERIALS

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

1. SCOPE OF THE BID

THE WORK SHALL INCLUDE FURNISHING ALL EQUIPMENT AS SET FORTH IN THE BID SCHEDULE AND AS SPECIFIED HEREIN.

2. GENERAL CONDITIONS

2.1 ALL MATERIALS AND EQUIPMENT SHALL BE NEW.

2.2 THESE SPECIFICATIONS DESCRIBE THE TYPE, SIZE, AND CHARACTERISTICS OF THE VARIOUS MATERIALS AND EQUIPMENT REQUIRED TO BE FURNISHED.

2.3 STRICT ADHERENCE TO THESE GENERAL SPECIFICATIONS IS REQUESTED TO FACILITATE REVIEW AND CONSIDERATION OF THE PROPOSAL.

2.4 PROPOSALS SHALL INCLUDE THE FOLLOWING:

CATALOG NUMBERS, MANUFACTURER, RATINGS, CHARACTERISTICS, TYPES, SIZES, ETC., OF ALL MATERIALS AND EQUIPMENT INCLUDED. A SIMPLE STATEMENT THAT ALL NECESSARY MATERIALS AND EQUIPMENT WILL BE PROVIDED IS NOT SATISFACTORY.

2.5 PRICES SHALL INCLUDE THE COST OF DELIVERY TO THE TOWN OF APEX ELECTRIC OPERATIONS CENTER ON MILANO AVE IN APEX, NORTH CAROLINA.

TOWN OF APEX
TRANSFORMER SPECIFICATIONS

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

1.0 TRANSFORMER EVALUATION

DISTRIBUTION TRANSFORMERS WILL BE EVALUATED FOR LOSSES BASED ON THE FORMULA ADOPTED OCTOBER 2002, BY ELECTRICITIES OF NORTH CAROLINA, INC., WHICH REFLECTS THE TOTAL OWNERSHIP COST (TOC), INCLUDING INITIAL PURCHASE PRICE, 30-YEAR FINANCING, AND LOSSES. UNITS WILL BE QUOTED BASED ON GUARANTEED AVERAGE LOSSES BY KVA SIZE, VERIFIED BY PROVIDING INDIVIDUAL CERTIFIED TEST LOSSES FOR EACH UNIT UPON DELIVERY.

IF THE TOTAL OWNERSHIP COST DIFFERENCE BETWEEN THE APPARENT LOWEST COST UNIT AND ANY OTHER UNITS IS LESS THAN 3%, THE TOWN MAY EVALUATE THESE UNITS ON LOWEST INITIAL COST AND AWARD ON THIS BASIS.

THE LOSS EVALUATION FORMULA IS OUTLINED ON PAGE 11 AND SHALL BE COMPLETED FOR EACH UNIT QUOTED.

FOR EACH TRANSFORMER TYPE ORDERED (I.E. 25 KVA SINGLE PHASE 120/240 V SECONDARY IS ONE TYPE, 25 KVA SINGLE PHASE 277V SECONDARY IS ANOTHER), NEITHER THE ACTUAL AVERAGE EXCITATION LOSSES NOR ACTUAL AVERAGE LOAD LOSSES SHALL EXCEED THE GUARANTEED (QUOTED) LOSSES QUOTED FOR THE SPECIFIC TRANSFORMER TYPE OR THE MANUFACTURER SHALL BE REQUIRED TO PAY THE FOLLOWING LIQUIDATED DAMAGE:

- LIQUIDATED DAMAGE (HEREAFTER L.D.) = TWO TIMES THE DIFFERENCE BETWEEN ACTUAL TRUE OWNERSHIP COST (HEREAFTER A.T.O.C.) AND QUOTED TRUE OWNERSHIP COSTS (HEREAFTER Q.T.O.C.) IF A.T.O.C. IS GREATER THAN Q.T.O.C.

- IF A.T.O.C.>Q.T.O.C. THEN L.D. = 2 X (A.T.O.C. – Q.T.O.C.)

LIQUIDATED DAMAGES WILL BE FORWARDED FOR COLLECTION TO THE PURCHASING DEPARTMENT MANAGER AT THE TOWN OF APEX.

TRANSFORMERS REJECTED BY THE TOWN OF APEX FOR DEFECTS AND/OR NON-ADHERENCE TO SPECIFICATIONS SHALL BE RETURNED TO THE SUPPLIER FREIGHT COLLECT FOR A FULL REFUND. ANY SUPPLIER ESTABLISHING A HISTORY FOR PROVIDING TRANSFORMERS WHICH DO NOT MEET QUOTED LOSS VALUES WILL BE EVALUATED ACCORDINGLY IN FUTURE QUOTATIONS AND BID PROPOSALS.

2.0 PAINT

PAD MOUNTED UNITS SHALL BE PAINTED ANSI "OUTDOOR GREEN", MUNSELL NO. 7GY3.29/1.5. ALL SURFACES OF CASE AND COVERS, BOTH EXTERIOR AND INTERIOR, SHALL BE THOROUGHLY CLEANED BY MEANS OF SHOT BLASTING OR ANY OTHER EQUALLY EFFECTIVE METHOD. AT LEAST THREE (3) COATS OF EXTERIOR PAINT SHALL BE APPLIED. PAINT SHALL BE SUITABLE FOR OPERATION IN AN OUTDOOR ENVIRONMENT AT THE ELEVATED TEMPERATURES ASSOCIATED WITH THIS EQUIPMENT WITHOUT DETERIORATION.

3.0 PCB CERTIFICATION

UNITS SHALL BE CERTIFIED AS "NON-PCB" FOR ALL DIELECTRIC FLUIDS WITH A CONTENT OF LESS THAN 2 PPM.

4.0 DRAWINGS

MANUFACTURER SHALL FURNISH DIMENSIONAL OUTLINE DRAWINGS OF ALL SIZES INCLUDED FOR APPROVAL. THE UNITS MAY BE SUPPLIED PER THESE DRAWINGS UNTIL THESE SPECIFICATIONS CHANGE OR THE MANUFACTURER MAKES A CHANGE IN DESIGN. DRAWINGS SHOULD BE SENT IN .PDF AND/OR .DWG FORMAT VIA EMAIL. DRAWINGS SHALL ALSO INDICATE EXPULSION AND CURRENT LIMITING FUSE TYPES AND MANUFACTUER STOCK NUMBERS FOR ALL TRANSFORMERS SHIPPED, INCLUDING SUBSTITUTE FUSE STOCK NUMBERS FROM ALTERNATIVE MANUFACTURERS/SUPPLIERS.

ANY CHANGES IN DESIGN MUST BE APPROVED BY THE TOWN OF APEX BEFORE ANY TRANSFORMERS SO MODIFIED SHALL BE SHIPPED.

TOWN OF APEX
SCHEDULE

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
 BID DATE: NOVEMBER 4, 2021 AT 2:30PM

<u>DESCRIPTION</u>	UNIT	TOTAL
DISTRIBUTION TRANSFORMER, SINGLE PHASE, UNDERGROUND, PADMOUNTED, RATED 22860/13200 (GROUNDED WYE) TO 240/120 VOLTS (GROUNDED WYE), 65* OIL-FILLED, NO HIGH VOLTAGE TAPS, TWO (2) HV UNIVERSAL BUSHING WELLS, LOOP FEED, DEAD FRONT, 5/8" THREADED STUD LV BUSHING, BAYONET HV FUSE WITH INTERNAL PARTIAL RANGE CURRENT LIMITING FUSE, 125KV BIL, PADLOCK PROVISIONS AND PENTA-HEAD CAPTIVE BOLT. CERTIFIED "NON-PCB" WITH STICKER. TRANSFORMER KVA RATING TO BE STENCILED ON EXTERIOR OF LID ABOVE LOCK. EXTERNAL "MR. OUCH" SAFETY LABEL TO BE INCLUDED MINIMUM OF 4.5" X 8".		

<u>TRANSFORMER SIZE</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
<u>25 KVA</u>	<u>30</u>	\$ _____	\$ _____
<u>37.5 KVA</u>	<u>140</u>	\$ _____	\$ _____
<u>50 KVA</u>	<u>30</u>	\$ _____	\$ _____
<u>75 KVA</u>	<u>30</u>	\$ _____	\$ _____
<u>100 KVA</u>	<u>15</u>	\$ _____	\$ _____

MANUFACTURER: _____

DELIVERY SCHEDULE: _____

NEAREST AUTHORIZED REPAIR FACILITY: _____

TOWN OF APEX
TRANSFORMER LOSS EVALUATION

PROJECT: SINGLE PHASE PAD MOUNT TRANSFORMER
BID DATE: NOVEMBER 4, 2021 AT 2:30PM

SUMMARY OF TRANSFORMER LOSS DATA

SIZE	NO LOAD	LOAD	TOC
25 KVA			
37.5 KVA			
50 KVA			
75 KVA			
100 KVA			

TOC = UNIT COST + (A X NO LOAD LOSSES) + (B X FULL LOAD LOSSES)

A=THE COST PER WATT FOR NO LOAD LOSSES

B=THE COST PER WATT FOR LOAD LOSSES

TRANSFORMERS LESS THAN 100 KVA:

“A” FACTOR = \$7.80 PER WATT

“B” FACTOR = \$ 2.10 PER WATT

TRANSFORMERS EQUAL TO OR GREATER THAN 100 KVA:

“A” FACTOR = \$7.80 PER WATT

“B” FACTOR = \$2.10 PER WATT

		50 KVA				75 KVA				
		\$ 30.00	NL	LL	TOC	\$ 30.00	NL	LL	TOC	
Vendor										
Lead Time										
Border - Eaton/Cooper	104 wks	\$ 4,897.00	122.00	517.00	\$ 7,341.67	\$ 5,842.00	160.00	732.00	\$ 9,220.28	
Richardson - Howard	28-30 wks	\$ 5,523.00	100.00	557.00	\$ 7,951.83	\$ 7,407.00	141.00	739.00	\$ 10,683.73	
Wesco - Prolec/GE	20 wks	\$ 5,886.00	100.00	416.00	\$ 7,865.04	\$ 6,594.00	125.00	710.00	\$ 9,673.90	
Wesco-ABB	64-66 wks	\$ 5,277.00	93.00	520.00	\$ 7,542.16	\$ 5,483.00	128.00	706.00	\$ 8,569.70	
		100 KVA								
		\$ 15.00	NL	LL	TOC					
Vendor										
Lead Time										
Border - Eaton/Cooper	104 wks	\$ 6,609.00	196.00	902.00	\$ 10,764.30					
Richardson - Howard	28-30 wks	\$ 8,897.00	188.00	854.00	\$ 12,847.02					
Wesco - Prolec/GE	20 wks	\$ 8,462.00	148.00	918.00	\$ 12,355.38					
Wesco-ABB	64-66 wks	\$ 6,138.00	174.00	814.00	\$ 9,869.14					

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

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

Department(s): Administration

Requested Motion

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

Approval Recommended?

Yes

Item Details

As part of future expansion plans the Town of Cary purchased the Cotton Property, Deed Book 17113 at Page 1585, Wake County Registry, and Wake County PIN 0722-58-5884.

As the Town of Cary and Apex are co-owners of the surrounding property (Cary 77% and Apex 23%), the Town of Cary proposes to add Town of Apex to the deed for the property with a recombination of the properties to follow.

The new deed and additional property will make expansion at the treatment facility possible

Attachments

- Proposed Deed adding Town of Apex
- Boundary Survey for the Cary Apex Water Treatment Facility



EXCISE TAX: \$ 0.00

INSTRUMENT PREPARED BY: TOWN OF CARY ATTORNEY'S OFFICE, WITHOUT TITLE EXAMINATION
BRIEF DESCRIPTION FOR INDEX: BM 1987, P 1904

STATE OF NORTH CAROLINA

SPECIAL WARRANTY DEED

COUNTY OF WAKE

THIS SPECIAL WARRANTY DEED is made by the TOWN OF CARY, a municipal corporation of the State of North Carolina ("Grantor"), to the TOWN OF APEX, a municipal corporation of the State of North Carolina ("Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH:

WHEREAS, Grantor is the owner of a lot or parcel of land located in Wake County, North Carolina and more particularly described in Deed Book 17113 at Page 1585, Wake County Registry, Wake County PIN 0722585884 ("Property");

WHEREAS, Property is adjacent to a 75.00-acre parcel of property that is co-owned by the Grantor and Grantee and on which is located the Cary/Apex Water Treatment Plant ("Plant Property");

WHEREAS, Grantor purchased Property with the intent of combining it with Plant Property to support the operation of the plant;

WHEREAS, Grantor seeks to convey a partial interest in Property to Grantee so that, when Property is recombined with Plant Parcel, the ownership of the resulting parcel is consistent.

FEE SIMPLE CONVEYANCE

THE GRANTOR HEREBY GRANTS, SELLS AND CONVEYS unto Grantee, in fee simple, a twenty-three percent (23%) interest in that certain lot or parcel of land situated in Wake County, NC, described as follows:

Lying and being situated in the Town of Apex, Wake County, North Carolina, and being described as follows:

Those certain parcels, each containing 2.0 acres (total of 4.0 acres), as shown on a maps recorded in Book of Maps 1987, Page 1904, Wake County Registry.

TO HAVE AND TO HOLD the aforesaid parcel of land and all privileges and appurtenances thereunto belonging to Grantee, in fee simple. And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and that Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

All enforceable easements, conditions, restrictions, and other matters of record.

The interest herein conveyed does not include Grantor's primary residence.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, or if corporate, have caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its governing board, on the day and year below written.

Town of Cary

Russ Overton, Deputy Town Manager

Date: _____

Attest: _____
Virginia H. Johnson, Town Clerk

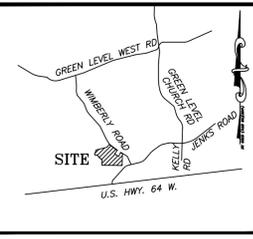
State of North Carolina, County of Wake

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

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

My Commission Expires: _____

Notary Public



I, JOHN R. PICKENS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING THE REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 45,500; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTES 47-30, AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 20 DAY OF APRIL, A.D., 2021.

John R. Pickens
JOHN R. PICKENS, PLS L-3297



TYPE OF PLAT
I HEREBY CERTIFY THIS PLAT OF THE FOLLOWING TYPE:
G.S. 47-30 (F)(11)(C)(1). THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY RECORDED SUBDIVISION THAT HAS BEEN OR MAY BE LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

John R. Pickens 04-20-2021
PROFESSIONAL LAND SURVEYOR

GENERAL NOTES

1. THIS IS A SURVEY OF AN EXISTING PARCEL(S) OF LAND. THIS IS A BOUNDARY SURVEY.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: R-80W
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 WAKE COUNTY #3720072000 DATED 5/02/2006. THIS IS THE CURRENT FLOOD ZONE MAP FOR SUBJECT PROPERTY.
7. REFERENCES: BM. 1987, PG.516; BM. 1986, PG.319; BM. 1987, PG.1904; DB. 4409, PG. 746 & DB. 17113, PG. 1585 OF THE WAKE COUNTY REGISTRY.
8. UTILITY STATEMENT
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM A VISIBLE FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.
9. NO GRID MONUMENT FOUND WITHIN 2000' OF SITE.
10. PROPERTY SHOWN HEREON IS THE SAME PROPERTY BOOK OF MAPS 1987, PG. 516.
11. NO WETLANDS OR MARKERS WERE OBSERVED.
12. NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR EVIDENCE OF RESIST STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED.
13. PLOTTABLE OFFSITE EASEMENTS PROVIDED ARE SHOWN ON SURVEY.

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
TOWN OF CARY
P. O. BOX 8005
CARY, NC 27512-8005
PHONE: 919. 481. 5093

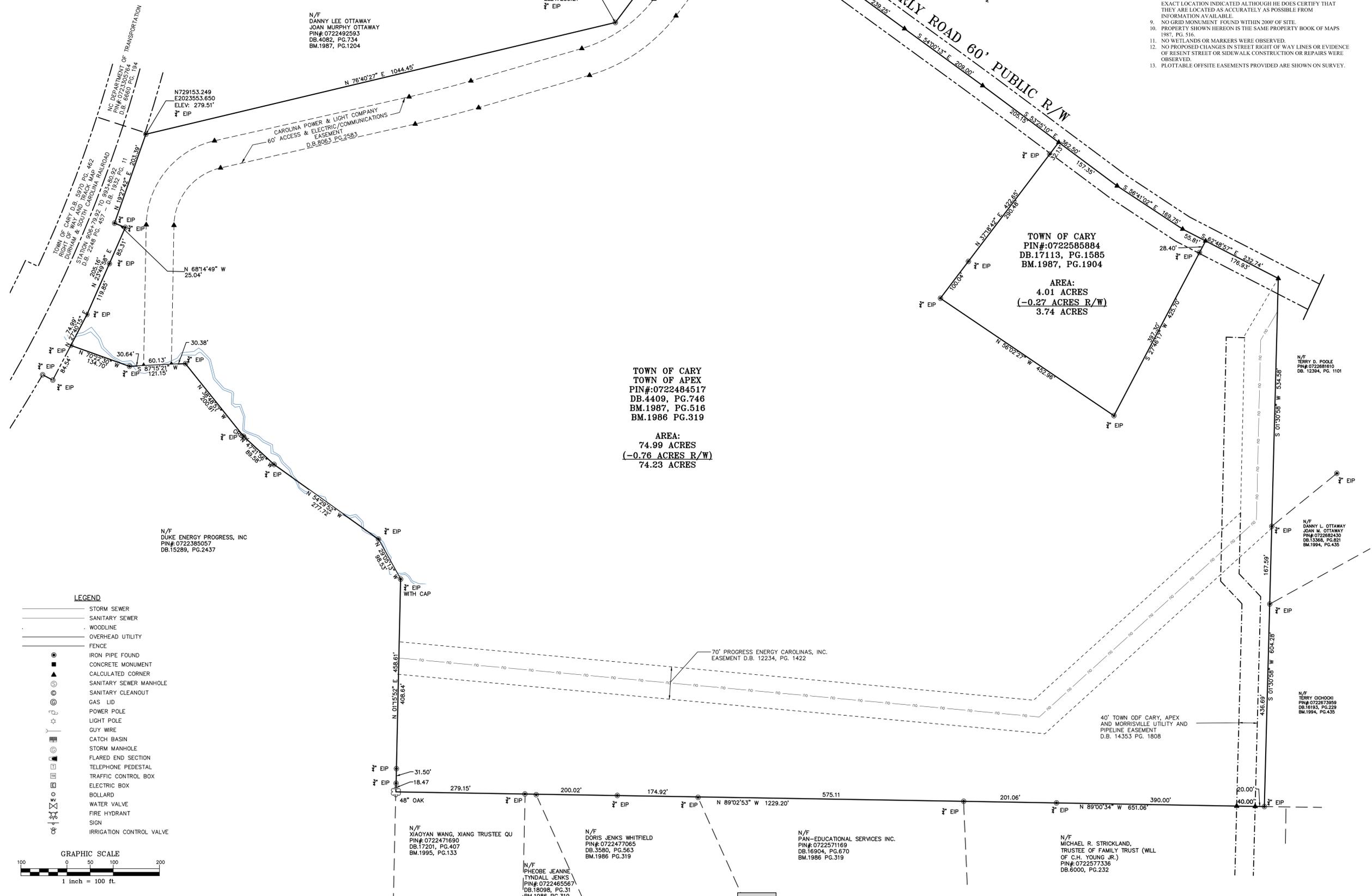
C.A.W.T.F.
BOUNDARY SURVEY
1400 & 1408 WIMBERLY RD.
APEX, NORTH CAROLINA, 27523

REVISIONS
NO. DATE

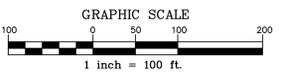
PLAN INFORMATION
PROJECT NO. 2021110221
FILENAME 2021110221-B1
CHECKED BY JRP
DRAWN BY JRP
SCALE 1"=100'
DATE 04. 20. 2021

SHEET
ONE

VICINITY MAP NO SCALE



- LEGEND**
- STORM SEWER
 - SANITARY SEWER
 - WOODLINE
 - OVERHEAD UTILITY
 - FENCE
 - IRON PIPE FOUND
 - CONCRETE MONUMENT
 - CALCULATED CORNER
 - SANITARY SEWER MANHOLE
 - SANITARY CLEANOUT
 - GAS LID
 - POWER POLE
 - LIGHT POLE
 - GUY WIRE
 - CATCH BASIN
 - STORM MANHOLE
 - FLARED END SECTION
 - TELEPHONE PEDESTAL
 - TRAFFIC CONTROL BOX
 - ELECTRIC BOX
 - BOLLARD
 - WATER VALVE
 - FIRE HYDRANT
 - SIGN
 - IRRIGATION CONTROL VALVE



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

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

Department(s): Administration

Requested Motion

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

Approval Recommended?

Yes

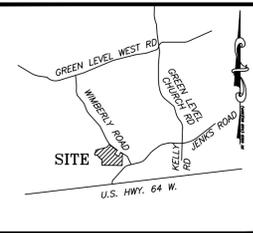
Item Details

The Town of Cary proposes to recombine the two parcels through Wake County Jurisdiction for a future planned expansion of the treatment plant.

Attachments

- Boundary Survey for the Cary Apex Water Treatment Facility
- Wake County Imap





I, JOHN R. PICKENS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION USING THE REFERENCES SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE REFERENCES SHOWN HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 45,500; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTES 47-30, AS AMENDED.

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JOHN R. PICKENS, PLS L-3297



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John R. Pickens 04-20-2021
PROFESSIONAL LAND SURVEYOR

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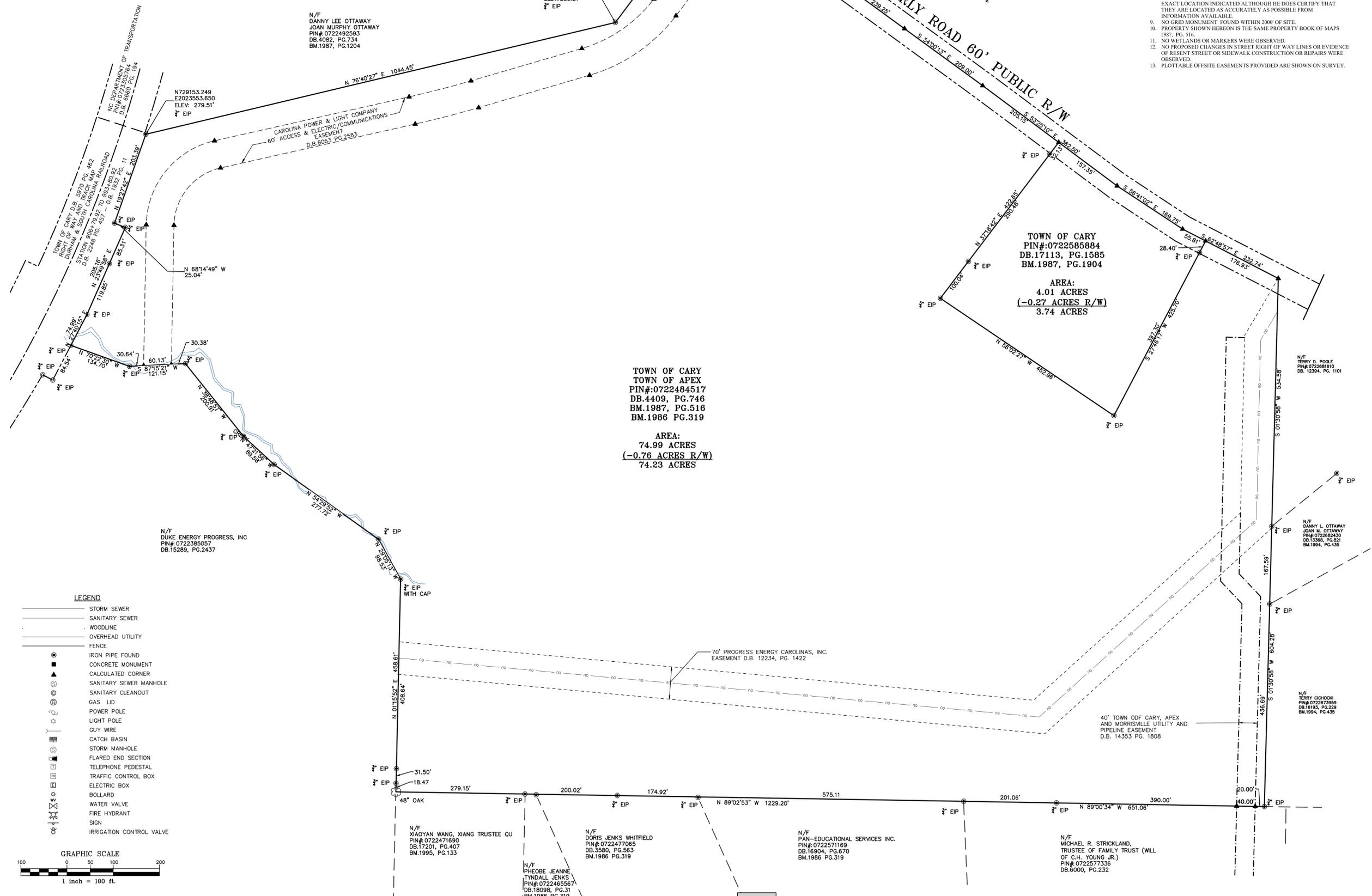
phone 919. 361. 5000
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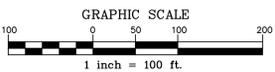
CLIENT
TOWN OF CARY
P. O. BOX 8005
CARY, NC 27512-8005
PHONE: 919. 481. 5093

C.A.W.T.F.
BOUNDARY SURVEY
1400 & 1408 WIMBERLY RD.
APEX, NORTH CAROLINA, 27523

VICINITY MAP NO SCALE



- LEGEND**
- STORM SEWER
 - SANITARY SEWER
 - WOODLINE
 - OVERHEAD UTILITY
 - FENCE
 - IRON PIPE FOUND
 - CONCRETE MONUMENT
 - CALCULATED CORNER
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REVISIONS

NO.	DATE

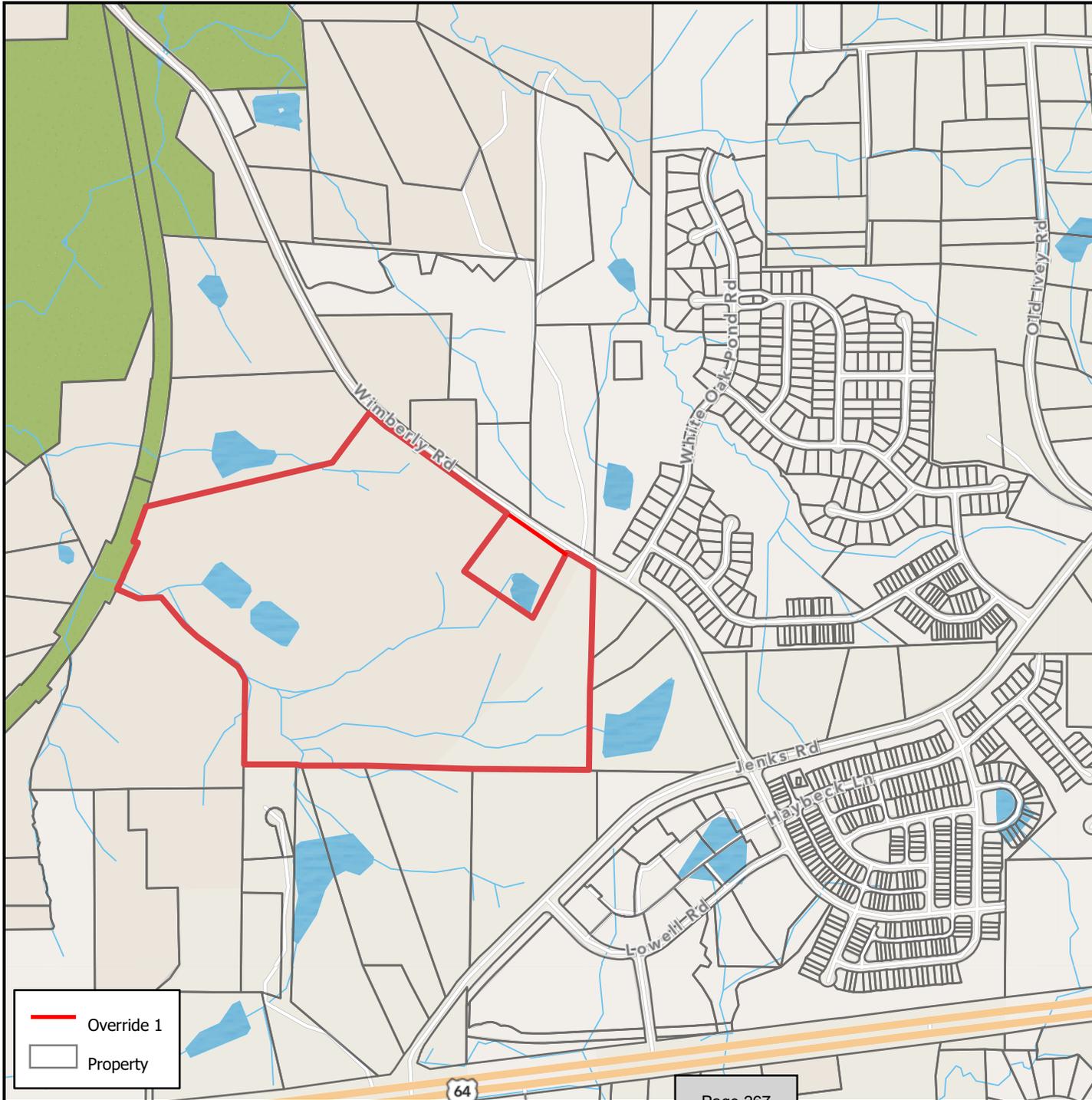
PLAN INFORMATION

PROJECT NO.	2021110221
FILENAME	2021110221-B1
CHECKED BY	JRP
DRAWN BY	JRP
SCALE	1"=100'
DATE	04.20.2021

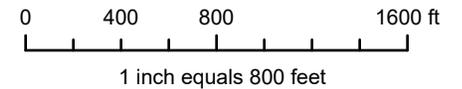
SHEET

ONE

M:\Projects\1021110221\1021110221\1021110221-81.dwg, 4/20/2021 5:50:55 PM, Pickens, John



PIN: 0722484517
 PIN Ext: 000
 Real Estate ID: 0162647
 Map Name: 0722 01
 Owner: CARY TOWN OF APEX TOWN OF
 Mail Address 1: PO BOX 8005
 Mail Address 2: CARY NC 27512-8005
 Deed Book: 004409
 Deed Page: 00746
 Deed Acres: 75
 Deed Date: 12/27/1988
 Building Value: 11474939
 Land Value: 4610500
 Total Value: 16085439
 Biling Class: Exempt
 Description: RECOMBINATION & SURVEY
 FOR TOWN OF CARY
 Heated Area: 82607
 Street Name: WIMBERLY RD
 Site Address: 1400 WIMBERLY RD
 Planning Jurisdiction: WC
 Township: White Oak
 Year Built: 1993
 Sale Price: 375000
 Sale Date: 4/10/1987
 Use Type: OFC GROSS
 Design Style: Conventional
 Land Class: EXEMPT
 Old Parcel Number: 594-00000-0069



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.

 Override 1
 Property

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Keith McGee, Fire Chief

Department(s): Fire

Requested Motion

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

Approval Recommended?

Yes

Item Details

This item is requesting that the Town of Apex enter into a five-year agreement with HAAS Alert to provide the fire department to use the HAAS Safety Cloud to improve firefighter safety while operating on roadways. Safety Cloud is a digital warning system for road safety. When an apparatus that is equipped with Safety Cloud activates their emergency warning lights, Safety Cloud automatically delivers real-time notifications to approaching drivers before they encounter response personnel in or near the roadway. These alerts are received by nearby motorists through navigation apps that give drivers time to slow down and move over.

Attachments

- This agreement and quote is electronic.



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

Presenter(s): Jacques K. Gilbert, Mayor

Department(s): Governing Body

Requested Motion

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

Approval Recommended?

Yes

Item Details

Mayor Gilbert recommends Veronika Maynard-Simon and Mary Miskimon be named to their second term on TreeCAP and Steven Mikes and Elizabeth O'Brien be named to their first term on TreeCAP; the terms shall run from January 1, 2022 through December 31, 2022.

Attachments

- Advisory Board Interest Forms



Tree Citizen Advisory Panel

Advisory Board Interest Form

Candidate Contact Information

Legal Name

Veronika Maynard-Simon

Preferred First Name

Veronika

Address

607, Apex, North Carolina 27502

Email

Mobile Phone

Alternate Phone (work/home)

Do you live within the Apex town limits?

Yes

Background Information

Current Employer

North Carolina State University

Current Job Title

Graduate Student

Tell us why you would like to serve?

I love trees and I have considerable knowledge of trees through my own research. Trees and forests are a natural solutions for many problems we have to tackle to create a healthy environment for Apex. Some of these problems are: storm water runoff, urbanization, water availability, species extinction, and urban heat islands.

We must preserve our current urban canopy and plant more trees to become resilient against the current hazards.

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

Graduate Student for Climate Change & Society NC State University

Remote Sensing through GIS software: ArcGIS Desktop, ArcGIS Pro: classification of urban tree canopy/urban development

Knowledge and application of nature-based solutions (green infrastructure practices)

Interned for Leaf & Limb this summer and I have learned so much about trees, nursery management, tree identification, seed collection. I am planning to start my own tree nursery for Apex tree plantings. I suggested Leaf & Limb to Mark as a contractor for the Plant the Peak program.

Member of the Apex Community Coalition Preservation subcommittee to increase native plants, pollinator gardens, community gardens, trees, and nature-based solutions for the healthy ecosystem of Apex.

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

Tree CAP 6/25/2021-12/31/2021

Tree Citizen Advisory Panel

Advisory Board Interest Form

Candidate Contact Information

Legal Name

Mary Miskimon

Preferred First Name

Mary

Address

3177 Retama Run, New Hill, North Carolina 27562

Email

Mobile Phone

Alternate Phone (work/home)

Do you live within the Apex town limits?

Yes

Background Information

Current Employer

Mary Miskimon

Current Job Title

Self-Employed

Tell us why you would like to serve?

As a professional landscape consultant, gardener, and long-time Apex resident, I have a vested interest in preserving the bucolic and pastoral character of the town. While Apex continues to grow at an astonishing rate, we must balance that growth with what drives people to the area: plentiful trees, low-density (until very recently), and affordable homes.

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

I own and operate MEM Creative Concepts which provides, among other things, landscape design services.

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

August, 2021 to present

Tree Citizen Advisory Panel

Advisory Board Interest Form

Candidate Contact Information

Legal Name

Steven Mikes

Preferred First Name

Address

1176 Russet Ln, Apex, North Carolina 27523

Email

Mobile Phone

Alternate Phone (work/home)

Do you live within the Apex town limits?

Yes

Background Information

Current Employer

Current Job Title

Tell us why you would like to serve?

In addition to advocating for more trees in general, I would also like to promote the prioritization of native tree species over ornamental non-native varieties.

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

Master's in Electrical and Computer Engineering. Have become more aware and concerned about promoting native species since settling in Apex. Have tried to prioritize them on my own property as well, with great results (lots of native bees/butterflies)

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

None

Tree Citizen Advisory Panel

Advisory Board Interest Form

Candidate Contact Information

Legal Name

Elizabeth O'Brien

Preferred First Name

Elizabeth

Address

710 Midsummer Ln, Apex, North Carolina 27502

Email

Mobile Phone

Alternate Phone (work/home)

Do you live within the Apex town limits?

Yes

Background Information

Current Employer

The North Carolina League of Municipalities

Current Job Title

Property and Casualty Claims Adjuster

Tell us why you would like to serve?

I love gardening, nature, and plants. I truly believe our Town can be even more beautiful when we cultivate our native trees, shrubs, and flowers. I would like to use my passion for plants in this role and be an advocate for my fellow citizens when it comes to trees and nature in our town. I also have a strong interest in getting involved with our Town and serving in any way I can to only better our Town for all.

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

I do not have any formal training in botany or as an arborist but I work hard each year to plant and grow many plants in my own yard and have learned a lot over the years but doing this. I also like to think I have a pretty good eye for design and am great at listening to people and discerning their wants.

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

No

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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





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

Annexation Petition# 718
Matthew & Michelle Michela & Justin & Maryann Michela (Hudson Landing)

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

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

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

This the 23rd day of November 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #718
Matthew & Michelle Michela & Justin & Maryann Michela (Hudson Landing)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 23rd day of November 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 718 Submittal Date: 8/30/21
Fee Paid \$ 200.00 Check # 200.00

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 [X] 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

Matthew & Michelle Michela 0733059045
Owner Name (Please Print) Property PIN or Deed Book & Page #
(978) 875-0821 justin@themichelas.org
Phone E-mail Address
Justin & Maryann Michela 0733049734
Owner Name (Please Print) Property PIN or Deed Book & Page #
(978) 875-0821 justin@themichelas.org
Phone E-mail Address
Justin & Maryann, and Matthew & Michella Michela 0733049444
Owner Name (Please Print) Property PIN or Deed Book & Page #
(978) 875-0821 justin@themichelas.org
Phone E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors
Phone: (919) 362-7111 Fax:
E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Table with 2 columns: Property Information and Reason(s) for annexation (select all that apply). Rows include Total Acreage to be annexed (10.54), Population of acreage to be annexed (N/A), Existing # of housing units (3), Proposed # of housing units (22), Zoning District* (PUD-CZ), and various service options like Need water service, Need sewer service, Water service, Sewer service, and Receive Town Services.

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 718

Submittal Date: 8/30/21

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Justin Michela
Please Print

Justin Michela
Signature

Maryann Michela
Please Print

Maryann Michela
Signature

Matthew Michela
Please Print

Matthew Michela
Signature

Michelle Michela
Please Print

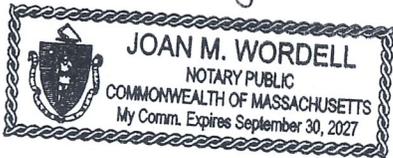
Michelle Michela
Signature

STATE OF NORTH CAROLINA ~~Massachusetts~~
COUNTY OF WAKE ~~Middlesex~~

Sworn and subscribed before me, Joan M Wordell, a Notary Public for the above State and County,
this the 23rd day of August, 2021.

Joan M Wordell
Notary Public

SEAL



My Commission Expires: Sept. 30, 2027

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__.

Notary Public

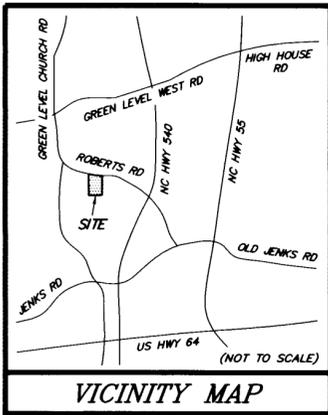
SEAL

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 White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

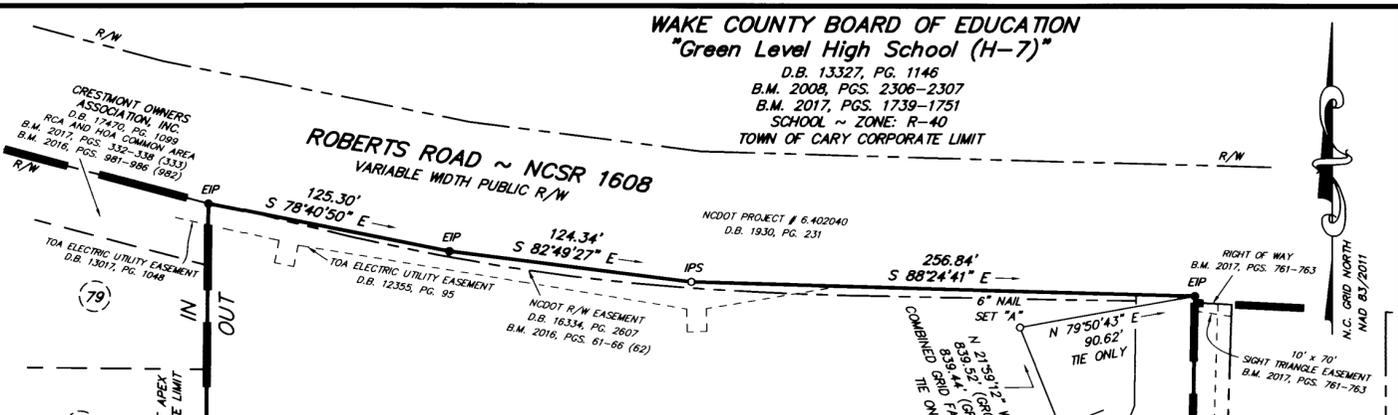
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CONTROL POINTS
 N.C. GRID COORDINATES
 NAD 83 (2011)
 SPECTRA PRECISION
 EPOCH 50 MODEL #68410-00
 SERIAL #5213829580
 FREQUENCY: 4.30 - 470MHz
 CE100 2018
 NCGS BASE STATION "NCL"
 GNSS NORTH SURVEY 09/22/2020
 10:00 AM - 11:30 AM
 COMBINED FACTOR = 0.99990471

6" NAIL SET "A"
 N = 735,205.28'
 E = 2,031,105.04'
 U.S. SURVEY FEET

6" NAIL SET "B"
 N = 734,426.89'
 E = 2,031,419.32'
 U.S. SURVEY FEET



WAKE COUNTY BOARD OF EDUCATION
"Green Level High School (H-7)"
 D.B. 13327, PG. 1146
 B.M. 2008, PGS. 2306-2307
 B.M. 2017, PGS. 1739-1751
 SCHOOL ZONE: R-40
 TOWN OF CARY CORPORATE LIMIT

VICINITY MAP

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:

DEED BOOK 18213, PAGE 1679
 DEED BOOK 18213, PAGE 1665
 DEED BOOK 18213, PAGE 1641
 BOOK OF MAPS 2017, PAGE 2026
 BOOK OF MAPS 1997, PAGE 1624
 BOOK OF MAPS 1985, PAGE 2217

FILLMORE HALL LANE
 50' PUBLIC R/W
 B.M. 2017, PGS. 332-338

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 155,842 AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)

THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:
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 Positional Accuracy: < 0.10' AT 95% CONFIDENCE LEVEL
 Type of GPS field procedure: NGRN/VRS
 Dates of survey: 9-22-2020
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 Published/Fixed-control use: NCGS BASE STATION "NCL" (PID DL3891)
 Geoid model: 2018
 Combined grid factor(s): 0.99990471
 Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 1ST DAY OF NOVEMBER, 2021.

SEAL
 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR
 L-3766
 STALEY C. SMITH
 Professional Land Surveyor
 L-3766
 License Number

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 _____, 2021, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

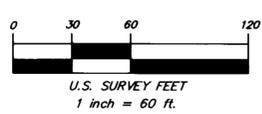
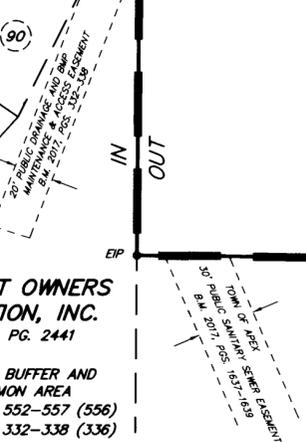
10.5432 ACRES ANNEXED

- SURVEYOR NOTES:**
1. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE SAME.
 2. NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
 3. 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.
 4. ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FEET GROUND MEASUREMENTS.
 5. AREA DETERMINED BY COORDINATE METHOD.
 6. CURRENT PROPERTY ZONING: PUD-GZ (20C211)
 7. THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.
 8. THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(i).
 9. IMPROVEMENTS NOT SHOWN HEREON.

10. LISTED OWNERS:
 (NOT A TITLE VERIFICATION)

NAME	PIN	PARCEL
MATTHEW ANTHONY MICHELA MICHELLE ANNE MICHELA 7517 ROBERTS RD CARY, NC 27519	0733-05-9045	1
JUSTIN MATTHEW MICHELA MARYANN MICHELA MATTHEW ANTHONY MICHELA MICHELLE ANNE MICHELA 2000 CABIN COVE RD CARY, NC 27519	0733-04-9734	2
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- Legend**
- EIP - Existing Iron Pipe
 - IPS - Iron Pipe Set
 - R/W - Right Of Way
 - TOA - Town of Apex
 - DEP - Duke Energy Progress
 - PUE - Public Utility Easement
 - VRS - Virtual Reference Station
 - CORS - Continuously Operating Reference System
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 - NCGS - North Carolina Geodetic Survey
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 - BMP - Best Management Practice
 - NC DOT - North Carolina Department of Transportation
 - HOA - HomeOwner Association
 - RCA - Resource Conservation Area
- Surveyed Line
 - - - - - Surveyed Line
 - - - - - Property Line (not surveyed)
 - - - - - Right Of Way Line (not surveyed)
 - - - - - Other Line (not surveyed)
 - - - - - Existing Corporate Limit Line



SATELLITE ANNEXATION MAP for the TOWN OF APEX
JONES & CROSSEN ENGINEERING, PLLC
 WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

REVISIONS

Smith & Smith, Surveyors, P.A.
 P.O. BOX 457
 APEX, N.C. 27502
 (919) 362-7111

FIRM LICENSE No. C-0155

FIELD DATE
 SEPT 22, 2020

SCALE
 1" = 60'

DRAWN BY
 WEH

PROJECT NO.
 2020-63

RECORDED IN BOOK OF MAPS 2021, PAGE _____



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0147821** PIN # **0733059045**

Account Search

Location Address
7517 ROBERTS RD

Property Description
LO1 HERMAN WAYNE ROBERTS BM2017-02026

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



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

Property Owner MICHELA, MATTHEW ANTHONY MICHELA, MICHELLE ANNE (Use the Deeds link to view any additional owners)	Owner's Mailing Address 7517 ROBERTS RD CARY NC 27519-8920	Property Location Address 7517 ROBERTS RD CARY NC 27519-8920
Administrative Data Old Map # 541-- Map/Scale 0733 01 VCS 20AP900 City Fire District 23 Township WHITE OAK Land Class R-<10-HS ETJ AP Spec Dist(s) Zoning RR History ID 1 History ID 2 Acreage 4.01 Permit Date Permit #	Transfer Information Deed Date 11/30/2020 Book & Page 18213 1679 Revenue Stamps 1700.00 Pkg Sale Date 11/30/2020 Pkg Sale Price \$850,000 Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,492	Assessed Value Land Value Assessed \$175,150 Bldg. Value Assessed \$166,113 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$341,263

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

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

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



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0450952** PIN # **0733049734**

Location Address
2310 POLLARD PL

Property Description
LO2 HERMAN WAYNE ROBERTS BM2017-02026

Account Search

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



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

Property Owner MICHELA, JUSTIN MATTHEW & MARYANN MICHELA, MATTHEW ANTHONY (Use the Deeds link to view any additional owners)	Owner's Mailing Address 2000 CABIN COVE RD CARY NC 27519-8966	Property Location Address 2310 POLLARD PL CARY NC 27519-
Administrative Data Old Map # 541-- Map/Scale 0733 03 VCS 20AP900 City Fire District 23 Township WHITE OAK Land Class VACANT ETJ AP Spec Dist(s) Zoning RR History ID 1 History ID 2 Acreage 3.23 Permit Date Permit #	Transfer Information Deed Date 11/30/2020 Book & Page 18213 1665 Revenue Stamps 1020.00 Pkg Sale Date Pkg Sale Price Land Sale Date 11/30/2020 Land Sale Price \$510,000 Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$242,250 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$242,250

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

Annexation Petition #718
Matthew & Michelle Michela & Justin & Maryann Michela (Hudson Landing)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the December 14, 2021.

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

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

This the 23rd day of November 2021.

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC, Town Clerk

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

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

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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 #: 718 Submittal Date: 8/30/21
 Fee Paid \$ 200.00 Check # #200.00

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

<u>Matthew & Michelle Michela</u> Owner Name (Please Print)	<u>0733059045</u> Property PIN or Deed Book & Page #
<u>(978) 875-0821</u> Phone	<u>justin@themichelas.org</u> E-mail Address
<u>Justin & Maryann Michela</u> Owner Name (Please Print)	<u>0733049734</u> Property PIN or Deed Book & Page #
<u>(978) 875-0821</u> Phone	<u>justin@themichelas.org</u> E-mail Address
<u>Justin & Maryann , and Matthew & Michella Michela</u> Owner Name (Please Print)	<u>0733049444</u> Property PIN or Deed Book & Page #
<u>(978) 875-0821</u> Phone	<u>justin@themichelas.org</u> E-mail Address

SURVEYOR INFORMATION

Surveyor: Smith & Smith Surveyors
 Phone: (919) 362-7111 Fax: _____
 E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>10.54</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>3</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>22</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 718

Submittal Date: 8/30/21

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Justin Michela
Please Print

Justin Michela
Signature

Maryann Michela
Please Print

Maryann Michela
Signature

Matthew Michela
Please Print

Matthew Michela
Signature

Michelle Michela
Please Print

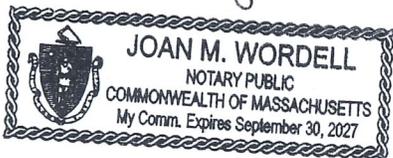
Michelle Michela
Signature

STATE OF ~~NORTH CAROLINA~~ Massachusetts
COUNTY OF ~~WAKE~~ Middlesex

Sworn and subscribed before me, Joan M Wordell, a Notary Public for the above State and County,
this the 23rd day of August, 2021.

Joan M Wordell
Notary Public

SEAL



My Commission Expires: Sept. 30, 2027

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__.

Notary Public

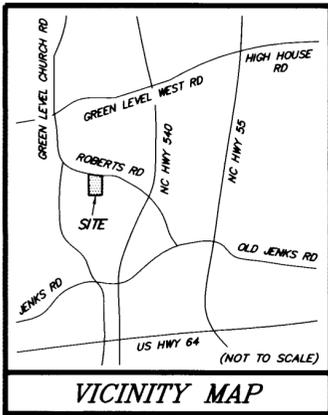
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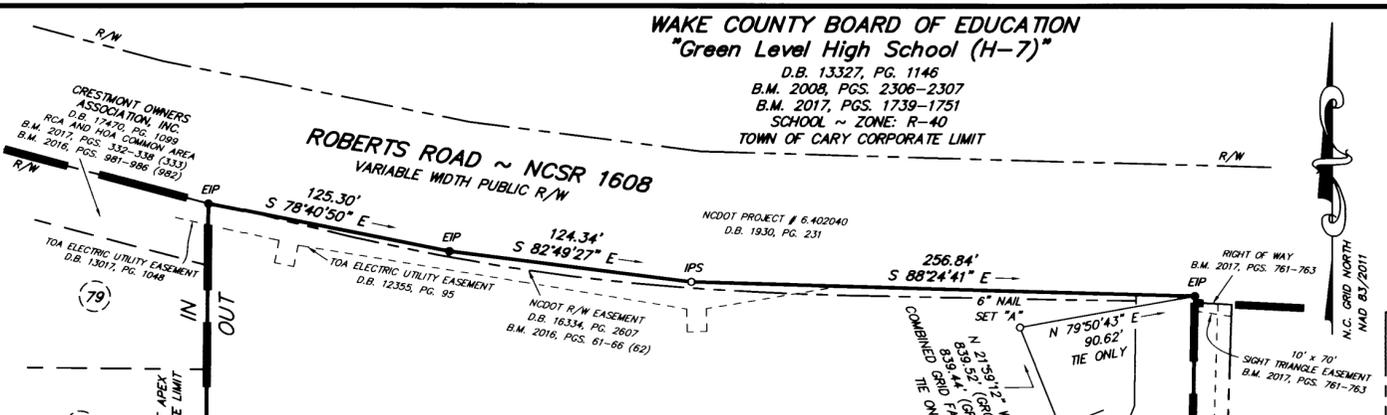
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 Published/Fixed-control use: NCGS BASE STATION "NCL" (PID DL3891)
 Geoid model: 2018
 Combined grid factor(s): 0.99990471
 Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 1ST DAY OF NOVEMBER, 2021.

Staley C. Smith
 Professional Land Surveyor
 L-3766
 License Number

SURVEYOR NOTES:

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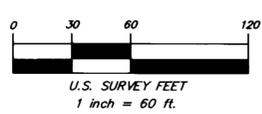
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ANNEXATION #
 I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the _____ day of _____, 2021, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

10.5432 ACRES ANNEXED



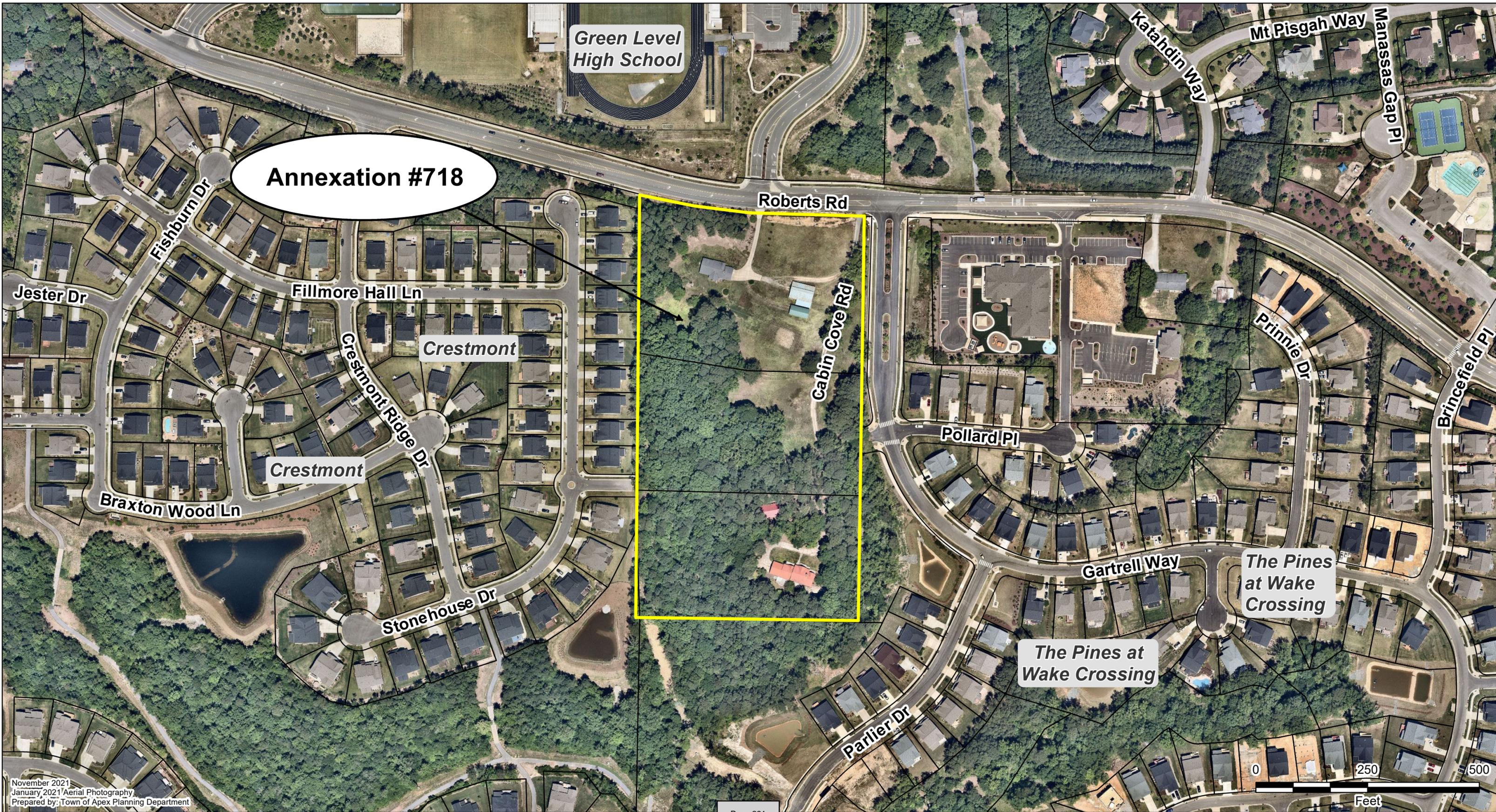
SATELLITE ANNEXATION MAP for the TOWN OF APEX
JONES & CROSSEN ENGINEERING, PLLC
 WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

REVISIONS

Smith & Smith,
 Surveyors, P.A.
 P.O. BOX 457
 APEX, N.C. 27502
 (919) 362-7111

FIELD DATE
 SEPT 22, 2020
 SCALE
 1" = 60'
 DRAWN BY
 WEH
 PROJECT NO.
 2020-63

RECORDED IN BOOK OF MAPS 2021, PAGE _____



Annexation #718

Green Level High School

Roberts Rd

Katahdin Way

Mt Pisgah Way

Manassas Gap Pl

Jester Dr

Fillmore Hall Ln

Crestmont

Crestmont

Crestmont Ridge Dr

Cabin Cove Rd

Pollard Pl

Prinnie Dr

Brincefield Pl

Braxton Wood Ln

Stonehouse Dr

Garrell Way

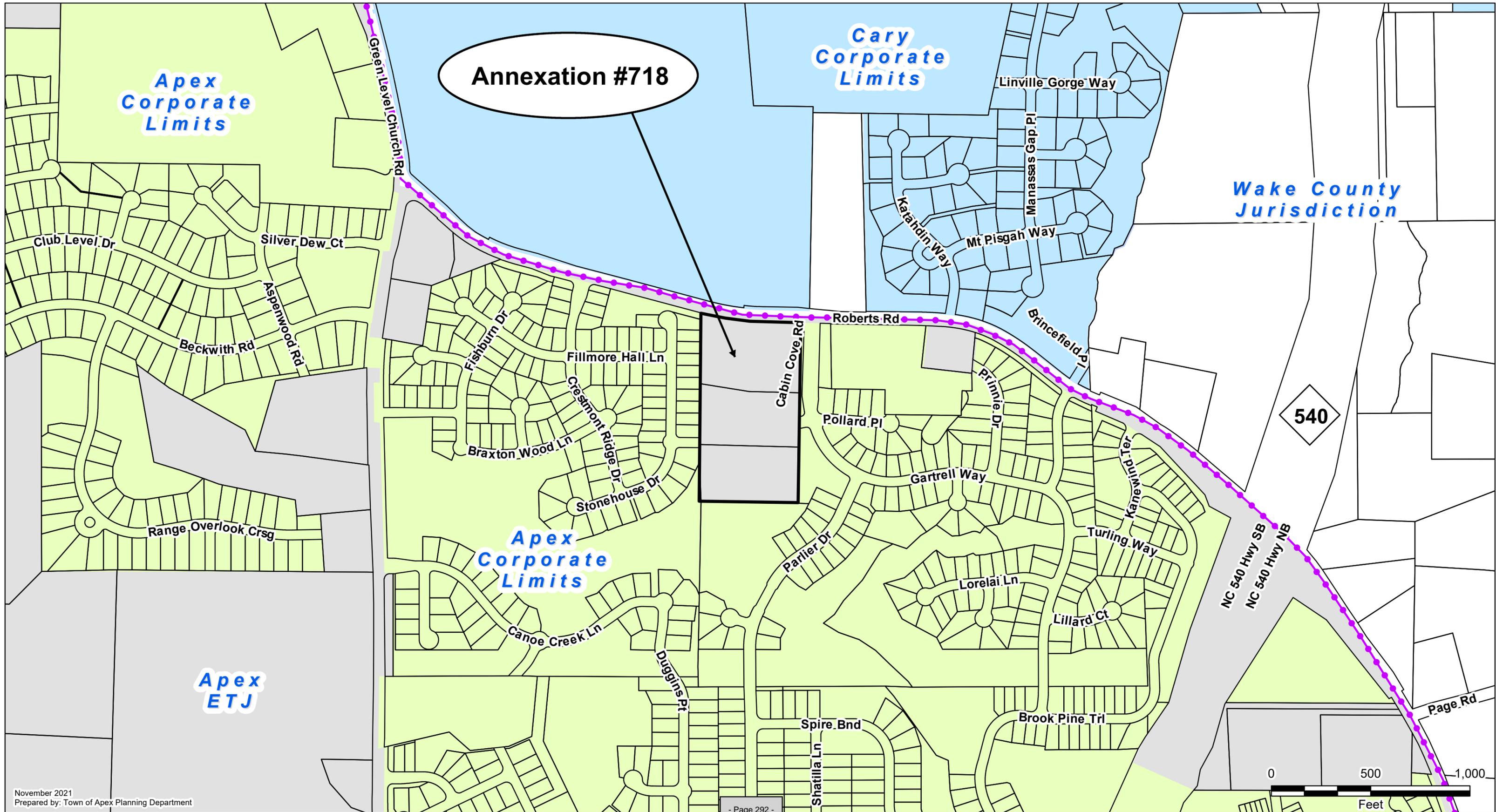
The Pines at Wake Crossing

The Pines at Wake Crossing

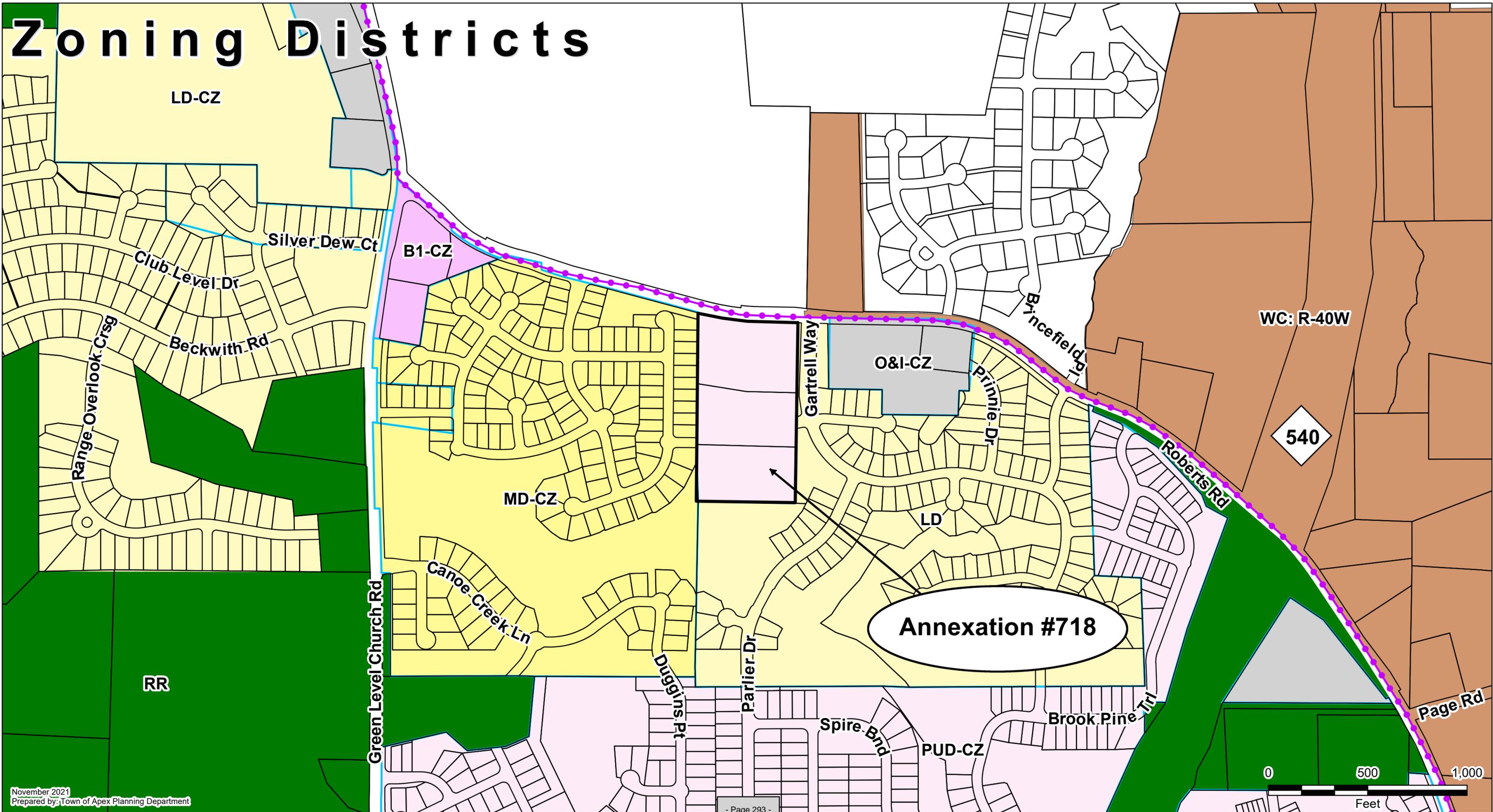
Parlier Dr

0 250 500

Feet



Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: November 23, 2021

Item Details

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

Department(s): Planning and Community Development

Requested Motion

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

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

Attachments

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





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

Annexation Petition# 713
Belinda Woodard Harris (2924 Evans Road)

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

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

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

This the 23rd day of November 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Annexation Petition #713
Belinda Woodard Harris (2924 Evans Road)

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 23rd day of November 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(Seal)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 713
Fee Paid \$ 200.00

Submittal Date: 5/20/2021
Check # 5107

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

Belinda Woodard Harris
Owner Name (Please Print)
(919) 810-2851
Phone

0721715695
Property PIN or Deed Book & Page #
bharris715@hotmail.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 and Smith Surveyors
Phone: (919) 362-7111 Fax: none
E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.97</u>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed: <u>4</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: _____	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>Apex</u>	Receive Town Services <input type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 713

Submittal Date: 5/20/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Belinda Woodard Harris

Please Print

Belinda Woodard Harris
Signature

/

Please Print

/
Signature

/

Please Print

/
Signature

/

Please Print

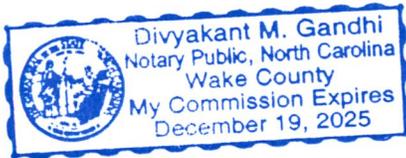
/
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DIVYAKANT M. GANDHI, a Notary Public for the above State and County,
this the 18th day of MAY, 2021

[Signature]
Notary Public

SEAL



My Commission Expires: Dec 19 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

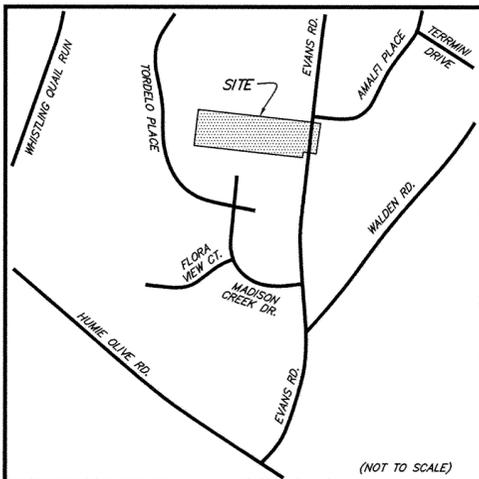
Smith & Smith, Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southwestern corner of Willie Larry Harris, Sr. in the eastern property line of Western Wake Development, LLC "Resource Conservation Area"; thence with the southern property line of aforesaid Harris, South 84°27'59" East, 510.44 feet to a calculated point on the western right-of-way of N.C.S.R. No. 1147 (Evans Road); thence crossing the aforesaid road right-of-way, South 82°31'40" East, 59.46 feet to a calculated point on the eastern right-of-way of N.C.S.R. No. 1147 (Evans Road) ; thence with the eastern right-of-way of aforesaid road right-of-way, South 07°28'17" West, 141.56 feet to a calculated point on aforesaid road right-of-way, being the northwestern corner of another parcel of Willie Larry Harris, Sr.; thence crossing the right-of-way of N.C.S.R. No. 1147 (Evans Road), North 82°20'20" West, 59.26 feet to a calculated point on the western right-of-way of aforesaid road; thence with the western right-of-way of N.C.S.R. No. 1147 (Evans Road), South 09°03'46" West, 27.23 feet to a calculated point on aforesaid right-of-way, being the northeastern corner of Belinda Woodard Harris; thence with the northern property line of aforesaid Harris, North 84°27'59" West, 504.18 feet to a calculated point in the eastern property line of Ernest Peter Jackson, IV; thence with aforesaid Jackson's eastern property line, and beyond with an eastern property line of Western Wake Development, LLC, "Resource Conservation Area" , North 05°32'01" East, 168.48 feet the point and place of BEGINNING, containing 2.156 Acres more or less.

Included in this description is a 0.189 Acre portion of NCDOT right-of-way known as N.C.S.R. No. 1147 (Evans Road).

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.



VICINITY MAP

I, STALEY C. SMITH, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Deed Book N/A, Page N/A, that the boundaries not surveyed are clearly indicated as drawn from information found in Book 2976, Page 228; that the ratio of precision as calculated is: 1: N/A; This map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30 (j).

Witness my hand and seal this 1st day of November, 2021.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

REFERENCE: ESTATE FILE # 2016-E-3582
DEED BOOK 2976, PAGE 228 (Back Reference)

SURVEYOR NOTES:

- (a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- (b) NO TITLE SEARCH 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 DESCRIPTION PREPARED BY OTHERS.

LEGEND

- XXXX - Street Address (Typical)
- TL - Total
- R/W - Right Of Way
- Unsurveyed Right Of Way Line
- Unsurveyed Line
- Unsurveyed Line
- Existing Corporate Limit Line (Unsurveyed)

ANNEXATION # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2021, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

ADJOINING LAND OWNER INFORMATION

(A) JVI BUILDING & DEVELOPMENT, INC.
"Resource Conservation Area"
D.B. 17018, PG. 1664
B.M. 2018, PGS. 1777 & 1778
PIN 0721.04-71-9640

(B) BELLA CASA HOMEOWNERS ASSOCIATION, INC.
"Resource Conservation Area"
D.B. 17018, PG. 286
B.M. 2018, PGS. 1777 & 1778
PIN 0721.04-82-1045

WESTERN WAKE DEVELOPMENT, LLC
"Resource Conservation Area"
D.B. 15738, PG. 2320
B.M. 2016, PGS. 535 & 536
PIN 0721.04-71-2889

DEED NORTH
D.B. 2976, PG. 228

WESTERN WAKE DEVELOPMENT, LLC
MADISON - PHASE 2
B.M. 2016, PGS. 535 & 536
ANNEXATION # 506
(B.M. 2014, PG. 799)

PIN 0721.04-71-2655

ERNEST PETER JACKSON, IV
LEANN WRIGHT JACKSON
D.B. 16804, PG. 2261
B.M. 2016, PGS. 535 & 536
PIN 0721.04-71-2559

WESTERN WAKE DEVELOPMENT, LLC
MADISON - PHASE 2
B.M. 2016, PGS. 535 & 536

PIN 0721.04-71-2655

WILLIE LARRY HARRIS, SR.
D.B. 14082, PG. 2461
PIN 0721.04-71-6804

THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

1.967 ACRES ANNEXED

PIN 0721.04-71-5695

NOT A PHYSICAL SURVEY

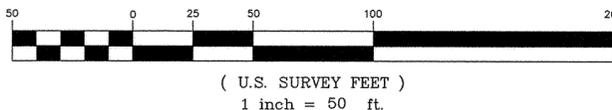
BOUNDARY AND AREA SHOWN HEREON ACCORDING TO DEED BOOK 2976, PAGE 228
EXISTING IMPROVEMENTS NOT SHOWN

BELINDA WOODARD HARRIS
D.B. 15813, PG. 884
PIN 0721.04-71-5592

WILLIE LEE HARRIS, SR.
D.B. 13597, PG. 1236
B.M. 2002, PGS. 1571
PIN 0721.04-71-9581

N.C.S.R. No. 1147 (EVANS ROAD)
(60' PUBLIC R/W)
NODOT PROJECT No. 6-4020481

2.156 ACRES TOTAL ANNEXED



ANNEXATION MAP FOR THE TOWN OF APEX

BELINDA WOODARD HARRIS

BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
BELINDA WOODARD HARRIS
715 BRISTOL BLUE STREET
APEX, N.C. 27502-4114

P.I.N. 0721.04-71-5695



Smith and Smith,
Surveyors, P.A.

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111

FIRM LICENSE No. C-0155

DATE JUNE 15, 2021

SCALE 1" = 50'

DRAWN BY J.A.B.

PROJECT NO. 2021-53

RECORDED IN BOOK OF MAPS **2021**, PAGE _____



[Home](#)

Wake County Real Estate Data Account Summary

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

Real Estate ID **0098203**

PIN # **0721715695**

Account Search

Location Address
2924 EVANS RD

Property Description
PROP JOHN H EVANS TR4

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



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

Property Owner HARRIS, BELINDA WOODARD (Use the Deeds link to view any additional owners)	Owner's Mailing Address 715 BRISTOL BLUE ST APEX NC 27502-4114	Property Location Address 2924 EVANS RD APEX NC 27502-9692
Administrative Data Old Map # 669-00000-0089 Map/Scale 0721 04 VCS 03AP900 City Fire District 23 Township BUCKHORN Land Class R-<10-HS ETJ AP Spec Dist(s) Zoning RR History ID 1 History ID 2 Acreage 1.97 Permit Date Permit #	Transfer Information Deed Date 6/12/2016 Book & Page -E- - Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 1,326	Assessed Value Land Value Assessed \$175,780 Bldg. Value Assessed \$100,169 Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$275,949

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

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

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



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

Annexation Petition #713
Belinda Woodard Harris (2924 Evans Road)

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on December 14, 2021 .

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

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

This the 23rd day of November 2021.

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC, Town Clerk

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 being described more fully as follows to wit:

BEGINNING at a point being the southwestern corner of Willie Larry Harris, Sr. in the eastern property line of Western Wake Development, LLC "Resource Conservation Area"; thence with the southern property line of aforesaid Harris, South 84°27'59" East, 510.44 feet to a calculated point on the western right-of-way of N.C.S.R. No. 1147 (Evans Road); thence crossing the aforesaid road right-of-way, South 82°31'40" East, 59.46 feet to a calculated point on the eastern right-of-way of N.C.S.R. No. 1147 (Evans Road) ; thence with the eastern right-of-way of aforesaid road right-of-way, South 07°28'17" West, 141.56 feet to a calculated point on aforesaid road right-of-way, being the northwestern corner of another parcel of Willie Larry Harris, Sr.; thence crossing the right-of-way of N.C.S.R. No. 1147 (Evans Road), North 82°20'20" West, 59.26 feet to a calculated point on the western right-of-way of aforesaid road; thence with the western right-of-way of N.C.S.R. No. 1147 (Evans Road), South 09°03'46" West, 27.23 feet to a calculated point on aforesaid right-of-way, being the northeastern corner of Belinda Woodard Harris; thence with the northern property line of aforesaid Harris, North 84°27'59" West, 504.18 feet to a calculated point in the eastern property line of Ernest Peter Jackson, IV; thence with aforesaid Jackson's eastern property line, and beyond with an eastern property line of Western Wake Development, LLC, "Resource Conservation Area" , North 05°32'01" East, 168.48 feet the point and place of BEGINNING, containing 2.156 Acres more or less.

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PETITION FOR VOLUNTARY ANNEXATION

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Application #: 713
Fee Paid \$ 200.00

Submittal Date: 5/20/2021
Check # 5107

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

Belinda Woodard Harris

Owner Name (Please Print)

(919) 810-2851

Phone

0721715695

Property PIN or Deed Book & Page #

bharris715@hotmail.com

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: Smith and Smith Surveyors

Phone: (919) 362-7111

Fax: none

E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.97</u>	Need water service due to well failure <input checked="" type="checkbox"/>
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PETITION FOR VOLUNTARY ANNEXATION

Application #: 713

Submittal Date: 5/20/2021

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

Belinda Woodard Harris

Please Print

Belinda Woodard Harris
Signature

/

Please Print

/
Signature

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Please Print

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Signature

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Please Print

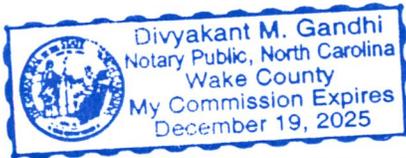
/
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DIVYAKANT M. GANDHI, a Notary Public for the above State and County,
this the 18th day of MAY, 2021

[Signature]
Notary Public

SEAL



My Commission Expires: Dec 19 2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

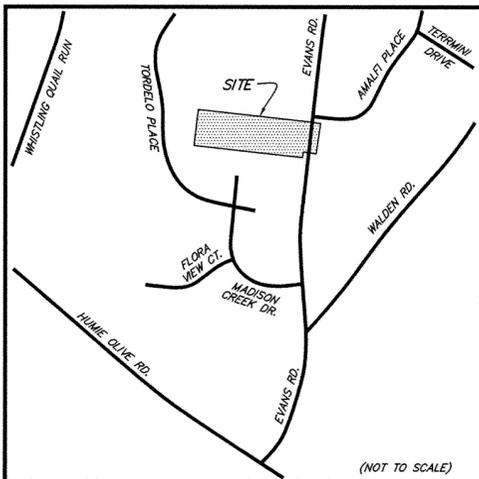
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Firm License No. C-0155

Lying and being in Buckhorn Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southwestern corner of Willie Larry Harris, Sr. in the eastern property line of Western Wake Development, LLC "Resource Conservation Area"; thence with the southern property line of aforesaid Harris, South 84°27'59" East, 510.44 feet to a calculated point on the western right-of-way of N.C.S.R. No. 1147 (Evans Road); thence crossing the aforesaid road right-of-way, South 82°31'40" East, 59.46 feet to a calculated point on the eastern right-of-way of N.C.S.R. No. 1147 (Evans Road) ; thence with the eastern right-of-way of aforesaid road right-of-way, South 07°28'17" West, 141.56 feet to a calculated point on aforesaid road right-of-way, being the northwestern corner of another parcel of Willie Larry Harris, Sr.; thence crossing the right-of-way of N.C.S.R. No. 1147 (Evans Road), North 82°20'20" West, 59.26 feet to a calculated point on the western right-of-way of aforesaid road; thence with the western right-of-way of N.C.S.R. No. 1147 (Evans Road), South 09°03'46" West, 27.23 feet to a calculated point on aforesaid right-of-way, being the northeastern corner of Belinda Woodard Harris; thence with the northern property line of aforesaid Harris, North 84°27'59" West, 504.18 feet to a calculated point in the eastern property line of Ernest Peter Jackson, IV; thence with aforesaid Jackson's eastern property line, and beyond with an eastern property line of Western Wake Development, LLC, "Resource Conservation Area" , North 05°32'01" East, 168.48 feet the point and place of BEGINNING, containing 2.156 Acres more or less.

Included in this description is a 0.189 Acre portion of NCDOT right-of-way known as N.C.S.R. No. 1147 (Evans Road).

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.



VICINITY MAP

I, STALEY C. SMITH, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Deed Book N/A, Page N/A, that the boundaries not surveyed are clearly indicated as drawn from information found in Book 2976, Page 228; that the ratio of precision as calculated is: 1: N/A; This map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30 (j).

Witness my hand and seal this 1st day of November, 2021.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

REFERENCE: ESTATE FILE # 2016-E-3582
DEED BOOK 2976, PAGE 228 (Back Reference)

SURVEYOR NOTES:

- (a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- (b) NO TITLE SEARCH 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 DESCRIPTION PREPARED BY OTHERS.

LEGEND

- XXXX - Street Address (Typical)
- TL - Total
- R/W - Right Of Way
- Unsurveyed Right Of Way Line
- Unsurveyed Line
- Unsurveyed Line
- Existing Corporate Limit Line (Unsurveyed)

ANNEXATION # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2021, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

ADJOINING LAND OWNER INFORMATION

- (A) **JVI BUILDING & DEVELOPMENT, INC.**
"Resource Conservation Area"
D.B. 17018, PG. 1664
B.M. 2018, PGS. 1777 & 1778
PIN 0721.04-71-9640
- (B) **BELLA CASA HOMEOWNERS ASSOCIATION, INC.**
"Resource Conservation Area"
D.B. 17018, PG. 286
B.M. 2018, PGS. 1777 & 1778
PIN 0721.04-82-1045

WESTERN WAKE DEVELOPMENT, LLC
"Resource Conservation Area"
D.B. 15738, PG. 2320
B.M. 2016, PGS. 535 & 536
PIN 0721.04-71-2889

WILLIE LARRY HARRIS, SR.
D.B. 14082, PG. 2461
PIN 0721.04-71-6804

WESTERN WAKE DEVELOPMENT, LLC
MADISON - PHASE 2
B.M. 2016, PGS. 535 & 536
ANNEXATION # 506
(B.M. 2014, PG. 799)
PIN 0721.04-71-2655

ERNEST PETER JACKSON, IV
LEANN WRIGHT JACKSON
D.B. 16804, PG. 2261
B.M. 2016, PGS. 535 & 536
PIN 0721.04-71-2559

WESTERN WAKE DEVELOPMENT, LLC
MADISON - PHASE 2
B.M. 2016, PGS. 535 & 536

THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

1.967 ACRES ANNEXED

PIN 0721.04-71-5695

NOT A PHYSICAL SURVEY

BOUNDARY AND AREA SHOWN HEREON ACCORDING TO DEED BOOK 2976, PAGE 228
EXISTING IMPROVEMENTS NOT SHOWN

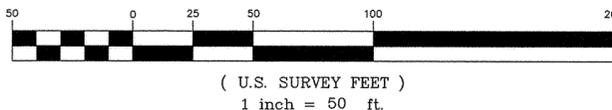
BELINDA WOODARD HARRIS
D.B. 15813, PG. 884
PIN 0721.04-71-5592

WILLIE LEE HARRIS, SR.
D.B. 13597, PG. 1236
B.M. 2002, PGS. 1571
PIN 0721.04-71-9581

THE MANORS AT BELLA CASA
PHASE 8C - SECTION 2
B.M. 2016, PGS. 535 & 536
ANNEXATION # 564
(B.M. 2016, PG. 231)

AMALFI PLACE
(50' PUBLIC R/W ~ B.M. 2016, PGS. 535 & 536)

2.156 ACRES TOTAL ANNEXED



ANNEXATION MAP FOR THE TOWN OF APEX

BELINDA WOODARD HARRIS

BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
BELINDA WOODARD HARRIS
715 BRISTOL BLUE STREET
APEX, N.C. 27502-4114

P.I.N. 0721.04-71-5695



Smith and Smith,
Surveyors, P.A.

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111

FIRM LICENSE No. C-0155

DATE JUNE 15, 2021

SCALE 1" = 50'

DRAWN BY J.A.B.

PROJECT NO. 2021-53

RECORDED IN BOOK OF MAPS **2021**, PAGE _____

Annexation #713



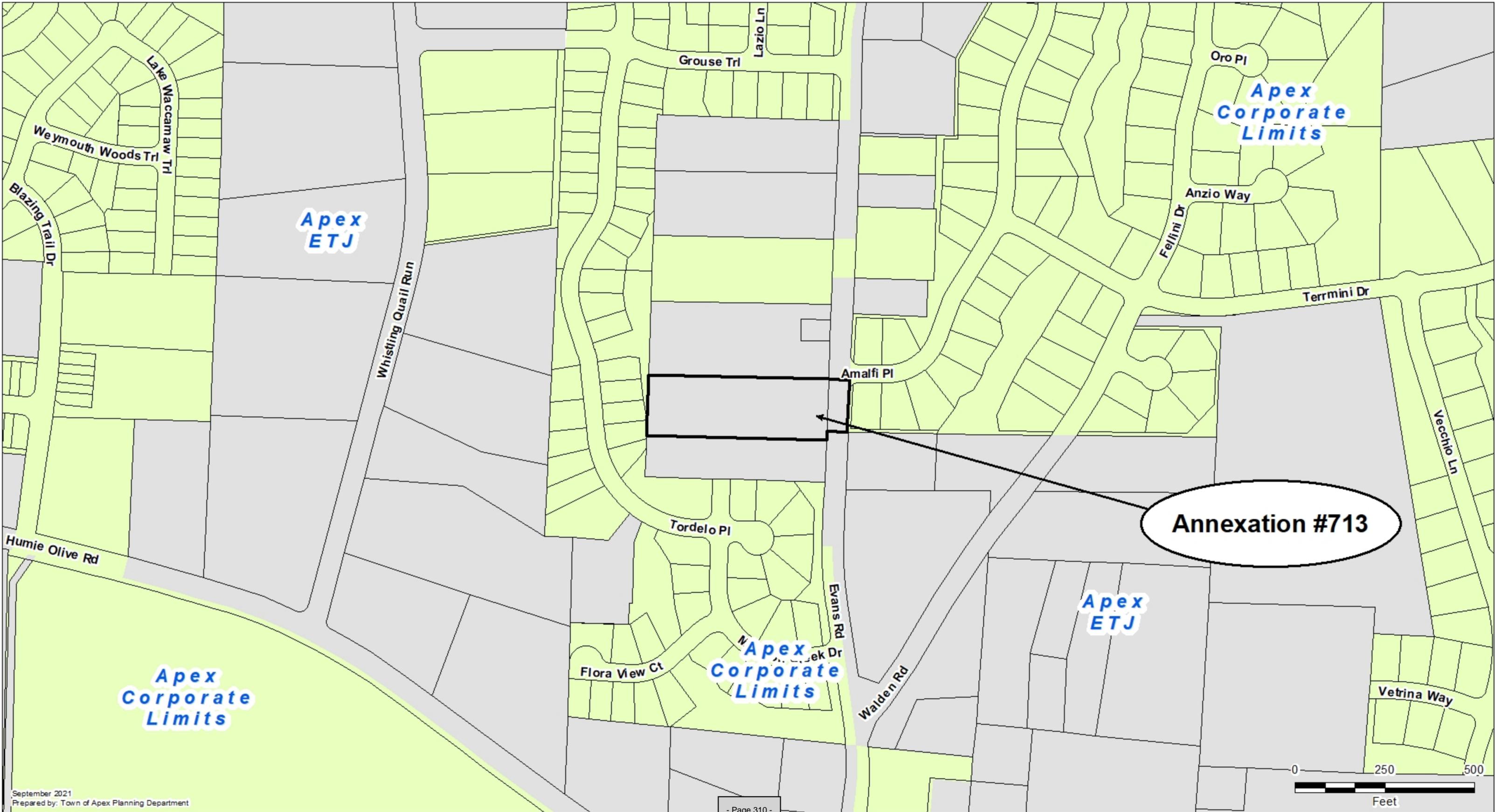
Amalfi Pl

Evans Rd

Tordelo Pl

Madison Creek Dr





Apex
ETJ

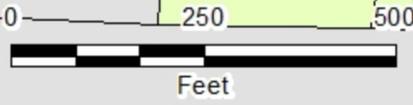
Apex
Corporate
Limits

Annexation #713

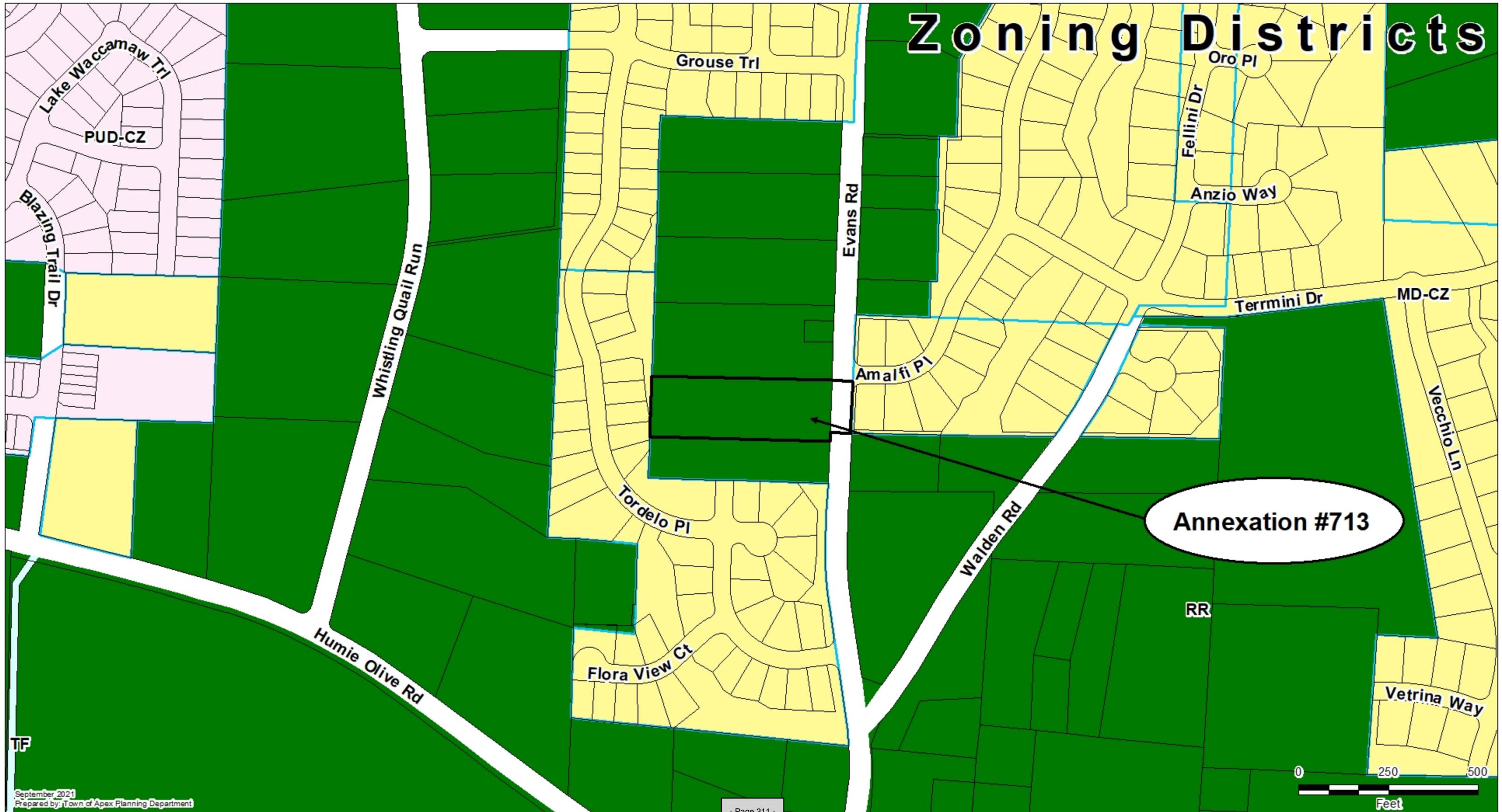
N Apex
Corporate
Limits

Apex
ETJ

Apex
Corporate
Limits



Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

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 Mian Lin property containing 1.14 acres located at 5921 Farmpond Road, Annexation #719 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. 2021-1123-37
ANNEXATION PETITION NO. #719
Mian Lin (5921 Farmpond 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-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 November 23, 2021, 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 November 23, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, Smith and Smith Surveyors, P.A., dated October 5, 2021" and recorded in Book of Maps book number 2021 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 23rd day of November 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in White Oak Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point in the southern right-of-way of Farmpond Road and being the northeastern corner of Sidney S. Smith; thence with the southern right-of-way of Farmpond Road, North 89°11'36" East, 240.63 feet to a calculated point on the aforesaid southern right-of-way, being the northwestern corner of Karen Burnette Gaster; thence with the western property line of aforesaid Gaster and beyond with the western property line of GLS Contracting Custom Homes, Inc., South 12°53'25" West, 258.32 feet to a calculated point in the northern property line of Allen Ray Kirk; thence with the northern property line of aforesaid Kirk, North 87°16'20" West, 163.00 feet to a calculated point in an eastern property line of Sidney S. Smith; thence with an eastern property line of aforesaid Smith, North 04°47'20" West, 241.51 feet to the point and place of BEGINNING, containing 1.14 Acres more or less.

This legal 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, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-1123-37, adopted at a meeting of the Town Council, on the 23rd day of November 2021, 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 24th day of November 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 719 Submittal Date: 9/29/2021
 Fee Paid \$ 200 Check # CC-Visa

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

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

OWNER INFORMATION

<u>MIAN LW</u> Owner Name (Please Print)	<u>0743529835</u> Property PIN or Deed Book & Page #
<u>919 9031702</u> Phone	<u>wawamay@gmail.com</u> 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: Staley Smith
 Phone: 919 3627111 Fax: _____
 E-mail Address: staley@smithandsmithsurveyors.net

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.14</u>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed: <u>5</u>	Need sewer service due to septic system failure <input checked="" type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: <u>1</u>	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>RR</u>	Receive Town Services <input 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 #: 719

Submittal Date: 9/29/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

MIAN LIN

Please Print

[Signature]

Signature

Please Print

Signature

Please Print

Signature

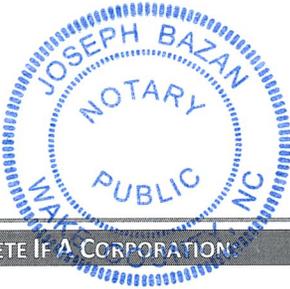
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Joseph Bazan, a Notary Public for the above State and County,
this the 29th day of September, 2021.

SEAL



[Signature]

Notary Public

My Commission Expires: 12/04/2024

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

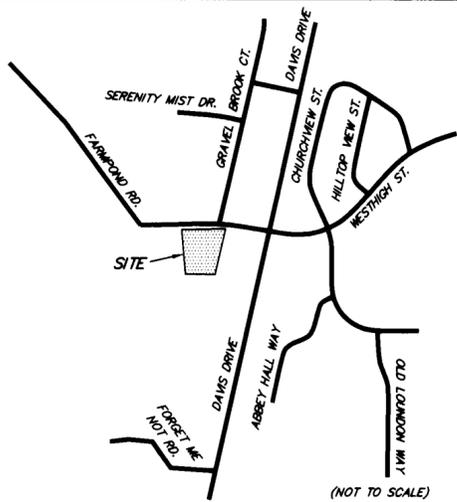
My Commission Expires: _____

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point in the southern right-of-way of Farmpond Road and being the northeastern corner of Sidney S. Smith; thence with the southern right-of-way of Farmpond Road, North $89^{\circ}11'36''$ East, 240.63 feet to a calculated point on the aforesaid southern right-of-way, being the northwestern corner of Karen Burnette Gaster: thence with the western property line of aforesaid Gaster and beyond with the western property line of GLS Contracting Custom Homes, Inc., South $12^{\circ}53'25''$ West, 258.32 feet to a calculated point in the northern property line of Allen Ray Kirk: thence with the northern property line of aforesaid Kirk, North $87^{\circ}16'20''$ West, 163.00 feet to a calculated point in an eastern property line of Sidney S. Smith: thence with an eastern property line of aforesaid Smith, North $04^{\circ}47'20''$ West, 241.51 feet to the point and place of BEGINNING, containing 1.14 Acres more or less.

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.



VICINITY MAP

I, STALEY C. SMITH, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Deed Book N/A, Page N/A, that the boundaries not surveyed are clearly indicated as drawn from information found in Book 17591, Page 493; that the ratio of precision as calculated is: 1: N/A; This map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30 (j).

Witness my hand and seal this 20th day of October, 2021.



Staley C. Smith
Professional Land Surveyor
L-3766
License Number

REFERENCE: DEED BOOK 17591, PAGE 493
BOOK OF MAPS 1977, PG. 180
BOOK OF MAPS 1977, PG. 346

SURVEYOR NOTES:

- (a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- (b) NO TITLE SEARCH 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 DESCRIPTION PREPARED BY OTHERS.

LEGEND

- XXXX - Street Address (Typical)
- TL - Total
- R/W - Right Of Way

- Unsurveyed Right Of Way Line
- Unsurveyed Line
- Unsurveyed Line
- Existing Town of Cary Corporate Limit Line (Unsurveyed)

RECORDED IN BOOK OF MAPS **2021**, PAGE _____

DEED NORTH
D.B. 17591, PG. 493

ANNEXATION # 719

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2021, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

BRIAN S. COAN
D.B. 15802, PG. 1744
B.M. 1995, PG. 1445
B.M. 1998, PG. 411
PIN 0743.15-53-5470

WILLOW OAK OF CARY HOMEOWNERS ASSOCIATION, INC. "OPEN SPACE"
D.B. 18156, PG. 366
B.M. 2017, PG. 1920
PIN 0743.15-62-1859

WILLOW OAK OF CARY HOMEOWNERS ASSOCIATION, INC. "OPEN SPACE"
D.B. 18156, PG. 366
B.M. 2017, PG. 1920
PIN 0743.15-62-1859

KAREN BURNETTE GASTER
ESTATE FILE # 18-E-1691
D.B. 1226, PG. 383 (BACK REFERENCE)
D.B. 1291, PG. 73 (BACK REFERENCE)
D.B. 2364, PG. 338 (BACK REFERENCE)
PIN 0743.15-62-1859

**GLS CONTRACTING
CUSTOM HOMES, INC.**
D.B. 12255, PG. 2406
PIN 0743.15-62-1727

**ALLEN RAY KIRK
MARY ELIZABETH KIRK**
D.B. 17810, PG. 1362
PIN 0743.15-62-0630

FARMPOND ROAD ~ N.C.S.R. No. 3111
(VARIABLE WIDTH PUBLIC R/W ~ B.M. 1977, PG. 180,
B.M. 1987, PG. 1247 & B.M. 2017, PG. 1920)

THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

±1.14 ACRES ANNEXED
(NOT A PHYSICAL SURVEY)

PIN 0743.15-52-9835
BOUNDARY AND AREA SHOWN HEREON ACCORDING TO DEED BOOK 17591, PAGE 493
EXISTING IMPROVEMENTS NOT SHOWN

±1.14 ACRES TOTAL ANNEXED
(NOT A PHYSICAL SURVEY)



(IN F)
1 inch = _____ Page 319 -

SATELLITE ANNEXATION MAP FOR THE TOWN OF APEX

MIAN LIN

TOWN OF APEX ETJ, WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
MIAN LIN
701 MADISON AVENUE
CARY, N.C. 27513-4336



**Smith and Smith,
Surveyors, P.A.**

P.O. BOX 457
APEX, N.C. 27502
(919) 362-7111

FIRM LICENSE No. C-0155

P.I.N. 0743.15-52-9835

DATE OCTOBER 05, 2021
SCALE 1" = 30'
DRAWN BY J.A.B.
PROJECT NO. 2021-73

Annexation #719

Farmond Rd

Gravel Brook Ct

Davis Dr

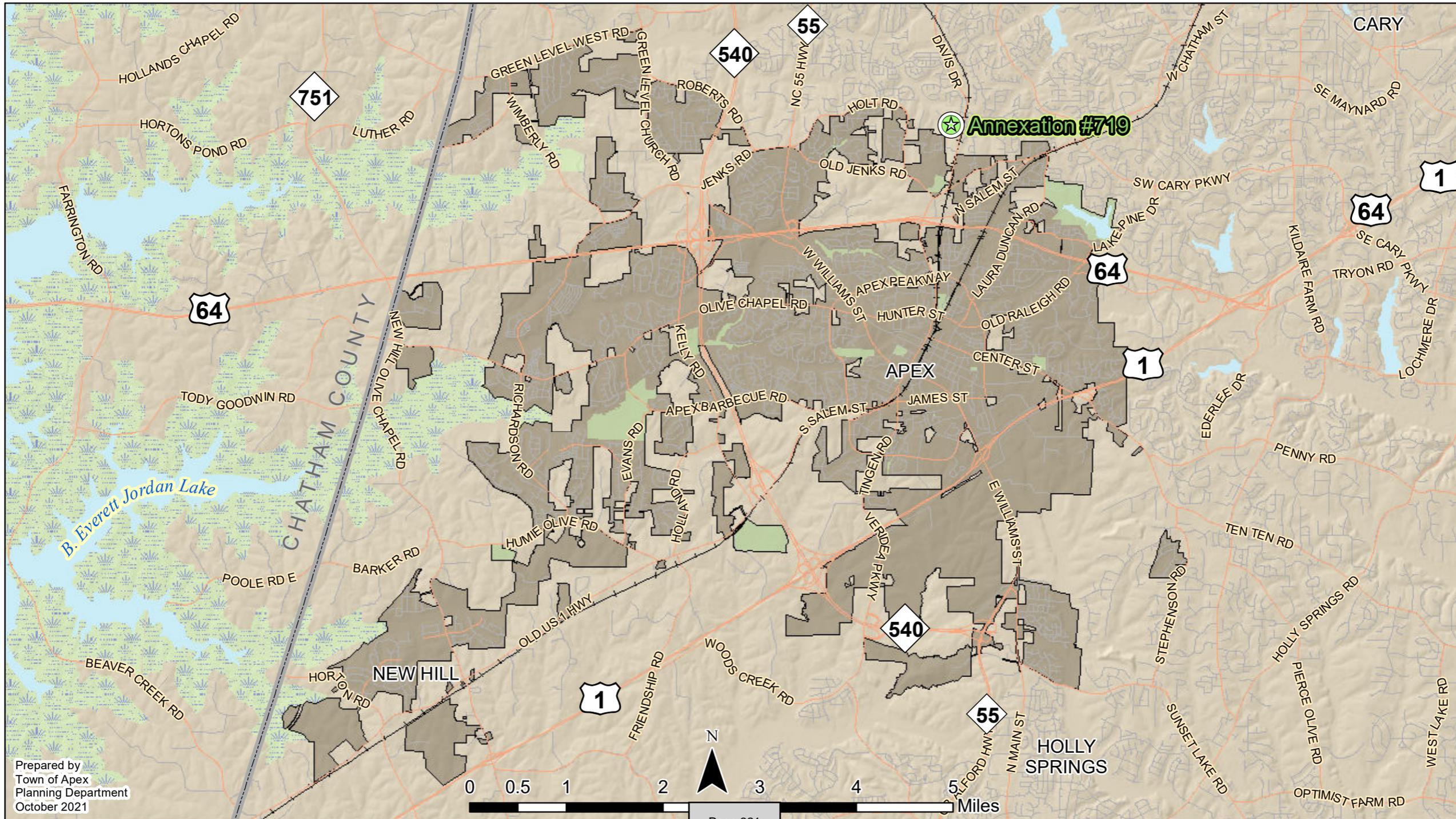
Westhigh St

Hilltop View St

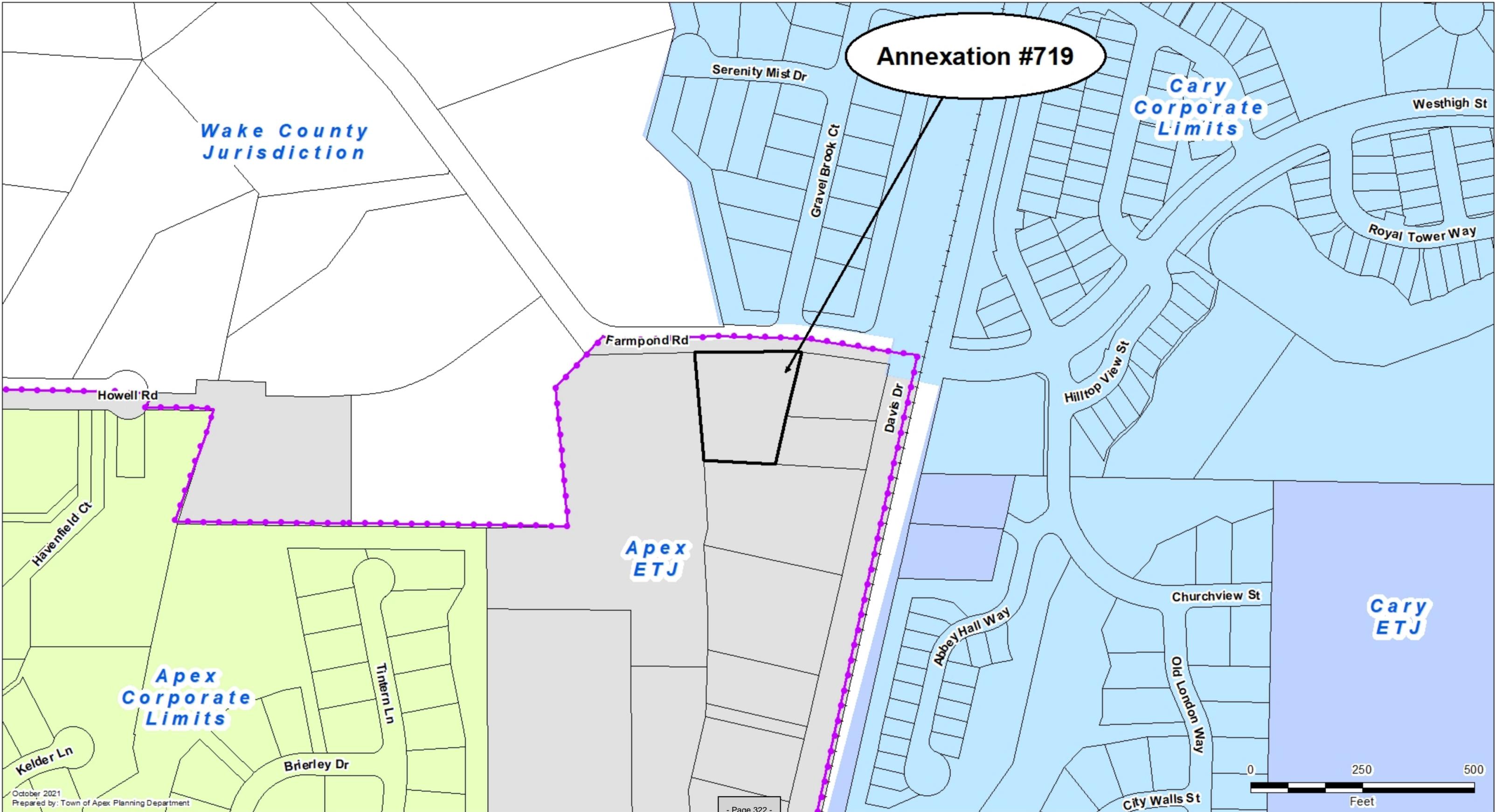
Abbey Hall Way

Churchview St





Prepared by
 Town of Apex
 Planning Department
 October 2021



Annexation #719

Wake County
Jurisdiction

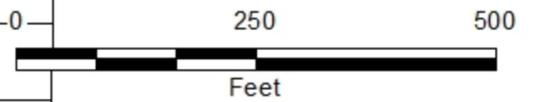
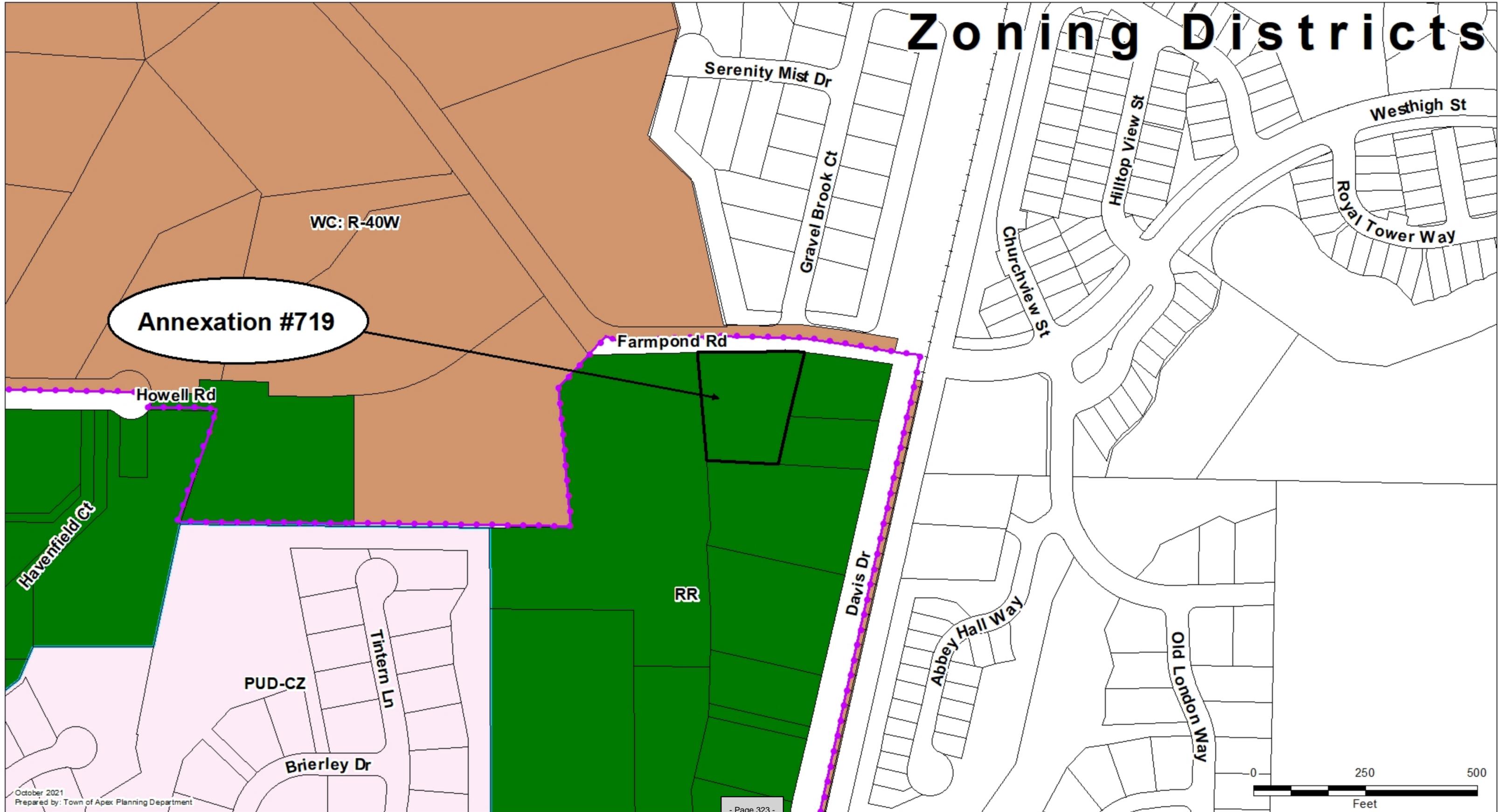
Cary
Corporate
Limits

Apex
ETJ

Apex
Corporate
Limits

Cary
ETJ

Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

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 Linderman Properties, LLC (Triangle Math & Science Academy) property containing 20.083 acres located at 351 New Hill Olive Chapel Road, Annexation #720 into the Town's corporate limits.

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. 2021-1123-38
ANNEXATION PETITION NO. #720
Linderman Properties, LLC (Triangle Math & Science Academy)

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 November 23, 2021, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council 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 November 23, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for the Town of Apex, Property Owned by Linderman Properties, LLC, Riley Surveying, P.A., dated October 11, 2021" and recorded in Book of Maps book number 2021 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 23rd day of November 2021.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Area 1

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north by two properties of O. Wayne Abbott (PINS 0712642615 and 0712647694), on the east by Heritage Homes of the Carolinas, Inc. (PIN 0712649560), on the south by the northern right-of-way of Dropseed Drive (50' public r/w) and Amberlight Road (variable width public r/w) and on the west by the eastern right-of-way New Hill Olive Chapel Road (variable width public r/w) and being more particularly described as:

Beginning at an existing "Mag" nail on the eastern right-of-way of New Hill Olive Chapel Road, said nail being on the southern property line of O. Wayne Abbott, said nail also being on the existing Town of Apex Limits (Annexation # 616); thence, with said Town of Apex Limits and said New Hill Olive Chapel Road's eastern r/w the following four calls S 16°38'29" W 304.94' to an existing iron pipe, with the arc of a curve to the left having a radius of 1,955.00' (chord of S 16°16'10" W 25.38') for a length of 25.38' to an existing iron pipe, S 15°53'51" W 148.34' to an existing iron pipe and with the arc of a curve to the left having a radius of 20.00' (chord S 30°10'58" E 28.82') for a length of 32.18' to an existing iron pipe on the northern right-of-way of Amberlight Road; thence, with the northern right-of-way of said Amberlight Road and continuing with said Town of Apex Limits the following four calls: S 75°11'40" E 110.04' to an existing iron pipe, with the arc of a curve to the right having a radius of 50.00' (chord S 71°01'24" E 7.27') for a length of 7.28' to an existing iron pipe, S 66°51'08" E 68.52' to an existing iron pipe and with the arc of a curve to the left having a radius of 50.22' (chord S 71°01'24" E 7.27') for a length of 7.28' to an existing iron pipe, said iron pipe being on the Town of Apex Limits (Annexation # 561); thence, with said Town of Apex Annexation Limits and said northern r/w of Amberlight Road the following three calls: S 75°10'35" E 39.67' to an existing iron pipe, with the arc of a curve to the right having a radius of 445.00' (chord S 49°43'12" E 356.83') for a length of 367.16' to a computed point and with the arc of a curve to the left having a radius of 20.00' (chord S 70°56'42" E 28.22') for a length of 31.32' to a computed point on the western right-of-way of Dropseed Drive; thence with said western r/w and continuing with said Town of Apex Limits the following five calls: N 64°11'36" E 62.66' to a computed point, with the arc of a curve to the left having a radius of 374.89' (chord N 40°09'26" E 305.48') for a length of 314.63' to a computed point, N 16°07'16" E 28.73' to a computed point, with the arc of a curve to the right having a radius of 425.00' (chord N 54°24'14" E 526.61') for a length of 567.93' to a computed point and S 87°13'06" E 33.17' to a computed, said point being on the western property line of Meritage Homes of Carolinas, Inc.; thence, with said Meritage Homes' western property line, with said Town of Apex Limits and leaving said Dropseed Drive's r/w N 01°21'13" E 146.09' to an existing rebar, said rebar being on the southern property line of O. Wayne Abbott and being a corner of the Town of Apex Limits; thence, leaving said Town of Apex Limits, with the southern line of said Abbott and with the new Town of Apex Limits N 87°10'57" W 280.05' to an existing iron pipe, the southeast corner of another

property of O. Wayne Abbott; thence, with the southern line of said Abbott and with said new Town of Apex Limits N 87°14'05" W 847.26' to the point or place of beginning containing 12.916 acres more or less as shown on a Map by Riley Surveying, PA titled "Contiguous Satellite Annexation Map for the Town of Apex property of Linderman Properties, LLC et.al." dated _____, 2021

Area 2

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north and west by Dropseed Drive (50' public r/w), on the east by two properties of Meritage Homes of the Carolinas, Inc. (PINS 0712648264 and 0712638956) and on the south by Antler View Drive (variable width public r/w) and Amberlight Road (variable width public r/w) and being more particularly described as:

Beginning at a computed point on the southern right-of-way of Dropseed Drive, said point being on the western property line of Meritage Homes of the Carolinas, Inc. and also being a corner of the existing Town of Apex Limits (Annexation # 561); thence, with said southern r/w and with said Town of Apex Limits the following six calls: N 87°13'06" W 34.42' to a computed point, with the arc of a curve to the left having a radius of 375.00' (chord S 54°23'53" W 464.59') for a length of 501.03' to a computed point, S 16°07'16" W 28.73' to a computed point, with the arc of a curve the right having a radius of 424.94' (chord S 40°09'29" W 346.20') for a length of 356.57' to a computed point, S 64°11'36" W 61.42' to a computed point and with the arc of a curve to left having a radius of 20.02' (chord S 17°28'32" W 29.15') for a length of 32.65' to a computed point on the northern r/w of Amberlight Road; thence, with said northern r/w, with the northern right-of-way of Antler View Drive and continuing with said Town of Apex Limits the following six calls: with the arc of a curve to the left having a radius of 355.00' (chord S 45°51'24" E 203.01') for a length of 205.88' to an existing iron pipe, with the arc of a curve to the left having a radius of 94.00' (chord S 67°20'32" E 16.60') for a length of 16.62' to an existing iron pipe, with the arc of a curve to the left having a radius of 254.76' (chord S 81°09'06" E 75.37') for a length of 75.65' to an existing iron pipe, with the arc of a curve to the left having a radius of 96.62' (chord N 85°15'09" E 16.63') for a length of 16.65' to an existing iron pipe, with the arc of a curve to the left having a radius of 244.00' (chord N 65°25'53" E 138.69') for a length of 140.62' to an existing iron pipe and with the arc of a curve to the right having a radius of 492.13' (chord N 67°05'34" E 342.49') for a length of 349.81' to an existing iron pipe, said pipe being the southwest corner of the property of Meritage Homes of the Carolinas, Inc.; thence, leaving said r/w and with the western line of two properties of said Meritage and continuing with said Town of Apex Limits N 01°21'13" E 582.71' to the point or place of beginning containing 7.167 acres more or less as shown on a Map by Riley Surveying, PA titled "Contiguous Satellite Annexation Map for the Town of Apex property of Linderman Properties, LLC et.al." dated _____, 2021

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-1123-38, adopted at a meeting of the Town Council, on the 23rd day of November 2021, 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 November 2021.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

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

Application #: 720 Submittal Date: 9/30/2021
Fee Paid \$ 200 Check # CC

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, 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

Linderman Properties, LLC	DB 018297 PG 2076, PIN 0712642296
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
James D. Sink / David B Bell Jr	same as above
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address
Ashworth Family Limited Partnership	same as above
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

SURVEYOR INFORMATION

Surveyor: Riley Surveying, PA
Phone: 919-667-0742 Fax: _____
E-mail Address: phlr@rileysurveyingpa.com

ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>20.083</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: _____	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>N/A</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>N/A</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>PUD-CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

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

PETITION FOR VOLUNTARY ANNEXATION

Application #: 720

Submittal Date: 9/30/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

James D. Sink

Please Print

James D. Sink

Signature

Please Print

Signature

Please Print

Signature

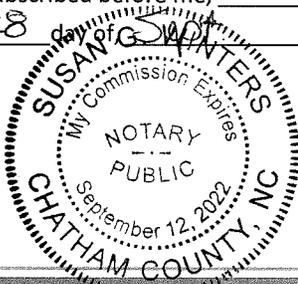
Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Chatham

Sworn and subscribed before me, Susan G. Winters, a Notary Public for the above State and County,
this the 28 day of SEPT, 2021.

SEAL



Susan G. Winters
Notary Public

My Commission Expires: 9.12.2022

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____

President (Signature)

Attest: _____

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 720

Submittal Date: 9/30/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

Ralph Gary Schwartz
Please Print

[Signature]
Signature

John Broadus Linderman, Jr
Please Print

[Signature]
Signature

Please Print

Signature

Please Print

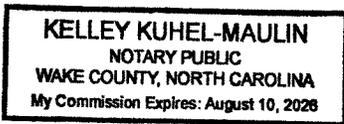
Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Kelley Kuhel-Maulin a Notary Public for the above State and County,
this the 20 day of September, 2021.

[Signature]
Notary Public

SEAL



My Commission Expires: 8/10/2026

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest:

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

PETITION FOR VOLUNTARY ANNEXATION

Application #: 720

Submittal Date: 9/30/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

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

David B Bell Jr
Please Print

David B Bell Jr
Signature

Please Print

Signature

Please Print

Signature

Please Print

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Pamela Cano, a Notary Public for the above State and County,
this the 28 day of September, 2021.

Pamela Jane
Notary Public

SEAL

My Commission Expires: 4/23/2025

COMPLETE IF A CORPORATION:

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

Corporate Name _____

SEAL

By: _____
President (Signature)

Attest: _____
Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

Notary Public

SEAL

My Commission Expires: _____

Riley Surveying, P.A.
3326 Durham Chapel Hill Blvd., Ste. B-100
Durham, North Carolina 27707

Town of Apex Satellite Annexation
Area 1

PIN 0712642296 (DB 18297 PG 2076))

Property of

Linderman Properties, LLC, et.al.

September 29, 2021

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north by two properties of O. Wayne Abbott (PINS 0712642615 and 0712647694), on the east by Heritage Homes of the Carolinas, Inc. (PIN 0712649560), on the south by the northern right-of-way of Dropseed Drive (50' public r/w) and Amberlight Road (variable width public r/w) and on the west by the eastern right-of-way New Hill Olive Chapel Road (variable width public r/w) and being more particularly described as:

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Phone – (919)667-0742 Fax – (919)402-0234

Firm License – C-1281

Riley Surveying, P.A.
3326 Durham Chapel Hill Blvd., Ste. B-100
Durham, North Carolina 27707

Town of Apex Satellite Annexation
Area 2

PIN 0712642296 (DB 18297 PG 2076))

Property of

Linderman Properties, LLC, et.al.

September 29, 2021

Being all of a certain portion of land situated in White Oak Township, Wake County, North Carolina, bounded on the north and west by Dropseed Drive (50' public r/w), on the east by two properties of Meritage Homes of the Carolinas, Inc. (PINS 0712648264 and 0712638956) and on the south by Antler View Drive (variable width public r/w) and Amberlight Road (variable width public r/w) and being more particularly described as:

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Phone – (919)667-0742 Fax – (919)402-0234

Firm License – C-1281

SURVEYOR'S CERTIFICATE

I, **JOSE L. TORRES**, certify that this plat was drawn under my supervision from an actual survey made under my supervision (DEED DESCRIPTION RECORDED IN BOOK **AS**, PAGE **NOTED**) THAT THE RATIO OF PRECISION \pm (HORIZONTAL) \pm (VERTICAL) IS **1:10,000**; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK **AS**, PAGE **NOTED**; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS **11th** DAY OF **October**, 2021

SURVEYOR
L-3771
LICENSE NUMBER



1. **JOSE L. TORRES, P.L.S., L-3771**, FURTHER CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED BY AN "X":
- A. THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - B. THIS SURVEY IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - C. ANY ONE OF THE FOLLOWING:
 - 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3. THAT THE SURVEY IS A CONTROL SURVEY.
 - D. THIS SURVEY IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
 - E. THIS SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A CONTROL SURVEY, OR OTHER EXCEPTION OR EXEMPTION TO THE DEFINITION OF SUBDIVISION, EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION, THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE BEST OF HIS OR HER PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

ANNEXATION #

TOWN CLERK CERTIFICATE

I, **DONNA B. HOSCH, M.M.C., M.C.C.M., TOWN CLERK, APEX, NORTH CAROLINA** CERTIFY THIS IS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED BY THE **11th** DAY OF **October**, 2021 BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX.

DONNA B. HOSCH, M.M.C., M.C.C.M., TOWN CLERK

TOTAL ANNEXATION AREA

874,816 SF
20.083 AC.

VICINITY MAP NTS

LINE	BEARING	DISTANCE
L1	S 75°16'51"E	39.87
L2	N 46°10'01"E	28.75
L3	S 59°07'10"W	28.75
L4	S 67°13'00"E	33.17
L5	N 67°13'00"W	34.43

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	200.00'	455.80'	282.01'	S 49°31'24"E
C2	30.00'	57.98'	28.92'	S 39°04'12"E
C3	445.00'	367.50'	366.83'	S 49°43'17"E
C4	50.22'	7.78'	7.72'	S 71°01'04"E
C5	50.05'	7.28'	7.22'	S 71°01'24"E
C6	492.13'	349.87'	342.49'	N 67°13'34"E
C7	174.89'	114.63'	105.46'	N 49°02'02"E
C8	424.94'	356.57'	348.20'	S 49°32'22"W
C9	429.07'	367.20'	355.61'	N 49°02'14"E
C10	129.00'	301.00'	494.80'	S 44°02'00"W
C11	1855.00'	65.29'	25.38'	S 16°16'10"W
C12	34.00'	6.50'	6.46'	S 48°33'32"E
C13	254.76'	79.00'	75.37'	S 41°10'00"E
C14	244.00'	148.50'	138.69'	N 65°35'02"E
C15	30.00'	31.87'	28.22'	S 67°38'42"E
C16	16.00'	12.60'	12.15'	S 17°38'22"W
C17	16.00'	12.60'	12.15'	N 68°15'00"E
C18	165.00'	21.87'	12.87'	N 27°20'00"W

LEGEND

- EXISTING IRON PIPE
- EXISTING REBAR
- EXISTING "M&T" NAIL
- COMPUTED POINT
- EXISTING TOWN OF APEX LIMITS
- PUBLIC RIGHT-OF-WAY (NOT SURVEYED)

- NOTES**
- AREAS BY THE CO-ORDINATE METHOD.
 - HORIZONTAL GROUND DISTANCES SHOWN HEREON.
 - THE SURVEY CO-ORDINATES NOTED WERE DERIVED FROM GPS OBSERVATIONS BASED ON THE FOLLOWING:
 - 1) CLASS OF SURVEY: CLASS C
 - 2) POSITIONAL ACCURACY: (MAXIMUM RESIDUAL) 0.008 FT/IN
 - 3) TYPE OF GPS: FIXED SURVEY; REAL TIME KINEMATIC (RTK) MODE
 - 4) DATE OF SURVEY: March 10-11, 2021
 - 5) DEMONSTRATION AND CHECKED: NONE
 - 6) PALEOMAGNETIC AND CORRECTED: NONE
 - 7) GOLD MERE: 5.124
 - 8) COMBINED GPS FACTORS: 0.88898943
 - 9) QUALITY: 02 SURVEY FOOT
 - 10) GPS INSTRUMENTATION: TRIMBLE R8

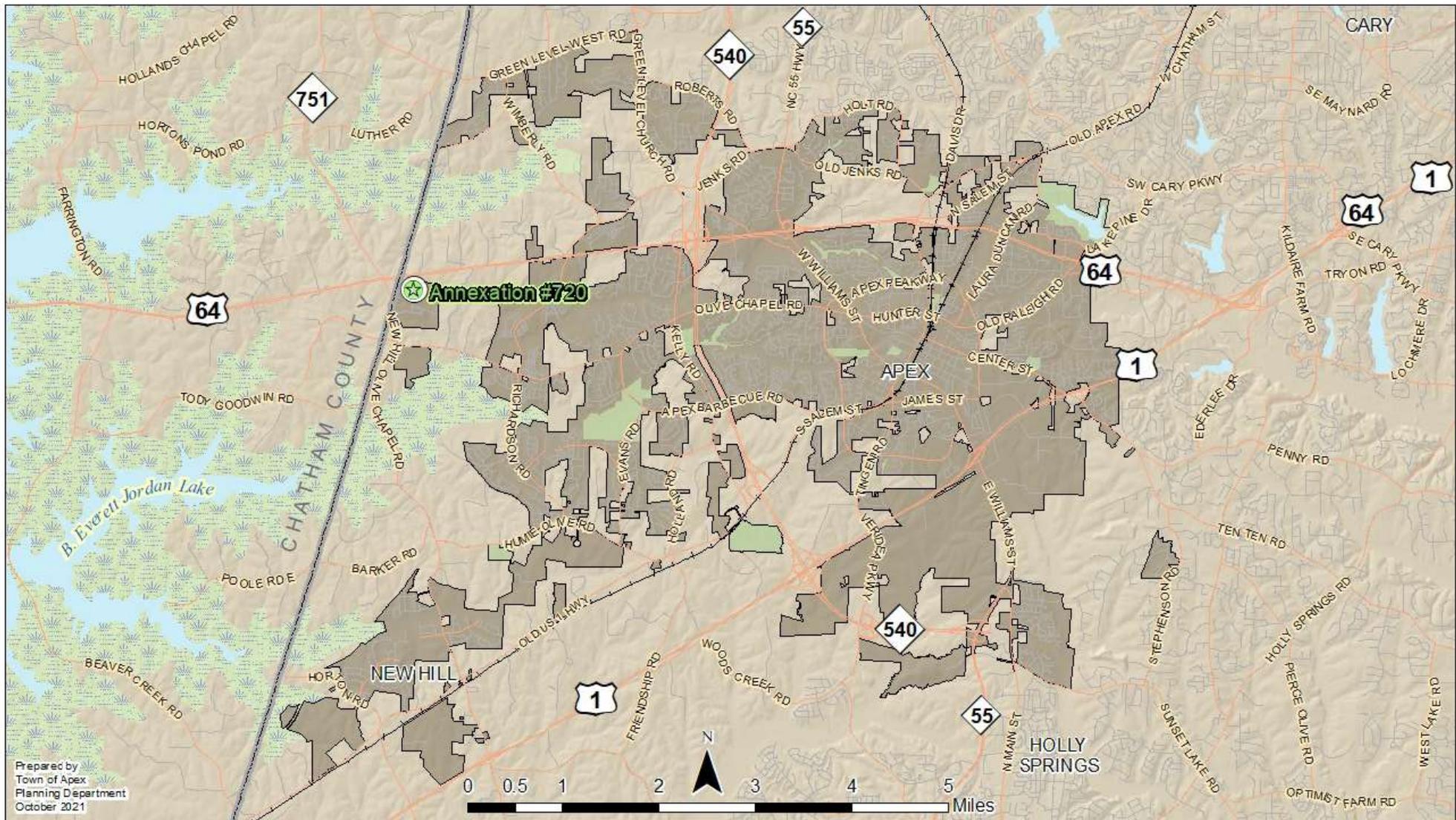
SATELLITE ANNEXATION MAP
FOR THE TOWN OF APEX
 PROPERTY OF
LINDERMAN PROPERTIES, LLC et al.
 WHITE OAK TOWNSHIP, WAKE COUNTY
 NORTH CAROLINA



RILEY SURVEYING, P.A.
 3326 DURHAM CHAPEL HILL BLVD. STE B-100
 DURHAM, N.C. 27707
 919-667-0742 C-1281 Email: j.torres@rileysurveyingpa.com



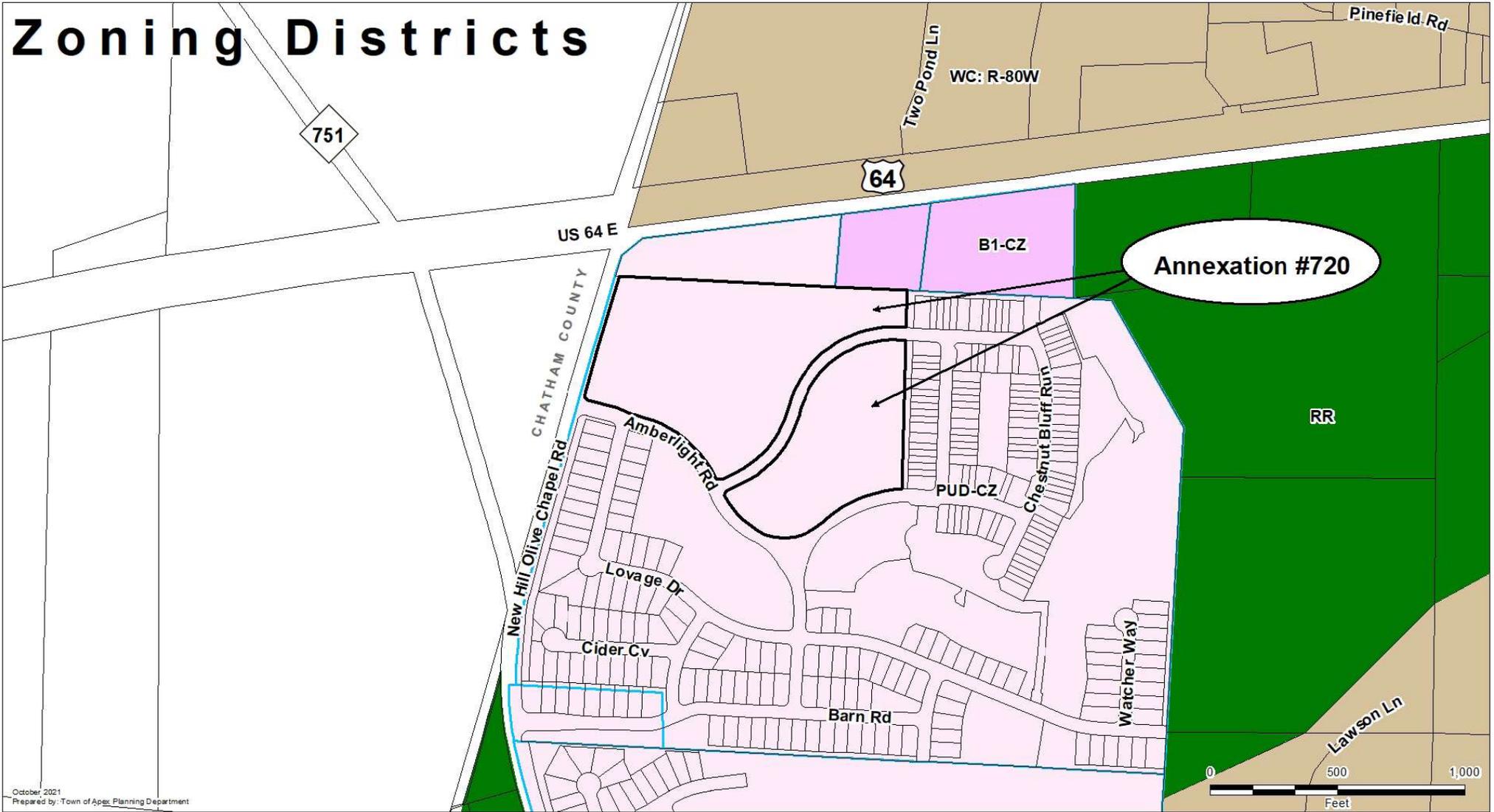
October 2021
May 2021 Aerial Photography
Prepared by: Town of Apex Planning Department





October 2021
 Prepared by: Town of Apex Planning Department

Zoning Districts



October 2021
Prepared by: Town of Apex Planning Department

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner II
Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on November 8, 2021 and recommended approval, with the conditions as offered by the applicant, by a vote of 6-0.

Item Details

The property to be rezoned is identified as PIN 0723249888.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 Wimberly Road
Applicant/Owners: AG Wimberly, LLC.

PROJECT DESCRIPTION:

Acreage: ± 3.30 acres
PIN: 0723249888
Current Zoning: Rural Residential (RR)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Vacant
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ26)	RCA (Weddington subdivision); Vacant
East:	Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ26)	Single-family Residential (Weddington subdivision)
West:	Conservation Buffer (CB)	American Tobacco Trail

Existing Conditions:

The subject property is located south of Green Level West Road, east of the American Tobacco Trail and at the end of Beaugard Place within the Weddington Subdivision. The subject property is currently vacant and is heavily wooded.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on August 18, 2021. The neighborhood meeting report is attached.

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that schools at elementary and middle school grade levels within the current assignment area for the proposed rezoning/development are anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment. School expansion or construction within the next five years is not anticipated to address concerns.

According to WCPSS, the Beaugard site falls into an area that is still significantly crowded. However, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.

STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map identifies the property subject to this rezoning as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning is consistent with that land use classification.

PERMITTED USES:

The applicant is proposing the following permitted uses:

1. Single-family
2. Accessory apartment
3. Utility, minor
4. Park, active
5. Park, passive

PROPOSED ZONING CONDITIONS:

1. The development shall have a maximum of five (5) single-family residential lots.
2. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.
3. The development shall include signage identifying environmentally sensitive areas and/or a pet waste station to discourage pet waste and chemical use in the vicinity of RCA or SCMs. A minimum of one sign and/or pet waste station shall be provided where appropriate within this development.
4. Developers shall preserve the existing trees within the RCA and riparian buffers per the UDO standards.
5. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3000K.
6. There shall be a 15-foot Type A Buffer along the eastern property from Beaugard Place north to the property boundary.
7. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
8. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
9. The developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$500.00 per residential lot payable at the time of Final Plat.
10. Architectural Standards for Single-Family Homes:
 - a. Garage doors shall have windows, decorative details or carriage-style adornments on them.
 - b. The garage shall not protrude more than 1 foot out from the front façade and front porch.
 - c. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 - d. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
 - e. Eaves shall project at least 12 inches from the wall of the structure.
 - f. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
 - g. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the frontdoor.
 - h. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 - i. Front porches shall be a minimum of 6 feet deep.

STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



- j. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
- Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer

APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

The proposed rezoning would allow for additional lots that would be served by the existing streets in the Weddington subdivision. The Council-Smith Tracts (Weddington) TIA assumed 200 single-family units for 2021 build-out. 190 units were approved in the construction plans, 10 less than the TIA assumed. Based on this, the TIA accounts for up to 10 additional units proposed for connection to Weddington internal streets. Transportation Engineering staff have stated that construction of the homes within the next couple years would have a minimal impact on traffic not resulting in any additional offsite recommendations.

ENVIROMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on July 15, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Increase design storm pre- and post-attenuation requirements to the 25-year storm	Added
Install signage near environmentally sensitive areas in order to reduce pet waste near SCM drainage areas	Added
Preserve tree canopy and prioritize medium to large, healthy, desirable species; Preserve existing trees (percentage based), including everything within the riparian buffer minus 20'-30' sewer easement at the southwest corner of the site	Added
Install pet waste stations in neighborhoods	Added
Add signage that will identify environmentally sensitive areas, including RCA and areas in the floodplain	Added
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. Lighting with a color temperature of 3000K or less shall be used for outside installations	Added

STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on November 8, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ21 Beaugard Place at Weddington with the conditions as 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:

Approval of the rezoning is reasonable because the proposed Low Density Residential-Conditional Zoning (LD-CZ) district is consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Low Density Residential which includes the LD-CZ district.

The proposed rezoning is reasonable and in the public interest because it permits single-family residential development consistent and compatible with the surrounding area. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Low Density Residential-Conditional Zoning (LD-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

STAFF REPORT

Rezoning #21CZ21 Beaugard Place at Weddington

November 23, 2021 Town Council Meeting



- 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.



The Point at Lake Castleberry

Amity Fields

Rezoning #21CZ21

White Oak Creek

0 250 500 Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ21 Submittal Date: 9/1/2021
Fee Paid: \$1000.00

Project Information

Project Name: Beauregard Place at Weddington
Address(es): 0 Wimberly Road
PIN(s): 0723249888

Acreage: 3.3
Current Zoning: Rural Residential RR Proposed Zoning: LD-CZ
Current 2045 LUM Classification(s): Low Density LD

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

Applicant Information

Name: AG Wimberly LLC
Address: 633 Mercer Grant Dr
City: Cary State: NC Zip: 27519
Phone: 919-924-2991 E-mail: sudhakar.upadhyaya@gmail.com

Owner Information

Name: AG Wimberly LLC
Address: 633 Mercer Grant Dr
City: Cary State: NC Zip: 27519
Phone: _____ E-mail: _____

Agent Information

Name: Glenda Toppe, AICP Glenda S. Toppe & Associates
Address: 4139 Gardenlake Dr
City: Raleigh State: NC Zip: 27612
Phone: 919-605-7390 E-mail: glenda@gstplanning.com

Other contacts: John Woodlief, PE Bass, Nixon & Kennedy, Inc
6310 Chapel Hill Road Suite 250
Raleigh, NC 27607
919-851-4422 919-851-4422 john.woodlief@bnkinc.com

PETITION INFORMATION

Application #: 21CZ21 Submittal Date: 9/1/2021

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

PROPOSED USES:

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

1	<u>Single-family</u>	21	_____
2	<u>Accessory apartment</u>	22	_____
3	<u>Utility, minor</u>	23	_____
4	<u>Park, active</u>	24	_____
5	<u>Park, passive</u>	25	_____
6	_____	26	_____
7	_____	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PROPOSED ZONING CONDITIONS

1. The development shall have a maximum of five (5) single-family residential lots.
2. Development shall meet all stormwater reduction requirements listed in the UDO, including limiting the post-development stormwater flows to not exceed the pre-development rates. In addition, the post-development peak runoff rate shall be limited to the pre-development peak runoff rate for the 2-year, 24-hour, the 10-year, 24-hour and the 25-year, 24-hour storm events.
3. The development shall include signage identifying environmentally sensitive areas and/or a pet waste station to discourage pet waste and chemical use in the vicinity of RCA or SCMs. A minimum of one sign and/or pet waste station shall be provided where appropriate within this development.
4. Developers shall preserve the existing trees within the RCA and riparian buffers per the UDO standards.
5. Outdoor lighting shall be full cut off and shielded to prevent glare and light spill over to minimize impact of neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3000K.
6. There shall be a 15-foot Type A Buffer along the eastern property from Beauregard Place north to the property boundary.
7. All single-family detached homes shall be pre-configured with conduit for a solar energy system.
8. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
9. The developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$500.00 per residential lot payable at the time of Final Plat.
10. Architectural Standards for Single-Family Homes
 - a. Garage doors shall have windows, decorative details or carriage-style adornments on them.
 - b. The garage shall not protrude more than 1 foot out from the front façade and front porch.
 - c. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 - d. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.

- e. Eaves shall project at least 12 inches from the wall of the structure.
- f. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter, and accent colors complementing the siding color.
- g. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- h. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
- i. Front porches shall be a minimum of 6 feet deep.
- j. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
- Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch Two or more building materials
Decorative brick/stone Decorative trim
 - Decorative shake
 - Decorative air vents on gable Decorative gable
 - Decorative cornice Column Portico
 - Balcony
 - Dormer

PETITION INFORMATION

Application #: 21CZ21 Submittal Date: 9/1/2021

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

The proposed CZ District complies with Sec 4.4 Supplemental Standards.

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

The design of the proposed 5 lots minimizes any adverse effects to the surrounding area. The proposed development with meet UDO standards. There will be no negative impact on trash, traffic, service delivery, parking, loading, odors, noise, glare and vibration and will not create a nuisance.

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

The proposed Conditional Zoning District will comply with all local and state environmental regulations. The area of the proposed development has been studied and the lots will not be affected by the floodplain.

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 Conditional Zoning District is in the ETJ of Apex. The property is adjacent to the Town limits of Apex. The Town of Apex can adequately service the property.

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

The proposed Conditional Zoning request will not negatively impact health, safety , or welfare of the residents of the Town or its ETJ.

PETITION INFORMATION

Application #: 21CZ21 Submittal Date: 9/1/2021

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

The proposed Conditional Zoning request will not be detrimental to adjacent properties.

The uses are compatible 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.

With only a maximum of five (5) single-family detached homes proposed, the Conditional Zoning proposed will not constitute a nuisance or hazard due to traffic impact noise or the number of persons living in the new community.

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

The proposed Conditional Zoning will comply with all standards identified in the Town's ordinances for use, layout and general development characteristics.

AGENT AUTHORIZATION FORM

Application #: 21CZ21

Submittal Date: 9/1/2021

AG Wimberly 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: 0 Wimberly Road

The agent for this project is: Glenda S. Toppe & Associates

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

Agent Name: Glenda Toppe

Address: 4139 Gardenlake Drive

Telephone Number: 919-60-7390

E-Mail Address: glenda@gstplanning.com

Signature(s) of Owner(s)*

Sudhakar Upadhyaya

Digitally signed by Sudhakar Upadhyaya
DN: cn=Sudhakar Upadhyaya, o, ou,
email=sudhakarps@yahoo.com, c=US
Date: 2021.07.09 11:56:33 -0400'

Sudhakar Upadhyaya

07/09/2021

Type or print name

Date

Rekha Upadhyaya

Digitally signed by Rekha Upadhyaya
DN: cn=Rekha Upadhyaya, o, ou,
email=rekha_rao_ks@yahoo.com, c=US
Date: 2021.07.09 11:59:22 -0400'

Rekha Upadhyaya

07/09/2021

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 #: 21CZ21

Submittal Date: 9/1/2021

The undersigned, Glenda Toppe (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

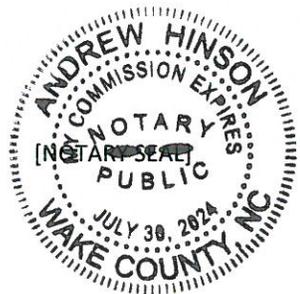
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Wimberly Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated _____, and recorded in the Wake County Register of Deeds Office on _____, in Book _____ Page _____.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on _____, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on _____, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 26 day of August, 2021.

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



Andrew Hinson
Notary Public
State of North Carolina
My Commission Expires: July 30, 2024

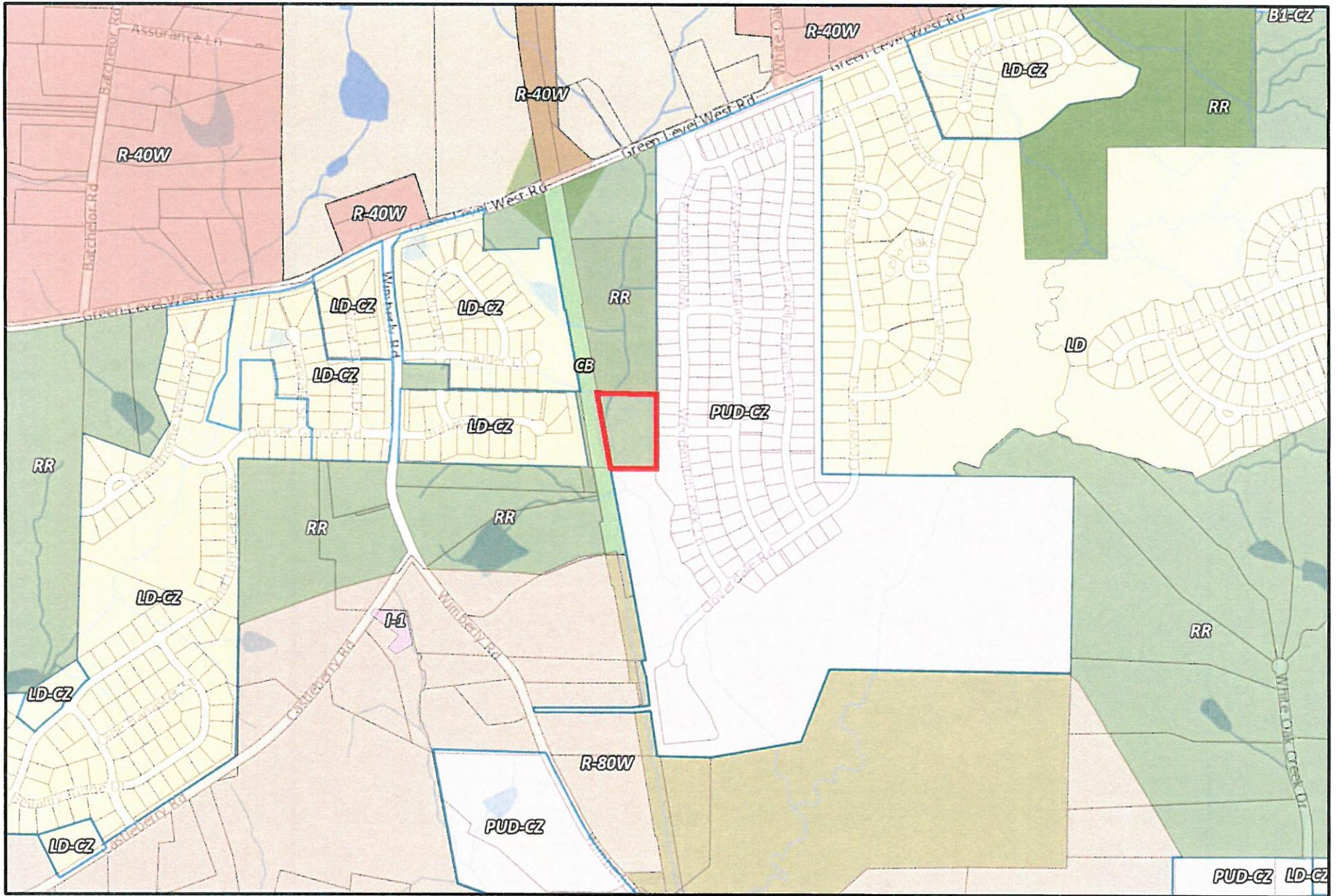
AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ21

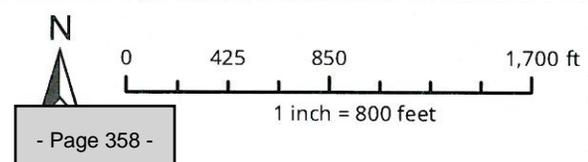
Submittal Date: October 22, 2021

Insert legal description below.

Beginning at an existing iron pipe found at the southwest corner of the Sherry S. Johnson Parcel, as shown on Book of Maps 2011, Page 1009 of the Wake County Registry, said corner being the southeast corner of the NCDOT RR R/W (now American Tobacco Trail), as shown on Book of Maps 2011, Page 1009 and recorded in Deed Book 6660, Page 194 of the Wake County Registry, thence from said Point of Beginning North 09°41'43" West 463.78 feet along the eastern right-of-way of the American Tobacco Trail to a point, thence South 89°08'22" East 358.95 feet to an existing iron pipe, thence South 00°05'12" East 458.23 feet to an existing iron pipe, thence North 88°41'04" West 281.57 feet to the point and place of Beginning containing 3.36 acres, more or less.



CURRENT ZONING RR



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	AG Wimberly LLC
Company Phone Number	919-924-2991
Developer Representative Name	Sudhaker Upadhyaya
Developer Representative Phone Number	919-924-2991
Developer Representative Email	sudhaker.upadhyaya@gmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Beauregard Place at Weddington
Address of Subdivision (if unknown enter nearest cross streets)	0 Wimberly Road
REID(s)	0159682
PIN(s)	0723249888

Projected Dates Information	
Subdivision Completion Date	December 2024
Subdivision Projected First Occupancy Date	December 2023

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	5							3,000	5,000	65000	11000	2023	2	2024	3		
Townhomes										0	0						
Condos																	
Apartments																	
Other																	

Revised 08/10/2018

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.

August 2, 2021

Date

Dear Neighbor:

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

0 Wimberly Road

0723249888

Address(es)

PIN(s)

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

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

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

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

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

The proposal is to build five (5) single-family detached lots.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): AG Wimberly LLC

Applicant(s): AG Wimberly LLC

Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com

Meeting Address: Virtual

Date/Time of meeting**: August 18, 2021 6:00 PM-8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:10 PM Question & Answer: 6:30 PM

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Beauregard Place at Weddington Zoning: Low Density LD
 Location: 0 Wimberly Road
 Property PIN(s): 0723249888 Acreage/Square Feet: 3.3

Property Owner: AG Wimberly LLC
 Address: 633 Mercer Grant Dr
 City: Cary State: NC Zip: 27519
 Phone: 919-924-2991 Email: sudhakar.upadhyaya@gmail.com

Developer: AG Wimberly LLC
 Address: 633 Mercer Grant Dr
 City: Cary State: NC Zip: 27519
 Phone: 919-924-2991 Fax: _____ Email: sudhakar.upadhyaya@gmail.com

Engineer: John Woodlief, P.E. Bass, Nixon & Kennedy
 Address: 6310 Chapel Hill Road Suite 250
 City: Rlaeigh State: NC Zip: 27607
 Phone: 919-851-4422 Fax: _____ Email: john.woodlief@bnkinc.com

Builder (if known): AG Wimberly LLC
 Address: 633 Mercer Grant Dr
 City: Cary State: NC Zip: 27607
 Phone: 919-924-2991 Fax: _____ Email: sudhakar.upadhyaya@gmail.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 and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

NEIGHBORHOOD MEETING SIGN-IN SHEET

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

Meeting Address: Virtual
 Date of meeting: Wednesday August 18, 2021 Time of meeting: 6:00 pm - 8:00 pm
 Property Owner(s) name(s): AG Wimberly LLC
 Applicant(s): AG Wimberly LLC

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

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

Use additional sheets, if necessary.

Meeting Attendees

Naga Kuppuswami

[REDACTED]

Amber Craig

[REDACTED]

Ashwin Palani

[REDACTED]

Abby Brentzel & Brian Roth

[REDACTED]

Krista & Mark Kretzschmar

[REDACTED]

Glenda Toppe

[REDACTED]

John Woodlief

[REDACTED]

50, Raleigh,

Sudhakar Upadhyaya

[REDACTED]

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): AG Wimberly LLC

Applicant(s): AG Wimberly LLC

Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com

Meeting Address: Virtual

Date of meeting: Wednesday August 18, 2021 Time of meeting: 6:00 pm - 8:00 pm

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

Question/Concern #1:

Will there be a home next to me. This person was told there would be no houses behind her. We hope some trees will remain. Will you explain what will be next to me. Is this rezoning a done deal.

Applicant's Response:

There will be a buffer as required by the Town of Apex. You will see the side of the home. We'll take a look at the buffer to better understand the distance between your house and the proposed home and what vegetation will remain. This is the beginning of the process. We are taking your concerns seriously

Question/Concern #2:

All the homeowners who attended the meeting who live adjacent to the property had a concern about the proposed development and what affect it would have on existing vegetation. How much buffer will there be.

Applicant's Response:

We will take a close look at the potential layout to better understand the impact on the adjacent homes and how much buffer we can provide. The existing topography will affect what you see. We are lower than your houses. We will email what we find out.

Question/Concern #3:

They want us to save as many trees as possible. There was a question about the flood plain area. What is the planned price point of the homes.

Applicant's Response:

We understand and will try to save as many trees as possible. A large portion of the site is impacted by floodplain which will remain undisturbed. A flood study was conducted and we must show no rise. The planned price point will be similar to the homes in Weddington.

Question/Concern #4:

We were asked if there will be an HOA. What is the planned price.. What will access be. What is the time frame for development

Applicant's Response:

Yes there will be an HOA due to the requirement of an SCM for the property. This development will be self contained. It will have its own HOA and mail kiosk. We will look at placing the mail kiosk south of the cul-de-sac. Access will be from a cul-de-sac off of Beauregard Place. Construction could begin spring 2022.

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, Glenda S. Toppe, do hereby declare as follows:
 Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual (location/address) on Wednesday August 18, 2021 (date) from 6:00 pm (start time) to 8:00 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8-23-2021
 Date

By: Glenda Toppe

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

Sworn and subscribed before me, Glenda Toppe, a Notary Public for the above State and County, on this the 26 day of August, 2021.



Andrew Hinson
 Notary Public
 Andrew Hinson
 Print Name

My Commission Expires: July 30, 2024

PIN_NUM	OWNER
0723345600	ADHIKARI, DHARANI ADHIKARI, BHUMIKA
0723249888	AG WIMBERLY LLC
0723342795	BAKER RESIDENTIAL OF THE CAROLINAS LLC
0723352480	BRENTZEL, ABBY ROTH-ROFFY, BRIAN
0723169107	CAPITAL PROPERTIES OF RALEIGH VIII LLC
0723352075	CRAIG, AMBER S
0723344864	DESAI, DHAWAL ASTHANA, PRITI VISHNU
0723354462	HAGER, BRADLEY JAY HAGER, QIONG WU
0723344698	HUA, HUANGZHANG GUO, JINGSHU
0723354152	JINKA, JAYARAMESH BOBBA, ANITHA
0723352287	KOMMINENI, RAVI KANTH ANAPARTHI, SUSHMA
0723352575	KRETZSCHMAR, MARK KRETZSCHMAR, KRISTA
0723352189	KUPPUSWAMI, NAGARAJAN SURYANARAYANAN, SUKIRTI
0723243244	LAMBERT, MACKIE
0723240439	LAMBERT, MACKIE W LAMBERT, STEPHEN F
0723344952	MIRZA, ASAF JAMIL ASAF, NAVEERA
0723354365	NARASIMHAN, HARINI SANTHANAM, PAVAN K
0723296277	NC DEPARTMENT OF TRANSPORTATION
0723344776	NETO, DANIEL ANTONIO AUGUS NETO, VIVIAN CARNEIRO
0723352182	PALANI, ASHWIN RAGHUNATHAN, HARINIPRIYA
0723354260	PALREDDY, NITHIN REDDY NANDHYALA, SUSHMA
0723352487	RAVULAPATI, SATISH KUMAR REDDY REDDY, PRAMILA PARVATHA
0723249442	SMITH, STALEY C HOFFLER, HALEY S
0723354055	THUKRAL, RAGHU KUMAR MAHAJAN, BHAWNA
0723343459	TOLL SOUTHEAST LP COMPANY INC
0723256033	TOLL SOUTHEAST LP COMPANY, INC.
0723434927	WEDDINGTON OWNERS ASSOCIATION INC
	APEX TOWN OF
	Current Tenant

Glenda S. Toppe & Associates
LAND PLANNING, ZONING & ENTITLEMENT CONSULTANTS

Dear Property Owner and/or Tenant.,

The purpose of this letter is to invite you to a neighborhood meeting to discuss a proposed rezoning. Attached you will find a vicinity map of the property which is located at 0 Wimberly Road. The accompanying PIN is 0723249888. WG Wimberly LLC (the owner of the property) is proposing to rezone 3.3 acres from a current zoning classification of Rural Residential (RR) to Low Density Residential CZ (LD-CZ). **Please note, this is not a public hearing. Notice for the public hearing will be sent at a later date by the Town of Apex.**

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 a rezoning application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before the rezoning 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.

The applicant is WG Wimberly LLC. We are estimating a submittal date for the rezoning of September 1, 2021.

*Due to the coronavirus virus we will be holding a virtual meeting.

The date for the virtual meeting is Tuesday, August 24, 2021, from 6:00 pm - 8:00 pm.

MEETING AGENDA TIMES:

Welcome: 6:00 pm Project Presentation: 6:10pm Question & Answer: 6:30 pm

Virtual Meeting

The virtual meeting information will be shared remotely on Zoom. Please see the information below for directions on how to join the online meeting.



Online:

At the time of the meeting, join the meeting via this link: <https://us02web.zoom.us/j/88233083128>

- On the **Event Information page**, enter your name and email address and select **Join Now**.
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, select the "raise hand" button and the moderator will call on you in the order your raised hand was received.
- If you encounter any technical difficulties, please contact John Woodlief at **919-649-4329** or via email at john.woodlief@bnkinc.com

By Phone:

If you prefer to join the meeting by telephone rather than online, please refer to the directions below:

- At the time of the meeting dial the following number to join the audio conference only: **1-646-588-8656**
- Upon joining, you will be added to the audience as an Attendee and your input will be automatically on mute. To ask a question, press *9 and the moderator will call on you in the order your raised hand was received. Once you have raised your hand, you'll hear the prompt, "You have raised your hand to ask a question. Please wait to speak until the host calls on you." If you no longer want to ask a question, or the host has already called on you, then press *9 to lower your hand. You will hear a message, "You have lowered your hand".

You may also email John Woodlief (see below) and ask for the meeting invitation / link to be sent directly to you.

If you are unable to attend the virtual meeting on Tuesday, August 24 and have any questions or concerns regarding the rezoning, please feel free to contact Glenda S. Toppe, of Glenda S. Toppe & Associates, at 919-605-7390 or by email at glenda@gstplanning.com or John Woodlief, of Bass, Nixon & Kennedy, at 919-851-4422 or by email at john.woodlief@bnkinc.com.

NOTICE OF NEIGHBORHOOD MEETING

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

August 5, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
 0 Wimberly Road 0723249888

Address(es)

PIN(s)

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

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

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

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

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

The proposal is to build five (5) single-family detached lots.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): AG Wimberly LLC
 Applicant(s): AG Wimberly LLC
 Contact information (email/phone): Glenda Toppe 919-605-7390 glenda@gstplanning.com
 Meeting Address: Virtual
 Date/Time of meeting**: August 24, 2021 6:00 PM-8:00 PM

MEETING AGENDA TIMES:

Welcome: 6:00 PM Project Presentation: 6:10 PM Question & Answer: 6:30 PM

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Beauregard Place at Weddington Zoning: Low Density LD

Location: 0 Wimberly Road

Property PIN(s): 0723249888 Acreage/Square Feet: 3.3

Property Owner: AG Wimberly LLC

Address: 633 Mercer Grant Dr

City: Cary State: NC Zip: 27519

Phone: 919-924-2991 Email: sudhakar.upadhyaya@gmail.com

Developer: AG Wimberly LLC

Address: 633 Mercer Grant Dr

City: Cary State: NC Zip: 27519

Phone: 919-924-2991 Fax: _____ Email: sudhakar.upadhyaya@gmail.com

Engineer: John Woodlief, P.E. Bass, Nixon & Kennedy

Address: 6310 Chapel Hill Road Suite 250

City: Rlaeigh State: NC Zip: 27607

Phone: 919-851-4422 Fax: _____ Email: john.woodlief@bnkinc.com

Builder (if known): AG Wimberly LLC

Address: 633 Mercer Grant Dr

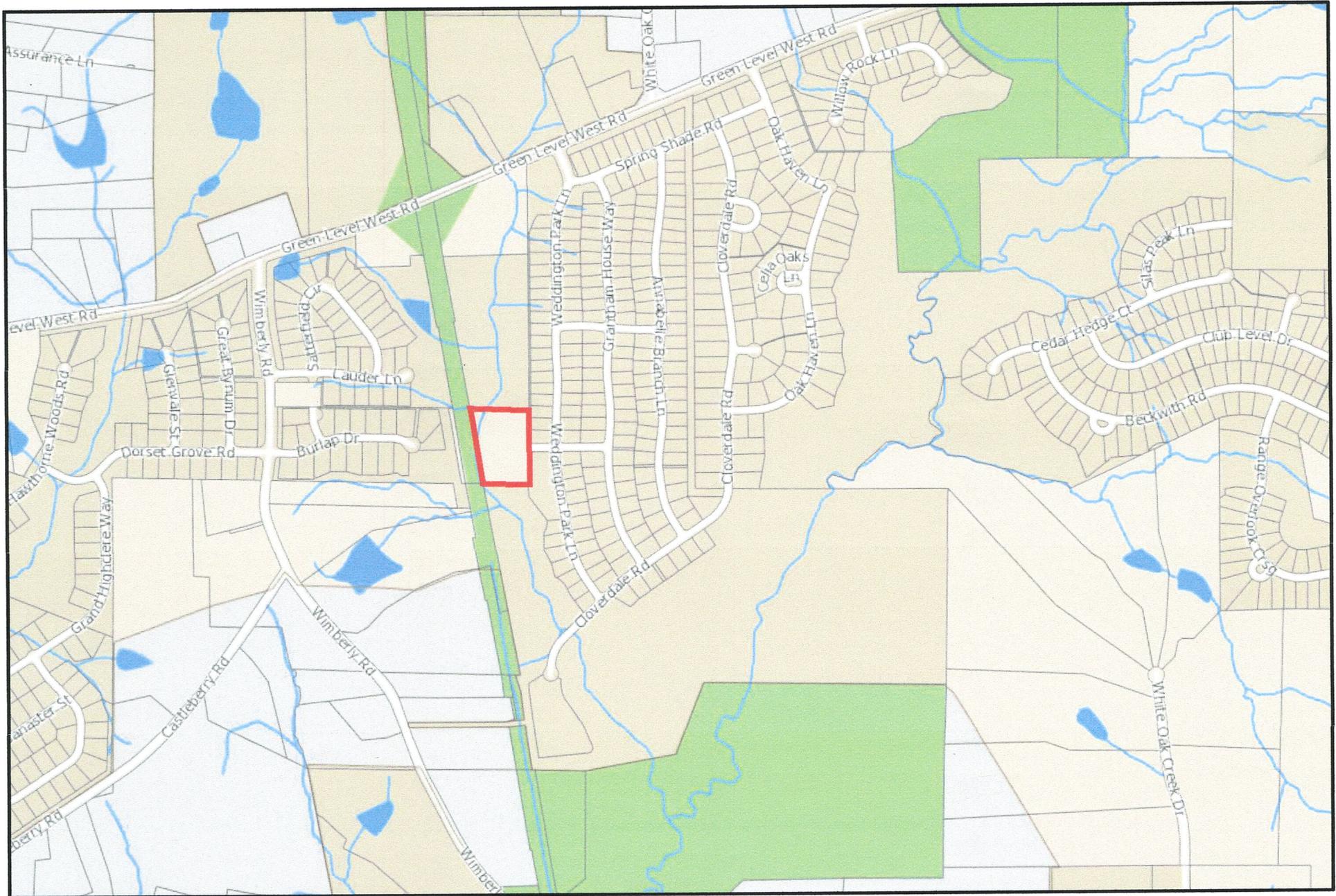
City: Cary State: NC Zip: 27607

Phone: 919-924-2991 Fax: _____ Email: sudhakar.upadhyaya@gmail.com

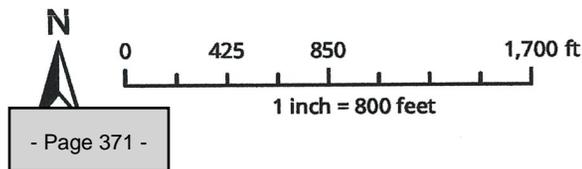
Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.

Town of Apex Department Contacts

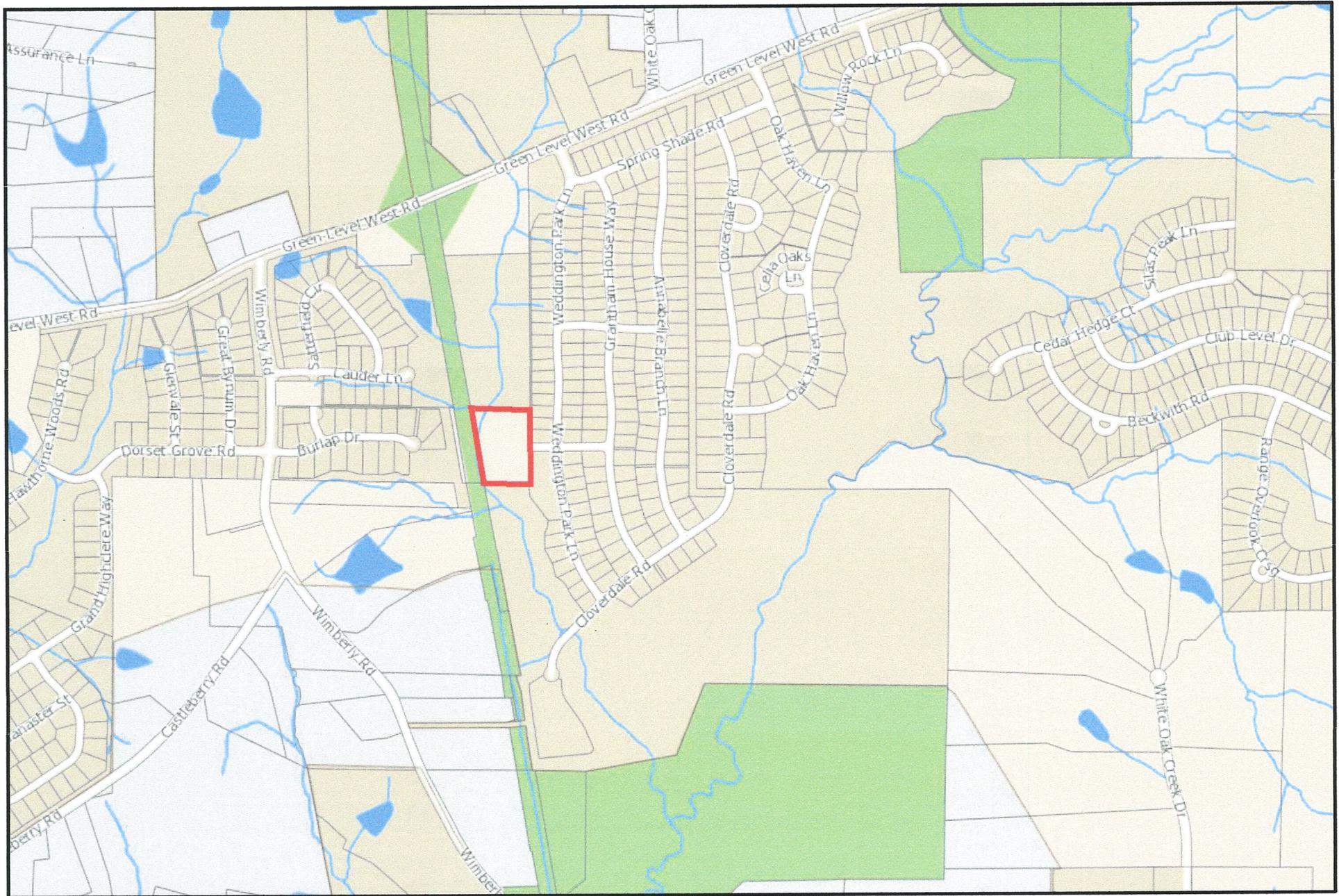
Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior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



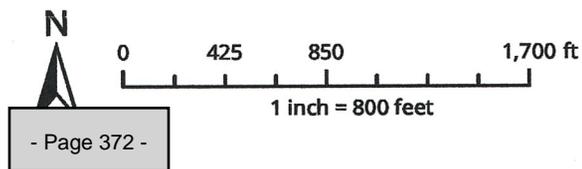
VICINITY MAP



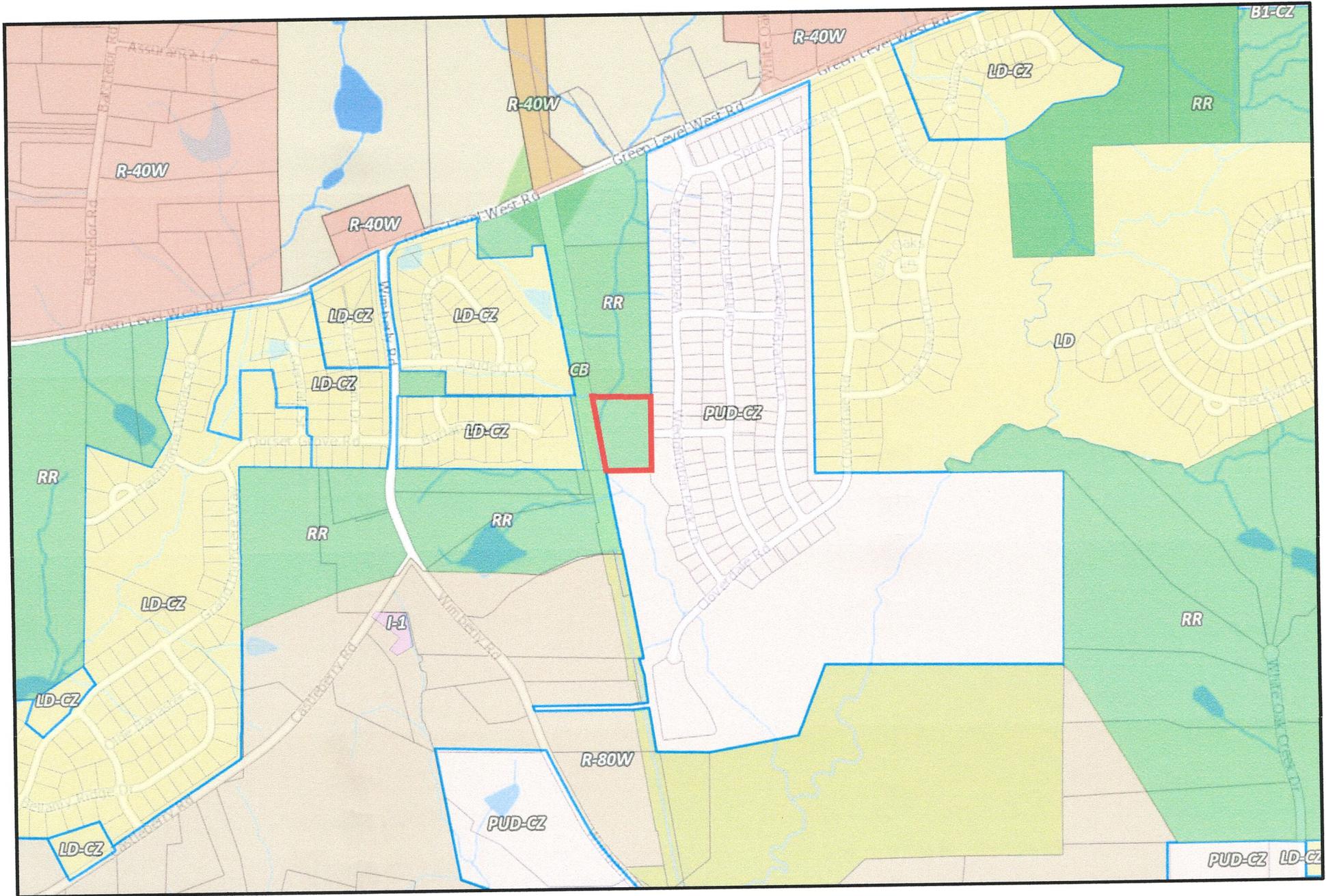
Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



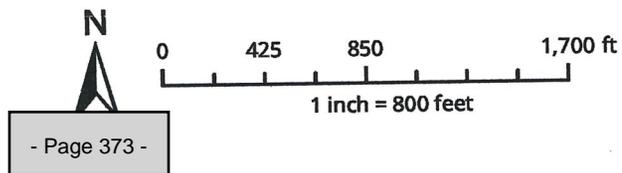
VICINITY MAP



Disclaimer
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CURRENT ZONING RR



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Beauregard Place at Weddington Rezoning
Developer: AG Wimberly, LLC

Neighborhood Meeting, Town of Apex

August 24, 2021

6:00 - 8:00 PM

Beauregard Place at Weddington Rezoning AGENDA

- Panelists
- Location of Property
- Current Zoning
- Proposed Zoning
- 2045 Land Use Plan Map
- Proposed Uses
- Proposed Zoning Conditions
- Discussion/Questions

Beauregard Place at Weddington Rezoning

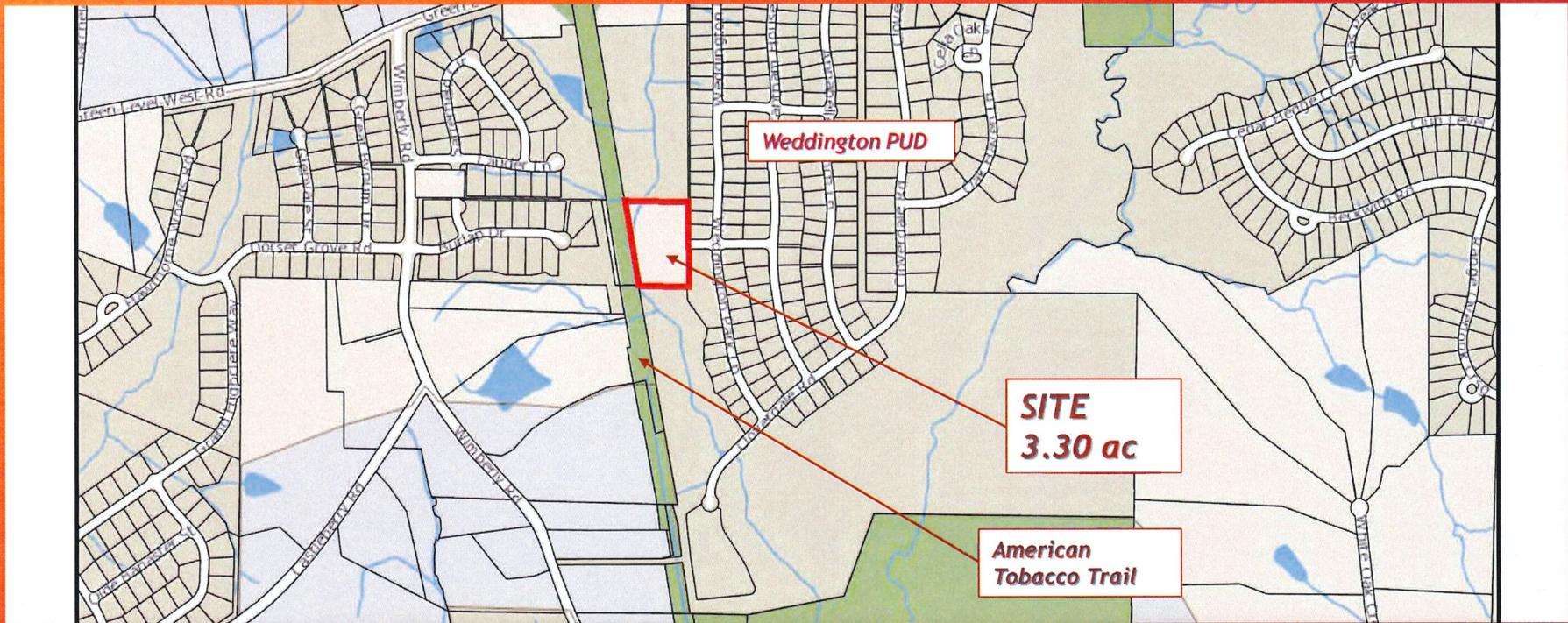
PANELISTS

Glenda Toppe

- City Planning/ Development Consultant
- Glenda S. Toppe & Associates

John Woodlief, PE

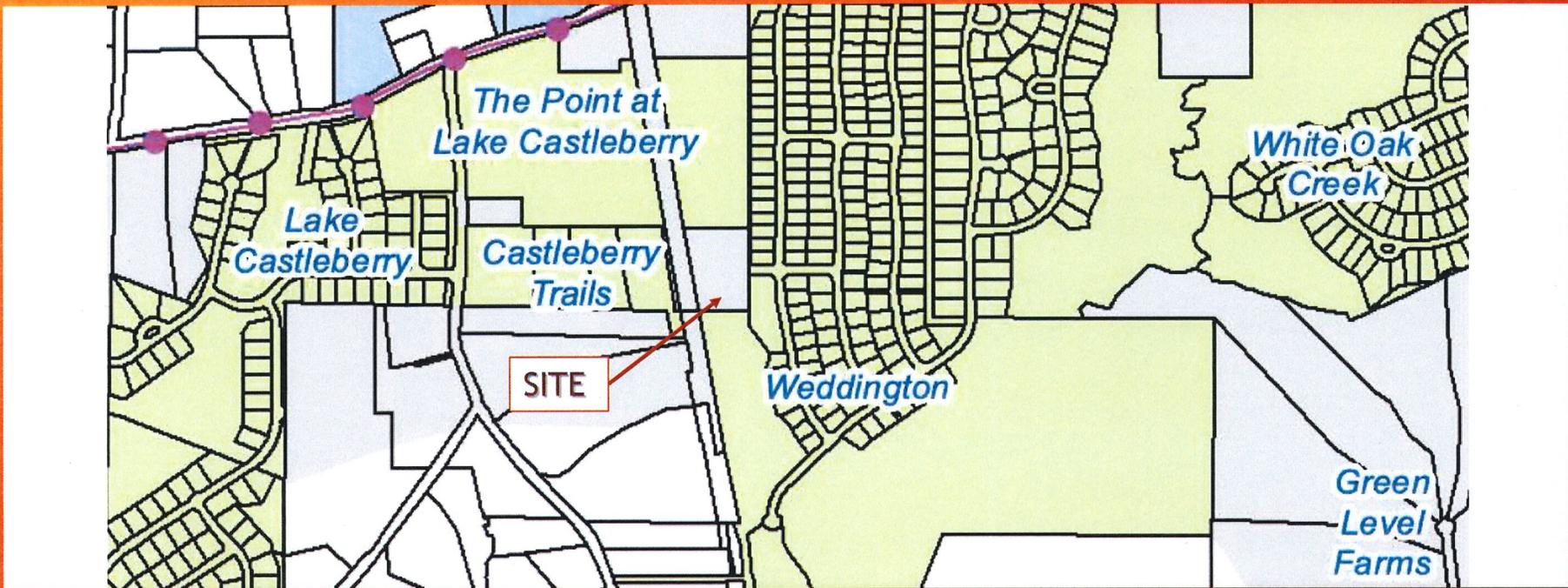
- Consulting Engineer
- Bass, Nixon & Kennedy, Inc.



PROPERTY LOCATION

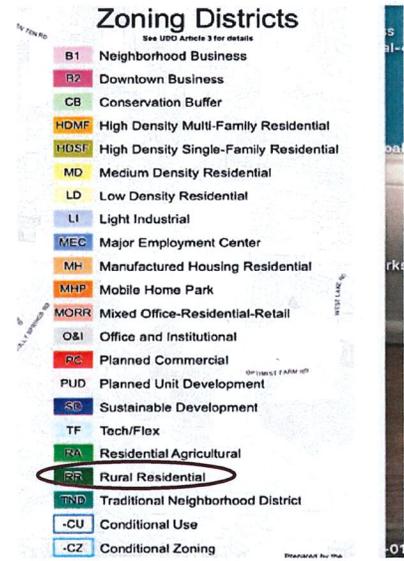
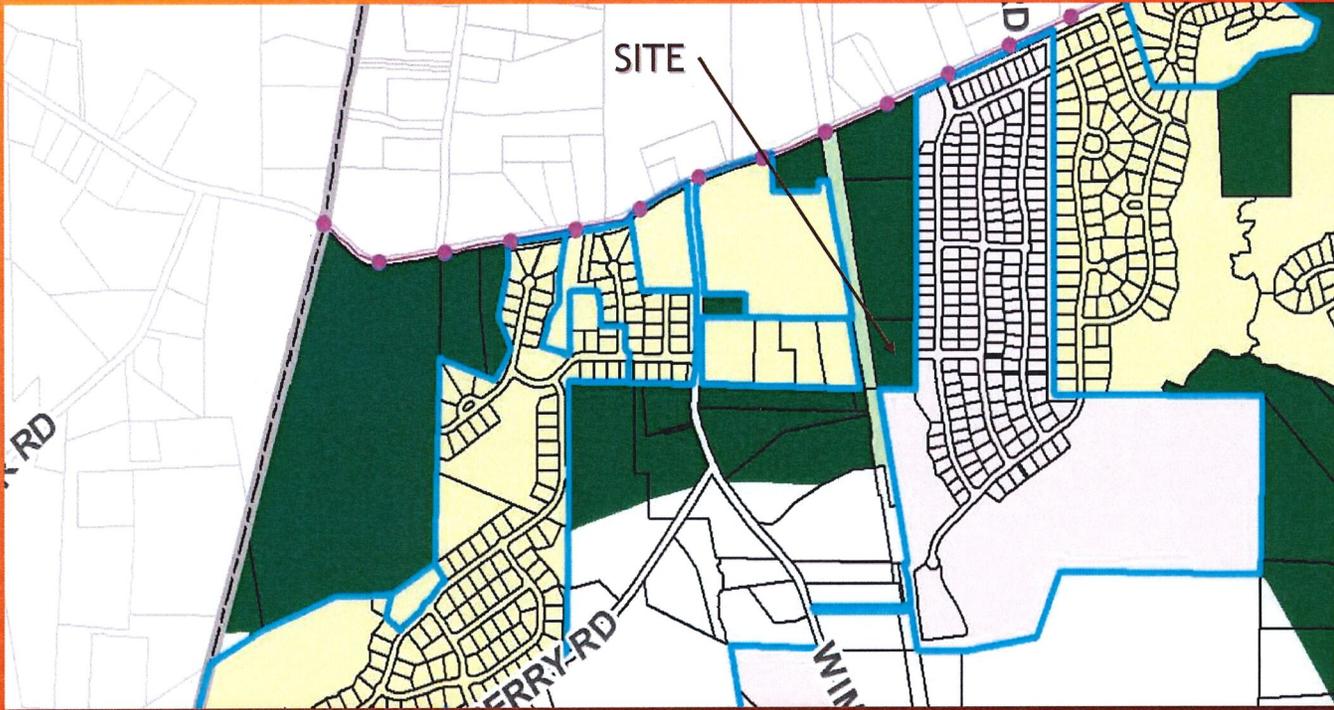
Area: 3.30 acres

Beauregard Place at Weddington Rezoning



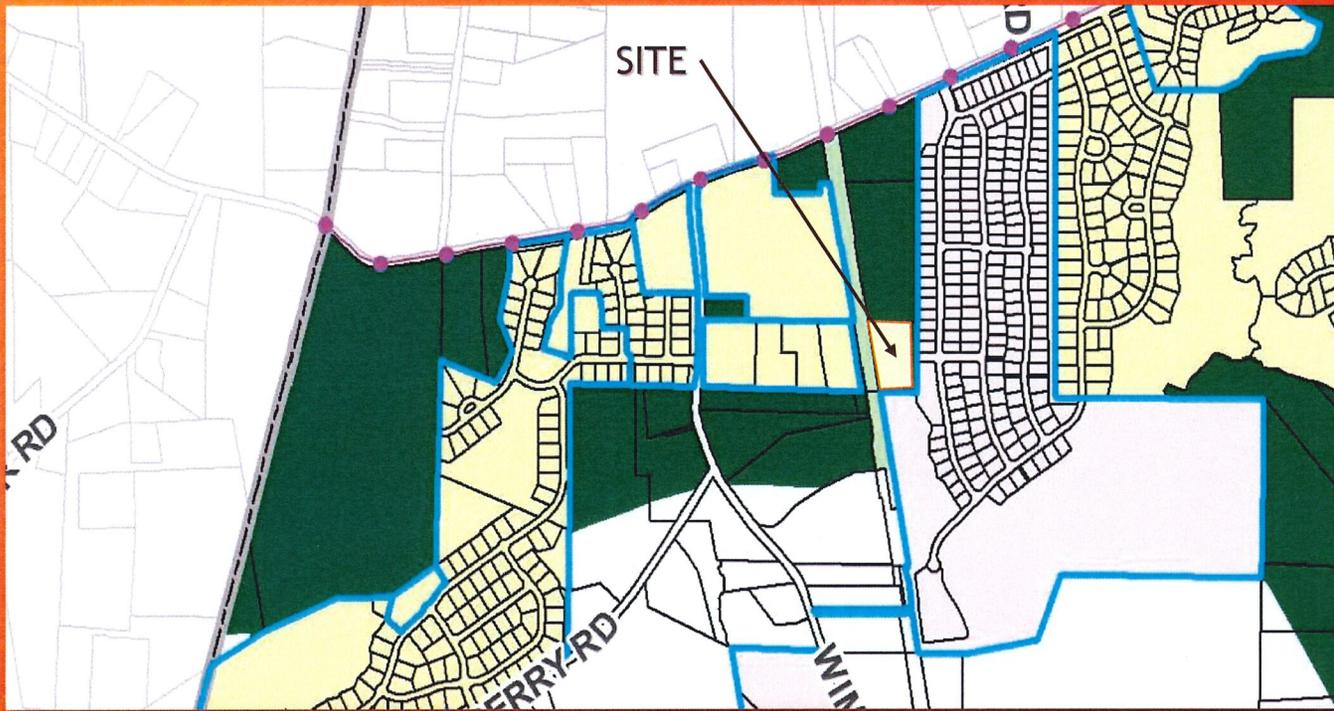
Town of Apex Corporate Limits Map

Beauregard Place at Weddington Rezoning



Town of Apex Zoning Map - RR (Rural Residential)

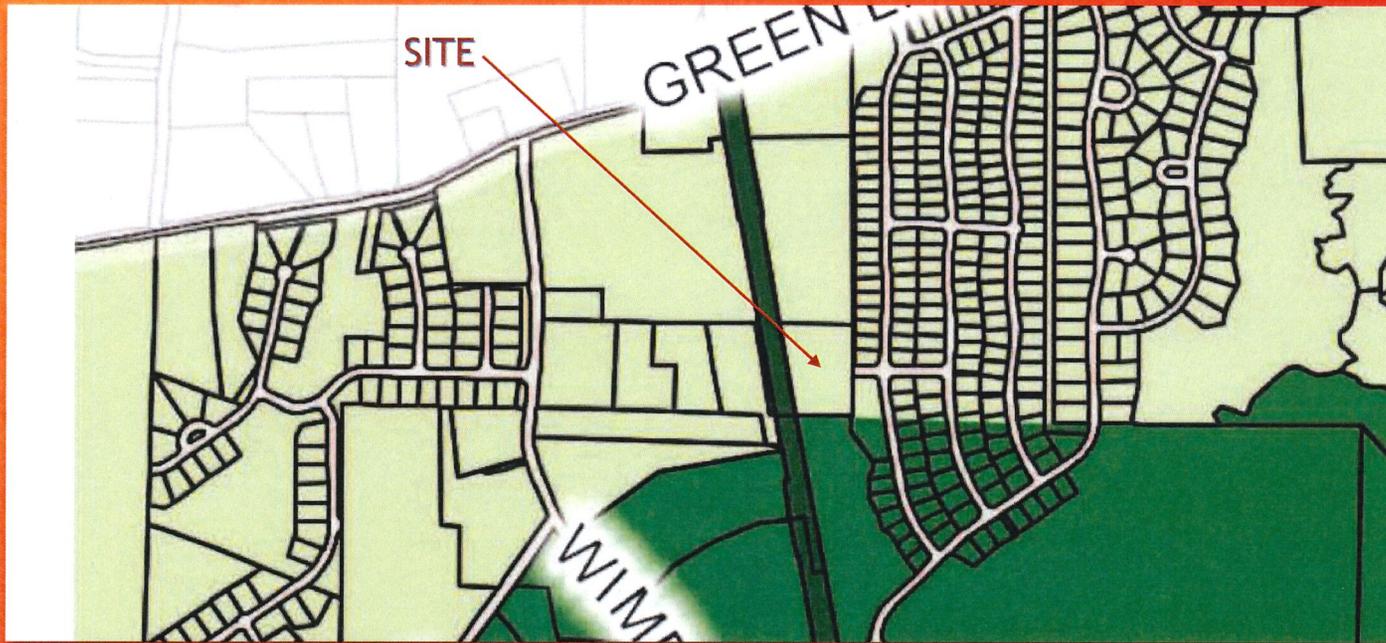
Beauregard Place at Weddington Rezoning



Proposed Zoning - LDR (Low Density Residential)

Proposed Density: 1.51 units/acre

Beaugard Place at Weddington Rezoning



Future Land Classifications

- Protected Open Space
- Rural Density Residential
- Low Density Residential
Single-family homes or a mix of single-family homes with
duplexes or triplexes
- Medium Density Residential
Single-family homes, duplexes, and townhomes
- Medium/High Density Residential
Single-family homes, duplexes, triplexes, quadplexes, and
townhomes*
- High Density Residential
Townhomes, triplexes, quadplexes, and apartments
- Office Employment
- Commercial Services
- Industrial Employment

LOW DENSITY RESIDENTIAL

- Low Density Residential is intended to remain predominately rural in character and provide for low density single-family residential development on lots smaller than those in Rural Residential areas.
- The area is characterized by single-family homes on lots averaging 10,000 square feet with densities not to exceed three units per acre.
- Low Density Residential provides a transition from the more suburban areas of Apex to the rural edges of western Wake County.

Town of Apex 2045 Land Use Plan

Beauregard Place at Weddington Rezoning

Beauregard Place at Weddington Rezoning Proposed Uses

- Detached Residential
- Accessory Apartment
- Utility, Minor
- Park, Active
- Park, Passive

Beauregard Place at Weddington Rezoning Proposed Zoning Conditions

- LDR (Low Density Residential)
- Proposed Zoning Conditions
 - There shall be a maximum of five (5) lots

Beauregard Place at Weddington Rezoning

- Discussion / Questions ???

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ± 3.30

PIN(s): 0723249888

Current Zoning: Rural Residential (RR)

Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)

2045 Land Use Map: Low Density Residential

Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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



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: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ21 Beaugard Place at Weddington

Planning Board Meeting Date: November 8, 2021



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Keith Braswell

Seconded by Planning Board member: Tina Sherman

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

Conditions as offered by the applicant.

- 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 8th day of November 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.11.09 11:09:44 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.11.08 17:46:35 -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 #21CZ21
Beauregard Place at Weddington**

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

Applicant: AG Wimberly, LLC
Authorized Agent: Glenda Toppe, Glenda S. Toppe & Associates
Property Address: 0 Wimberly Road
Acreage: ±3.30 acres
Property Identification Number (PIN): 0723249888
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Low Density Residential-Conditional Zoning (LD-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM

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

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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

Published Dates: October 25 – November 8, 2021



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21
Beauregard Place at Weddington

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

Solicitante: AG Wimberly, LLC
Agente autorizado: Glenda Toppe, Glenda S. Toppe & Associates
Dirección de la propiedad: 0 Wimberly Road
Superficie: 23.30 acres
Número de identificación de la propiedad: 0723249888
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-CZ)
Lugar de la audiencia pública: Ayuntamiento de Apex
Cámara del Consejo, 2º piso
73 Hunter Street, Apex, Carolina del Norte

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.

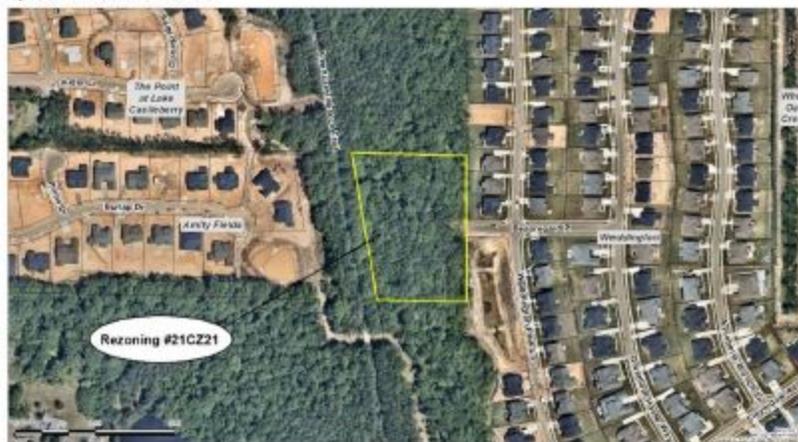
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las imediciones:



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/36739](http://www.apexnc.org/DocumentCenter/View/36739).

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

Fechas de publicación: Octubre 25- Noviembre 8, 2021



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ21 Beauregard Place at Weddington

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** AG Wimberly, LLC
- Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates
- Property Address:** 0 Wimberly Road
- Acreage:** ±3.30 acres
- Property Identification Number (PIN):** 0723249888
- 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM

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

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36739>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21
Beauregard Place at Weddington

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

Solicitante: AG Wimberly, LLC

Agente autorizado: Glenda Toppe, Glenda S. Toppe & Associates

Dirección de la propiedad: 0 Wimberly Road

Superficie: ±3.30 acres

Número de identificación de la propiedad: 0723249888

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

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36739>.

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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ21
Beauregard Place at Weddington**

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

Applicant: AG Wimberly, LLC
Authorized Agent: Glenda Toppe, Glenda S. Toppe & Associates
Property Address: 0 Wimberly Road
Acreage: ±3.30 acres
Property Identification Number (PIN): 0723249888
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Property: Rural Residential (RR)
Proposed Zoning of Property: Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/howtoapexgov>. 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/howtoapexgov>.

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.reisignc.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/38739>.

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

Published Dates: November 1-November 23, 2021



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21
Beaugard Place at Weddington

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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: AG Wimberly, LLC
Agente autorizado: Glenda Toppe, Glenda S. Toppe & Associates
Dirección de la propiedad: 0 Wimberly Road
Superficie: 23.30 acres
Número de identificación de la propiedad: 0723249888
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de la propiedad: Rural Residential (RR)
Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre, 2021 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearings@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/36734>.

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

Fechas de publicación: Noviembre 1- Noviembre



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ21 Beauregard Place at Weddington

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** AG Wimberly, LLC
- Authorized Agent:** Glenda Toppe, Glenda S. Toppe & Associates
- Property Address:** 0 Wimberly Road
- Acreage:** ±3.30 acres
- Property Identification Number (PIN):** 0723249888
- 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Property:** Rural Residential (RR)
- Proposed Zoning of Property:** Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/36739>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ21

Beauregard Place at Weddington

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

Solicitante: AG Wimberly, LLC

Agente autorizado: Glenda Toppe, Glenda S. Toppe & Associates

Dirección de la propiedad: 0 Wimberly Road

Superficie: ±3.30 acres

Número de identificación de la propiedad: 0723249888

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

Ordenamiento territorial existente de la propiedad: Rural Residential (RR)

Ordenamiento territorial propuesto para la propiedad: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre, 2021 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36739>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



Rezoning #21CZ21

The Point at Lake Castleberry

Amity Fields

Weddington

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



Feet

Public Hearing Sign Posted By

[Signature]
Signature

9/13/21
Date



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ21
Beauregard Place at Weddington
Project Location: 0 Wimberly Road
Applicant or Authorized Agent: AG Wimberly, LLC/Glenda Toppe, Glenda S. Toppe & Associates
Firm: Glenda S. Toppe & Associates

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 October 25, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

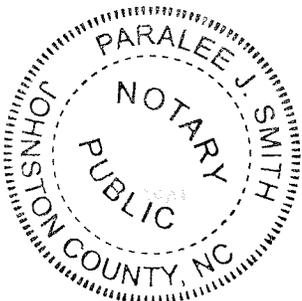
10/25/2021
Date

Sharon F. Khei
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 25 day of October, 202 1.



Paralee J. Smith
Notary Public

My Commission Expires: 9 / 12 / 2023



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11

Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ21
Beauregard Place at Weddington
Project Location: 0 Wimberly Road
Applicant or Authorized Agent: AG Wimberly, LLC/Glenda Toppe, Glenda S. Toppe & Associates
Firm: Glenda S. Toppe & Associates

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

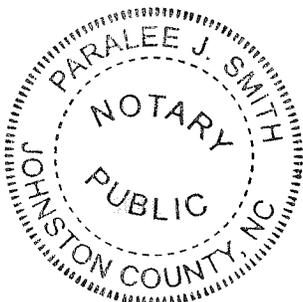
11/1/2021
Date

Shianne F. 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 1 day of November, 2021.



Paralee J. Smith
Notary Public

My Commission Expires: 9 / 12 / 2023

Lauren Staudenmaier

From: Amanda Bunce
Sent: Friday, October 8, 2021 8:24 AM
To: Lauren Staudenmaier
Subject: FW: Impacts for rezoning
Attachments: Apex rezoning 10082021 Beauregard Pl.pdf; Apex rezoning 10082021 Old Ivey Rd.pdf

Lauren,

Please share these with your applicants.

Also, I spoke with Glenn this morning who requested the sentence below be included for 21CZ21. I would add it this way:

“According to WCPSS, the Beauregard site falls into in area that is still significantly crowded. However, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.”

Thanks!
Amanda

From: Glenn Carrozza _ Staff - StudentAssignment <gcarrozza@wcpss.net>
Sent: Friday, October 8, 2021 8:16 AM
To: Amanda Bunce <Amanda.Bunce@apexnc.org>
Subject: Impacts for rezoning

Notice: This message is from an external sender.

Do not click links or open attachments unless you trust the sender, and can verify the content is safe.

Attached.

The Beauregard site falls into in area that is still significantly crowded, however, the size of the area (5 proposed units) does not figure to impact the area more than it already has been.

Glenn Carrozza
Senior Director, Office of Student Assignment
919-694-0306 (office)
919-431-7302 (fax)

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

Item Details

Presenter(s): Lauren Staudenmaier, Planner II
Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on November 8, 2021 and recommended approval, with the conditions as offered by the applicant, by a vote of 5-0. Keith Braswell was recused as he represented the property owner who sold the property to the applicant.

Item Details

The properties to be rezoned are identified are PINs 0722890666 and 0722893526.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ22 Old Ivey Road Residential

November 23, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 1516 Old Ivey Road & 7620 McQueens Drive
Applicant/Owners: Ranjeet Agarwala, Estates at White Oak LLC

PROJECT DESCRIPTION:

Acreage: ± 8.82 acres
PINs: 0722890666 & 0722893526
Current Zoning: Rural Residential (RR)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	Rural Residential (RR)	Single-family Residential
South:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30); Rural Residential (RR)	Single-family Residential (Preserve at White Oak subdivision); McQueens Dr; Manufactured Home
East:	Rural Residential (RR)	Old Ivey Rd; Single-family residential; Vacant
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ30)	Single-family Residential (Preserve at White Oak subdivision)

Existing Conditions:

The subject properties are currently located west of Old Ivey Road, north of Jenks Road, and west of the Preserve at White Oak subdivision. The subject property located at 7620 McQueens Drive is currently vacant with existing vegetation. The subject property located at 1516 Old Ivey Road contains residential structures and has existing vegetation.

Neighborhood Meeting:

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

WCPSS Coordination:

A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that school at all grade levels within the current assignment area for the proposed rezoning/development are anticipated to have sufficient capacity for future students.

STAFF REPORT

Rezoning #21CZ22 Old Ivey Road Residential

November 23, 2021 Town Council Meeting



2045 LAND USE MAP:

The 2045 Land Use Map identifies the properties subject to this rezoning as Low Density Residential. The proposed rezoning to Low Density Residential-Conditional Zoning is consistent with that land use classification.

PERMITTED USES:

The applicant is proposing the following uses permitted uses:

1. Single-family
2. Accessory apartment
3. Greenway
4. Recreation facility, private
5. Park, active
6. Park, passive
7. Utility, minor

PROPOSED ZONING CONDITIONS:

Single-Family Detached Residential:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 26 dwelling units. All lots shall be greater than 6,000 SF.
2. Setbacks shall be as follows within this development:
 - Front: Reduce from 25' minimum to 20' minimum
 - Side: Reduce from 8' minimum with a 20' aggregate to a 5' minimum
 - Rear: Reduce from 25' minimum to 15' minimum
 - Corner side: Reduce from 18' minimum to 15' minimum
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
4. Eaves shall project at least 12 inches from the wall of the structure.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed or Decorative window
 - Trim around the window
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative gable
 - Decorative air vents on gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of two (2) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.
8. Garage may not protrude more than 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.
9. All homes shall be pre-configured with conduit for a solar energy system.
10. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.

STAFF REPORT

Rezoning #21CZ22 Old Ivey Road Residential

November 23, 2021 Town Council Meeting



11. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
12. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
13. Front porches shall be a minimum of 5 feet deep.
14. The overhead Duke Energy electric easement from Jenks Road to Old Ivey Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections.
15. Vining Branch Way shall remain closed to construction traffic until dedicated to the Town of Apex.
16. Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$215/dwelling unit.

The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. The Development shall meet Apex UDO standards for post-development stormwater runoff rates. In addition, the post-development runoff for the 25-year stormwater event shall be mitigated to the pre-development rate.
2. SCMs shall not be permitted within riparian buffers. Tree clearing and grading shall only be permitted within riparian buffers if it is necessary to install public infrastructure, including but not limited to water, sewer, and greenways.
3. The Development shall install at least one (1) sign identifying environmental sensitive areas and/or at least one (1) pet waste station to discourage pet waste and chemical usage near RCA and SCMs.
4. A minimum of 50% of the required landscaping outside of RCA and perimeter buffers and all supplemental landscaping within RCA and perimeter buffers shall be native species listed in the Design & Development Manual or approved by staff to increase the native diversity to reduce irrigation and chemical use. This shall not apply to turf grass.
5. Native flora shall be used within the development, a minimum of 50% of the plantings for each planting group (tree, shrubs, etc.).
6. Warm season turf grasses shall be planted where turf grass is proposed.
7. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000K.
8. A minimum of three (3) native hardwood tree species shall be planted within the development.

ENVIRONMENTAL ADVISORY BOARD:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 18, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Increase design storm pre- and post-attenuation requirements to the 25-year storm.	Added
Add permit condition which does not allow for tree clearing, SCM, or infrastructure in either zone of the riparian buffer.	Added
Install signage near environmental sensitive areas in order to: <ul style="list-style-type: none">• Reduce pet waste near SCM drainage areas• Eliminate fertilizer near SCM drainage areas	Added
Increase biodiversity.	Added

STAFF REPORT

Rezoning #21CZ22 Old Ivey Road Residential

November 23, 2021 Town Council Meeting



<ul style="list-style-type: none">Plant native flora	
Include landscaping that requires less irrigation and chemical use. <ul style="list-style-type: none">Plant warm season grasses for drought-resistance	Added
Install pet waste stations in neighborhoods.	Added
Include solar conduit in building design.	Added
Include International Dark Sky Association compliance standards. <ul style="list-style-type: none">Lighting with a color temperature of 3000K or less shall be used for outside installations.	Added
Maximize RCA in the northern area of the site in consideration of the nearby creek.	Not added. To be addressed at Master Subdivision Plan.
Increase the number of native hardwood tree species planted to 3, preferably 4.	Added
Recommendation of eight homes to have a minimum 4-KW rooftop solar PV system.	Not added. However, a condition was added to include solar conduit.

PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on November 8, 2021 and recommended approval, with the conditions as offered by the applicant, by a vote of 5-0. Keith Braswell was recused as he represented the property owner who sold the property to the applicant.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of #21CZ22 Old Ivey Road Residential with the conditions as 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:

Approval of the rezoning is reasonable because the proposed Low Density Residential-Conditional Zoning (LD-CZ) district is consistent with the 2045 Land Use Plan. The 2045 Land Use Map classifies the subject property as Low Density Residential which includes the LD-CZ district.

The proposed rezoning is reasonable and in the public interest because it permits single-family residential development consistent and compatible with the existing development to the east and south. The rezoning would also allow for development that will extend Vining Branch Way to Old Ivey Road. The proposed rezoning will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the Low Density Residential-Conditional Zoning (LD-CZ) designation demonstrates compliance with the following standards. Sec. 2.3.3.F:



Legislative Considerations

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

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



Rezoning #21CZ22

Our Estate

The Preserve at White Oak Creek

Castlereagh North

Caitlin Pond

0 250 500
Feet

PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: 21CZ22 Submittal Date: 9/1/2021
Fee Paid: \$1000

Project Information

Project Name: Old Ivey Road Residential
Address(es): 1516 Old Ivey Rd, 7620 McQueens Dr
PIN(s): 0722-89-0666
0722-89-3526 Acreage: 8.82
Current Zoning: RR Proposed Zoning: LD-CZ
Current 2045 LUM Classification(s): 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: Estates at WhiteOak LLC - attn: Ranjeet Agarwala
Address: 2500 Stonington Drive
City: Apex State: NC Zip: 27523
Phone: (361) 228-2071 E-mail: ragarwala@hotmail.com

Owner Information

Name: same at Applicant
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - attn: Jeff Roach, P.E.
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts: _____
dwoods@peakengineering.com

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

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

PROPOSED USES:

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

1	<u>Single-family</u>	21	_____
2	<u>Accessory apartment</u>	22	_____
3	<u>Greenway</u>	23	_____
4	<u>Recreation facility, private</u>	24	_____
5	<u>Park, active</u>	25	_____
6	<u>Park, passive</u>	26	_____
7	<u>Utility, minor</u>	27	_____
8	_____	28	_____
9	_____	29	_____
10	_____	30	_____
11	_____	31	_____
12	_____	32	_____
13	_____	33	_____
14	_____	34	_____
15	_____	35	_____
16	_____	36	_____
17	_____	37	_____
18	_____	38	_____
19	_____	39	_____
20	_____	40	_____

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

PROPOSED CONDITIONS:

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

See attached list of zoning conditions.

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed single family residential development and additional uses are in keeping with the adopted 2045 Land Use Map as well as standards associated with residential development within an LD-CZ district.

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

The proposed development will provide buffers to the adjacent residential property, including The Preserve at White Oak Creek and the existing homes along Old Ivey Road. The proposed use is compatible with the surrounding residential properties.

OLD IVEY ROAD RESIDENTIAL CONDITIONS OF ZONING

Single-Family Detached Residential:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 26 dwelling units. All lots shall be greater than 6,000 SF.
2. Setbacks shall be as follows within this development:
 - Front: Reduce from 25' minimum to 20' minimum
 - Side: Reduce from 8' minimum with a 20' aggregate to a 5' minimum
 - Rear: Reduce from 25' minimum to 15' minimum
 - Corner side: Reduce from 18' minimum to 15' minimum
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
4. Eaves shall project at least 12 inches from the wall of the structure.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed or Decorative window
 - Trim around the window
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative gable
 - Decorative air vents on gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
6. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of two (2) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.
8. Garage may not protrude more than 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.
9. All homes shall be pre-configured with conduit for a solar energy system.

**OLD IVEY ROAD RESIDENTIAL
CONDITIONS OF ZONING
(continued)**

10. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
11. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
12. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
13. Front porches shall be a minimum of 5 feet deep.
14. The overhead Duke Energy electric easement from Jenks Road to Old Ivey Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections.
15. Vining Branch Way shall remain closed to construction traffic until dedicated to the Town of Apex.
16. Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$215/dwelling unit.

The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. The Development shall meet Apex UDO standards for post-development stormwater runoff rates. In addition, the post-development runoff for the 25-year stormwater event shall be mitigated to the pre-development rate.
2. SCMs shall not be permitted within riparian buffers. Tree clearing and grading shall only be permitted within riparian buffers if it is necessary to install public infrastructure, including but not limited to water, sewer, and greenways.
3. The Development shall install at least one (1) sign identifying environmental sensitive areas and/or at least one (1) pet waste station to discourage pet waste and chemical usage near RCA and SCMs.
4. A minimum of 50% of the required landscaping outside of RCA and perimeter buffers and all supplemental landscaping within RCA and perimeter buffers shall be native species listed in the Design & Development Manual or approved by staff to increase the native diversity to reduce irrigation and chemical use. This shall not apply to turf grass.
5. Native flora shall be used within the development, a minimum of 50% of the plantings for each planting group (tree, shrubs, etc.).
6. Warm season turf grasses shall be planted where turf grass is proposed.
7. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000K.
8. A minimum of three (3) native hardwood tree species shall be planted within the development.

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

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

The proposed development will comply with the UDO Section 4.4 Supplemental Standards as 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.

Through the installation of perimeter buffers, limited access to Old Ivey Road, architectural standards, and design standards similar to the adjacent properties, the project will minimize impacts on surrounding properties.

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

The site will minimize environmental impacts through perimeter vegetation avoidance/preservation, SCMs to reduce impact on downstream aquatic function, and utilize existing street stubs for access the property. The existing conditions on the property area not currently ideal for environmental protections.

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

There are significant developments near the property with existing infrastructure, including water, sewer and roadway extensions, street stubs, a proposed fire station, park land acquisition on Wimberly Road, and other improvements to Town facilities.

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

The project will be annexed into the Town's corporate limits for public utilities and will have no negative impacts on surrounding property owners and the citizens of Apex and ETJ members.

PETITION INFORMATION

Application #: 21CZ22 Submittal Date: 9/1/2021

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

The proposed LD-CZ is in keeping with the residential character of the northwest portion of Apex. The design will provide residential properties similar to the adjacent subdivisions recently approved by the Town of Apex.

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 list of uses do not constitute nuisance uses or hazardous uses based upon the size of the property, the number of future homes, and the extension of the adjacent Preserve at White Oak properties.

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

The proposed development will comply with various section of the Town of Apex's Unified Development Ordinance (UDO), adopted plans, and standard specifications.

AGENT AUTHORIZATION FORM

Application #: 21CZ22

Submittal Date: 9/1/2021

Estates at WhiteOak 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: 1516 Old Ivey Road and 7620 McQueens Drive

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) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


ABOUCI KAMALPASHA
Type or print name

11/10/21
Date

Type or print name

Date

Attach additional sheets if there are additional owners.

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

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

AFFIDAVIT OF OWNERSHIP

Application #: 21CZ22

Submittal Date: 9/1/2021

The undersigned, Estates at WhiteOak LLC (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

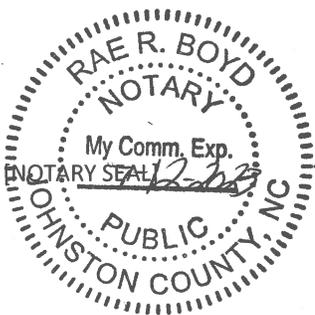
1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1516 Old Ivey Road & 7620 McQueens Drive and legally described in Exhibit "A" attached hereto and incorporated herein (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 11/02/2021, and recorded in the Wake County Register of Deeds Office on 11/02/2021, in Book 18779 Page 2351 - 2353.
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 11/02/2021, 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 11/02/2021, 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 10 day of Nov, 2021.

[Signature] (seal)
ABDUL KAMALPASHA
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Johnston

I, the undersigned, a Notary Public in and for the County of Johnston, hereby certify that Abdul Kamalpasha, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's Abdul Kamalpasha, 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: July 12, 2023

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ22

Submittal Date: 9/1/2021

Insert legal description below.

Parcel One

BEGINNING at a nail in the center line of State Road 1601, said nail being the northeast corner of R. C. Tunstall according to map herein-after referred to, and said nail also being South 60 degrees 38 minutes 25 seconds West 39.21 feet from Leslie E. Brown's property; runs thence as Tunstall's north line the following courses and distances: North 68 degrees 25 minutes 50 seconds West 300 feet to an iron pipe; North 55 degrees 17 minutes 10 seconds West 100 feet to an iron pipe; North 40 degrees 07 minutes 05 seconds West 141.48 feet to an iron pipe; North 70 degrees 06 minutes 25 seconds West 158.80 feet to an iron pipe, the southeast corner of the property of now or formerly J. E. Howard, Jr.; thence as Howard's east line North 00 degrees 02 minutes 30 seconds East 588.83 feet to an iron pipe; thence South 74 degrees 19 minutes East 193.46 feet to a point in the center of a new soil road; thence as the center line of said new soil road on a curve to the left having a radius of 985 feet an arc distance of 324.66 feet to a point; thence continuing with said road South 14 degrees 12 minutes East 102.93 feet to a point; thence continuing as the center line of said road on a curve to the left having a radius of 603 feet an arc distance of 582 feet to a point in the right of way of State Road 1601; thence South 69 degrees 30 minutes East 24.83 feet to a point in the center line of said State Road 1601; thence as the center line of State Road 1601 South 60 degrees 38 minutes 25 seconds West 39.21 feet to the point and place of BEGINNING, and containing 3.82 acres, more or less, according to a map entitled "Plat of Land of Mrs. Evelyn J. Patrick, White Oak Township, Wake County, N.C." dated January, 1970, and prepared by Felton Lowman, Registered Engineer. See also Tracts A and B in Book of Maps 1983, Page 1293, Wake County Registry.

Parcel Two

BEGINNING at an iron pipe in the eastern line of R. C. Tunstall, said iron pipe being the southwest corner of the Evelyn J. Patrick property as shown on map recorded in Book of Maps 1969, Volume 3, Page 320; runs thence as the south line of Evelyn J. Patrick South 86 degrees 15 minutes 25 seconds East 319.23 feet to an iron pipe; thence South 00 degrees 02 minutes 30 seconds West 648.93 feet to an iron pipe in the northern property line of R. C. Tunstall; thence as Tunstall's north line the following courses and distances: North 70 degrees 06 minutes 25 seconds West 141.20 feet to an iron stake; North 89 degrees 35 minutes 25 seconds West 200 feet to an iron stake; and North 64 degrees 40 minutes 25 seconds West 56 feet to an iron pipe in R. C. Tunstall's east line; thence as Tunstall's east line North 06 degrees at 09 minutes 35 seconds East 599.80 feet to the point and place of BEGINNING, and containing five acres, more or less.

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	Estates at White Oak, LLC
Company Phone Number	(919) 333-0701
Developer Representative Name	Ranjeet Agarwala
Developer Representative Phone Number	same
Developer Representative Email	kamalcat@gmail.com or ranjeetagarwala@hotmail.com

New Residential Subdivision Information	
Date of Application for Subdivision	September 2021
City, Town or Wake County Jurisdiction	Town of Apex
Name of Subdivision	Old Ivey Road Residential
Address of Subdivision (if unknown enter nearest cross streets)	8.82 acres
REID(s)	0046520 & 0046521
PIN(s)	0722-89-0666 & 0722-89-3526

Projected Dates Information	
Subdivision Completion Date	2023
Subdivision Projected First Occupancy Date	January 2022

Lot by Lot Development Information																	
Unit Type	Total # of Units	Senior Living	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	Square Foot Range		Price Range		Anticipated Completion Units & Dates					
								Min	Max	Low	High	Year	# Units	Year	# Units	Year	# Units
Single Family	26						26	2,500	4,500	TBD	TBD	2022	7	2023	19		
Townhomes																	
Condos																	
Apartments																	
Other			9/1/2021	9/1/2021	9/1/2021												



NOTICE OF NEIGHBORHOOD MEETING

August 10, 2021

Dear Neighbor,

You are invited to a neighborhood meeting on **August 26, 2021** to review and discuss the rezoning proposal at:

1516 Old Ivey Rd, Apex, NC 27523	0722-89-0666
7620 Mcqueens Dr, Apex, NC 27523	0722-89-3526

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.

Description of Proposal:

This meeting will discuss the rezoning of the above parcels from Residential Rural (RR) to Low Density Conditional Zoning (LD-CZ) to support the development of single family detached subdivision

Due to COVID-19, the neighborhood meeting will be held via Zoom, see below. If you have any questions, please email or call Jeff Roach at jroach@peakengineering.com or (919) 439-0100. You may also email Jeff for the link itself.

LINK:

<https://us02web.zoom.us/j/89848288548?pwd=YVYwV21kdnk0QmJYOUmzTlITQjkrUT09>

Estimated Submittal Date: September 1, 2021

NOTICE OF NEIGHBORHOOD MEETING

LINK:

<https://us02web.zoom.us/j/89848288548?pwd=YVYwV21kdnk0QmJYOUMzTlITQjkrUT09>

Meeting Information

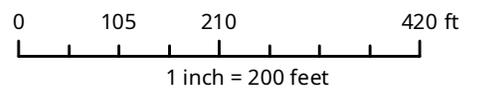
Property Owners Names:	Daniel and Susan McMains
Applicants:	Abdul Kamalpasha (Spectrum Investment Solution, LLC)
Contact Information:	Jeff Roach, jroach@peakengineering.com , 919-439-0100
Meeting Address:	Meeting being held via Zoom
Date of Meeting:	8/26/2021
Time of Meeting:	5:30

Meeting Agenda Times

Welcome:	5:30-5:40
Project Presentation:	5:40-5:55
Question & Answer:	5:55-



Old Ivey Rd



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.*

		ANNAMALAI, SELVAKUMAR CHELLAMUTHU RAMAMOORTHY, SAI SARANYA 615 VINE POND CT APEX NC 27523-8519
	ARAVETI, VENKATA SUDEEPTH THALLAM, SWATHI 619 VINE POND CT APEX NC 27523-8519	BALASANI, UGENDER KAKADE, PREETI 733 VINE POND CT APEX NC 27523-8500
BANDE, NITIN PATHARE, RAJASHREE 717 VINE POND CT APEX NC 275238500	BASU, SUDEEP PALIT, MANASI 732 VINE POND CT APEX NC 27523-8500	BHADORIA, VIKAS CHAUHAN, ASHA SINGH 2540 WINDING BRANCH TRL APEX NC 27523-8504
BOBBA, SRIRAMA SATYA KRISH KODAVANTI, SWATHI 725 VINE POND CT APEX NC 27523-8500	BRASWELL, ROBERT KEITH 301 GRAND HELTON CT APEX NC 27502-4102	BRASWELL, ROBERT KEITH 1505 OLD IVEY RD APEX NC 27523-5998
BUCKINGHAM, BRAD A BUCKINGHAM, MICHELE L 7721 JENKS RD APEX NC 27523-7819	CARROLL, JUSTIN CARROLL, JESSICA 1452 OLD IVEY RD APEX NC 27523-8506	CUI, BO JIN, HAIWEN 713 VINE POND CT APEX NC 27523-8500
GREEN, NATHAN GREEN, APRIL 2568 WINDING BRANCH TRL APEX NC 27523-8504	HUSSAIN, AZMAT F HUSSAIN, MERYEM 2575 WINDING BRANCH TRL APEX NC 27523-8504	KETHIREDDY, PRAVEEN THUMMALA, MADHAVI 718 VINE POND CT APEX NC 27523-8500
KOKKULA, KIRAN YAGNI, SRIDEVI 616 VINE POND CT APEX NC 27523-8519	KONERU, PHANEENDRA KONERU, SRI LAKSHMI 709 VINE POND CT APEX NC 27523-8500	KORHALE, PADMABHUSHAN THORAT, JYOTSNA 623 VINE POND CT APEX NC 27523-8519
LANDGE, SACHIN PRASHANT LANDGE, SWATI SACHIN 608 VINE POND CT APEX NC 27523-8519	LE, ROUX ANDRE 2531 WINDING BRANCH TRL APEX NC 27523-8504	LEE, ERIC LEE, HAE YOUNG 2556 WINDING BRANCH TRL APEX NC 27523-8504
LUI, CHU KUANG LI, HSIANG 2535 WINDING BRANCH TRL APEX NC 27523-8504	LUO, MENGLIN XIONG, YAN PO BOX 319 MORRISVILLE NC 27560-0319	MAYNARD, IRA HENRY WICKETT MAYNARD, LINDA MEADE 7728 JENKS RD APEX NC 27523-7818
MCMAHON, KEVIN JOSEPH MCMAHON, TARA COLLINS 604 VINE POND CT APEX NC 27523-8519	MCMAINS, DANIEL M MCMAINS, SUSAN D 7825 GREEN LEVEL CHURCH RD APEX NC 27523-9467	MCMAINS, WORTH W MCMAINS, CAREY M 7809 JENKS RD APEX NC 27523-7820

MERAKANAPALLI, SRAVAN KATIKALA,
SUSHMA
705 VINE POND CT
APEX NC 27523-8500

MOHANTY, SANJAY CHAND, SUNITA
2547 WINDING BRANCH TRL
APEX NC 27523-8504

MOOLENAAR, GWEN MARIE BERNIER, JAMES
JR
2557 WINDING BRANCH TRL
APEX NC 27523-8504

MUTHYAM, MURALI POODARI, SUSHMA
RANI
2561 WINDING BRANCH TRL
APEX NC 27523-8504

NARAYANA SETTY, PRASANNA KUMAR
PRASANNA KUMAR, RAJESHWARI
2581 VINING BRANCH WAY
APEX NC 27523-8520

NARREDDI, SATESH PAVAN KUMAR
KASIREDDI, CHANDRA KALA
620 VINE POND CT
APEX NC 27523-8519

NARWAL, NARENDER NARWAL, VINITA
612 VINE POND CT
APEX NC 27523-8519

NEWTON, THOMAS JR NEWTON, AMANDA
2500 SIDEWINDER CT
APEX NC 27523-8503

NGUYEN, NGHI CUONG CAO, JOLENE HA
2580 WINING BRANCH WAY
APEX NC 27523-8520

NIKHARGE, YATEEN LAXMAN GUNDALE,
ANUJA RAM
726 VINE POND CT
APEX NC 27523-8500

OVERTON, STEVEN KITCHEL-OVERTON, KARA
JOAN
611 VINE POND CT
APEX NC 27523-8519

PATEL, DHARMESHKUMAR PATEL, HIMA
2539 WINDING BRANCH TRL
APEX NC 27523-8504

PATEL, PAREEN
2560 WINDING BRANCH TRL
APEX NC 27523-8504

PEABODY, SANDRA
1513 OLD IVEY RD
APEX NC 27523-5998

PENLEY, SARAH G PENLEY, FRED WINSTON
1013 SUNSET MEADOWS DR
APEX NC 27523-6742

PRAJAPATI, DHRUMIL PRAJAPATI, DEVANSHI
721 VINE POND CT
APEX NC 27523-8500

RAJAGOPAL, SARAVANAPERUMAL
RENGASAMY, VIJAYALAKSHMI
2552 WINDING BRANCH TRL
APEX NC 27523-8504

REDDY, PRATHAP AMERVAI DEVI, RAMA
AMERWAI
729 VINE POND CT
APEX NC 27523-8500

REDER, CHRISTOPHER JOSEPH REDER,
MEGHANN ELIZABETH
1028 SUNSET MEADOWS DR
APEX NC 27523-6742

SANKO, ANNA
712 VINE POND CT
APEX NC 27523-8500

SCHULZ, JANE B
1453 OLD IVEY RD
APEX NC 27523-8506

SHETTY, ROHIT S SHETTY, SHARANYA R
2543 WINDING BRANCH TRL
APEX NC 27523-8504

SINGH, PRASHANT BAMIL, RENU
2585 VINING BRANCH WAY
APEX NC 27523-8520

SUBRAMANIAN, ANAND
SIVARAMAKRISHNAN, AARTHY
2579 WINDING BRANCH TRL
APEX NC 27523-8504

THAKKAR, KETANKUMAR THAKKAR,
MARGI KETANKUMAR
627 VINE POND CT
APEX NC 27523-8519

THE PRESERVE AT WHITE OAK CREEK
HOMEOWNERS ASSOCIA
15501 WESTON PKWY STE 100
CARY NC 27513-8636

TRUNKWALA, ABBASALI TRUNKWALA,
SHABNAM
701 VINE POND CT
APEX NC 27523-8500

TUNSTALL, EURA ELIZABETH
11725 RANBURNE RD
MINT HILL NC 28227-5647

VADHERA, GIRIK MEHRISHI, APOORVA
2548 WINDING BRANCH TRL
APEX NC 27523-8504

WANG, ZHAOQIANG
2544 WINDING BRANCH TRL
APEX NC 27523-8504

YAO, JING
2501 SIDEWINDER CT
APEX NC 27523-8503

YIN, JIE YANG, CHEN
2584 VINING BRANCH WAY
APEX NC 27523-8520

TOWN OF APEX
PO BOX 250
APEX NC 27502

CURRENT TENANT
1516 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1524 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1533 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
1537 OLD IVEY RD
APEX NC 27523

CURRENT TENANT
2505 SIDEWINDER CT
APEX NC 27523

CURRENT TENANT
775 WHITE OAK GROVE WAY
APEX NC 27523

ALLURI, PRUDHVI KARUTURI, SRI
HARSHITHA
708 VINE POND CT
APEX NC 27523-8500

AMBALAVANAN, SUBBIAH
2564 WINDING BRANCH TRL
APEX NC 27523-8504

APEX PROPERTIES & RENTALS LLC
11725 RANBURNE RD
MINT HILL NC 27227-5647

NOTICE OF NEIGHBORHOOD MEETING

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

8/10/2021

Date

Dear Neighbor:

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

1516 OLD IVEY RD, APEX, NC 27523 0722-89-3526

7620 MCQUEENS DR, APEX, NC 27523 0722-89-0666

Address(es)

PIN(s)

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

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

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

Rezoning for the 8.82 acres owned by Daniel M. and Susan D. McMains.

The development will be new single family residential homes.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s):

Daniel M. and Susan D. McMains

Applicant(s):

Abdul Kamalpasha (Estates at White Oak, LLC)

Contact information (email/phone):

Jeff Roach, jroach@peakengineering.com, (919) 439-0100

Meeting Address:

Meeting held via zoom. Refer to other sheet for link

Date/Time of meeting**:

August 26, 2021 @ 5:30

MEETING AGENDA TIMES:

Welcome: 5:30

Project Presentation: 5:40-5:55

Question & Answer: 5:55-

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

PROJECT CONTACT INFORMATION

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

Development Contacts:

Project Name: Old Ivey Road Residential Zoning: RR to LD-CZ

Location: 7620 McQueen Dr, 1516 Old Ivey Rd

Property PIN(s): 0722-89-066, 0722-89-3526 Acreage/Square Feet: 8.82

Property Owner: Daniel M. and Susan D. McMains

Address: 7825 Green Level Church Rd

City: Apex State: NC Zip: 27523

Phone: _____ Email: _____

Developer: Spectrum Investment Solutions, LLC, Attn: Abdul Kamalpasha

Address: 109 Elway Drive

City: Clayton State: NC Zip: 27560

Phone: (919) 333-0701 Fax: _____ Email: kamalcat@gmail.com

Engineer: Peak Engineering & Design, attn: Jeff Roach

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: 919-439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): unknown

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

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: Meeting held via zoom. Refer to other sheet for link

Date of meeting: 8/26/2021 Time of meeting: 5:30 pm

Property Owner(s) name(s): Daniel M. and Susan D. McMains

Applicant(s): Abdul Kamalpasha (Estates at White Oak, LLC)

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

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

Use additional sheets, if necessary.

SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

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

Property Owner(s) name(s): Daniel M. and Susan D. McMains

Applicant(s): Abdul Kamalpasha (Estates at White Oak, LLC)

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

Meeting Address: Meeting held via zoom. Refer to other sheet for link

Date of meeting: 8/26/2021 Time of meeting: 5:30 pm

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

Question/Concern #1:

A neighborhood meeting report is attached with the questions and answers provided.

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

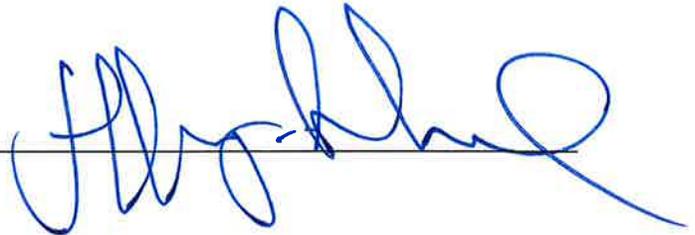
This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Jeffrey A. Roach, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtual meeting (ZOOM) (location/address) on 8/26/2021 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

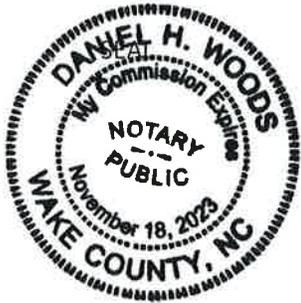
8/26/2021
Date

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 26 day of AUGUST, 2021.



Daniel H. Woods
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

Old Ivey Road Residential Neighborhood Meeting for the Rezoning and Master Subdivision Plan 5:30 pm August 26, 2021

The ZOOM meeting for the Old Ivey Road Residential began at 5:32 pm and was hosted by Jeff Roach with Peak Engineering & Design. A brief introduction was made for everyone on the call, the participants were directed to the CHAT BOX function in ZOOM to type questions, and the virtual meeting protocol was discussed to try and keep the meeting moving along.

A project introduction was then provided, the location within Wake County GIS' website was shared for all to see. After the location of the property was identified for everyone on the call, we walked through the existing site conditions, the existing zoning, the purpose of the 2045 Land Use Plan, the current sketch plan showing the residential layout (SP-5 to be exact). Everyone was informed that the sketch plan is not a final design for the site and is used to show buffers, access points, lot locations, preliminary lot sizes, and other site-specific items for the property. Following a discussion related to the above items, the list of permitted uses was shown to all with Single Family Residential Lots being the primary (accessory apartment, utility minor, parks, and private recreation facility were also included). The discussion centered around the proposed buffers and access points.

After showing the different items, the presentation switched to address the questions which had been entered in the CHAT BOX. Below are the questions as well as a summary of the answer that was provided with each question. Additional questions were voiced by the adjacent property owners and were answered to the best of our knowledge at this point.

After answering the CHAT BOX questions, the verbal questions, and reviewing the project timeline with everyone on the call, Peak's email address and phone number was again provided to assist with any follow up questions post-meeting. The adjacent property owners dropped off the call around 6:30 pm and the ZOOM meeting was terminated around 7:30 pm.

Below is a summary of the questions and discussions which were had. There were a number of discussions which were had, many of them answering multiple questions or bringing up additional questions. This summary tries to highlight the presentation and discussions as accurately as possible. A copy of this meeting summary will be emailed to the participants once the zoning package is submitted.

**Following are the questions which were provide through the ZOOM meeting CHAT BOX features.
Answers were provided verbally and summarized below.**

Good evening everyone. This is the chat box to type any questions you may have. This makes is easier and more orderly to ask questions and for me to record the questions/answers as well.

From bbuckingham

With the addition of these homes, would they be proposing sidewalks on Old Ivey?
Yes, sidewalk will be added along the property's frontage on Old Ivey Road.

From Sanjay's

Do they have their own community center?
We have set aside a small area but it is likely too small to support a large pool or clubhouse.

From bbuckingham

With the increased traffic resulting from the larger neighborhood, are there proposed changes to the intersection of Jenks or Jenks Road itself?
There are no proposed changes to the intersection of Old Ivey and Jenks Road.

From Andre

The barrier states 10ft between the property. Can we increase that to 25 ft?
We are unable to increase the buffer to 25'. With the existing 20' buffer and proposed 10' buffer, there will be a 30' preserved area between the existing Preserve at White Oak lots and the new lots.

From Girik

What kind of barrier/s are you going to place for privacy- Trees, fencing, etc.?
Landscaping is proposed to the Town's standard between uses. This includes the preservation of existing vegetation and supplementing to "fill gaps" in the existing vegetation – fences are not proposed.

From Sanjay's

How many opening roads into Preserve at White Oak?
Just the one extension of Vining Branch Way into the development.

From Devanshi

What will be total buffer between the lots on Vine Pond Ct and new community?
How many trees will be removed? Will there be a tree buffer between this community and PWO?
The total buffer width will be 30' (20' existing and 10' additional between the lots). The buffers are undisturbed and only work in the area will be to supplement the existing vegetation.

From bbuckingham

I saw online that the 2 lots across the street on Old Ivey went through Apex annexation. Is that in any way connected to this neighborhood extension? Curious if it will become a similar use.
The two lots on the east side of Old Ivey Road are not part of the proposed development. They have been annexed but the reason is unknow.

From Padmabhushan Korhale

How much buffer will there be between existing houses near vining branch way house & a storm water pond? And will there be any fence around storm water pond?

A proposed 10' buffer along with the existing 20' buffer will be adjacent to the lots and the SCM. We are looking into a fence around the top of the pond.

From Carol Li

What is "proposed RCA on the right lower lots?"

RCA stands for Resource Conservation Area [an explanation of RCA was then provided]

From KT_iPhone

Would Vinning Branch kept closed to construction traffic?

That is the plan during construction. Once the streets are accepted, the opening of the street will be the Town's decision.

From Eura

For those who asked about the 2 acres near the deal..NO. I am building a food forest and sanctuary for REAL FOOD. Could you please walk through how this will impact the property at 1537 Old Ivey...the 2 acre corner property?

The project will not impact the existing 2 acres in SW corner of the proposed development (PIN 0722-89-5121) as this lot is adjacent to proposed RCA.

Please talk through the buffers and protections my food forest and sanctuary will receive?

Discussed the proposed site buffer and what they are.

In addition to a sidewalk, what are the other uses the little strip along ively?

The only items along Old Ivey is the sidewalk, curb and gutter, and improvement to 1/2 of the pavement section to bring it up to Town of Apex standards.

What about mcqueens road? will there be traffic on that?

There may be temporary construction traffic until the access to Old Ivey Road is constructed. Once the main entrance to Old Ivey is complete, McQueens Road will be abandoned/left in place for the adjacent property owner (if they want it).

great question about mosquitoes! I always notice how FEW mosquitoes I deal with in Apex versus here in Charlotte. Probably because my 2 acres is a natural area...and enough beneficial insects exist to eat the mosquitoes. I have a good ecosystem working on that property.

From Pareen Patel

Within the 10-foot buffer that will be provided, you mentioned existing vegetation, and Type B shrubland. Is there a possibility to supplement with fast-growing privacy trees (Leyland cypress, green giant etc) to ensure privacy and the maintain the integrity of a wooded lot?

Yes. The existing vegetation in the 10' buffer will be evaluated during Master Subdivision and Construction Document design to supplement as needed to meet the Type B standards. If evergreens are required, we will specify fast growing within the Town's "list of native species" within the development. But not Leyland cypresses.

From bbuckingham

(Pareen, You may not want Leylands. We planted over a dozen and none survived)

But there are some nice fast growing trees that may be more disease resistant.

From Pareen Patel

Excellent point, it's the only fast-growing privacy tree I could think of from the top of my head 😊

From KT_iPhone

What is the timeline for construction?

Went through the entire timeline from zoning submittal, to Master Subdivision Plan, to CDs, construction and the start of home construction. The overall time line was very high level to avoid confusion.

From Eura

NO TO LELANDS!!!! THEY ARE NOT THE RIGHT TREES FOR NC...THEY DIE!!!! USE YAUPON HOLLIES...GREAT FOR TEA...only native tree for US with caffeine

lelands ALWAYS turn into EYESORES...every arborist KNOWS THIS...

Agree with Eura and will not specify Leylands within the development.

From KT_iPhone

Has a traffic study been done for impact on existing community?

A TIA has not be completed as the project does not meet Town or NCDOT thresholds for a study.

From bbuckingham

I like the idea of close park and fire station!

A side conversation began with the future phases of the Preserve at White Oak, the Town's plan for a park, a future fire station, and eventually access to the American Tobacco Trail.

From Pareen Patel

Could you go over the proposed lot sizes of the new community again?

Reviewed the sketch plan with the neighbors from the 6,000 SF lots to the 13,000 Sf lot within the development.

From KT_iPhone

Who is the builder?

A builder has not been included in the development. The buyers are going to decide if they want a "family compound" or sell to a local building or deal with Toll Brothers/Taylor Morrison next door.

From Pareen Patel

Appreciate the info

From KT_iPhone

Thank you! Appreciate all the answers.

Following are questions asked after the presentation and/or during the review of the above “CHAT BOX” questions.

A discussion was held about reasonable traffic patterns and possible cut through traffic from The Preserve at White Oak through the new development to Old Ivey Road.

By providing multiple access points with plenty of twists and turns, no one route should be traveled by all. Stop signs and turns will also help to control traffic speed.

Following are emails which were received prior to or after the neighborhood meeting

No emails were received prior to submittal to the Town of Apex for the Rezoning Package.

**OLD IVEY ROAD RESIDENTIAL
REZONING AND MASTER SUBDIVISION NEIGHBORHOOD ATTENDANCE SHEET**

Name	Email address/contact information (if provided)	Address (if known)	City (if known)	
Ketankumar Thakker		627 Vine Pond Road	Apex, NC	
Padmabhushan Korhale		623 Vine Pond Road	Apex, NC	
Devanshi Prajapati		721 Vine Pond Road	Apex, NC	
Girik Vadehra		2548 Winding Branch Tr	Apex, NC	
Pareen Patel		2560 Winding Branch Tr	Apex, NC	
Sanjay Mohanti		2547 Winding Branch Tr	Apex, NC	
Andre Le Roux		2531 Winding Branch Tr	Apex, NC	
Hsiang Li		2535 Winding Branch Tr	Apex, NC	
Christopher Reder		1028 Sunset Meadows Dr	Apex, NC	
Brad Buckingham		7721 Jenks Road	Apex, NC	
Eura Tunstall		11725 Ranburne Rd 1533 Old Ivey Rd	Mint Hill, NC Apex, NC	
Jeff Roach Peak Engineering & Design			1125 Apex Peakway	Apex, NC
Ranjeet Agarwala		2500 Stonington Drive	Cary, NC	
Abdul Kamalpasha		101 Lonesome Pine Drive	Cary, NC	

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ22 Old Ivey Road Residential

Planning Board Meeting Date: November 8, 2021



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: ± 8.82
PIN(s): 0722890666 & 0722893526
Current Zoning: Rural Residential (RR)
Proposed Zoning: Low Density Residential-Conditional Zoning (LD-CZ)
2045 Land Use Map: Low Density Residential
Town Limits: ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ22 Old Ivey Road Residential

Planning Board Meeting Date: November 8, 2021



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ22 Old Ivey Road Residential

Planning Board Meeting Date: November 8, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ22 Old Ivey Road Residential

Planning Board Meeting Date: November 8, 2021



Planning Board Recommendation:

Motion: To recommend approval as presented.

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Reginald Skinner

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

Conditions as offered by the applicant.

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

With 5* Planning Board Member(s) voting "aye"

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

Reasons for dissenting votes:

*NOTE: Keith Braswell was recused as he represented the property owner who sold the property to the applicant.

This report reflects the recommendation of the Planning Board, this the 8th day of November 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.11.09 11:12:32 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.11.08 18:01:05 -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 #21CZ22
Old Ivey Road Residential**

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Ranjeet Agarwala, Estates at White Oak, LLC
Authorized Agent: Jeff Roach, Peak Engineering & Design, PLLC
Property Addresses: 1516 Old Ivey Road & 7620 McQueens Drive
Acreage: ±8.82 acres
Property Identification Numbers (PINs): 0722890666 & 072289326
2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>. Please visit www.apexnc.org on the day of the meeting to confirm whether the meeting will be held in-person or remotely.

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36740>.

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

Published Dates: October 25 – November 8, 2021



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

**NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ22
Old Ivey Road Residential**

related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36740>

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

Published Dates: October 25 – November 8, 2021



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ22
Old Ivey Road Residential

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ranjeet Agarwala, Estates at White Oak, LLC
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC
Dirección de las propiedades: 1516 Old Ivey Road & 7620 McQueens Drive
Superficie: 28.82 acres
Números de identificación de las propiedades: 0722890666 & 0722893526
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/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/36740>.

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

Fechas de publicación: 25 de Octubre- 8 de Noviembre 2021



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ22 Old Ivey Road Residential

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM

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

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36740>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ22
Old Ivey Road Residential

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

Solicitante: Ranjeet Agarwala, Estates at White Oak, LLC

Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC

Dirección de las propiedades: 1516 Old Ivey Road & 7620 McQueens Drive

Superficie: ±8.82 acres

Números de identificación de las propiedades: 0722890666 & 0722893526

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

Ordenamiento territorial existente de las propiedades: Rural Residential (RR)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36740>.

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



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS
CONDITIONAL ZONING #21CZ22
Old Ivey Road Residential**

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

Applicant: Ranjeet Agarwala, Estates at White Oak, LLC
Authorized Agent: Jeff Roach, Peak Engineering & Design, PLLC
Property Addresses: 1516 Old Ivey Road & 7620 McQueens Drive
Acreage: ±0.82 acres
Property Identification Numbers (PINs): 0722890666 & 0722893526
Current 2045 Land Use Map Designation: Low Density Residential
Existing Zoning of Properties: Rural Residential (RR)
Proposed Zoning of Properties: Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/howtoapexgov>. 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/howtoapexgov>.

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.reisignc.gov/imap>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36740>.

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

Published Dates: November 1-November 23, 2021



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ22
Old Ivey Road Residential

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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Ranjeet Agarwala, Estates at White Oak, LLC
Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC
Dirección de las propiedades: 1516 Old Ivey Road & 7620 McQueens Drive
Superficie: 28.82 acres
Números de identificación de las propiedades: 0722890666 & 0722893526
Designación actual en el Mapa de Uso Territorial para 2045: Low Density Residential
Ordenamiento territorial existente de las propiedades: Rural Residential (RR)
Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre, 2021 6:00 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a publichearings@apexnc.org o presentarla a la secretaria municipal adjunta, Teza 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/473. 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/36740>.

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

Fechas de publicación: 1 de Noviembre - 23 de N



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ22 Old Ivey Road Residential

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Ranjeet Agarwala, Estates at White Oak, LLC
- Authorized Agent:** Jeff Roach, Peak Engineering & Design, PLLC
- Property Addresses:** 1516 Old Ivey Road & 7620 McQueens Drive
- Acreage:** ±8.82 acres
- Property Identification Numbers (PINs):** 0722890666 & 0722893526
- Current 2045 Land Use Map Designation:** Low Density Residential
- Existing Zoning of Properties:** Rural Residential (RR)
- Proposed Zoning of Properties:** Low Density Residential-Conditional Zoning (LD-CZ)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/36740>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ22

Old Ivey Road Residential

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

Solicitante: Ranjeet Agarwala, Estates at White Oak, LLC

Agente autorizado: Jeff Roach, Peak Engineering & Design, PLLC

Dirección de las propiedades: 1516 Old Ivey Road & 7620 Mcqueens Drive

Superficie: ±8.82 acres

Números de identificación de las propiedades: 0722890666 & 0722893526

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

Ordenamiento territorial existente de las propiedades: Rural Residential (RR)

Ordenamiento territorial propuesto para las propiedades: Low Density Residential-Conditional Zoning (LD-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre, 2021 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36740>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



Rezoning #21CZ22

Our Estate

Vining Branch Way

Tunstall Grove Dr

Vine Pond Ct

1516

1524

Mcqueens Dr

The Preserve at
White Oak Creek

Sidewinder Ct

Old Ivey Rd

Jenks Rd

Sunset Meadows Dr

Caitlin Pond

Public Hearing Sign Posted By

[Signature]
Signature

9/14/21
Date





TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ22
Old Ivey Road Residential
Project Location: 1516 Old Ivey Road & 7620 McQueens Drive
Applicant or Authorized Agent: Estates at White Oak, LLC/Jeff Roach, Peak Engineering & Design, PLLC
Firm: Peak Engineering & Design, LLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 25, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/25/2021
Date

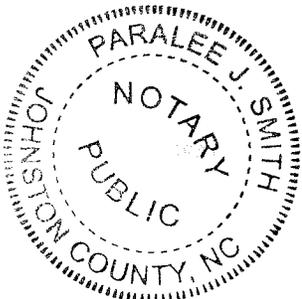
Shianne F. Khan
Director of Planning and Community Development

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 25 day of October, 2021.

Paralee J Smith
Notary Public

My Commission Expires: 9 / 12 / 2023





TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ22
Old Ivey Road Residential
Project Location: 1516 Old Ivey Road & 7620 McQueens Drive
Applicant or Authorized Agent: Estates at White Oak, LLC/Jeff Roach, Peak Engineering & Design, PLLC
Firm: Peak Engineering & Design, LLC

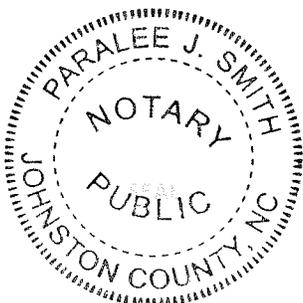
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/1/2021
Date

Manne F. Khan
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 1 day of November, 2021.



Paralee J. Smith
Notary Public

My Commission Expires: 9 / 12 / 2023

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

Item Details

Presenter(s): Sarah Van Every, Senior Planner
Department(s): Planning and Community Development

Requested Motion

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a public hearing on November 8, 2021 and recommended approval, with the conditions as offered by the applicant (applicant committed to offer buffer along southern boundary with final wording to be provided in writing for Town Council meeting), by a vote of 6-0.

Item Details

The properties to be rezoned are identified as PINs 0731487012 & 0731475977.

Attachments

- Staff Report
- Vicinity Map
- Application



STAFF REPORT

Rezoning #21CZ23 Scotts Ridge Office & Veterinary Hospital
0 & 6633 Apex Barbecue Road

November 23, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 & 6633 Apex Barbecue Road

Applicant/Owner: Jeff Roach, PE, Peak Engineering & Design, LLC./Kethamakka & Emmadi Properties, LLC.

PROJECT DESCRIPTION:

Acreage: +1.45

PINs: 0731487012 & 0731475977

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)

Current 2045 Land Use Map: Medium Density Residential

Town Limits: Corporate Limits and ETJ

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North:	High Density Multi-Family-Conditional Use (HDMF-CU #97CU11)	Townhomes (Bungalow Park at Scotts Mill)
South:	Residential Agricultural (RA)	School, Public or Private (Scotts Ridge Elementary School)
East:	Residential Agricultural (RA)	School, Public or Private (Scotts Ridge Elementary School)
West:	Residential Agricultural (RA)	School, Public or Private (Scotts Ridge Elementary School)

Existing Conditions:

The subject properties total +/-1.45 acres and are located on the south side of Apex Barbecue Road and surrounded by Scotts Ridge Elementary School on all other sides. There is a single-family residence and related structures on the larger property.

Neighborhood Meeting:

The applicant conducted a neighborhood meeting on August 30, 2021. The neighborhood meeting report is attached.

2045 LAND USE MAP:

The 2045 Land Use Map identifies the subject properties as Medium Density Residential. The proposed rezoning to Neighborhood Business-Conditional Zoning (B1-CZ) is not consistent with that land use classification. The subject site is surrounded by School, public or private, which is allowed in most zoning districts and the uses proposed in the rezoning are compatible with such use. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Commercial Services per NCGS 160D-605(a).

STAFF REPORT

Rezoning #21CZ23 Scotts Ridge Office & Veterinary Hospital
0 & 6633 Apex Barbecue Road

November 23, 2021 Town Council Meeting



PROPOSED ZONING CONDITIONS:

Limitation of Uses:

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

Permitted Uses and Limitations:

- | | |
|---------------------------------------|-----------------------------------|
| 1. School, public or private* | 14. Financial institution |
| 2. Veterinary clinic or hospital | 15. Floral shop |
| 3. Vocational school* | 16. Greenhouse or nursery, retail |
| 4. Utility, minor | 17. Health/fitness center or spa |
| 5. Botanical garden | 18. Newsstand or gift shop |
| 6. Greenway | 19. Personal service |
| 7. Park, active | 20. Printing and copying services |
| 8. Park, passive | 21. Real estate sales |
| 9. Medical or dental office or clinic | 22. Retail sales, general |
| 10. Medical or dental laboratory (S) | 23. Studio for art |
| 11. Office, business or professional | 24. Tailor shop |
| 12. Barber and beauty shop | 25. Upholstery service |
| 13. Book store | 26. Pet services |

Conditions:

1. The building exterior shall be high quality materials, including but not limited to brick, wood, stacked stone, other native stone, and tinted/textures concrete masonry units. Standards shall comply with UDO Section 9.3.5
2. EIFS or synthetic stucco shall not be used in the first forty inches (40") above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. 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.
6. The parcels shall be served exclusively by a single right-in/right-out access to Apex Barbecue Road. The access shall be subject to approval by the Town of Apex and NCDOT.
7. All non-residential building shall provide a solar conduit for the future installation of rooftop solar panels.
8. A 10' wide landscape area shall be provided along the southern boundary of the property abutting the Scotts Ridge Elementary School property. This planting area shall be to a Type 'B' buffer standard.

*The property may be used as a "School, public or private" or "Vocational school" land use only if recombined with the Scotts Ridge Elementary School site.

STAFF REPORT

Rezoning #21CZ23 Scotts Ridge Office & Veterinary Hospital
0 & 6633 Apex Barbecue Road

November 23, 2021 Town Council Meeting



The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. Existing large trees onsite shall be evaluated for possible preservation. Tree canopy shall be prioritized medium to large, healthy, desirable species. Preservation will be coordinated with staff during the Minor Site Plan review.
2. Plant trees as designed for efficiency, including:
 - a. Plant deciduous shade trees on southern side of buildings.
 - b. Plant evergreen trees as a windbreak on northern side of buildings.
3. Increase biodiversity
 - a. Plant native flora (Refer to the Apex Design & Development Manual for approved native species).
4. Include landscaping that requires less irrigation and chemical use.
 - a. Plant warm season grasses for drought-resistance.
5. Install one (1) pet waste station within the development.
6. Include solar conduit in building design.
7. Lighting with a color temperature of 3000K or less shall be used for outside installations.

EAB RECOMMENDATIONS:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on August 19, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Preserve tree canopy and prioritize medium to large, healthy, desirable species. Option 1: Preserve existing trees (percentage-based).	Added modified condition
Plant trees as designed for efficiency.	Added
Increase biodiversity. Option 1: Plant pollinator-friendly flora.	Added
Include landscaping that requires less irrigation and chemical use. Option 1: Plant warm season grasses for drought resistance.	Added
Install pet waste stations.	Added
Include solar conduit in building design.	Added
Include International Dark Sky Association compliance standards. Option 1: Lighting that minimizes the emission of blue light to reduce glare shall be used. Option 2: Lighting with color temperature of 3000K or less shall be used for outside installations.	Added Option 2
Install a minimum of 14-kW rooftop solar PV system on the office building, subject to shading requirements.	Not added. Existing tree canopy may compete with system. Will evaluate during building & site design.

STAFF REPORT

Rezoning #21CZ23 Scotts Ridge Office & Veterinary Hospital
0 & 6633 Apex Barbecue Road

November 23, 2021 Town Council Meeting



PLANNING BOARD RECOMMENDATION:

The Planning Board held a Public Hearing on November 8, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant (applicant committed to offer buffer along southern boundary with final wording to be provided in writing for Town Council meeting).

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ23 with conditions offered by the applicant.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

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

The 2045 Land Use Map designates the subject properties as Medium Density Residential. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to Commercial Services per NCGS 160D-605(a). The proposed amendment is reasonable as it is consistent with the surrounding uses.

Approval of the rezoning is reasonable and in the public interest because the proposed Neighborhood Business-Conditional Zoning (B1-CZ) district will allow for non-residential development that will serve the surrounding neighborhoods and will increase the tax base.

CONDITIONAL ZONING STANDARDS:

The Town Council shall find the B1-CZ designation demonstrates compliance with the following standards. 2.3.3.F:

Legislative Considerations

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

STAFF REPORT

Rezoning #21CZ23 Scotts Ridge Office & Veterinary Hospital
0 & 6633 Apex Barbecue Road

November 23, 2021 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 District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.
- 7) *Health, safety, and welfare.* The proposed Conditional Zoning District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.
- 8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning District use is substantially detrimental to adjacent properties.
- 9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.
- 10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.



**Bungalow Park
at Scotts Mill**

Scotts Mill

Handhewn St

Bungalow Park Dr

Milk Paint Aly

Restoration Way

Scotts Ridge Trl

Apex Barbecue Rd

Rezoning #21CZ23

**Scotts Ridge
Elementary School**



PETITION TO AMEND THE OFFICIAL ZONING MAP

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

Application #: #21CZ23 Submittal Date: 09/01/2021
Fee Paid: _____

Project Information

Project Name: Scotts Ridge Office and Veterinary Hospital
Address(es): 6633 & 0 Apex Barbecue Road
PIN(s): 0731-48-7012
0731-47-5977 Acreage: 1.448 ac
Current Zoning: RA Proposed Zoning: B1 - CZ
Current 2045 LUM Classification(s): Medium Density Residential
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

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

Applicant Information

Name: Peak Engineering & Design for Kethamakka & Emmadi Properties, LLC
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Owner Information

Name: Kethamakka & Emmadi Properties, LLC
Address: 6633 Apex Barbecue Road
City: Apex State: NC Zip: 27502
Phone: _____ E-mail: _____

Agent Information

Name: Peak Engineering & Design, PLLC - Jeff Roach
Address: 1125 Apex Peakway
City: Apex State: NC Zip: 27502
Phone: (919) 439-0100 E-mail: jroach@peakengineering.com

Other contacts:

Sudhir Kethamakka (skethama@me.com)

Dhanu Emmadi (dhanu.emmadi@gmail.com)

dwoods@peakengineering.com

PETITION INFORMATION

Application #: #21CZ23

Submittal Date:

An application has been duly filed requesting that the property described in this application be rezoned from RA _____ to B1 - CZ _____. It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance (UDO). It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval, as required by the UDO. Use additional pages as needed.

PROPOSED USES:

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

- | | | | |
|----|------------------------------------|----|-------------------------------|
| 1 | _____ | 21 | Newsstand or gift shop |
| 2 | _____ | 22 | Personal service |
| 3 | School, public or private ** | 23 | Printing and copying services |
| 4 | Veterinary clinic or hospital | 24 | Real estate sales |
| 5 | Vocational school ** | 25 | Retail sales, general |
| 6 | Utility, minor | 26 | Studio for art |
| 7 | Botanical garden | 27 | Tailor shop |
| 8 | Greenway | 28 | Upholstery service |
| 9 | Park, active | 29 | Pet services |
| 10 | Park, passive | 30 | _____ |
| 11 | _____ | 31 | _____ |
| 12 | Medical or dental office or clinic | 32 | _____ |
| 13 | Medical or dental laboratory (S) | 33 | ** with a condition |
| 14 | Office, business or professional | 34 | _____ |
| 15 | Barber and beauty shop | 35 | _____ |
| 16 | Book store | 36 | _____ |
| 17 | Financial institution | 37 | _____ |
| 18 | Floral shop | 38 | _____ |
| 19 | Greenhouse or nursery, retail | 39 | _____ |
| 20 | Health/fitness center or spa | 40 | _____ |

PETITION INFORMATION

Application #: #21CZ23 Submittal Date: _____

PROPOSED CONDITIONS:

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

See attached list of conditions

LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING

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

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

The proposed non-residential development is not consistent with the 2045 LUM. Surrounded by Scotts Ridge Elementary School with limited access, the long-term use as residential is not appropriate. The change to the non-residential with the restricted uses is compatible with a neighborhood business and is appropriate for the area.

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

The proposed neighborhood business on the small site is in keeping with the surrounding developments. The proposed buffers and other conditions will provide a property which will serve the surrounding communities.

Scotts Ridge Office & Veterinary Hospital

Conditions of Zoning

1. The building exterior shall be high quality materials, including but not limited to brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units. Standards shall comply with UDO Section 9.3.5.
2. EIFS or synthetic stucco shall not be used in the first forty inches (40”) above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. 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.
6. The parcels shall be served exclusively by a single right-in/right-out access to Apex Barbecue Road. The access shall be subject to approval by the Town of Apex and NCDOT.
7. All non-residential buildings shall provide solar conduit for future installation of rooftop solar panels.
8. The property may be used as a “School, public or private” or “Vocation school” land use only if recombined with the Scotts Ridge Elementary School site.
9. *A 10’ wide landscape area shall be provided along the southern boundary of the property abutting the Scotts Ridge Elementary School property. This planting area shall be to a Type ‘B’ buffer standard.*

The following conditions are being added per discussions with the Environmental Advisory Board (EAB):

Planting and Landscaping

1. Existing large trees onsite shall be evaluated for possible preservation. Tree canopy shall be prioritized medium to large, healthy, desirable species. Preservation will be coordinated with staff during the Minor Site Plan review.
2. Plant trees as designed for efficiency, including:
 - Plant deciduous shade trees on southern side of buildings.
 - Plant evergreen trees as a windbreak on northern side of buildings.
3. Increase biodiversity.
 - Plant native flora (Refer to the Apex Design & Development Manual for approved native species).
4. Include landscaping that requires less irrigation and chemical use.
 - Plant warm season grasses for drought-resistance.

Scotts Ridge Office & Veterinary Hospital
Conditions of Zoning (cont.)

Waste Reduction

5. Install one (1) pet waste station within the development.

Clean Energy

6. Include solar conduit in building design.

Lighting Efficiency

7. Lighting with a color temperature of 3000K or less shall be used for outside installations.

PETITION INFORMATION

Application #: #21CZ23

Submittal Date:

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

The proposed use(s) will comply with UDO Section 4.4 - Supplemental Standards - as they apply.

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

The design will provide perimeter buffers, limited uses, architectural conditions, and utility connections to avoid negative impacts on surrounding properties.

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

The site will meet UDO standards for design controls including the minimization of grading/clearing of site, installation of perimeter landscaping to supplement existing landscape materials, and will coordinate with staff to provide certain lighting controls to minimize spill-over for neighbors.

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 is located adjacent to or within a reasonable distance to existing public facilities including water, sewer, gas, electric, and communications. The site is also located along Apex Barbecue Road provide quick response options for Town emergency service providers.

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

The proposed use(s) will not be detrimental to the health, safety, and welfare of Apex residents and will provide community service(s) needed adjacent to residential homes and a large WCPSS elementary school.

PETITION INFORMATION

Application #: #21CZ23 Submittal Date: _____

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

The proposed uses are all neighborhood non-residential businesses which do not have significant impact on surrounding property owners.

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 list of uses within the B1-CZ request has been evaluated to remove any possible nuisance or hazardous uses for either residential uses or the existing elementary school.

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

The proposed development will meet the standards outlined within various sections of the Town of Apex Unified Development Ordinance unless specifically noted within the zoning conditions.

AGENT AUTHORIZATION FORM

Application #: #21CZ23 Submittal Date: _____

Sudhir Kethamakka and Dhanu Emmadi 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: 6633 and 0 Apex Barbecue Road

The agent for this project is: Peak Engineering & Design, PLLC (Jeff Roach)

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

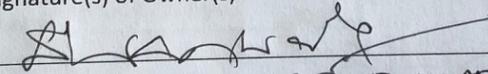
Agent Name: Jeff Roach, P.E. - Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway, Apex, NC 27502

Telephone Number: (919) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*


DHANU ANTHARI Emmadi
Type or print name

09/26/2021
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 #: 21CZ23

Submittal Date: _____

The undersigned, DHAWANTHARI EMMADI (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 6633 and 0 Apex Barbecue Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/16/2021, and recorded in the Wake County Register of Deeds Office on 7/21/2021, in Book 18609 Page 855-857.
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 7/21/2021, 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 7/21/2021, 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 26 day of August, 2021.

[Signature] (seal)
DHAWANTHARI EMMADI
 Type or print name

STATE OF NORTH CAROLINA
 COUNTY OF Forsyth

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



Sara Theresa Langel
 Notary Public
 State of North Carolina
 My Commission Expires: 01-27-2025

AGENT AUTHORIZATION FORM

Application #: 21CZ23

Submittal Date: _____

Sudhir Kethamakka and Dhanu Emmadi 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: 6633 and 0 Apex Barbecue Road

The agent for this project is: Peak Engineering & Design, PLLC (Jeff Roach)

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) 439-0100

E-Mail Address: jroach@peakengineering.com

Signature(s) of Owner(s)*

Type or print name

Date

Sudhir Kethamakka

SUDHIR KETHAMAKKA

Type or print name

08/28/21

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 OWNERSHIP

Application #: 21CZ23

Submittal Date: _____

The undersigned, SUDHIR KETHAMAKKA (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 6633 and 0 Apex Barbecue Road and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 7/16/2021, and recorded in the Wake County Register of Deeds Office on 7/21/2021, in Book 18609 Page 855-857.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 7/21/2021, 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 7/21/2021, 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 28 day of August, 2021.

Sudhir Kethamakka (seal)

SUDHIR KETHAMAKKA

Type or print name

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

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



Vrunda R Mahajani
Notary Public Date 08/28/2021
State of North Carolina
My Commission Expires: 11/24/2024

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #: 21CZ23

Submittal Date: _____

Insert legal description below.

Information from Wake County Registry Deed Book 018609 Pages 0855 - 0857

Tract 1:

Address: 6633 Apex Barbecue Road, Apex, NC 27502

REID: 0052359

BEGINNING at a point in the center of State Road #1162, said point being 286 feet East, measured along the center line of said State Road, Robert Wade Clark's northwest corner, said point also being referenced by a stake in the southern right of way of said State Road; runs thence South 7 degrees 20 minutes East 210.0 feet to a stake, a new corner for said Clark; thence North 82 degrees 40 minutes East 210.0 feet to a stake, another new corner for said Clark; thence North 07 degrees 20 minutes West, another new line for said Clark, 210.00 feet to a point in the center line of said State Road #1162; this point also being referenced by a stake in the southern right of way line of said State Road; thence South 82 degrees 40 minutes West 210.0 feet along the center of said State Road to the point of BEGINNING, containing 1.01 acres, according to survey by Smith and Smith Surveyors, dated November 13, 1961, and being a part of the lands conveyed to Robert Wade Clark and wife, Metta B. Clark, by W. E. Morgan and wife, Bessie S. Morgan, by deed dated April 17, 1961, and recorded in Book 1450, page 237, Wake County Registry.

Tract 2:

Address: 0 Apex Barbecue Road, Apex, NC 27502

REID 0440557

That certain tract or parcel of land lying and being situate in White Oak Township, Wake County, North Carolina:

COMMENCING at NGS "FUNERAL 2", said point having (NAO 83-2011) PUBLISHED NC Grid Coordinates of Northing = 722,875.90 feet, and Easting = 2,040,786.12 feet; thence from said point, S51°23'40"W a distance of 7,629.39 feet (a grid distance) to an Iron Rebar Set (5/8") (IRS) CONTROL CORNER, said point having (NAO 83/2011) NC Grid Coordinates of Northing: 718,115.50 feet, and Easting: 2,034,824.05 feet, said point being in the southern right-of-way of Apex Barbeque Road (S.R. 1162) and the northeastern most corner of the tract herein described, and the POINT AND PLACE OF BEGINNING.

Thence, from said POINT OF BEGINNING, leaving Apex Barbecue Road, S10°28'09"E a distance of 114.89 feet to an IRS; thence, S31°11'06"W, a distance of 68.79 feet to an IRS; thence, S79°11'06"W a distance of 256.70 feet to an IRS; thence, N50°48'54"W a distance of 98.85 feet to an IRS; thence, N35°05'54"E a distance of 49.58 feet to an IRS; thence, N10°25'42"W a distance of 32.25 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, with said right-of-way N77°27'03"E a distance of 67 .00 feet to an IRS; thence, continuing with said right-of-way N62°36'05"E a distance of 3.19 feet to an Existing Iron Pin (EIP); thence, S10°25'42"E a distance of 140.41 feet to an EIP; thence, N79°11'06"E a distance of 211.08 feet to an EIP; thence, N10°28'09"W a distance of 159.65 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, N77°38'07"E a distance of 50.03 feet to the POINT OF BEGINNING, and containing ± 0.438 acres (19,070 square feet), all as shown on that certain plat prepared by SEPI Engineering & Construction dated 7/27/2016, and entitled "Recombination Plat, on the Properties of David F. Marshall and wife Karen G. Marshall and The Wake County Board of Education, for Scotts Ridge Elementary School, Prepared for The Wake County Board of Education", said survey plat being recorded in Book of Maps 2016, Pages 1658-1659, Wake County Registry.



Instruction Packet and Affidavit for Neighborhood Meetings

Town of Apex
Dept of Planning and
Community
Development
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 staff are available to advise you in the preparation of these materials. Call the Department of Planning and Community Development 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 Department of Planning and Community Development 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. This meeting may be held in-person or virtually. Virtual meetings shall provide a dial-in option in addition to a link to participate by internet. 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 Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property, and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the neighborhood meeting, not including the day of mailing. The applicant shall send an email to addressing.team@apexnc.org to request the notification list as early as possible in order to receive the list in time for the mailing. The list will be provided within 5-10 business days of the initial request. The applicant shall use their own return address on the envelopes as the meeting is a private meeting between the applicant and the neighbors.
- The applicant shall include with the meeting notice a vicinity map in addition to the materials listed under "Mailing and 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 Town recognized holidays (<https://www.apexnc.org/DocumentCenter/View/34245/>).
- In-person meetings:
 - 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.
- Virtual meetings:
 - Meeting shall be held via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice. A dial-in option shall be provided.
 - An attendance sheet must be used to log known attendees at the virtual meeting. Note if no one attended.
- Mailing and 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: a vicinity map and preliminary plans of the proposed development must be provided 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. For virtual meetings, the applicant must ask meeting participants if they would like any materials mailed to them.
 - 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. For in person meetings, provide blank comment sheets or notecards for neighbors to submit written comments. For virtual meetings, copy all questions and answers entered into the meeting's chat feature before closing the meeting and save them into a document. 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 (1) 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.

August 10, 2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at
6633 Apex Barbecue Road 0731-48-7012

0 Apex Barbecue Road

0731-47-5977

Address(es)

PIN(s)

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

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

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

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

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

Development of a new office building to house office space with a veterinary hospital/clinic on the 1.22 acre assembly.

Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner(s) name(s): Sudhir Kethamakka and Dhanu Emmadi

Applicant(s): same

Contact information (email/phone): Peak Engineering & Design, PLLC (Jeff Roach)

Meeting Address: ZOOM meeting

Date/Time of meeting**: August 30, 2021

MEETING AGENDA TIMES:

Welcome: 5:30 Project Presentation: 5:30 - 5:45 Question & Answer: 5:45 -

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



NOTICE OF NEIGHBORHOOD MEETING

August 10, 2021

Dear Neighbor,

You are invited to a neighborhood meeting on August 30, 2021 to review and discuss the rezoning proposal at:

6633 Apex Barbecue Rd, Apex, NC 27502 0731-48-7012
0731-47-5977

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.

Description of Proposal:

This meeting will discuss the rezoning of the above parcels from Residential Agriculture (RA) to B1 Conditional Zoning (B1-CZ) to support the development of the proposed office building and veterinary hospital.

Due to COVID-19, the neighborhood meeting will be held via Zoom, see link below. If you have any questions, please email or call Jeff Roach at jroach@peakengineering.com or (919) 439-0100. You may also email Jeff for the link to the meeting.

LINK:

<https://us02web.zoom.us/j/87086232477?pwd=QnBMSk93QmJRTWFzbnZlCmU0b2Jxdz09>

Estimated Submittal Date: September 1, 2021

NOTICE OF NEIGHBORHOOD MEETING

LINK:

<https://us02web.zoom.us/j/87086232477?pwd=QnBMSk93QmJRTWFzbzJCdU01b2Jxdz09>

Meeting Information

Property Owners Names:	Kethamakka & Emmadi Properties, LLC
Applicants:	Brandon Lucas – Guru Realty
Contact Information:	Jeff Roach, jroach@peakengineering.com , 919-439-0100
Meeting Address:	Meeting being held via Zoom
Date of Meeting:	August 30, 2021
Time of Meeting:	5:30

Meeting Agenda Times

Welcome:	5:30-5:40
Project Presentation:	5:40-5:55
Question & Answer:	5:55-

Scott's Ridge Office and Veterinary Hospital

List of Adjacent Property Owners
(provided by the Town of Apex)

CRANEY, CHELSEA
1104 MILK PAINT ALY
APEX NC 27502-8489

D'ALESSANDRO, PHILIP A D'ALESSANDRO,
ANNA MARIA
311 WIDDINGTON LN
CARY NC 27519-6698

DAPKEVICH, JASON
1210 BUNGALOW PARK DR
APEX NC 27502-8489

DECESS, DENNIS W
1102 MILK PAINT ALY
APEX NC 27502-8489

DEMCOVICI, MERI ANN
1220 SCOTTS RIDGE TRL
APEX NC 27502-3912

HUDNETT, NANCY E
1207 BUNGALOW PARK DR
APEX NC 27502-8099

HUGHES, ANGELA K
1054 MILK PAINT ALY
APEX NC 27502-4977

IMLER, ANDREW JOEL VINIKOOR-
IMLER, LISA CAROLYN
1202 BUNGALOW PARK DR
APEX NC 27502-8098

IRONS, KATHRINE
1226 SCOTTS RIDGE TRL
APEX NC 27502-3912

IVANOVA, SVETLANA
2309 REDBUD TREE DR
APEX NC 27539-6254

LEVIN, ANNA
2415 MADIERA CT
BUFFALO GROVE IL 60089-4672

LOFTIN, LARRY SCOTT LOFTIN, JOAN
TAYLOR
2700 SOUTHWINDS RUN
APEX NC 27502-6515

MAHER, DENNIS MAHER, MILA
1156 BUNGALOW PARK DR
APEX NC 27502-4981

MAJKOWSKI, KAREN ANN
1208 BUNGALOW PARK DR
APEX NC 27502-8098

MARSHALL, DAVID F MARSHALL,
KAREN G
6633 APEX BARBECUE RD
APEX NC 27502-7776

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

Date of meeting: 8/30/2021 Time of meeting: 5:30 pm

Property Owner(s) name(s): Sudhir Kethamakka and Dhanu Emmadi

Applicant(s): same

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.	A list of attendees is provided as part of the neighborhood meeting report.				
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

Scott's Ridge Office and Veterinary Hospital

List of Adjacent Property Owners
(provided by the Town of Apex)

MCKINNON, DARREN MICHAEL
MCKINNON, JANETTE L
1001 HANDHEWN ST
APEX NC 27502-4985

MCMANUS, CHRISTOPHER C
1052 MILK PAINT ALY
APEX NC 27502-4977

MCMANUS, LISA RODRIGUEZ,
NICHOLAS
1216 SCOTTS RIDGE TRL
APEX NC 27502-3912

MFALILA, CHELU
1209 BUNGALOW PARKS DR
APEX NC 27502-8099

NC DEPT OF TRANSPORTATION TURNPIKE
AUTHORITY
LAUREN M CLEMMONS, ASST ATTY GEN
1505 MAIL SERVICE CTR
RALEIGH, NC 27699-1505

PALENICK, AMANDA
1203 BUNGALOW PARK DR
APEX NC 27502-8099

PFITZNER, DEBORAH A
1056 MILK PAINT ALY
APEX NC 27502-4977

SCHAEFER, JOHN M
1050 MILK PAINT ALY
APEX NC 27502-4977

CURRENT TENANT
1222 SCOTTS RIDGE TRL
APEX NC 27502

THISTLE, LINDA L
1154 BUNGALOW PARK DR
APEX NC 27502-4981

TUCKER, SHIRLEY F TUCKER, JOHN
1215 BUNGALOW PARK DR
APEX NC 27502-8099

WAGEMAKER, MARINA WAGEMAKER,
ANDREW
1204 BUNGALOW PARK DR
APEX NC 27502-8098

WAKE COUNTY BOARD OF EDUCATION
RE SERVICES DIRECTOR
1551 ROCK QUARRY RD
RALEIGH NC 27610-4145

WHITE, ROBIN K
1005 HANDHEWN ST
APEX NC 27502-4985

WHITEHEAD, CHRISTOPHER
WHITEHEAD, JOELLE
1205 BUNGALOW PARK DR
APEX NC 27502-8099

ZAROW, EMILY N
1152 BUNGALOW PARK DR
APEX NC 27502-4981

TOWN OF APEX
PO BOX 250
APEX NC 27502

CURRENT TENANT
6600 APEX BARBECUE RD
APEX NC 27502

CURRENT TENANT
6601 APEX BARBECUE RD
APEX NC 27502

CURRENT TENANT
6633 APEX BARBECUE RD
APEX NC 27502

CURRENT TENANT
1201 BUNGALOW PARK DR
APEX NC 27502

CURRENT TENANT
1206 BUNGALOW PARK DR
APEX NC 27502

CURRENT TENANT
1211 BUNGALOW PARK DR
APEX NC 27502

CURRENT TENANT
1217 BUNGALOW PARK DR
APEX NC 27502

CURRENT TENANT
1100 MILK PAINT ALY
APEX NC 27502

CURRENT TENANT
1106 MILK PAINT ALY
APEX NC 27502

CURRENT TENANT
1218 SCOTTS RIDGE TRL
APEX NC 27502

Scott's Ridge Office and Veterinary Hospital

List of Adjacent Property Owners
(provided by the Town of Apex)

AADCOX, LORETTA
1150 BUNGALOW PARK DR
APEX NC 27502-4981

ALLEN, SUSAN RICE, MATTHEW
LINDA RICE
1106 MILK PAINT ALY
APEX NC 27502-8489

AMICO, SARAH M
1212 SCOTTS RIDGE TRL
APEX NC 27502-3912

BHASI, NAIR SAARIKA RAMACHANDRAN,
VASUDEV
1003 HANDHWEN ST
APEX NC 27502-4985

BOHLIG, MARY A
1213 BUNGALOW PARK DR
APEX NC 27502-8099

BONIN, WILLIAM O JR
1224 SCOTTS RIDGE TRL
APEX NC 27502-3912

BRAUCKMULLER, BROOKE RIAN
1214 SCOTTS RIDGE TRL
APEX NC 27502-3912

BUNGALOW PARK TOWNHOME OWNERS
ASSN INC
OMEGA ASSOCIATION MANAGEMENT INC
160 NE MAYNARD RD STE 210
CARY NC 27513-9676

BUNGALOW PARK TOWNHOME OWNERS
ASSOC INC
201 SCOTTS RIDGE TRL
APEX NC 27502-6578

CIRASOLE, PETER CIRASOLE, CAROLYN
2921 LONDON RIDGE DR
NEW HILL NC 27562-9305

CLEMENTS, DEBRA ROWLAND
719 VINCENT LN
HENRICO NC 27842-9299

CORTEZ, RAFAEL CORTEZ, ANNA MARIA
1120 WOODLANDS CREEK WAY
APEX NC 27502-5247

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: Scotts Ridge Office and Veterinary Hospital Zoning: RA to B1-CZ

Location: 6633 & 0 Apex Barbecue Road, Apex, NC 27502

Property PIN(s): 0731-48-7012 / -47-5977 Acreage/Square Feet: ~ 1.448 acres

Property Owner: Sudhir Kethamakka and Dhanu Emmadi

Address: 6633 Apex Barbecue Road

City: Apex State: NC Zip: 27502

Phone: _____ Email: _____

Developer: same

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Engineer: Peak Engineering & Design, PLLC

Address: 1125 Apex Peakway

City: Apex State: NC Zip: 27502

Phone: (919) 439-0100 Fax: _____ Email: jroach@peakengineering.com

Builder (if known): Unknown

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

COMMON CONSTRUCTION ISSUES & WHO TO CALL

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

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

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

Construction Traffic: James Misciagno 919-372-7470

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

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

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

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

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

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

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

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

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

Dust: James Misciagno 919-372-7470

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

Trash: James Misciagno 919-372-7470

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

Temporary Sediment Basins: James Misciagno 919-372-7470

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

Stormwater Control Measures: Jessica Bolin 919-249-3537

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

Electric Utility Installation: Rodney Smith 919-249-3342

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

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): Sudhir Kethamakka and Dhanu Emmadi

Applicant(s): same

Contact information (email/phone): Peak Engineering & Design, PLLC (Jeff Roach)

Meeting Address: ZOOM meeting

Date of meeting: 8/30/2021 Time of meeting: 5:30 pm

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

Question/Concern #1:

[Redacted]

A meeting report is attached

Applicant's Response:

Question/Concern #2:

Applicant's Response:

Question/Concern #3:

Applicant's Response:

Question/Concern #4:

Applicant's Response:

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

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

I, Jeffrey A. Roach, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at virtual (ZOOM meeting) (location/address) on 8/30/2021 (date) from 5:30 pm (start time) to 7:30 pm (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8/30/2021
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, DANIEL WOODS, a Notary Public for the above State and County, on this the 30 day of AUGUST, 2021.



[Signature]
Notary Public
DANIEL H. WOODS
Print Name

My Commission Expires: 11/18/2023

Scott's Ridge Office & Veterinary Hospital
Rezoning Neighborhood Meeting
5:30 pm August 30, 2021

The ZOOM meeting for the Scott's Ridge Office & Veterinary Hospital began at 5:30 pm and was hosted by Jeff Roach with Peak Engineering & Design. A brief introduction was made for the people on the call, the participants were directed to the CHAT BOX function in ZOOM to type questions, and the virtual meeting protocol was discussed to keep the meeting moving along smoothly.

A project introduction was then provided, the location within Wake County GIS' website was shared for all to see. After the location of the property was identified for everyone on the call, we walked through the existing site conditions, the existing zoning, the purpose of the 2045 Land Use Plan, the current sketch plan showing a possible location for the non-residential building and parking areas. Everyone was informed that the sketch plan is not a final design for the site and is used to show buffers, access points, , and other site-specific items for the property. Following a discussion related to the above items, the list of permitted uses was shown related to the non-residential zoning for the property. The discussion centered around the location of the new building located between driveways to Scott's Ridge Elementary School.

Below are the questions as well as a summary of the answer that was provided with each question. Additional questions were voiced by the adjacent property owners and were answered to the best of our knowledge at this point.

After answering questions from the neighbors on the call, the adjacent property owners dropped off the call around 7:10 pm and the ZOOM meeting was terminated around 7:30 pm.

Below is a summary of the questions and discussions which were had. There were discussions which were had, many of them answering multiple questions or bringing up additional questions. This summary tries to highlight the presentation and discussions as accurately as possible.

Following are questions asked after the presentation and/or during the review of the above “CHAT BOX” questions.

1. What is the plan for lighting on the property?
To protect surrounding properties, house side shields will be provided on all lighting. There are also conditions from the Environmental Advisory Board (EAB) to reduce lighting spillover as well as color at or below 3,000 K. This will be coordinated with the Town of Apex and lighting design team.
2. What are the uses which are being proposed?
The list of uses was shown to the attendees. The B1 non-residential zoning district is a wide range of uses. We have removed businesses which would not fit within this location (specifically the microbrewery).
3. What is the timing of the business?
Typical Vet hours are 7:00 am – 7:00 pm but that fluctuates. The Vet Hospital hours was also discussed that they are required to have “overnight hours” or provide a reference to overnight emergency care facilities. Any other business at this location would follow normal business hours for that specific use (no adult businesses are proposed at this site).
4. Will landscaping being installed on the site? What around a fence along Apex Barbecue Road?
Perimeter landscaping and buffers will be installed along all sides of the property abutting Scott’s Ridge Elementary Schools as well as the frontage along Apex Barbecue Road.
5. Does the veterinarian have cremation services on-site?
They do not have cremation services onsite.
6. What is the access onto Apex Barbecue Road and how does that conflict with the Scott’s Ridge Elementary School?
A right-in/right-out onto Apex Barbecue Road is proposed as part of the development. This restriction avoids conflict with school traffic.
7. Will the sign be a blinking neon sign?
The sign will NOT be a blinking neon sign. The UDO controls the type of sign and we referenced other commercial/office buildings in the area which are reasonable expectations of what the UDO would permit.

The timing of the project was also discussed with a typical zoning taking ~3-1/2 months; engineering designs taking ~ 6 months; and site/building construction taking 12 months.

After the timing discussion, various other sites in and around Apex were discussed, and the neighbors left the call. No changes have been made to the zoning application based upon the neighborhood meeting on August 30, 2021.

**SCOTT'S RIDGE OFFICE & VETERINARY HOSPITAL
REZONING NEIGHBORHOOD ATTENDANCE SHEET**

Name	Email address/contact information (if provided)	Address (if known)	City (if known)
Deborah Pfitzner		1056 Milk Paint Alley	Apex
Linda Rice		1106 Milk Paint Alley	Apex
Jeff Roach Peak Engineering & Design	jroach@peakengineering.com	1125 Apex Peakway	Apex, NC

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ23 Scotts Ridge Office & Veterinary Hospital

Planning Board Meeting Date: November 8, 2021



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 1.45

PIN(s): 0731487012 & 0731475977

Current Zoning: Residential Agricultural (RA)

Proposed Zoning: Neighborhood Business-Conditional Zoning (B1-CZ)

Current 2045 Land Use Map: Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services

Town Limits: Corporate Limits & ETJ

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: 2045 LUM would change with this rezoning to Commercial Services, making it consistent once rezoned.

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 21CZ23 Scotts Ridge Office & Veterinary Hospital

Planning Board Meeting Date: November 8, 2021



Legislative Considerations:

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

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

Consistent Inconsistent Reason: 2045 LUM would change with

this rezoning to Commercial Services, making it consistent once rezoned.

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____



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: 21CZ23 Scotts Ridge Office & Veterinary Hospital

Planning Board Meeting Date: November 8, 2021



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 proposed by applicant (applicant committed to offer buffer along southern boundary with final wording to be provided in writing for Town Council meeting).

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 8th day of November 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.11.09 11:13:55 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.11.08 18:18:12 -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 #21CZ23
Scotts Ridge Office & Veterinary Hospital

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

- Applicant:** Jeff Roach, Peak Engineering and Design, LLC
- Authorized Agent:** Jeff Roach, Peak Engineering and Design, LLC
- Property Addresses:** 0 & 6633 Apex Barbecue Road
- Acreage:** ±1.45 acres
- Property Identification Numbers (PINs):** 0731487012 & 0731475977
- Current 2045 Land Use Map Designation:** Medium Density Residential
- If rezoned as proposed, the 2045 Land Use Map Designation will change to:** Commercial Services
- Existing Zoning of Properties:** Residential Agricultural (RA)
- Proposed Zoning of Properties:** Neighborhood Business-Conditional Zoning (B1-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call [phone number] or email planning@apexnc.org for questions or for further information. Related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36741>.



TOWN OF APEX
 PO BOX 250
 APEX, NORTH CAROLINA 27502
 TELÉFONO 919-349-3426

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ23
 Scotts Ridge Office & Veterinary Hospital

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §1600-602 y con la Sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del ayuntamiento de Apex, por la presente se notifican las audiencias públicas ante la Junta de Planificación de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jeff Roach, Peak Engineering and Design, LLC.
Agente autorizado: Jeff Roach, Peak Engineering and Design, LLC.
Dirección de las propiedades: 0 & 6633 Apex Barbecue Road
Superficie: ±1.45 acres

Números de identificación de las propiedades: 0731487012 & 0731475977

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imagery>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-349-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/478>



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ23
Scotts Ridge Office & Veterinary Hospital

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jeff Roach, Peak Engineering and Design, LLC
Authorized Agent: Jeff Roach, Peak Engineering and Design, LLC
Property Addresses: 0 & 6633 Apex Barbecue Road
Acreage: ±1.45 acres
Property Identification Numbers (PINs): 0731487012 & 0731475977
Current 2045 Land Use Map Designation: Medium Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services
Existing Zoning of Properties: Residential Agricultural (RA)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM

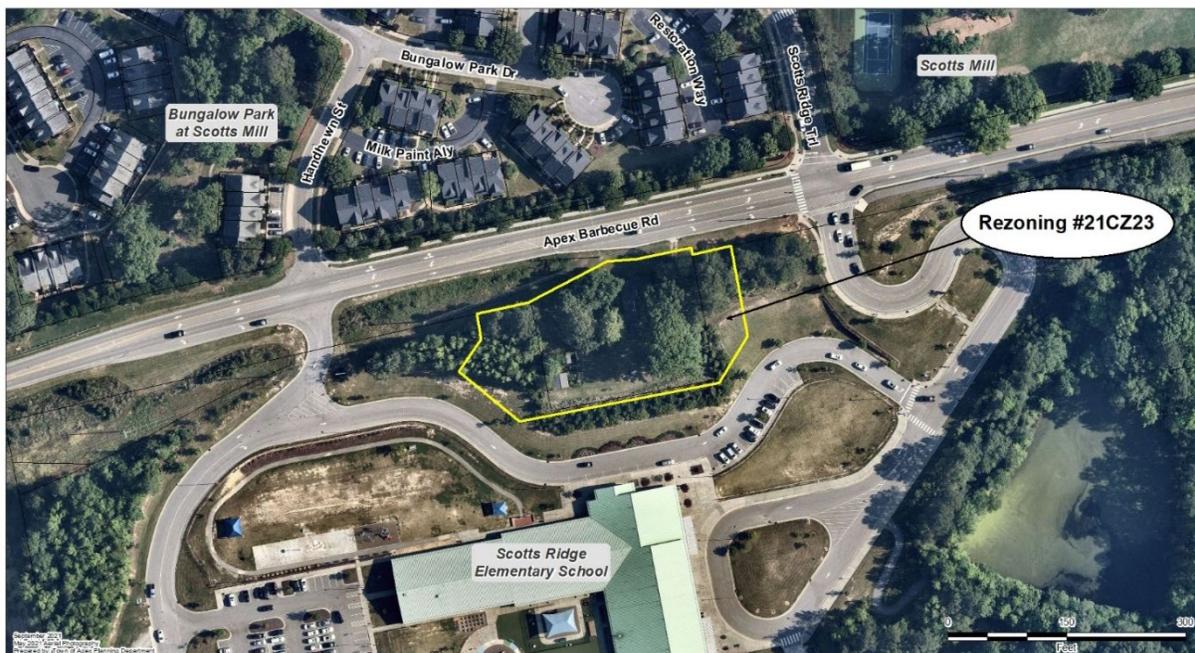
You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36741>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ23
Scotts Ridge Office & Veterinary Hospital

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

Solicitante: Jeff Roach, Peak Engineering and Design, LLC.

Agente autorizado: Jeff Roach, Peak Engineering and Design, LLC.

Dirección de las propiedades: 0 & 6633 Apex Barbecue Road

Superficie: ±1.45 acres

Números de identificación de las propiedades: 0731487012 & 0731475977

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services

Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)

Ordenamiento territorial propuesto para las propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre, 2021 4:30 P.M.

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

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En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36741>.

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



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ23
Scotts Ridge Office & Veterinary Hospital
Project Location: 0 & 6633 Apex Barbecue Road
Applicant or Authorized Agent: Jeff Roach, PE
Firm: Peak Engineering & Design, PLLC

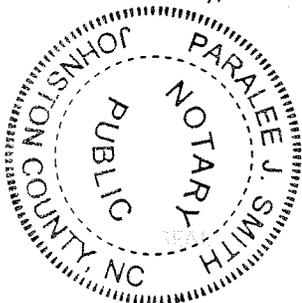
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 25, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

10/25/2021
Date

Shane Khan
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 25 day of October, 202 1.



Paralee J Smith
Notary Public

My Commission Expires: 9 / 12 / 2023



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ23
Scotts Ridge Veterinary Hospital & Office

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jeff Roach, Peak Engineering and Design, LLC
Authorized Agent: Jeff Roach, Peak Engineering and Design, LLC
Property Addresses: D & 6633 Apex Barbecue Road
Acreage: ±1.45 acres
Property Identification Numbers (PINs): 0731487012 & 0731475977
Current 2045 Land Use Map Designation: Medium Density Residential
If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services
Existing Zoning of Properties: Residential Agricultural (RA)
Proposed Zoning of Properties: Neighborhood Business-Conditional Zoning (B1-CZ)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 6:00 PM

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/maps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/3874>.



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ23
Scotts Ridge Veterinary Hospital & Office

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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Jeff Roach, Peak Engineering and Design, LLC.
Agente autorizado: Jeff Roach, Peak Engineering and Design, LLC.
Dirección de las propiedades: 0 & 6633 Apex Barbecue Road
Superficie: ±1.45 acres
Números de identificación de las propiedades: 0731487012 & 0731475977
Designación actual en el Mapa de Uso Territorial para 2045: Medium Density Residential
Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services
Ordenamiento territorial existente de las propiedades: Residential Agricultural (RA)
Ordenamiento territorial propuesto para las propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

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

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public_hearing@apexnc.org o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.cplghnc.gov/imag>. 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 planning@apexnc.org o visitar el sitio web de la solicitud y otros documentos relacionados aquí: <http://www.apexnc.org/DocumentCenter/View/478>.



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS

CONDITIONAL ZONING #21CZ23
Scotts Ridge Veterinary Hospital & Office

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Jeff Roach, Peak Engineering and Design, LLC

Authorized Agent: Jeff Roach, Peak Engineering and Design, LLC

Property Addresses: 0 & 6633 Apex Barbecue Road

Acreage: ±1.45 acres

Property Identification Numbers (PINs): 0731487012 & 0731475977

Current 2045 Land Use Map Designation: Medium Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Commercial Services

Existing Zoning of Properties: Residential Agricultural (RA)

Proposed Zoning of Properties: Neighborhood Business–Conditional Zoning (B1-CZ)

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

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

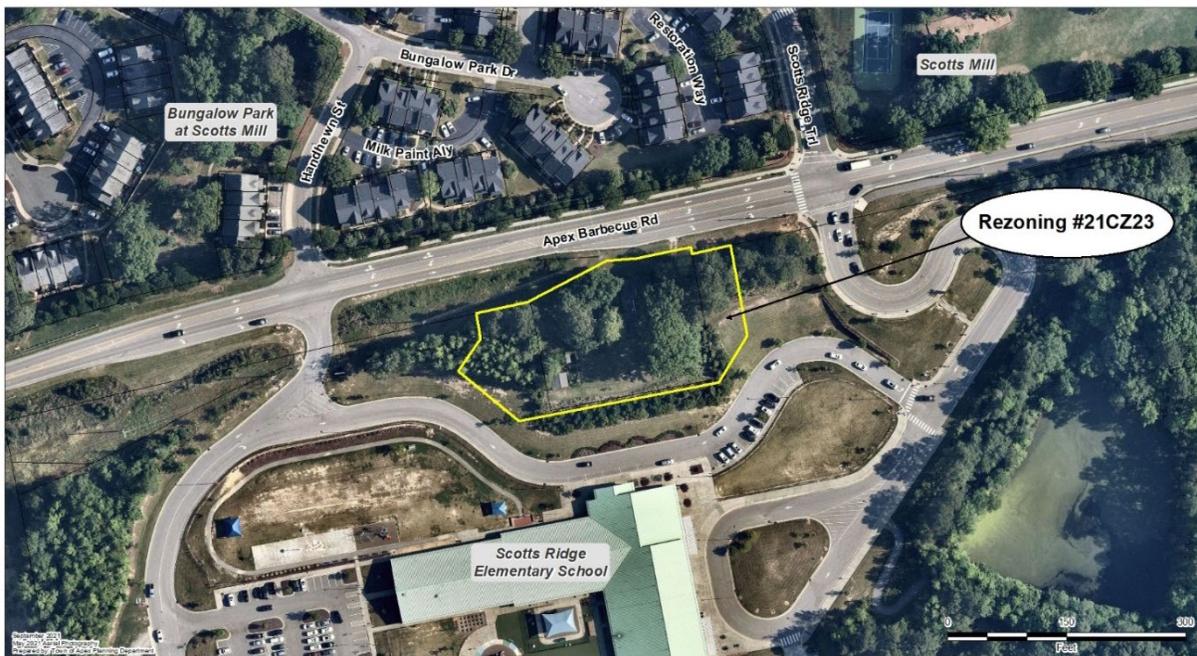
Town Council Public Hearing Date and Time: November 23, 2021 6:00 PM

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/36741>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ23

Scotts Ridge Veterinary Hospital & Office

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

Solicitante: Jeff Roach, Peak Engineering and Design, LLC.

Agente autorizado: Jeff Roach, Peak Engineering and Design, LLC.

Dirección de las propiedades: 0 & 6633 Apex Barbecue Road

Superficie: ±1.45 acres

Números de identificación de las propiedades: 0731487012 & 0731475977

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

Si se aprueba el cambio de zonificación como se propone, el Mapa de Uso Territorial para el 2045 cambiará a: Commercial Services

Ordenamiento territorial existente de las propiedades: Residential Agrícola (RA)

Ordenamiento territorial propuesto para las propiedades: Neighborhood Business-Conditional Zoning (B1-CZ)

Lugar de la audiencia pública: Ayuntamiento de Apex

Cámara del Consejo, 2º piso

73 Hunter Street, Apex, Carolina del Norte

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Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.

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Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

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Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36741>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**

Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ23
Scotts Ridge Office & Veterinary Hospital
Project Location: 0 & 6633 Apex Barbecue Road
Applicant or Authorized Agent: Jeff Roach, PE
Firm: Peak Engineering & Design, PLLC

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

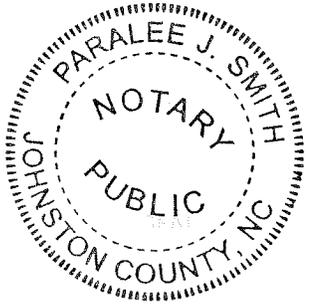
11/1/2021
Date

Lianne F. Klein
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 1 day of November, 2021.



Paralee J Smith
Notary Public

My Commission Expires: 9/12/2023



**Bungalow Park
at Scotts Mill**

Scotts Mill

Handewn St

Milk Paint Aly

Scotts Ridge Trl

Apex Barbecue Rd

Rezoning #21CZ23

6633

**Scotts Ridge
Elementary School**

0 100 200

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

Public Hearing Sign Posted By

[Signature]
Signature

9/14/21
Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING
Meeting Date: November 23, 2021

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

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board held a Public Hearing on November 8, 2021 and unanimously voted to recommend approval of the rezoning with the conditions offered by the applicant, except the height should be limited to 4 stories as currently allowed and frontages along Hunter Street and Laura Duncan Road should be non-residential land uses only.

Item Details

The property to be rezoned is identified as PIN 0742621488.

Attachments

- Staff Report
- Application



STAFF REPORT

Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



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

BACKGROUND INFORMATION:

Location: 0 Laura Duncan Road
Applicant: Enclave Holdings, LLC.
Authorized Agent: Curteis Calhoun
Owner: Hunter Street, LLC.

PROJECT DESCRIPTION:

Acreage: +/- 3.62 acres
PIN: 0742621488
Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
2045 Land Use Map: Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
Town Limits: Inside Corporate Limits

ADJACENT ZONING & LAND USES:

	Zoning	Land Use
North:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04)	Villages of Apex Townhomes
South:	Downtown Business (B2)	Hunter St; Town Hall and Community Center
East:	Planned Commercial (PC)	Laura Duncan Rd; Vineyard Station Shopping Center
West:	Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04)	Office; Retail; Villages of Apex Townhomes

EXISTING CONDITIONS:

The site consists of one (1) parcel totaling +/-3.62 acres. The site is an undeveloped parcel of land that is bounded by Hunter Street to the south, Laura Duncan Road to the east and the Villages of Apex South subdivision to the north and west. It is directly across the street from the Town of Apex Community Center. It is primarily wooded and includes several large wetland areas. South of the wetlands, there is also an existing 20' Town of Apex sewer easement on the property.

NEIGHBORHOOD MEETING:

The applicant conducted a neighborhood meeting on August 25, 2021. The meeting report is attached to the staff report.

2045 LAND USE MAP:

The 2045 Land Use Map designates the site as Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with the 2045 Land Use Map designations.

WCPSS COORDINATION:

An increase in density is not proposed with this PUD amendment. A Letter of Impact from Wake County Public School System (WCPSS) was received for this rezoning and is included in the staff report packet. WCPSS indicates that elementary and high schools within the current assignment area for this rezoning/development are



anticipated to have insufficient capacity for future students; transportation to schools outside of the current assignment area should be anticipated.

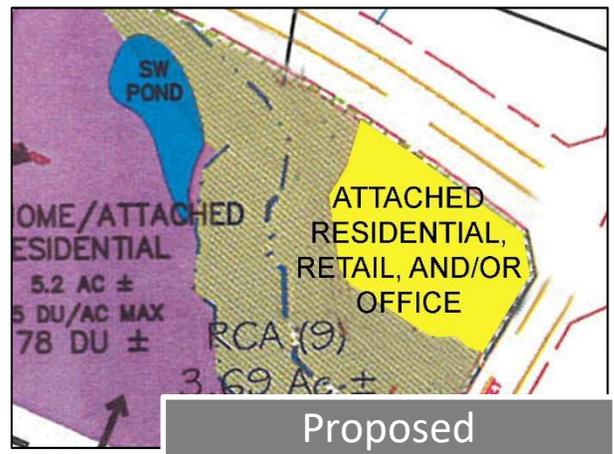
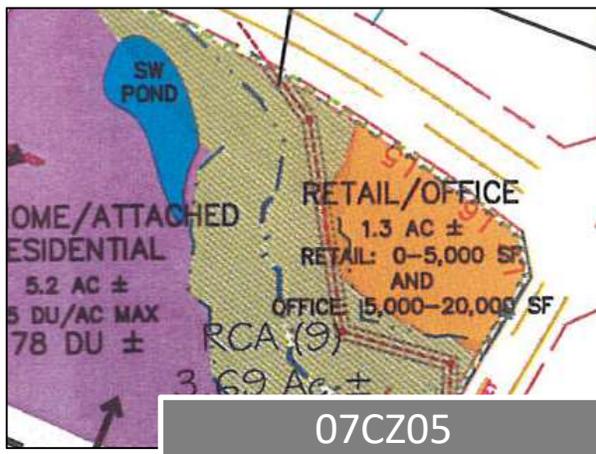
School expansion or construction within the next five years may address concerns at the elementary and high school levels. Possible long-term solutions may include bussing students out to schools with available seats (not very proximate), reassignments, or calendar changes.

PLANNED UNIT DEVELOPMENT PLAN:

The applicant is not requesting increased density from the original approval. Under the original PUD approval, Villages of Apex South could provide another 164 dwelling units.

The intent of this PUD amendment is to amend Rezoning Case #17CZ11 Villages of Apex PUD (fka Trackside PUD) in the following ways:

- 1. From Rezoning Case #17CZ11 Attachment B, Site Layout Plan sheets C2.1 and C2.3 are amended to designate this property as Attached Residential, Retail, and/or Office.



- 2. Any multi-family units shall have a maximum of 2 bedrooms.
- 3. The parking and loading requirements on page 8 of the "PD Plan for PUD-CZ Trackside Development" are amended to state:
 - a. Notwithstanding the foregoing, the parking and loading requirements applicable to the attached residential section of Trackside South shall be calculated at 1.5 spaces per residential unit. This shall not apply to townhomes.
- 4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
- 5. The maximum height for mixed-use buildings with a combination of residential and nonresidential uses shall be 5 stories (65').
- 6. First floor residential shall be prohibited along Hunter Street.
- 7. In order to help meet the Town's affordable housing goals, the applicant proposes to comply with either:
 - a. Donate \$250.00 per residential unit to the Town's Affordable Housing Fund prior to Site Plan Final Plat approval; or
 - b. At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Area Median Income as published by the U.S. Department of Housing and Urban Development for a minimum of 2 years.

The applicant will continue to work with the Town's Affordable Housing staff throughout the development review process to determine which of these options will work for both the Town and the

STAFF REPORT

Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



developer. A decision shall be made prior to the approval of the Site Plan Final Plat.

8. The project commits to planting only native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision plan review.
9. Parks and Recreation condition #7 is removed. It stated: "A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to the developer as part of the recreation requirement." This will comply with the current Bicycle and Pedestrian System Plan Map and Parks and Recreation Master Plan Map.

17CZ11 DESIGN CONTROLS AND ARCHITECTURAL CONDITIONS:

Mixed Use, Condominiums, Apartments & Non-Residential Design Controls	
Front Setback:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 5' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls with openings)
Corner Side:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 5' from back of curb along private street/parking
Rear Setback:	0' (3' per Uniform Building Code for walls with openings)
Buffer (Internal):	0'
Max Height:	Hotels and any use fronting Highway 64 - 5 stories (75') All other uses - 4 Stories (60')
Impervious Coverage:	70% of Gross Project Area
Max Density:	30 dwelling units per acre

Architectural Conditions:

The PUD-CZ will follow the architectural guideline outlined in the UDO. Designs for all buildings, including single-family homes, will be overseen by an architectural review committee. Buildings will vary between one and four stories (except hotel use or uses fronting US 64 may be five stories) and will have varied roof types. All single-family homes and townhomes will be on crawl space, basement or elevated slab foundations with a minimum of three steps at the front entrance.

Materials will consist of brick, masonry, stucco, wood, Hardiboard (or equal), glass and architectural metals will form the building materials palette. Potential retail and commercial uses may feature glass, brick and/or aluminum storefronts. A varied color palette will be utilized.

Townhome units will step forward and backward, as well as up and down. The side elevations of townhome end units and corner single-family homes will incorporate unique architectural elements, such as bay windows, porches and decorative trim. Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.

The project will be pedestrian friendly with sidewalks connecting the different uses. To minimize the effects of on-site lighting, down lighting and shielded fixtures will be utilized. Electrical transformers and HVAC units will be screened in accordance with the UDO. For transformers, screening will maintain a 3' distance on the sides for heat dissipation and 10' clearance in front for safe operation.

STAFF REPORT

Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



AFFORDABLE HOUSING:

The applicant met with Planner II Shelly Mayo and Housing Program Manager Christopher Valenzuela to discuss possible options to contribute to affordable housing. At this point in the development process, the applicant is certain they will be able to meet one of the proposed options but they're unable to identify which. Staff believes that this condition allows more time for the applicant to determine which option is viable during project review.

APEX TRANSPORTATION PLAN/ACCESS AND CIRCULATION:

The current PUD complies with the Apex Thoroughfare and Collector Street Plan. The proposed amendment to the PUD that eliminates the greenway along the sewer easement will bring the project into compliance with the Bicycle and Pedestrian System Plan map.

A Traffic Impact Analysis has been performed as part of this PUD review consistent with the Town's standards. Based upon the Traffic Impact Analysis, the applicant proposes the following traffic improvements for this development:

1. Along Laura Duncan Road and proposed site drive:
 - a. Restripe Laura Duncan Road to provide a two-way left turn lane from the signalized intersection up to the site driveway,
 - i. Provide the northbound left turn lane with a 75-foot taper and 50 feet of storage.
 - ii. Maintain the existing storage and taper length for the southbound left turn lane at the signalized intersection.
 - b. Provide the southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.

Additionally, the applicant agreed to the following:

2. The site shall be served exclusively by a single driveway access to Laura Duncan Road.

PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION:

At the time of the original rezoning, a future greenway was shown near the corner of Hunter Street and Laura Duncan Road along an existing sewer easement. Since that approval, that alignment was removed from the Parks and Recreation Greenways and Open Space Master Plan. This amendment proposes removing that condition (#7) of the original approval. This removal was recommended by the PRCR Advisory Commission.

The Parks, Recreation, and Cultural Resources Advisory Commission reviewed the Villages of Apex PUD Amendment at their September 29, 2021 meeting. The Advisory Commission unanimously recommended a fee-in-lieu of dedication for 90 multi-family units.

# of Units	Fee per Unit	Total Fee
90	\$2,072.67	\$186,540.30

APEX DOWNTOWN MASTER PLAN AND PARKING STUDY:

This parcel is a part of the 2.5 square mile area within the Apex Peakway that was studied by the 2019 Apex Downtown Master Plan and Parking Study. The study recommended increasing the number and mixture of housing units within the Peakway by 850 units and the number within 0.5 miles of downtown by 340 units. This property is within 0.5 mile of downtown and the rezoning proposes to add attached residential as a permitted use in this part of the PUD.

The Downtown Plan also recommended increasing retail, office, and restaurant opportunities within the Peakway. This project proposes a vertical mixed use building with a prohibition on first floor residential units

STAFF REPORT

Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



along Hunter Street. This condition has been offered in order to keep the street level vibrant and encourage surrounding residents to walk to local amenities.

This proposal complies with the Apex Downtown Master Plan and Parking Study.

ENVIRONMENTAL 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 BOARD RECOMMENDATION:

Planning Board heard this proposal at their November 8, 2021 meeting. They unanimously voted to recommend approval of the conditions as proposed by applicant, except that the height should be limited to 4 stories as currently allowed and frontages along Hunter Street and Laura Duncan Road should be non-residential land uses only.

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of Rezoning #21CZ25 Villages of Apex PUD Amendment as proposed by the applicant.

Planning staff does not recommend limiting the Laura Duncan Road frontage to non-residential uses only. Laura Duncan is not set up for on-street parking the way Hunter Street is. Without that on-street parking, it's likely that the businesses will be primarily accessed from the parking lot and not Laura Duncan Road; staff believes it is just as appropriate to have the apartment office, tenant mailboxes, common rooms, and apartments on the first floor along that frontage.

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 Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services. The proposed rezoning is consistent with the 2045 Land Use Map designations and the Apex Downtown Master Plan and Parking Study because it seeks to provide a vertical mixed use building. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map.

The proposed rezoning is reasonable and in the public interest because it will encourage infill development and mixed use development where Town services are present as well as encouraging walkability. The proposed increase in height is mitigated by the existing wetlands.

PLANNED UNIT DEVELOPMENT DISTRICT AND CONDITIONAL ZONING STANDARDS:

Standards

In return for greater flexibility in site design requirements, Planned Development (PD) Districts are expected to deliver exceptional quality community designs that preserve critical environmental resources; provide high quality community amenities; incorporate creative design in the layout of buildings, Resource Conservation Area and circulation; ensure compatibility with surrounding land uses and neighborhood character; provide high quality architecture; and provide greater efficiency in the layout and provision of roads, utilities, and other



infrastructure. The Planned Development (PD) Districts shall not be used as a means of circumventing the Town's adopted land development regulations for routine developments.

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

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

a) *Development parameters*

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

b) *Off-street parking and loading*. The PD Plan for PUD-CZ shall demonstrate compliance with the standards of Sec. 8.3 *Off-Street Parking and Loading*, except that variations from these standards may be permitted if a comprehensive parking and loading plan for the PUD-CZ is submitted as part of the PD Plan that is determined to be suitable for the PUD-CZ, and generally consistent with the intent and purpose of the off-street parking and loading standards.

c) *RCA*. The PD Plan for PUD-CZ shall demonstrate compliance with Sec. 8.1.2 Resource Conservation Area, except that the percentage of RCA required under Sec. 8.1.2 may be reduced by the Town



Council by no more than 10% provided that the PD Plan for PUD-CZ includes one or more of the following:

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



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

Legislative Considerations

The Town Council shall find the Planned Unit Development-Conditional Zoning (PUD-CZ) designation demonstrates compliance with the following standards. 2.3.3.F:

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

- 1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.
- 2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.
- 3) *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.
- 4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.
- 5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- 6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

STAFF REPORT

Rezoning #21CZ25 Villages of Apex PUD Amendment

November 23, 2021 Town Council Meeting



- 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.



October 15, 2021

Nathan Bouquin, PE
Ramey Kemp & Associates
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

Subject: **Staff summary and comments for Trackside South – Moorhous Building
Traffic Assessment, 09/01/2021**

Mr. Bouquin:

Please review the following summary of my comments and recommendations. You may schedule a meeting with me and your client to discuss at your convenience.

Study Area

The Traffic Assessment proposes to study access to Parcel 3 of the development through a single full movement driveway on Laura Duncan Road, approximately 400 feet north of the Laura Duncan Road and the Hunter Street intersection. The Traffic Assessment also studies the intersection of Laura Duncan Road and Hunter Street.

Trip Generation

The proposed development is anticipated to be a mixed use building with 95 rental apartment units and 30,000 square feet of retail. It's projected to generate approximately 113 new trips entering and 99 new trips exiting the site during the weekday AM peak hour and 104 new trips entering and 99 new trips exiting the site during the weekday PM peak hour. The development is projected to add a total of 3,400 new weekday trips to the adjacent roadway network.

Existing Traffic

Due to changes in traffic during Covid-19, 2021 Existing Traffic was determined based on traffic counts collected in 2019 and a 2% growth rate.

Background traffic

Background traffic consists of 2% annual background traffic growth compounded to build out year 2023, and the addition of traffic from the following approved developments that were not captured in the 2019 traffic counts:

- Villages of Apex South Phase
- Apex High School (not at their typical campus when counts were collected)
- Apex Peakway Lidl
- Eagles Convenience Store
- Primrose Childcare

Trip Distribution and Assignment

- 10% to/from the east on Old Raleigh Road
- 15% to/from the west on Hunter Street
- 70% to/from the north on Laura Duncan Road
- 5% to/from the south on N Mason Street

Traffic Capacity Analysis and Recommendations

Level of Service (LOS) is a grade of A through F assigned to an intersection, approach, or movement to describe how well or how poorly it operates. LOS A through D is considered acceptable for peak hour operation. LOS E or F describes potentially unacceptable operation and developers may be required to mitigate their anticipated traffic impact to improve LOS based on the Apex Unified Development Ordinance (UDO).

Tables 1 through 2 describe the levels of service (LOS) for the scenarios analyzed in the Traffic Assessment. "NA" is shown when the scenario does not apply. The scenarios are as follows:

- **Existing 2021** – Existing year (2021) traffic adjusted to account for pandemic conditions.
- **No Build 2023** – Projected year (2023) with background traffic growth, background development traffic and committed improvements.
- **Build 2023** – Projected year (2023) with background traffic, background improvements, and site build-out conditions including recommended improvements where applicable.

Laura Duncan Road/N. Mason Street and Hunter Street/Old Raleigh Road

Table 1: Weekday A.M. / P.M. Signalized Peak Hour Levels of Service Laura Duncan Road/N. Mason Street and Hunter Street/Old Raleigh Road			
	Existing 2021	No Build 2023	Build 2023
<u>Overall</u>	<u>B / B</u>	<u>B / B</u>	<u>B / B</u>
<i>Eastbound (Hunter Street)</i>	<i>A / A</i>	<i>B / A</i>	<i>B / A</i>
<i>Westbound (Old Raleigh Road)</i>	<i>B / B</i>	<i>B / B</i>	<i>B / B</i>
<i>Northbound (Mason Street)</i>	<i>C / B</i>	<i>C / B</i>	<i>C / B</i>
<i>Southbound (Laura Duncan Road)</i>	<i>B / C</i>	<i>B / C</i>	<i>B / C</i>

Traffic Assessment recommendations:

- The Traffic Assessment recommends no improvements at this intersection.

Apex staff recommendations:

- Apex staff concur with the recommendation. The intersection level of services is anticipated to be LOS B in both peak hours and the turning movement storage bay capacities are not anticipated to be exceeded by 95th percentile queues at the intersection.

Laura Duncan Road and Site Drive

Table 2: Weekday A.M. / P.M. Peak Hour Unsignalized Levels of Service Laura Duncan Road and Site Drive	
	Build 2023
Overall	<u>NA</u>
Eastbound (Site Drive)	<i>B / C²</i>
Northbound (Laura Duncan Road)	<i>A / A¹</i>
Southbound (Laura Duncan Road)	<i>NA</i>

1. Level of service for major-street left turning vehicles
2. Level of service for minor-street stop controlled

TIA recommendations:

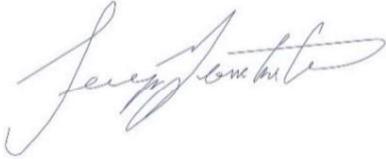
- The Traffic Assessment recommends construction of Site Drive as a full movement, stop-controlled driveway with one entering and one exiting lane, approximately 400 feet north of the signalized intersection of Laura Duncan Road/North Mason Street and Old Raleigh Road/Hunter Street. Additionally, it recommends restriping of Laura Duncan Road to provide a two-way left turn (TWLT) lane from the signalized intersection up to the site driveway, and a southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.

Apex staff recommendations:

- Apex staff concurs with the recommendation to restripe Laura Duncan with a TWLT lane from the signalized intersection to the Site Drive. Staff recommends that the existing storage length of 167 feet and the existing taper length of 100 feet be maintained for the southbound left turn lane at the signalized intersection. Staff recommends a 75-foot taper and 50 feet of storage be striped in the TWLT lane for the northbound left turn at the Site Drive. Staff concurs with the recommendation for the southbound right turn lane. The stop-controlled Site Drive is projected to operate at LOS C or better. 95th percentile queues are not anticipated to exceed 50 feet for the northbound left turn movement or for the eastbound stop-controlled approach during both peaks.

Please coordinate with the NCDOT District Engineer's Office concerning recommended improvements. Town staff will be available for meetings with agency staff to discuss improvements on state maintained roadways as needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Serge Grebenschikov".

Serge Grebenschikov
Traffic Engineer
919-372-7448



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 #: 21CZ25 Submittal Date: 9/1/2021
Fee Paid: \$ Check #: _____

PETITION TO AMEND THE OFFICIAL ZONING DISTRICT MAP

Project Name: Villages of Apex PUD Amendment
Address(es): 0 Laura Duncan Road Apex, NC 27502
PIN(s) 0742621488

_____ Acreage: 3.62
Current Zoning: PUD-CZ Proposed Zoning: PUD-CZ attached residential, retail, office
Current 2045 LUM Designation: Mixed Use: High Density Residential/Medium Density Residential/Office/Commercial
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes No

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

Area classified as mixed use: Acreage: 3.62
Area proposed as non-residential development: Acreage: _____
Percent of mixed use area proposed as non-residential: Percent: 22%

Applicant Information

Name: Enclave Holdings LLC
Address: 3700 Western Boulevard Suite B
City: Raleigh State: NC Zip: 27606
Phone: 919-924-1553 E-mail: curteis@enclave-holdings.com

Owner Information

Name: Hunter Street LLC
Address: 227 Franconia Way
City: Apex State: NC Zip: 27502
Phone: 415-710-0462 E-mail: lisa.allencc@gmail.com

Agent Information

Name: Curteis Calhoun
Address: 3700 Western Boulevard Suite B
City: Raleigh State: NC Zip: 27606
Phone: 919-924-1553 E-mail: curteis@enclave-holdings.com

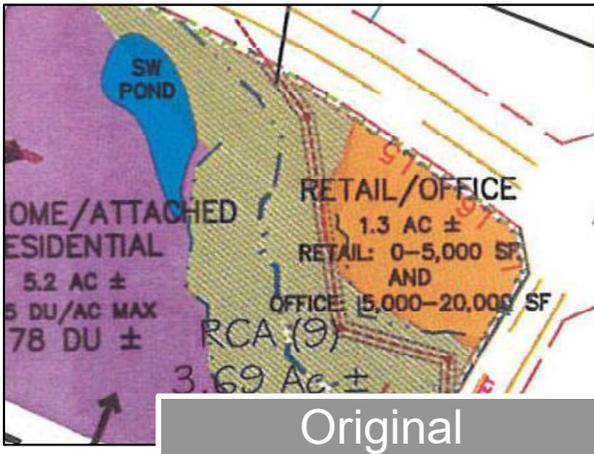
Other contacts: _____

September 1, 2021

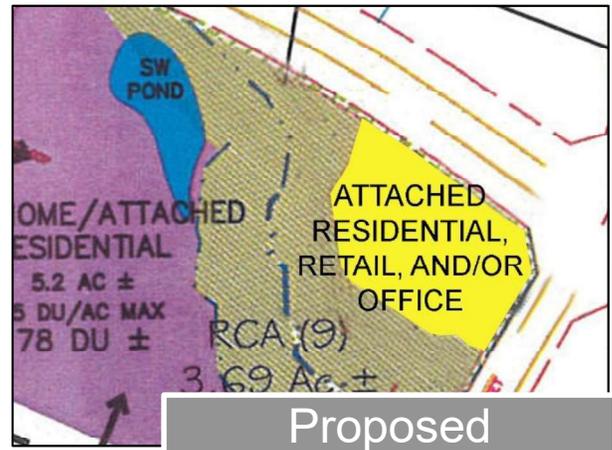
To Whom It May Concern:

This application proposes to amend Rezoning Case #17CZ11 Trackage PUD in the following ways:

1. From Rezoning Case #17CZ11 Attachment B, Site Layout Plan sheets C2.1 and C2.3 are amended to designate this property as Attached Residential, Retail, and/or Office.



Original



Proposed

2. Any multi-family units shall have a maximum of 2 bedrooms.
3. The parking and loading requirements on page 8 of the "PD Plan for PUD-CZ Trackage Development" are amended to state:
 - a. Notwithstanding the foregoing, the parking and loading requirements applicable to the attached residential section of Trackage South shall be calculated at 1.5 spaces per residential unit. This shall not apply to townhomes.
4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
5. The maximum height for mixed-use buildings with a combination of residential and non-residential uses shall be 5 stories (65').
 - a. Please see Attachment A for sample architectural elevations.
6. First floor residential shall be prohibited along Hunter Street.
7. The project commits to planting only native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision plan review.
8. In order to help meet the Town's affordable housing goals, the applicant proposes to comply with either:
 - a. Donate \$250.00 per residential unit to the Town's Affordable Housing Fund prior to Site Plan Final Plat approval.
 - Or
 - b. At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Area Median Income as published by the U.S. Department of Housing and Urban Development for at least 2 years.

The applicant will continue to work with the Town's Affordable housing staff throughout the development review process to determine which of these options will work for both the Town and the developer. A decision shall be made prior to the approval of the Site Plan Final Plat.

9. Parks and Recreation condition #7 is removed. It stated: "A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to the developer as part of the recreation requirement." This will comply with the current Bicycle and Pedestrian System Plan Map and

Parks and Recreation Master Plan Map.

10. Based on a review of the Traffic Impact Analysis update, the following conditions are proposed:

- Along Laura Duncan Road and proposed site drive:
 - Restripe Laura Duncan Road to provide a two-way left turn lane from the signalized intersection up to the site driveway,
 - Provide the northbound left turn lane with a 75-foot taper and 50 feet of storage.
 - Maintain the existing storage and taper length for the southbound left turn lane at the signalized intersection.
 - Provide the southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.

11. The site shall be exclusively served by a single driveway access to Laura Duncan Road.

No further changes are proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Curteis Calhoun', is written over a light blue rectangular background.

Curteis Calhoun
Managing Partner, Enclave Holdings

Attachment A:

NEW DEVELOPMENT PROPOSED STYLE



PLANNED UNIT DEVELOPMENT APPLICATION

Application #: 21CZ25

Submittal Date: 9/1/2021

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.

Yes. The proposed zoning is consistent with the 2045 land use map of commercial, high density residential, medium density residential, and office.

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

Yes, the proposed zoning is surrounded by commercial uses and medium density residential town homes.

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

Yes the uses are in compliance with the Supplemental Standards in particular multifamily, retail and office uses.

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.

Yes, this specific design of uses is proposed due to the commercial intersection upon which it is located. Design has taken into consideration the ingress/egress, placement of trash receptacles and overall aesthetics of the surrounding area.

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

Yes. There are a stream buffer and wetlands that are being protected in the proposed use.

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.

Yes, with the proposed density impact on public facilities will be minimized to a central building location as opposed to a larger land footprint.

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.

Yes, the health safety and welfare will be enhanced and protected given the proposed use of access to walkable services and recreation.

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

No. The proposed use is consistent with surrounding uses and does not have a detrimental affect of adjacent uses.

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.

No, the proposed use does not pose a nuisance or hazard as traffic impact and noise has been minimized in the proposed use. Although increased number of persons will be occupying the site it is not to the level of a hazard.

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

Yes, we are seeking to contribute to the general development and consistency of the surrounding downtown plan and create a space that is mutually beneficial to Apex residents as well as those in use of the proposed development.

DEVELOPMENT NAME APPROVAL APPLICATION

Application #: 21CZ25

Submittal Date: 9/1/2021

Proposed Subdivision/Development Information

Description of location: Northwest corner of Laura Duncan & Hunter Street consisting of 3.62 acres

Nearest intersecting roads: Laura Duncan and Hunter Street

Wake County PIN(s): 0742621488

Township: White Oak

Contact Information (as appropriate)

Contact person: Curteis Calhoun

Phone number: 919-924-1553

Fax number: _____

Address: 3700 Western Boulevard Suite B Raleigh, NC 27606

E-mail address: curteis@enclave-holdings.com

Owner: Hunter Street LLC

Phone number: 415-710-0462

Fax number: _____

Address: 227 Franconia Way Apex, NC 27502

E-mail address: lisa.allencc@gmail.com

Proposed Subdivision/Development Name

1st Choice: Peak City Lofts

2nd Choice (Optional): _____

Town of Apex Staff Approval:

Town of Apex Planning Department Staff

Date

AGENT AUTHORIZATION FORM

Application #: 21CZ25

Submittal Date: 9/1/2021

Hunter Street 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: 0 Laura Duncan Road Apex, NC 27502

The agent for this project is: Curteis Calhoun

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

Agent Name: Curteis Calhoun

Address: 3700 Western Boulevard Suite B Raleigh, NC 27606

Telephone Number: 919-924-1553

E-Mail Address: curteis@enclave-holdings.com

Signature(s) of Owner(s)*

Elizabeth Allen
Elizabeth Allen

Type or print name

8/7/21

Date

John F. Rodgers
Prime Asset Management LLC

Type or print name

8/19/21

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 OWNERSHIP

Application #: 21CZ25 Submittal Date: 9/1/2021

The undersigned, James Curteis Calhoun (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 0 Laura Duncan Rd, 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 NA, and recorded in the Wake County Register of Deeds Office on NA, in Book NA Page NA.
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 NA, 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 NA, 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 6th day of August, 20 21.

James C. Calhoun (seal)
JAMES CURTEIS CALHOUN
 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 James C. Calhoun, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Drivers License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



Sharon J. Pickett
 Notary Public
 State of North Carolina
 My Commission Expires: 2-2025

AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION

Application #:

Submittal Date:

Insert legal description below.

Please see attached.

Smith & Smith Surveyors, P.A.
P.O. Box 457
Apex, N.C. 27502
(919) 362-7111
Firm License No. C-0155

Lying and being in Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an iron pipe set at the northern public right of way of Hunter Street located South 26° 51' 01" East, 255.74 feet from a control existing iron pipe #2 bearing NAD 83 (2011) coordinate values of North 722,604.05 feet, East 2,045,781.07 feet (B.M. 2017, PG. 707); thence South 56° 29' 51" East, 271.13 feet to an existing iron pipe; thence North 81° 02' 24" East, 63.21 feet to an existing iron pipe at the western public right of way of Laura Duncan Road (NCSR 1308); thence North 39° 08' 49" East, 215.00 feet to an iron pipe set; thence a curve to the left North 29° 47' 45" East, 490.16 feet (chord), 1761.82 feet (radius) to an iron pipe set at the western public right of way of Laura Duncan Road; thence leaving the western public right of way of Laura Duncan Road South 49° 25' 18" West, 350.11 feet to an iron pipe set; thence North 79° 37' 44" West, 169.41 feet to an iron pipe set; thence South 75° 09' 54" West, 183.13 feet to an iron pipe set; thence South 15° 37' 53" West, 216.16 feet to the BEGINNING, containing 3.6242 total acres more or less (157,870 square feet more or less) as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Major Subdivision Final Plat Villages Of Apex South, Phase 1 ~ Section 3A ~ Lots 1, 167-168, 177-188, & 204-211", dated June 5, 2015, recorded in B.M. 2017, PG. 707.

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	Enclave Holdings LLC
Company Phone Number	919-924-1553
Developer Representative Name	Curteis Calhoun
Developer Representative Phone Number	919-924-1553
Developer Representative Email	curteis@enclave-holdings.com

New Residential Subdivision Information	
Date of Application for Subdivision	September 1, 2021
City, Town or Wake County Jurisdiction	Apex
Name of Subdivision	Peak City Lofts
Address of Subdivision (if unknown enter nearest cross streets)	0 Laura Duncan Road, Apex, NC 27502
REID(s)	0445618
PIN(s)	0742621488

Projected Dates Information	
Subdivision Completion Date	May 2023
Subdivision Projected First Occupancy Date	June 2023

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
Single Family																
Townhomes																
Condos																
Apartments	90		10	20	60			500	1,100	\$995	\$2,250	2023	90			
Other																

Revised 08/10/2018

August 11, 2021

Dear Neighbor,

You are invited to a neighborhood meeting to review and discuss the development proposal at 0 Laura Duncan Road, Apex North Carolina 27502 with PIN # 0742621488.

In accordance with the Town of Apex Neighborhood Meeting procedures, this meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail.

Once an application has been submitted to the Town, it may be tracked using the Interactive Development Map or the Apex Development Report located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>

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

Application Type

- Rezoning (including Planned Unit Development)
- Major Site Plan
- Special Use Permit
- Residential Master Subdivision Plan (excludes exempt subdivisions)

Approving Authority

- Town Council
- Town Council (QJPH*)
- Town Council (QJPH*)
- Technical Review Committee (staff)

The proposed development will be a four to five story mixed residential and commercial building consistent with the style and construction in the surrounding area.
 Estimated submittal date: September 1, 2021

MEETING INFORMATION:

Property Owner name: Hunter Street LLC
Applicant: Curteis Calhoun, Enclave Holdings LLC
Contact information: curteis@enclave-holdings.com 919.924.1553
Meeting Address: 53 Hunter Street, Apex, NC 27502 held in the Summit Room
Date/Time of meeting: August 25, 2021 at 5:00PM EST

MEETING AGENDA TIMES:

Welcome: 5:00pm to 5:30pm Project Presentation: 5:30pm to 6:15pm Q&A: 6:15pm to 7:00pm

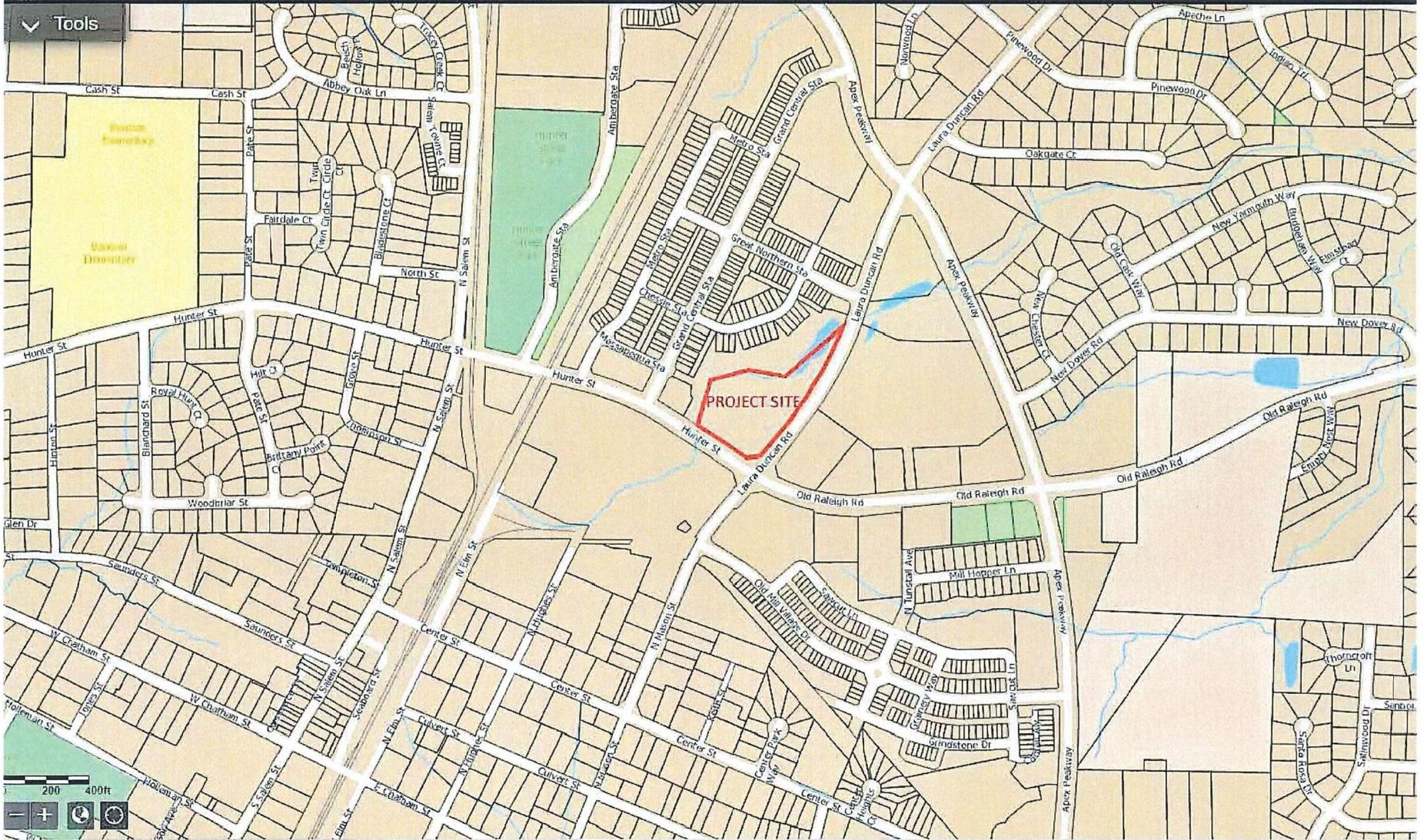
Sincerely,



Curteis Calhoun
 Managing Partner, Enclave Holdings

SITE_ADDRESS	PIN_NUM	OWNER	MAILING ADDRESS	
0 LAURA DUNCAN RD	0742612827	APEX FIRST DEVELOPMENT LLC	56 HUNTER ST STE 110	APEX NC 27502-2325
73 HUNTER ST	0742525172	APEX TOWN OF	PO BOX 250	APEX NC 27502-0250
720 LAURA DUNCAN RD	0742628855	BROOKFIELD PROPERTIES LLC	PO BOX 17102	RALEIGH NC 27619-7102
610 LAURA DUNCAN RD	0742629439	BROOKFIELD VINEYARD STATION, LLC	PO BOX 17102	RALEIGH NC 27619-7102
530 GRAND CENTRAL STA	0742528634	BURLEIGH, MARK A BURLEIGH, SYLVIA D	530 GRAND CENTRAL STA	APEX NC 27502-1678
353 GREAT NORTHERN STA	0742635067	BUTLER, DANIEL C	353 GREAT NORTHERN STA	APEX NC 27502-2473
355 GREAT NORTHERN STA	0742635086	CAPUTO, DEAN A	355 GREAT NORTHERN STA	APEX NC 27502-2473
565 CHESSIE STA	0742621910	CARR, ROBERT	565 CHESSIE STA	APEX NC 27502-1677
350 GREAT NORTHERN STA	0742624966	CATES, ELIZABETH BROOKS NESBITT, GARY KENNETH	350 GREAT NORTHERN STA	APEX NC 27502-2473
554 GRAND CENTRAL STA	0742529960	CHAUDHARY, VINITA	3321 OGLE DR	CARY NC 27518-6412
343 GREAT NORTHERN STA	0742634171	CHAUDHRY, RAJAT CHAUDHRY, PUJA SACHDEV	343 GREAT NORTHERN STA	APEX NC 27502-2473
534 GRAND CENTRAL STA	0742528658	CHIGURUPATI, BHAVANA CHIGURUPATI, SRINIVAS	534 GRAND CENTRAL STA	APEX NC 27502-1678
554 CHESSIE STA	0742529795	CHOI, CHRIS C CHOI, SUSAN R	554 CHESSIE STA	APEX NC 27502-1677
582 CHESSIE STA	0742623858	DAIGLE, RYAN	582 CHESSIE STA	APEX NC 27502-1677
566 CHESSIE STA	0742621768	DAY, ANISHA DAY, AARON	4201 ADMIRALS WALK DR	COHOES NY 12047-3658
575 CHESSIE STA	0742622903	DE SOUZA, CLAUDIO DE SOUZA, DENISE	575 CHESSIE STA	APEX NC 27502-1677
563 CHESSIE STA	0742620889	DILEN, GREGG R DILEN, LYNN L	563 CHESSIE STA	APEX NC 27502-1677
533 GRAND CENTRAL STA	0742527713	ENCARNACION, LEONAIRA ANABEL MEJIA, RAFAEL	533 GRAND CENTRAL STA	APEX NC 27502-1678
531 GRAND CENTRAL STA	0742526790	FU, XIAOMING SHU, YI	531 GRAND CENTRAL STA	APEX NC 27502-1678
620 CHESSIE STA	0742636321	GB APEX, LLC	5858 CENTRAL AVE	ST PETERSBURG FL 33707-1720
352 GREAT NORTHERN STA	0742624985	GOYENA, JACQUELINE YUMUL	352 GREAT NORTHERN STA	APEX NC 27502-2473
578 CHESSIE STA	0742623814	GUCCIARDO, KAYREEN	578 CHESSIE STA	APEX NC 27502-1677
348 GREAT NORTHERN STA	0742624947	HABARADAS, ROMEO SOLINAP, MARIA	348 GREAT NORTHERN STA	APEX NC 27502-2473
544 GRAND CENTRAL STA	0742529709	HAIDER, NOREEN HAIDER, AIZAZ	5616 VIRGINIA CHASE DR	CENTREVILLE VA 20120-3443
542 GRAND CENTRAL STA	0742528797	HOUGHTON, KEVIN HOUGHTON, MANDY	542 GRAND CENTRAL STA	APEX NC 27502-1678
345 GREAT NORTHERN STA	0742634190	HUNT, HAL ANDREW HUNT, KRISTIN	345 GREAT NORTHERN STA	APEX NC 27502-2473
0 LAURA DUNCAN RD	0742621488	HUNTER STREET LLC	227 FRANCONIA WAY	APEX NC 27502-8601
76 HUNTER ST	0742525643	HUNTER STREET STATION LLC	106 PINEDALE SPRINGS WAY	CARY NC 27511-5679
346 GREAT NORTHERN STA	0742624928	KADAKIA, SUMIT AJAY BASNYAT, ASHAYA	2330 WEBSTER ST APT 455	OAKLAND CA 94612-3176
552 GRAND CENTRAL STA	0742529858	KASTELLEK, MICHAEL HAHN, HEATHER	552 GRAND CENTRAL STA	APEX NC 27502-1678
536 GRAND CENTRAL STA	0742528761	KELTON, HORACE ANDREW KELTON, GINA ROBINSON	536 GRAND CENTRAL STA	APEX NC 27502-1678
584 CHESSIE STA	0742623970	KRAMER, PATRICIA EILEEN KRAMER, DAVID JOHN	584 CHESSIE STA	APEX NC 27502-1677
349 GREAT NORTHERN STA	0742635028	KUO, HUNG-CHIEH LIU, HSIN-YI	4816 CORAL DR	DURHAM NC 27713-3131
568 CHESSIE STA	0742621789	LAMB, MICHAEL KENT LAMB, AMY DANE	568 CHESSIE STA	APEX NC 27502-1677
570 CHESSIE STA	0742622810	LEAP, KRISTA ELLEN	570 CHESSIE STA	APEX NC 27502-1677
541 GRAND CENTRAL STA	0742527851	LEE, KENNETH LEE, DAISY	541 GRAND CENTRAL STA	APEX NC 27502-1678
580 CHESSIE STA	0742623836	LIU, JUN XIAO, CHUNYU	580 CHESSIE STA	APEX NC 27502-1677
561 CHESSIE STA	0742620868	LUGIANO, JOSEPH LUGIANO, HANNAH	561 CHESSIE STA	APEX NC 27502-1677
540 GRAND CENTRAL STA	0742528774	MARTIN, TIMOTHY MARTIN, ROSEMARIE	540 GRAND CENTRAL STA	APEX NC 27502-1678
572 CHESSIE STA	0742622831	MCLAIN, ADAM BRUCE	209 E WIND LN	CARY NC 27518-9720
564 CHESSIE STA	0742621737	MILLER, ANGELA L. MILLER, PAUL HOWARD	564 CHESSIE STA	APEX NC 27502-1677
537 GRAND CENTRAL STA	0742527737	MOLLIN, DANIFI J	537 GRAND CENTRAL STA	APEX NC 27502-1678
576 CHESSIE STA	0742622893	NAEHRING, DAVID NAEHRING, MARY	576 CHESSIE STA	APEX NC 27502-1677
0 CHESSIE STA	0742620836	NC II LP LTD PTNRSP	THE HALLE COMPANIES	2900 LINDEN LN STE 300
344 GREAT NORTHERN STA	0742624919	NGUYEN, BINH	1114 MAGIC HOLLOW RD	DURHAM NC 27713-5862
56 HUNTER ST	0742528501	NORTH CAROLINA OFFICE I LP	THE HALLE COMPANIES	2900 LINDEN LN STE 300
577 CHESSIE STA	0742622934	NSUBUGA, PETER NSUBUGA, REBECCA JOY	577 CHESSIE STA	APEX NC 27502-1677
330 GREAT NORTHERN STA	0742633023	OWUSU-AFRIYIE, ABENA	330 GREAT NORTHERN STA	APEX NC 27502-2473
562 CHESSIE STA	0742621716	PISCITELLI, DARCY Q PISCITELLI, SCOTT R	6024 BATTLEFORD DR	RALEIGH NC 27612-6628
579 CHESSIE STA	0742622956	PUJALS, DAISY	9 SOUTH ST	MADISON NJ 07940-1509
556 GRAND CENTRAL STA	0742529972	SHUE, DANIEL SHUE, JENNIFER	556 GRAND CENTRAL STA	APEX NC 27502-1678
341 GREAT NORTHERN STA	0742634152	SUN, XIAOCHUN GUAN, CHUNHONG	341 GREAT NORTHERN STA	APEX NC 27502-2473
567 CHESSIE STA	0742621941	SUNDERMAN, PATSY A	567 CHESSIE STA	APEX NC 27502-1677
351 GREAT NORTHERN STA	0742635048	TAFT, JEFFREY PIERCE TAFT, ROSANNE DE VERA	351 GREAT NORTHERN STA	APEX NC 27502-2473
573 CHESSIE STA	0742621972	THE PETER AND CHERYL CHRISTOPOULOS TRUST	6205 HEATHERSTONE DR	RALEIGH NC 27606-8704
0 GRAND CENTRAL STA	0742527801	THE VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732
535 GRAND CENTRAL STA	0742527725	THI INMAN, ANH THU	535 GRAND CENTRAL STA	APEX NC 27502-1678
545 GRAND CENTRAL STA	0742527875	VALENTA, LIBOR	4721 CORRALES DR	SAN JOSE CA 95136-2613
801 OLD RALEIGH RD	0742624236	VINEYARD DEVELOPMENT LLC	PO BOX 17102	RALEIGH NC 27619-7102
556 CHESSIE STA	0742620725	VISHWAKARMA, DINESH VISHWAKARMA, SUNITA	556 CHESSIE STA	APEX NC 27502-1677
347 GREAT NORTHERN STA	0742635009	WHITE, XIOMARA	347 GREAT NORTHERN STA	APEX NC 27502-2473
543 GRAND CENTRAL STA	0742527863	WIGGINS, WILLIAM ROBERT II	543 GRAND CENTRAL STA	APEX NC 27502-1678
342 GREAT NORTHERN STA	0742633090	WILSON, DARLENE A	342 GREAT NORTHERN STA	APEX NC 27502-2473
546 GRAND CENTRAL STA	0742529811	YE, WEIMIN MA, XUEFANG	800 NOWELL RIDGE RD	RALEIGH NC 27607-5176

Tools



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: 53 Hunter Street, Apex North Carolina 27502 (Summit Room)
 Date of meeting: August 25, 2021 Time of meeting: 5:00PM EST
 Property Owner(s) name(s): Hunter Street LLC
 Applicant(s): Enclave Holdings LLC (Curteis Calhoun)

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

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Rishi GANDHI (EAGLES)	750 LAURA DUNCAN RD APEX NC			✓
2.	Kevin Houghton	547 Grand Central St			✓
3.	DAVID WAHRING	576 Chessie Station			✓
4.	MARY WAHRING	"			✓
5.	Sylvia Burleigh	530 Grand Central St			✓
6.	Mark Burleigh	" " "			✓
7.	Kent Lamb	566 Chessie Sta			✓
8.	Ang Lamb	"			
9.	Angela Miller	564 Chessie Sta			✓
10.	Paul Miller	" "			✓
11.	Robin Verden	558 Chessie Sta			✓
12.	Hannah Hugraw	561 Chessie Sta			✓
13.					
14.					

Use additional sheets, if necessary.

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: Moorhous Site Zoning: PUD-CZ
 Location: 0 Laura Duncan Road Apex, NC 27502
 Property PIN(s): 0742621488 Acreage/Square Feet: 3.62/157,687

Property Owner: Hunter Street LLC
 Address: 227 Fanconia Way
 City: Apex State: NC Zip: 27502
 Phone: 415-710-0462 Email: lisa.allencc@gmail.com

Developer: Enclave Holdings LLC
 Address: 3700 Western Boulevard Suite B
 City: Raleigh State: NC Zip: 27606
 Phone: 919-924-1553 Fax: _____ Email: curteis@enclave-holdings.com

Engineer: Jones & Cnossen
 Address: 221 N. Salem Street Suite 001
 City: Apex State: NC Zip: 27502
 Phone: 919-387-1174 Fax: _____ Email: peter@jonescnossen.com

Builder (if known): NA
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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

Town of Apex Department Contacts

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

Providing Input to Town Council:

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

Private Agreements and Easement Negotiation:

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

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

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

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

Documentation:

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

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): Hunter Street LLC

Applicant(s): Enclave Holdings LLC

Contact information (email/phone): curteis@enclave-holdings.com/919-924-1553

Meeting Address: 53 Hunter Street, Apex NC 27502

Date of meeting: August 25, 2021 Time of meeting: 5:00PM EST

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

Question/Concern #1:

The height of the building 4-5 stories seems high and would be taller than surrounding properties and the amount of units seems to be a lot.

Applicant's Response:

We will try to maintain the height to 4 stories which the previous development was approved at this height. If we can get the desired amount of units in 4 stories we would like to do that. We are also aware of parking requirements and if we need to increase parking and reduce the building footprint we are allowing for the possibility of 5 stories to accommodate parking. The number of units is dictated by the cost for land.

Question/Concern #2:

Water run-off is a concern given the low point of the property at Laura Duncan. What will be done to mitigate the saturation?

Applicant's Response:

The previous development has a retention pond and we will be consistent with the requirements for the water run-off requirements provided by the Water Resource Management engineers. The property is also naturally wet due to a stream and wetlands located on the back portion which we will preserve.

Question/Concern #3:

Lighting from the parking lot is a concern into windows facing the property from the north. What will be done to mitigate light spreading from the area?

Applicant's Response:

We are more than happy to look into down lighting and dark sky lighting and any other technologies that are available to limit the amount of light shed on the area that is feasible for the project.

Question/Concern #4:

Limiting tree removal is a desire from the neighbors and traffic is a concern.

Applicant's Response:

We will do our best to conserve as many trees as possible and will not be cutting any trees in the wetlands area or stream buffer. We are having a traffic impact analysis conducted and will follow all procedure to accommodate for the increased amount of traffic at the site.

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, CURTIS CAHAN, do hereby declare as follows:
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at 53 HUNTER ST, APEX NC 27502 (location/address) on AUGUST 25, 2021 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8/27/2021
Date

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Sekhar Pinapaka, a Notary Public for the above State and County, on this the 27 day of AUGUST, 2021.

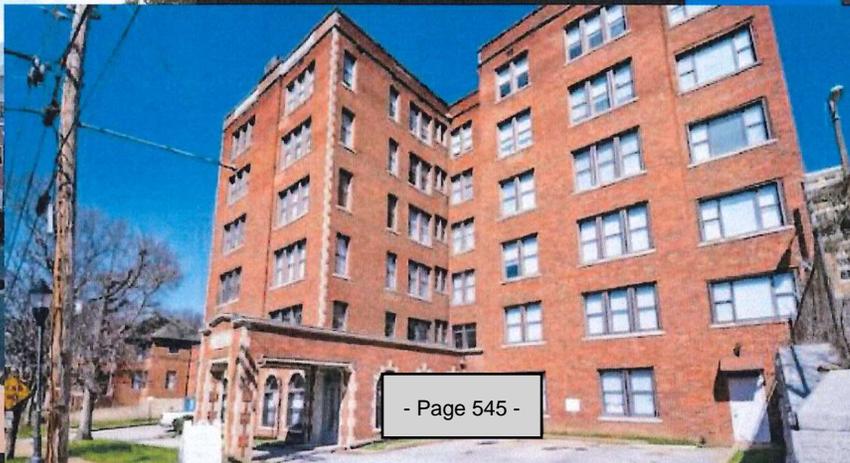
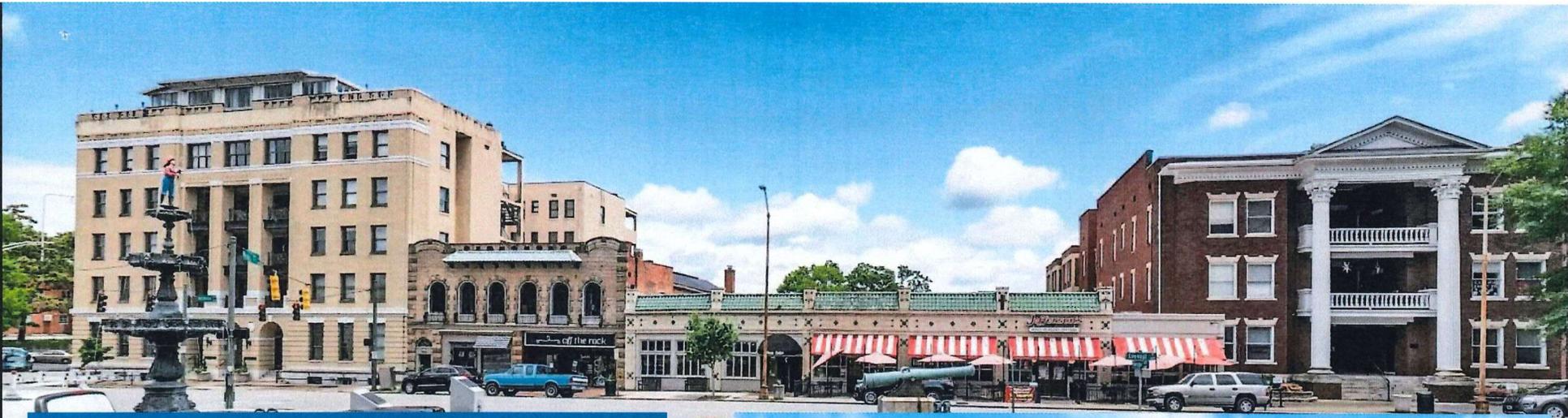
SEAL

SEKHAR PINAPAKA
Notary Public
Wake Co., North Carolina
My Commission Expires May 23, 2026

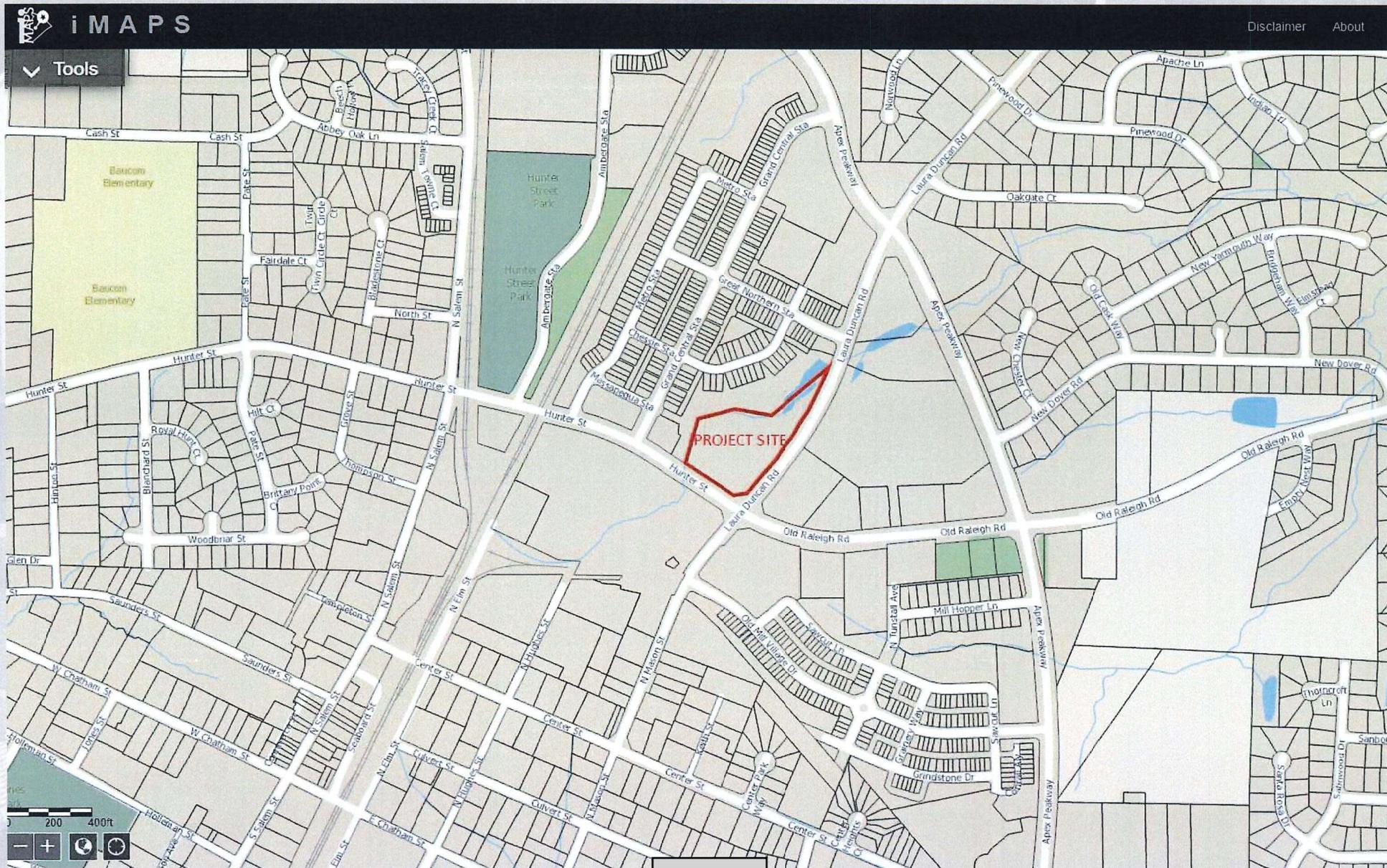
[Signature]
Notary Public
Sekhar Pinapaka
Print Name

My Commission Expires: MAY 23, 2026





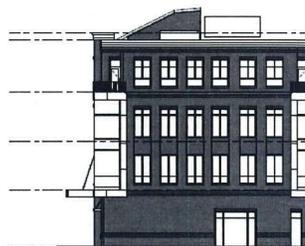
SITE LOCATION



PREVIOUSLY APPROVED/PERMITTED DEVELOPMENT



VIEW FROM CORNER OF HUNTER & LAURA DUCAN



4 WEST ELEVATION
SCALE 3/32" = 1'-0"



3 EAST ELEVATION
SCALE 3/32" = 1'-0"



2 NORTH ELEVATION
SCALE 3/32" = 1'-0"



1 SOUTH ELEVATION
SCALE 3/32" = 1'-0"

CONSTRUCTION

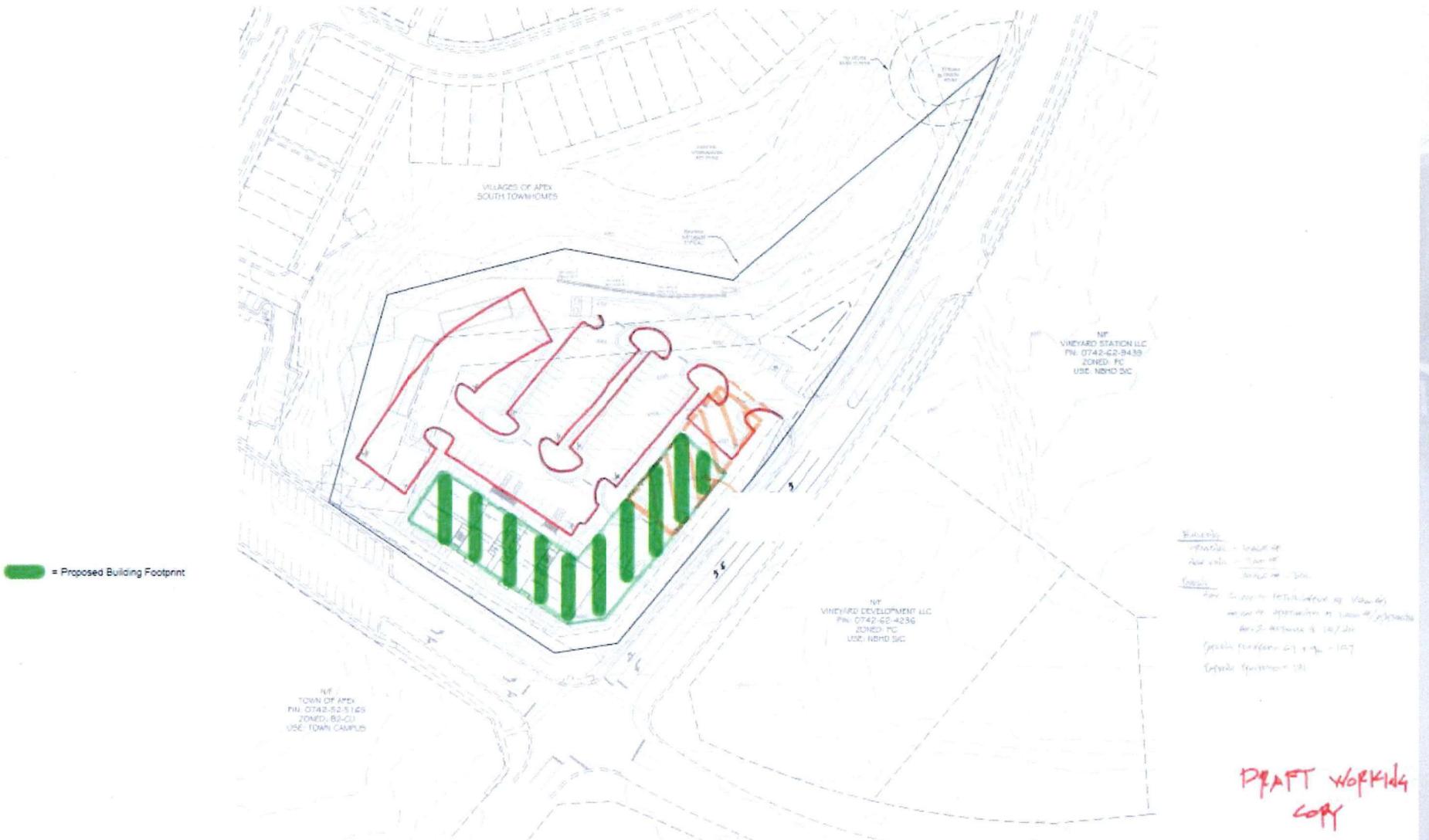
PROJECT TYPE: HOORIOUS
Moorhous
9 LAURA DUCAN BLVD
- NC

DATE: 02.27.19
BY: Jumper
CHK: Cramer
APP: B-10
REVISION: DATE

ELEVATIONS

A2.0

NEW DEVELOPMENT PROPOSAL



NEW DEVELOPMENT PROPOSED STYLE



August 30, 2021

Russell Dalton, PE
Town of Apex
73 Hunter Street
Apex, NC 27502

Subject: Moorhous Building - Traffic Study Update
Apex, North Carolina

Dear Mr. Dalton,

This letter provides a revised capacity analysis and queuing summary for the proposed Moorhous Building development located in the northwest quadrant of the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street in Apex, North Carolina. The previous Traffic Impact Analysis (TIA) report was completed by Ramey Kemp & Associates (RKA) in July of 2016. Additionally, a TIA addendum was completed by RKA in February of 2018. This traffic study update is provided to summarize the impacts of the change in density of the site.

The 2018 TIA addendum assumed that the proposed development would consist of 22,600 square feet (s.f.) of office space, 11,300 s.f. of retail, and 8 apartments in a four-story building. The proposed development is now expected to consist of a maximum of 95 rental apartments above 30,000 s.f. of retail. Site access for the proposed development is expected to match that of the 2018 TIA addendum: one (1) full movement driveway along Laura Duncan Road.

Study Area

Based on coordination with the Town of Apex (Town) and North Carolina Department of Transportation (NCDOT), the study area consists of the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street. It should be noted that this study area matches that of the 2018 TIA addendum completed for this site.

Refer to the attachments for the approved scope. Refer to Figure 1 in the attachments for the site location map and Figure 2 for the existing lane configuration figure.

Analysis Scenarios

All capacity analyses were performed utilizing Synchro (Version 10.3). All study intersections were analyzed during the weekday AM and PM peak hours under the following traffic scenarios:

- 2021 Existing Traffic Conditions
- 2023 No-Build Traffic Conditions
- 2023 Build Traffic Conditions

2021 Existing Traffic Volumes

Peak hour traffic counts from the year 2019 were grown to the year 2021 using a 2% annually compounded growth rate. This methodology was coordinated with the Town and NCDOT during scoping and was used in other traffic studies for adjacent developments in the area (Primrose Childcare).

Signal information was obtained from NCDOT and the Town and can be found in the attachments. Refer to Figure 3 in the attachments for the 2021 existing traffic volume figure.

2023 No-Build Traffic Volumes

Per coordination with the Town and NCDOT, no-build peak hour traffic volumes were determined according to the methodology and rationale contained within the Primrose Childcare TIA. A growth rate of 2% was used to project 2021 existing traffic volumes to the build year of 2023. Refer to Figure 4 in the attachments for the 2023 projected traffic volume figure.

Based on coordination with the Town and NCDOT, the following adjacent developments are included in this study:

- Villages of Apex South Phase*
- Apex High School (not at their typical campus when counts were collected) **
- Apex Peakway Lidl
- Eagles Convenience Store
- Primrose Childcare

*The Villages of Apex South is a mixed-use development that was expected to be build out by 2019. At the time the traffic data was collected in the year 2019, the Villages at Apex South development was approximately 20% complete and operational, so only 80% of the site traffic associated with the development was included in this study.

**Apex High School was undergoing renovations and was therefore not in session at their typical campus at the time traffic data was collected. Trips were generated for the high school using the NCDOT Municipal School Transportation (MSTA) School Traffic Calculator for a high school with 2,262 students and distributed to the roadway network appropriately. Trips were only applied to the weekday AM peak hour, as the school PM peak hour is anticipated to occur outside of the weekday PM peak hour assumed for this study. It should be noted that this methodology provides a conservative estimation because a portion of these trips exist on the roadway network for students attending the temporary school in place of Apex High School and would have been captured in the existing counts.

Although these developments may be partially built under 2021 existing conditions, the counts were collected in March of 2019. Including these developments in no-build conditions is expected to provide a conservative estimate under future traffic conditions as compared to existing conditions. Additionally, there is anticipated to be interaction between the adjacent developments, as well as between the adjacent developments and the proposed development. Residential uses are anticipated to utilize school/ daycare uses; however, no reductions in adjacent development trips were assumed to provide conservative future traffic results. Refer to Figure 5 in the attachments for adjacent development trips and Figure 6 for the 2023 no-build traffic volume figure.

Trip Generation

The proposed development is now expected to consist of a maximum of 95 rental apartments above 30,000 s.f. of retail. Average weekday daily, AM, and PM peak hour trips for the development were estimated using methodology contained within the ITE *Trip Generation Manual*, 10th Edition. A summary of trip generation potential for the proposed development is shown in Table 1, on the following page.

Table 1: Trip Generation Summary

Land Use (ITE Code)	Intensity	Weekday Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing (220)	95 units	700	10	35	35	21
Shopping Center (820)	30,000 sq. ft.	2,700	103	64	107	116
Total Trips		3,400	113	99	142	137
<i>Pass-By Trips: Shopping Center (34% PM)</i>			--	--	-38	-38
Total Primary Trips		3,400	113	99	104	99

It is estimated that the proposed development will generate approximately 3,400 total site trips on the roadway during a typical 24-hour weekday period. Of the daily traffic volume, it is anticipated that 212 trips (113 entering and 99 exiting) will occur during the weekday AM peak hour and 279 trips (142 entering and 137 exiting) are expected to occur during the weekday PM peak hour.

Pass-by trips were taken into consideration in this study. Pass-by trips are made by the traffic already using the adjacent roadway, entering the site as an intermediate stop on their way to another destination. Pass-by percentages are applied to site trips after adjustments for internal capture. Pass-by trips are expected to account for approximately 76 trips (38 entering and 38 exiting) during the weekday PM peak hour. It should be noted that the pass-by trips were balanced, as it is likely that these trips would enter and exit in the same hour. Additionally, internal capture for the site would also be expected; however, this was omitted for a conservative analysis.

The total primary site trips are the calculated site trips after the reduction for internal capture and pass-by trips. Primary site trips are expected to generate approximately 212 trips (113 entering and 99 exiting) during the weekday AM peak hour and 203 trips (104 entering and 99 exiting) during the weekday PM peak hour. It should be noted that this updated density is expected to generate less weekday daily, AM, and PM traffic than what was proposed in the TIA addendum.

Trip Distribution

Based on coordination with the Town, the regional site trip distribution percentages used in the previous TIA addendum were used for this traffic study.

Refer to Figure 7 in the attachments for the site trip distribution and Figures 8a and 8b for the residential site trip assignment and retail site trip assignment figures, respectively.

Refer to Figure 9 for the pass-by trip distribution figure and Figure 10 for the pass-by assignment figure. The total site trip assignment volumes are shown in Figure 11.

2023 Build Traffic Volumes

To estimate the 2023 build traffic conditions, the total site trips were added to the 2023 no-build traffic volumes. Refer to Figure 12 in the attachments for the 2023 build traffic volume figure.

Capacity Analysis

The study intersections were analyzed under 2021 existing, 2023 no-build and 2023 build traffic conditions to determine the potential impact of the proposed development under full buildout. Analysis was performed using the methodology outlined in the Highway Capacity Manual (HCM), 6th Edition published by the Transportation Research Board. Capacity and level of service are the design criteria for this traffic study. A computer software package, Synchro (Version 10.3), was used to complete the analyses for the study intersection. Please note that the unsignalized capacity analysis does not provide an overall level of service for an intersection; only delay for an approach with a conflicting movement. Refer to Table 2 for HCM levels of service and related average control delay per vehicle for unsignalized and signalized intersections. Control delay as defined by the HCM includes “initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay”.

Table 2: Highway Capacity Manual – Levels-of-Service and Delay

UNSIGNALIZED INTERSECTION		SIGNALIZED INTERSECTION	
LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)	LEVEL OF SERVICE	AVERAGE CONTROL DELAY PER VEHICLE (SECONDS)
A	0-10	A	0-10
B	10-15	B	10-20
C	15-25	C	20-35
D	25-35	D	35-55
E	35-50	E	55-80
F	>50	F	>80

Capacity analysis at all study intersections was completed according to the NCDOT Congestion Management Guidelines and Town of Apex UDO guidelines.

Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street

The existing signalized intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street was analyzed under 2021 existing, 2023 no-build and 2023 build traffic conditions with the lane configurations and traffic control shown in Table 3. Refer to Table 3 for a summary of the capacity analysis results. The Synchro capacity analysis reports are included in the attachments.

Table 3: Analysis Summary of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2021 Existing	EB	1 LT, 1 TH-RT	A	B (15)	A	B (14)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	
2023 No-Build	EB	1 LT, 1 TH-RT	B	B (19)	A	B (17)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	
2023 Build	EB	1 LT, 1 TH-RT	B	B (19)	A	B (17)
	WB	1 LT, 1 TH, 1 RT	B		B	
	NB	1 LT, 1 TH-RT	C		B	
	SB	1 LT, 1 TH-RT	B		C	

Capacity analysis of 2021 existing, 2023 no-build and 2023 build traffic conditions indicates the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street is expected to operate at an overall LOS B during the weekday AM and PM peak hours. From 2023 no-build to 2023 build traffic conditions, there are expected to be no changes to the movement levels of service. Additionally, from 2021 existing to 2023 build traffic conditions only minor increases in the overall delay (4 seconds in the weekday AM peak hour and 3 seconds in the weekday PM peak hour) are expected. Based on SimTraffic, the southbound queues along Laura Duncan Road are not expected to impact the proposed driveway as the max queue observed at that approach is approximately 217 feet during the weekday PM peak hour. Due to the minimal increase in delay and acceptable overall levels of service at this intersection, no improvements are recommended by the developer.

Laura Duncan Road and Site Drive

The proposed unsignalized intersection of Laura Duncan Road and Site Drive was analyzed under 2023 build traffic conditions with the lane configurations and traffic control shown in Table 4. Refer to Table 4 for a summary of the capacity analysis results. The Synchro capacity analysis reports are included in the attachments.

Table 4: Analysis Summary of Laura Duncan Road and Site Drive

ANALYSIS SCENARIO	APPROACH	LANE CONFIGURATIONS	WEEKDAY AM PEAK HOUR LEVEL OF SERVICE		WEEKDAY PM PEAK HOUR LEVEL OF SERVICE	
			Approach	Overall (seconds)	Approach	Overall (seconds)
2023 Build	EB NB SB	1 LT-RT 1 LT, 1 TH 1 TH, 1 RT	B ² A ¹ -	N/A	C ² A ¹ -	N/A

Improvements by developer are shown in bold.

1. Level of service for major-street left-turn movement.
2. Level of service for minor-street approach.

Capacity analysis of 2023 build traffic conditions indicate the major-street left-turn movement and minor-street approach at the proposed intersection of Laura Duncan Road and Site Drive are expected to operate at LOS C or better during the weekday AM and PM peak hours.

Turn lanes were considered based on the NCDOT *Policy on Street and Driveway Access to North Carolina Highways*. A two-way left-turn lane (TWLTL) between this site drive and Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street is recommended at this intersection. A southbound right-turn lane with at least 50 feet of storage is also recommended.

It should be noted that queues from the southbound left-turn at the intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street are not expected to impact the northbound left-turn at this site drive as the maximum southbound left-turn queue length is 217 feet, the maximum northbound left-turn queue length is 51 feet, and the distance between these intersections is approximately 400 feet.

Conclusions and Recommendations

Based on the capacity analysis results, the proposed development is not expected to have a significant impact on the study area. Refer to Figure 13 in the attachments for the recommended lane configuration figure.

The recommended roadway improvements are summarized below.

Recommended Improvements by Developer

Laura Duncan Road and Site Drive

- Construct eastbound approach with one ingress and one egress lane.
- Construct a TWLTL from this proposed intersection to the existing intersection of Laura Duncan Road / Mason Street and Old Raleigh Road / Hunter Street.
- Construct a southbound right-turn lane with at least 50 feet of storage and appropriate decel and taper.
- Provide stop control at eastbound approach.

If you should have any questions or comments regarding this letter, please feel free to contact me at (919) 872-5115.

Sincerely,



Nate Bouquin, P.E.
Traffic Engineering Project Manager
RAMEY KEMP & ASSOCIATES, INC.



NC Corporate License #C-0910

- Attachments:
- Scope
 - Figures
 - Signal Plans
 - Synchro Reports

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



Report Requirements:

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

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

PROJECT DESCRIPTION:

Acreage: +/- 3.62

PIN(s): 0742621488

Current Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

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

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

Town Limits: Inside Corporate Limits

Applicable Officially Adopted Plans:

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

2045 Land Use Map
 Consistent Inconsistent Reason: _____

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

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



Legislative Considerations:

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

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

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

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL
Rezoning Case: 21CZ25 Villages of Apex PUD Amendment

Planning Board Meeting Date: November 8, 2021



Planning Board Recommendation:

Motion: To recommend approval as proposed except as noted below.

Introduced by Planning Board member: Tim Royal

Seconded by Planning Board member: Tina Sherman

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

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

Conditions as proposed by applicant, except the height should be limited to 4 stories as currently
allowed and frontages along Hunter Street and Laura Duncan Road should be non-residential land
uses only.

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 8th day of November 2021.

Attest:

Michael Marks Digitally signed by Michael Marks
Date: 2021.11.09 11:15:08 -05'00'

Michael Marks, Planning Board Chair

Dianne Khin Digitally signed by Dianne Khin
Date: 2021.11.08 19:25:31 -05'00'

Dianne Khin, Director of Planning and
Community Development



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25
Villages of Apex 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 de Apex. El propósito de estas audiencias es considerar lo siguiente:

- Solicitante:** Enclave Holdings, LLC.
- Agente autorizado:** Curteis Calhoun
- Dirección de la propiedad:** 0 Laura Duncan Road
- Superficie:** ±3.62 acres
- Número de identificación de la propiedad:** 0742621488
- Designación actual en el Mapa de Uso Territorial para 2045:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
- Ordenamiento territorial existente de la propiedad:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
- Ordenamiento territorial propuesto para la 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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre de 2021 4:30 P.M.
Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>. Por favor visite www.apexnc.org el día de la reunión para confirmar si la reunión se llevará a cabo de manera presencial o remotamente.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

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

Fechas de publicación: 25 de octubre – 8 de noviembre de 2021.



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

**PUBLIC NOTIFICATION
 OF PUBLIC HEARINGS**
 CONDITIONAL ZONING #21CZ25
 Villages of Apex PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Planning Board of the Town of Apex. The purpose of these hearings is to consider the following:

- Applicant:** Enclave Holdings, LLC.
- Authorized Agent:** Curteis Calhoun
- Property Address:** 0 Laura Duncan Road
- Acreage:** ±3.62 acres
- Property Identification Number (PIN):** 0742621488
- 2045 Land Use Map Designation:** Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
- Existing Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
- Proposed Zoning of Properties:** Planned Unit Development-Conditional Zoning (PUD-CZ)

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

Planning Board Public Hearing Date and Time: November 8, 2021 4:30 PM

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

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

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

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

Vicinity Map:



Property owners, tenants, and neighborhood associations within 300 feet of the proposed conditional zoning have been sent this notice via first class mail. All interested parties may submit comments with respect to the application by the means specified above. In addition to the above map, the location of the property may be viewed online at <https://maps.raleighnc.gov/imaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36743>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25
Villages of Apex 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 de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Enclave Holdings, LLC.

Agente autorizado: Curteis Calhoun

Dirección de la propiedad: 0 Laura Duncan Road

Superficie: ±3.62 acres

Número de identificación de la propiedad: 0742621488

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

Ordenamiento territorial propuesto para la 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

Fecha y hora de la audiencia pública de la Junta de Planificación: 8 de noviembre de 2021 4:30 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria de la Junta de Planificación, Amanda Bunce (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación de la Junta de Planificación. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán a la Junta de Planificación antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión de la Junta de Planificación se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

De conformidad con los requisitos estatales de notificaciones públicas, se enviará por correo y se publicará por separado una notificación de la audiencia pública del Consejo Municipal sobre este proyecto.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

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



**Villages of
Apex (South,
Phase 1)**

Rezoning #21CZ25

**Shepherds
Vineyard**

**Apex Town
Campus**

**Old Mill
Village**

Public Hearing Sign Posted By

9/14/21

Signature

Date

0 250 500

feet



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 #21CZ25
Villages of Apex PUD Amendment
Project Location: 0 Laura Duncan Road
Applicant or Authorized Agent: Curteis Calhoun
Firm: Enclave Holdings, LLC.

This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on October 25, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

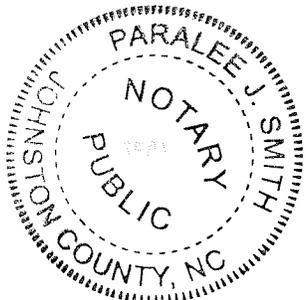
10/25/2021
Date

Shane F. Khan
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 25 day of October, 2021.

Paralee J Smith
Notary Public



My Commission Expires: 9 / 12 / 2023



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

**PUBLIC NOTIFICATION
OF PUBLIC HEARINGS**
CONDITIONAL ZONING #21CZ25
Villages of Apex PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Enclave Holdings, LLC.
Authorized Agent: Curteis Calhoun
Property Address: 0 Laura Duncan Road
Acreage: ±3.62 acres
Property Identification Number (PIN): 0742621488
2045 Land Use Map Designation: Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-C2 #17C211)
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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/lmaps>. The 2045 Land Use Map may be viewed online at www.apexnc.org/DocumentCenter/View/478. You may call 919-249-3426, Department of Planning and Community Development, with questions or for further information. To view the petition and related documents on-line: <https://www.apexnc.org/DocumentCenter/View/36743>.

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

Published Dates: November 1 – November 23, 2021



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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS
ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25
Villages of Apex 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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Enclave Holdings, LLC.
Agente autorizado: Curteis Calhoun
Dirección de la propiedad: 0 Laura Duncan Road
Superficie: 13.62 acres
Número de identificación de la propiedad: 0742621488
Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services
Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)
Ordenamiento territorial propuesto para la 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 recibidos antes de la audiencia pública de la Junta de Planificación no se proporcionarán al Consejo Municipal. Los comentarios para la audiencia pública del Consejo Municipal deben presentarse por separado en el plazo especificado a continuación.

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.ralighnc.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/36743>.

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

Fechas de publicación: 1 de noviembre – 23 de noviembre de 2021



TOWN OF APEX

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

PUBLIC NOTIFICATION OF PUBLIC HEARINGS CONDITIONAL ZONING #21CZ25 Villages of Apex PUD Amendment

Pursuant to the provisions of North Carolina General Statutes §160D-602 and to the Town of Apex Unified Development Ordinance (UDO) Section 2.2.11, notice is hereby given of public hearings before the Town Council of the Town of Apex. The purpose of these hearings is to consider the following:

Applicant: Enclave Holdings, LLC.

Authorized Agent: Curteis Calhoun

Property Address: 0 Laura Duncan Road

Acreage: ±3.62 acres

Property Identification Number (PIN): 0742621488

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

Existing Zoning of Property: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

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

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

Town Council Public Hearing Date and Time: November 23, 2021 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/36743>.

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



TOWN OF APEX

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

NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

ORDENAMIENTO TERRITORIAL CONDICIONAL #21CZ25
Villages of Apex 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 el Consejo Municipal del Ayuntamiento de Apex. El propósito de estas audiencias es considerar lo siguiente:

Solicitante: Enclave Holdings, LLC.

Agente autorizado: Curteis Calhoun

Dirección de la propiedad: 0 Laura Duncan Road

Superficie: ±3.62 acres

Número de identificación de la propiedad: 0742621488

Designación actual en el Mapa de Uso Territorial para 2045: Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services

Ordenamiento territorial existente de la propiedad: Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11)

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

Fecha y hora de la audiencia pública del Consejo Municipal: 23 de noviembre de 2021 6:00 P.M.

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

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a public.hearing@apexnc.org, o presentarla a la secretaria municipal adjunta, Tesa Silver (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

En caso de que la reunión del Consejo Municipal se lleve a cabo remotamente o que por lo menos uno de los miembros asista virtualmente, se permite presentar comentarios por escrito hasta 24 horas antes de la hora programada de la reunión según los estatutos de Carolina del Norte NCGS §166A-19.24 siguiendo los métodos especificados anteriormente. Las reuniones virtuales se pueden seguir en la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Mapa de las inmediaciones:



Los propietarios, inquilinos y asociaciones de vecinos en un radio de 300 pies del Ordenamiento Territorial Condicional propuesto han recibido esta notificación por correo postal de primera clase. Todas las partes interesadas pueden presentar comentarios sobre la solicitud a través de los medios especificados anteriormente. La ubicación de la propiedad también puede verse aquí: <https://maps.raleighnc.gov/imaps>. Puede ver el Mapa de Uso Territorial para 2045 aquí: www.apexnc.org/DocumentCenter/View/478. Si tiene preguntas o desea obtener más información, puede comunicarse con el Departamento de Planificación y Desarrollo Comunitario al 919-249-3426. Puede ver la solicitud y otros documentos relacionados aquí: <https://www.apexnc.org/DocumentCenter/View/36743>.

Dianne F. Khin, AICP

Directora de Planificación y Desarrollo Comunitario



TOWN OF APEX

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

**AFFIDAVIT CERTIFYING
Public Notification – Written (Mailed) Notice**
Section 2.2.11
Town of Apex Unified Development Ordinance

Project Name: Conditional Zoning #21CZ25
Villages of Apex PUD Amendment
Project Location: 0 Laura Duncan Road
Applicant or Authorized Agent: Curteis Calhoun
Firm: Enclave Holdings, LLC.

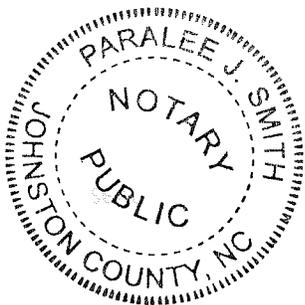
This is to certify that I, as Director of Planning and Community Development, mailed or caused to have mailed by first class postage for the above mentioned project on November 1, 2021, a notice containing the time and place, location, nature and scope of the application, where additional information may be obtained, and the opportunity for interested parties to be heard, to the property owners and tenants within 300' of the land subject to notification. I further certify that I relied on information from the Wake County Tax Assessor and the Town of Apex Master Address Repository provided to me by Town of Apex GIS Staff as to accuracy of the list and accuracy of mailing addresses of property owners and tenants within 300' of the land subject to notification.

11/1/2021
Date

Shane F. Khan
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 1 day of November, 2021.



Paralee J. Smith
Notary Public

My Commission Expires: 9, 12, 2023

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 12.3599 ACRES LOCATED ON 76 HUNTER STREET, 0 LAURA DUNCAN ROAD, 1960 APEX PEAKWAY FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #14CZ04) TO PLANNED UNIT DEVELOPMENT CONDITIONAL ZONING

#17CZ11

WHEREAS, the application of Jones & Cnossen Engineering, PLLC, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 10th day of July 2017 before the Planning Board. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 18th day of July 2017, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **NOW, THEREFORE,**

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

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

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Unit Development-Conditional Zoning (PUD-CZ #14CZ04) to Planning Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to the conditions in Attachment "B" PUD Amendment Letter 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.

Ordinance Amending the Official Zoning District Map #17CZ11
Page Two

Section 6: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member SCHULZE

Seconded by Council Member MOYER

With 3 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 15th day of August 2017.

TOWN OF APEX



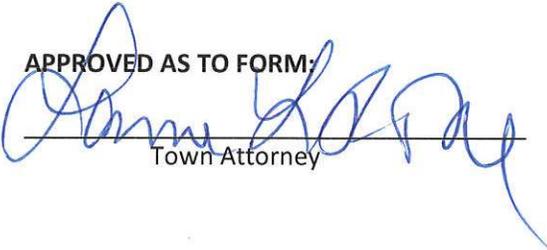
Mayor

ATTEST:



Town Clerk

APPROVED AS TO FORM:



Town Attorney

Attachment "A"

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the western variable width public right of way for Grand Central Station (B.M. 2009, PG. 821); existing iron pipe also located South $26^{\circ} 13' 14''$ West, 61.63 feet from control existing iron pipe #1 (B.M. 2016, PG. 854) with NAD(83/2011) coordinate values of North 722,678.93 feet, East 2,045,719.55 feet; thence from BEGINNING existing iron pipe South $26^{\circ} 13' 14''$ West, 103.92 feet to a mathematical point on the northern 90' public right of way for Hunter Street (D.B. 5747, PG. 651); thence South $26^{\circ} 22' 14''$ West, 45.00 feet to a mathematical point in the center of 90' public right of way for Hunter Street; thence with the center of 90' public right of way for Hunter Street a curve to the left North $69^{\circ} 23' 31''$ West, 230.11 feet (chord) 1,145.92 feet (radius) to a mathematical point in the center of 90' public right of way for Hunter Street; thence North $14^{\circ} 50' 45''$ East, 45.00 feet to a mathematical point on the northern 90' public right of way for Hunter Street; thence with the eastern 50' public right of way for Metro Station (B.M. 2016, PG. 934) a curve to the right North $09^{\circ} 00' 06''$ West, 39.29 feet (chord) 34.00 feet (radius) to a mathematical point; thence with the eastern 50' public right of way for Metro Station North $26^{\circ} 17' 55''$ East, 85.84 feet to a mathematical point; thence a curve to the right North $75^{\circ} 06' 26''$ East, 37.63 feet (chord) 25.00 feet (radius) to a mathematical point; thence with the southern 45' public right of way for Massapequa Station a curve to the left South $59^{\circ} 53' 08''$ East, 22.87 feet (chord) 172.50 feet (radius) to a mathematical point; thence with the southern 45' public right of way for Massapequa Station South $63^{\circ} 41' 12''$ East, 195.89 feet to a mathematical point; thence a curve to the right South $18^{\circ} 43' 59''$ East, 19.08 feet (chord) 13.50 feet (radius) to the BEGINNING containing 0.9933 acre (43,267 sq. ft.) more or less.

PIN 0742-52-5643

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an iron pipe set on the northern 90' public right of way for Hunter Street (D.B. 5747, PG. 651); iron pipe set also located South 63° 46' 41" East, 97.56 feet from control existing iron pipe #2 (B.M. 2017, PG. 707) with NAD(83/2011) coordinate values of North 722,604.05 feet, East 2,045,781.07 feet; thence South 04° 22' 38" West, 47.76 feet to an existing iron pipe; thence South 63° 46' 46" East, 13.40 feet to an existing iron pipe; thence South 26° 13' 12" West, 99.65 feet to an existing punch hole in sidewalk; thence South 56° 29' 51" East, 76.32 feet to an iron pipe set; thence from BEGINNING iron pipe set North 15° 37' 53" East, 216.16 feet to an iron pipe set; thence North 75° 09' 54" East, 183.13 feet to an iron pipe set; thence South 79° 37' 44" East, 169.41 feet to an iron pipe set; thence North 49° 25' 18" East, 350.11 feet to an iron pipe set on the western variable width public right of way for Laura Duncan Road; thence South 68° 12' 01" East, 30.00 feet to a mathematical point in the public right of way for Laura Duncan Road; thence a curve to the right South 29° 48' 06" West, 498.86 feet (chord) 1,791.82 feet (radius) to a mathematical point in the public right of way for Laura Duncan Road; thence South 39° 08' 49" West, 300.50 feet to a mathematical point in the public right of way for Laura Duncan Road & the center of 90' public right of way for Hunter Street (D.B. 5747, PG. 651); thence with the center of 90' public right of way for Hunter Street North 56° 29' 51" West, 339.24 feet to a mathematical point in the center of 90' public right of way for Hunter Street; thence North 33° 30' 09" East, 45.00 feet to the BEGINNING containing 4.5162 acres (196,725 sq. ft.) more or less.

PIN 0742-62-1488

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a mathematical point on the western 100' public right of way for Apex Peakway (D.B. 13953, PG. 2190); mathematical point also located South 58° 14' 54" East, 98.42 feet from an existing iron stake (B.M. 2016, PG. 935) on the eastern 100' railroad right of way for CSX Transportation, INC. (D.B. 24, PG. 162), and on the southern 100' public right of way for Apex Peakway (D.B. 13953, PG. 2190) to a mathematical point; thence a curve to the right South 33° 51' 53" East, 550.09 feet (chord) 666.20 feet (radius) to an existing iron stake on the western 100' public right of way for Apex Peakway; thence South 09° 28' 40" East, 1.79 feet to a mathematical point; thence from BEGINNING mathematical point North 80° 31' 20" East, 50.00 feet to a mathematical point in the center of 100' public right of way for Apex Peakway; thence with the center of 100' public right of way for Apex Peakway South 09° 28' 40" East, 47.71 feet to a mathematical point in the center of 100' public right of way for Apex Peakway; thence a curve to the left South 29° 34' 15" East, 482.05 feet (chord) 701.58 feet (radius) to a mathematical point in the center of 100' public right of way for Apex Peakway & being in the public right of way for Laura Duncan Road; thence a curve to the left South 25° 35' 47" West, 186.25 feet (chord) 1,359.94 feet (radius) to a mathematical point in the public right of way for Laura Duncan Road; thence South 20° 13' 56" West, 159.30 feet to a mathematical point in the public right of way for Laura Duncan Road; thence South 18° 00' 22" West, 63.17 feet to an mathematical point in the public right of way for Laura Duncan Road; thence North 71° 59' 38" West, 30.00 feet to a mathematical point on the western public right of way for Laura Duncan Road; thence leaving the western public right of way for Laura Duncan Road North 63° 46' 48" West, 455.54 feet to a mathematical point; thence a curve to the right North 18° 46' 48" West, 21.21 feet (chord) 15.00 feet (radius) to a mathematical point; thence North 26° 13' 12" East, 284.61 feet to a mathematical point; thence North 63° 46' 48" West, 106.50 feet to a mathematical point on the eastern future public right of way; thence North 26° 13' 12" East, 255.61 feet to a mathematical point; thence a curve to the right North 53° 21' 14" East, 155.06 feet (chord) 170.00 feet (radius) to a mathematical point; thence North 80° 29' 16" East, 7.81 feet to a mathematical point; thence a curve to the right South 54° 29' 42" East 35.37 feet (chord) 25.00' feet (radius) to the BEGINNING containing 6.8504 acres (298,403 sq. ft.) more or less.

Portion of PIN 0742-63-2414



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July 24, 2017

Liz Lofton – Planner
 Town of Apex Planning Department
 P.O. Box 250
 Apex, North Carolina 27502

RE: PUD Amendment Letter
 Trakside South (Pin No.'s 0742-52-5643, 0742-63-2414 partial & 0742-62-1448)

This letter is submitted to the Town of Apex for the purpose of amending Conditional Zoning #07CZ05, Trakside Development, by the following:

1. The PD Plan for the Trakside Development shows uses for the remaining three vacant tracts in Trakside South as follows:
 - 0 Metro Station (Pin No. 0742-52-5643 on Hunter Street) – Streetfront Mixed-Use
 - 1 960 Apex Peakway (Pin No. 0742-63-2414 partial) – Mixed-Use (Retail/Office/Attached Residential)
 - 0 Chessie Station (Pin No. 0742-62-1488 at Hunter Street and Laura Duncan) – Retail/Office

The Owner requests that the uses for these remaining three vacant tracts be as follows:

Mixed Use – Retail/Office/Public and Civic/Attached Residential. All residential to be on 2nd story or higher over retail/office.

2. The PD Plan for the Trakside Development shows Commercial Density as follows:

Commercial Density (Trakside South)

Description	Office	Retail	Total
Minimum	20,000 sf	60,000 sf	80,000 sf
Maximum	80,000 sf	140,000 sf	220,000 sf

The Owner requests that the Commercial Density be revised as follows:

TABLE 1

	Grand Total
Gross Minimum	80,000 sf
Gross Maximum	220,000 sf

The Commercial Density may not be less than the Gross Minimum square footage or greater than the Gross Maximum square footage.

The Commercial Density is further restricted by requiring minimum square footages by Use Category as follows:

TABLE 2

Use Category:	Office	Retail	Public & Civic
Use Minimum	20,000 sf *	18,000 sf	No Minimum

The Commercial Density may not be less than the Use Minimum square footages under each Use Category.

The Commercial Density must meet or exceed the Gross Minimum square footage in Table 1.

*Note 1: there is currently over 20,000 square feet of office completed or under construction within the PUD.

The Commercial Density is further restricted by maximum square footages by Use Category as follows:

TABLE 3

Use Category:	Office	Retail	Public & Civic
Use Maximum **	202,000 sf	200,000 sf	182,000 sf

The Commercial Density may not be greater than the Use Maximum square footages under each Use Category.

The Commercial Density may not exceed the Gross Maximum square footage in Table 1.

**Note 2: The Use Maximum square footage is determined for each Use Category by taking the Gross Maximum square footage in Table 1, and subtracting the Use Minimum square footages of the other Use Categories in Table 2.

For example, to determine the Use Maximum for the Office Use Category:

Office Use Maximum sf = Gross Maximum sf - Retail Use Minimum sf - Public & Civic Use Minimum sf

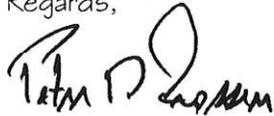
Office Use Maximum sf = 220,000 sf - 18,000 sf - 0 sf

Office Use Maximum sf = 202,000 sf

This PUD Amendment is requested to provide additional uses to create more development opportunity for the three remaining tracts in Tractside South. We will continue to work with Staff in the rezoning process and look forward to receiving your input regarding these requested changes to the PUD.

If you have any questions, please feel free to contact our office at any time.

Regards,



Peter D. Clossen, P.E.

Jones & Clossen Engineering, PLLC

Cc: Apex First Development, LLC

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #14CZ04**

NC II LP LTD Partnership, owners/applicants (the "Applicant"), submitted a completed application for a conditional zoning on the 4th day of March, 2014 (the "Application"). The proposed conditional zoning is designated #14CZ04.

The Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #14CZ04 before the Planning Board held on the 14th day of April, 2014.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #14CZ04 before the Town Council on the 6th day of May, 2014.

The Apex Planning Board held a public hearing on the 14th day of April, 2014, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #14CZ04. A motion was made at the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #14CZ04.

The Apex Town Council held a public hearing on the 6th day of May, 2014. Lauren Simmons, Planner, presented the Planning Board's recommendation at the public hearing.

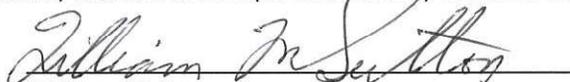
All persons who desired to present information relevant to the application for #14CZ04 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 and 0 approved Application #14CZ04.

Rezoning the subject tract at 1960 Apex Peakway, amending the previously approve zoning case #07CZ05 to remove the requirement of "live/work" townhomes, amend the "Parking and Loading Requirements" from 2 per unit to 1.8 spaces per non-townhome, attached-residential unit, add a condition to require TIA at site or subdivision plan submission, and add a condition to require additional vegetation along the Brookfield-Norwood side

The Apex Town Council finds that the approval of the rezoning is consistent with the 2030 Land Use Plan and other adopted plans in that: The 2030 Land Use Map designates this area as Mixed Use and the condition changes are consistent with the parking requirement already in place on the apartments in Trakside North.

The Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The property is directly adjacent to property fronting a major thoroughfare (US Highway 64) and is designated at Mixed Use (High Density Residential, Medium Density Residential, Office Employment and Commercial Services) on the 2030 Land Use Map. The rezoning adds buffers for the neighbors, makes parking more flexible within the development and removes a specific use (live/work units) that the developer stated they could not market.


William M. Sutton
Mayor

ATTEST:



Donna B. Hosch, CMC, NCCMC
Town Clerk

11-19-14

Date

AN ORDINANCE TO AMEND REZONING ORDINANCE #07CZ05 TO REMOVE A CONDITION RELATED TO "LIVE/WORK" TOWNHOMES AND TO MODIFY A CONDITION RELATED TO PARKING AND LOADING REQUIREMENTS

WHEREAS, the application of NC II LP LDT Partnership, petitioner, to amend Rezoning Ordinance #07CZ05, which is applicable to lands hereinafter described, was duly filed with the office of the Planning Director and thereafter public hearings were held thereon on the 14th day of April, 2014 before the Planning Board and the 6th day of May, 2014, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of this 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: Rezoning Ordinance #07CZ05 is amended as follows:

1. Condition No. 2 on the first page of Attachment B to Rezoning Ordinance #07CZ05, which requires certain townhomes in Trackside South to be "live/work" townhomes, is hereby deleted.
2. The following text is added at the end of the first paragraph in the "Parking and Loading Requirements" on page 8 of the "PD Plan for PUD CZ Trackside Development" which is part of Exhibit B to Rezoning Ordinance #07CZ05:

Notwithstanding the foregoing, the parking and loading requirements applicable to the attached-residential section of Trackside South, but not the townhomes, shall be calculated at 1.8 spaces per residential unit.

3. Applications for site and subdivision plans within Trackside South submitted to the Town subsequent to the adoption of this Ordinance are subject to the requirement of preparation of individual Traffic Impact Analyses in accordance with the UDO requirements.
4. Vegetation will be planted along the Brookfield-Norwood side be agreeable and reasonable to the developer, the planning staff and the neighbors to which the pond abuts.

Section 3: The "Rezoned Lands" shall be perpetually bound to the conditions imposed, including the uses authorized, imposed by Rezoning Ordinance #07CZ05 as amended hereby, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Rezoning Ordinance #07CZ05 shall remain in full force and effect except as amended hereby.

Section 4: This Ordinance will not affect vested rights, if any exist, related to the lands described in Attachment A.

Section 5: This ordinance is effective upon adoption.

Motion by Council Member SCHULZE

Seconded by Council Member JENKIN

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 18th day of November 2014.

TOWN OF APEX

William M. Sutton
Mayor

ATTEST:

Donna Hosch
Town Clerk

APPROVED AS TO FORM:

Samuel Stone
Town Attorney

Attachment "A"

LEGAL DESCRIPTION FOR REZONING TRACTSIDE APEX, NORTH CAROLINA

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN

EXISTING ¾" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING ¾" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURUA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING ½" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISTING ¾" (O.D.) IRON PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR BING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.

**BEFORE THE TOWN COUNCIL OF THE TOWN OF APEX
APPLICATION FOR CONDITIONAL ZONING PERMIT #07CZ05**

FINDINGS OF FACT

Apex First Development, LLC and F. Brent Neal, Marion Hays McNair, and Douglas W. Duncan, Trustees of the Laura T. Duncan Family Trust, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning permit on the 5th day of February, 2007. The proposed conditional zoning permit is designated #07CZ05.

The Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #07CZ05 before the Planning Board held on the 9th day of April, 2007.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #07CZ05 before the Town Council on the 1st day of May, 2007.

The Apex Planning Board held a public hearing on the 9th day of April, 2007, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning permit #07CZ05. The Apex Planning Board unanimously recommended approval of the application for #07CZ05.

The Apex Town Council held a public hearing on the 1st and 15th day of May, 2007.. The Applicant established by testifying all matters in the application for the proposed conditional zoning and established that granting the proposed conditional zoning is in the public interest. Dianne Khin presented the Planning Board's recommendation at the public hearing.

All persons who desired to present evidence relevant to the application for #07CZ05 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning permit is sought, were allowed to present evidence at the public hearing before the Apex Town Council.

Based on the competent and material evidence in the record, the Town Council finds that the proposed use reflected in conditional zoning application #07CZ05 is reasonable and in the public interest because it:

1. Is appropriate for its location and is consistent with the 2025 Land Use Plan;
2. Is appropriate for its location and is compatible with the character of surrounding land uses;
3. Complies with Section 4.4 of the Unified Development Ordinance;
4. Will have minimal adverse effects on surrounding lands and will not create or constitute a nuisance;
5. Will have minimal environmental impacts and will not cause significant deterioration of water and air resources, wildlife habitat, scenic and other natural resources;
6. Will not have a significant adverse impact on public facilities and services;
7. Will not adversely affect the health, safety or welfare of the residents of the Town or its extraterritorial jurisdiction;

Town of Apex/Findings of Fact - #07CZ05
Page Two

8. Will not be substantially detrimental to adjacent properties;
9. Will not constitute a nuisance or hazard due to traffic impact or noise because of the number of persons who will be using the conditional use; and
10. Complies with all applicable provisions of the Unified Development Ordinance for use and general development characteristics.
11. Is consistent with the Apex Transportation Plan, the Apex Parks, Recreation, Open Space, and Greenways Plan, and all other applicable officially adopted plans.

CONCLUSIONS OF LAW

1. The Applicant submitted a completed application for the conditional zoning permit;
2. The matters stated in the application are supported by competent and substantial evidence;
3. Granting conditional zoning permit #07CZ05 is in the public interest;
4. Granting conditional zoning permit #07CZ05 will not adversely affect the health, safety or welfare of the residents of Apex or its extraterritorial jurisdiction, will not be substantially detrimental to the use of or development of adjacent properties, and will not create or constitute a nuisance or hazard; and
5. The Applicant is entitled in law and in fact to the granting of conditional zoning permit #07CZ05.

DECISION

The Apex Town Council hereby grants conditional zoning permit #07CZ05. A certified copy of the pertinent minutes of the Apex Town Council meeting of May 1st & 15th 2007, including the findings of fact and conclusions of law herein, shall constitute conditional zoning permit #07CZ05.

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP
#07CZ05**

WHEREAS, the application of Apex First Development, LLC and F. Brent Neal, Marion Hays McNair, and Douglas W. Duncan, Trustees of the Laura T. Duncan Family Trust, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 9th day of April, 2007 before the Planning Board and the 1st & 15th day of May, 2007, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes; **NOW, THEREFORE**,

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

Section 1: 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 lands hereinafter described from LI, MD & RA (Light Industrial, Medium Density Residential, and Residential Agricultural) to PUD-CZ (Planned Unit Development Conditional Zoning) District, said lands so rezoned being described as follows:

See Attachment "A"

Section 2: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes directed by this Ordinance.

Section 3: A Conditional Zoning Permit is hereby issued whereby the previously described property and the subject of the previously mentioned change in zoning classification is subject to the following limitations:

See Attachment "B"

Section 4: This property shall be perpetually bound to 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 rezoning permit shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Ordinance Amending the Official Zoning District Map #07CZ05
Page Two

Section 5: This ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member Gene Schulze

Seconded by Council Member Mike Jones

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 5th day of June, 2007.

ATTEST:

Georgia A. Cranglist
Town Clerk

Keith A. Warkentin
TOWN OF APEX
Mayor

APPROVED AS TO FORM:

Ken C. Erdman
Town Attorney

Attachment "A"

LEGAL DESCRIPTION FOR REZONING TRACTSIDE APEX, NORTH CAROLINA

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN

EXISTING 3/4" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING 1/2" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISTING ¾" (O.D.) RION PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR BING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.

Attachment "B"



May 22, 2007

Ms. Dianne Khin
Planning Director
Town of Apex
73 Hunter Street
Apex, NC 27502

**SUBJECT: CONDITIONS OF REZONING
TRACKSIDE DEVELOPMENT- APEX, NORTH CAROLINA
BBM PROJECT # AFD001.000**

Dear Dianne:

BBM Associates, authorized agent for Apex First Development, respectfully requests the following additional zoning conditions be added to the PUD-CZ request for the Trackside Development.

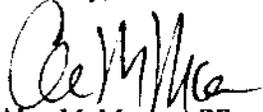
1. The 8-acre tract between the Guy C. Lee property and the eastern rail line will be designated mixed-use and have a maximum residential density of 10 dwelling units/acre.
2. Within Trackside South, all townhomes fronting the western side of Town Hall Drive will be "live/work" townhomes. For purposes of this zoning document, live/work townhomes are defined as individually owned townhomes that have a first floor business space with a second and third floor residence, each with a separate street-front entrance.
3. Gasoline sales shall be prohibited.
4. Freestanding restaurants with drive-thru windows shall be prohibited, with the exception of a coffee house. For purposes of this zoning document, a coffee house is defined as a retail outlet that sells coffee/tea and ancillary products, breads and desserts as more than 50% of their sales. Restaurants with drive-thru windows shall be allowed in-line with other commercial space.
5. The 40' Type-A buffers fronting Highway 64 will be supplemented with additional plantings of loblolly pines and magnolias in the Highway 64 right-of-way, subject to the approval of an encroachment agreement by NCDOT.

Ms. Dianne Khin
May 22, 2007
Page No. 2

6. The pond in the southeastern corner of Trakside South will be sized to provide volume control for the 10-year, 24-hour storm.
7. A 10-ft. wide, asphalt multi-use path will be constructed along the eastern side of the road connecting the public park to the Apex Peakway.

We trust this information is sufficient to be considered by the Town Council. Please feel free to contact me at 919-833-7336 or amaness@bbmassociates.com with any questions.

Sincerely,



Alan M. Maness, PE
President



PD PLAN for PUD-CZ Trackside Development Apex, North Carolina

Prepared for:

Apex First Development, LLC
733 Center Street
Apex, NC 27502
Phone: 919-363-0404
Fax: 919-362-7822

Prepared by:

BBM Associates, Inc.
407 Gorman Street, Suite 101
Raleigh, NC 27607
Phone: 919-833-7336
Fax: 919-833-7337

February 5, 2007
Revised: March 16, 2007
Revised: April 02, 2007
Revised: May 15, 2007



5-15-07

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PROJECT DATA

Trackside North

PIN: 0742-55-5453

PIN: 0742-56-4866

Owner (1):

Apex First Development, LLC
315 S. Salem Street, Suite 200 B
Apex, NC 27502
Ph: 919-363-0404
Fax: 919-362-7822

Trackside South

PIN: 0742-54-7499

PIN: 0742-63-0040

Owner (2):

F. Brent Neal, Marion Hays McNair, and
Douglas W. Duncan, Trustees of the
Laura T. Duncan Family Trust, Douglass
W. Duncan, Trustee
Suite 806, 11 Piedmont Center
3495 Piedmont Road
Atlanta, GA 30305
Ph: 404-262-2000
Fax: 404-262-2897

Area of Tract: 93.25

Area of Tract: 76.38 Ac

Current Zoning: LI & MD
Proposed Zoning: PUD-CZ

Current Zoning: RA
Proposed Zoning: PUD-CZ

Current Land Use: Agriculture
Proposed Land Use: Mixed-Use &
Residential

Current Land Use: Agriculture
Proposed Land Use: Mixed-Use &
Residential

Current 2025 Land Use Designation:
Mixed Use – Office & Institutional,
Commercial, High and Medium Density
Residential

Current 2025 Land Use Designation:
Mixed Use – Office & Institutional,
Commercial, High and Medium Density
Residential

Residential Density

Description	Maximum Density*	Acreage	Units
Trackside North	6.84 du/ac	93.25 Ac.	638 units
Trackside South	5.96 du/ac	76.38 Ac.	455 units**
Total	6.44 du/ac	169.63 Ac.	1093 units

*Individual densities for different sections of the development are indicated on the development plan and range between 3.12 du/ac and 30 du/ac.

**Residential may increase to 600 units in lieu of office or commercial space within Trackside South. There will be a minimum of 80,000 S.F. and a maximum of 220,000 S.F. of commercial space.

Commercial Density (Trackside South)

Description	Office	Retail	Total
Minimum	20,000 SF	60,000 SF	80,000 SF
Maximum	80,000 SF	140,000 SF.	220,000 SF

PURPOSE

Trackside is a 169.63-acre Planned Unit Development in Apex, North Carolina. The property is bounded by US Highway 64 to the north, a CSX rail line to the west, Laura Duncan Road to the east and Hunter Street to the south. The property is divided into Trackside North and Trackside South by the future Apex Peakway.

The subject properties, which comprise 4 parcels, are under a single unified control. The owner or contract option holder of all of parcels is Apex First Development, LLC. This single entity will be the sole party from which the Town will accept decisions regarding the Planned Unit Development and PD Plan.

The development plan incorporates a mixture of single family residential, attached residential, retail and office uses. The request is to change the zoning from LI - Light Industrial, MD - Medium Density Residential and RA – Residential Agricultural to PUD-CZ, Planned Unit Development, Conditional Zoning.

Trackside North is a 93.25-acre development located between US Highway 64 and the future Apex Peakway. Trackside South is a 76.38-acre development located between the future Apex Peakway and Hunter Street. The Trackside property was designated as a mixed-use node on the 2025 Land Use Plan.

The Trackside Development was designed to meet the development parameters found in UDO Sec. 2.3.4(F)(1)(a)(iv)-(vi). As such, the development incorporates sidewalk improvements as required by the Apex Transportation Plan and the Town of Apex Standard Specifications and Construction Details. Furthermore, the planning of a 12.98-acre park area south of the future Apex Peakway will be coordinated with the Town of Apex Parks, Recreation, Greenways, and Open Space Plan and the Apex Transportation Plan.

Trackside's land use patterns promote pedestrian connectivity. This has been stressed in order to link all parts of the neighborhood to the planned public park, as well as the open space provided to meet Parks and Recreation's requirements. Trackside North and Trackside South will be connected in order to promote pedestrian connectivity. The proposed development also has been designed to provide an efficient compact network of streets that are efficient in distributing all traffic. The design of the Trackside Development promotes interconnectivity within the tract and land use patterns that promote expanded opportunities for public transportation. Planned roadways are consistent with the Town's thoroughfare plan. Cul-de-sacs have been limited, and have only been provided where environmental constraints have deemed necessary. These environmental factors include wetlands and streams, which would be significantly impacted by further roadway development.

The Trackside Development is compatible with the character of the surrounding land uses. The proposed mixed-use development provides a place where residents can shop, work and recreate within walking distance of their home. It is also consistent with residential neighborhoods located to the east and west of the proposed site. There is no question that the development would enhance the value of surrounding properties.

PERMITTED USES

Proposed Uses shall be limited to those approved for PUD-CZ districts as specified in Sec. 4.2.2 of the Town of Apex Unified Development Ordinance, except for the following:

Water and Wastewater Treatment

DESIGN CONTROLS

Single-Family & Townhomes

Front Setback:	5' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 10' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls w/ openings)
Corner Side	5' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 10' from back of curb along private street/parking
Rear Setback	5' (3' per Uniform Building Code for walls w/ openings)
Buffer (Internal)	0'
Max Height	3 Stories (45')
Impervious Coverage	70% of Gross Project Area
Max Density	15 du/ac

Additional design controls for the residential portion of Trackside North include:

1. Steps, stoops and awnings must be a minimum of 3' from the property line.
2. All houses will be a minimum of 3 steps up to the front door.
3. Neo-Traditional homes will have rear garages, either detached or attached. Garages for the Neo-Traditional homes will be accessed from a rear alley.

Mixed Use, Condominiums, Apartments, & Non-Residential

Front Setback:	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 5' from back of curb along private street/parking
Side Setback:	0' (3' per Uniform Building Code for walls w/ openings)

Corner Side	3' from public right-of-way <i>(steps/stoops/awnings may extend into setback)</i> 5' from back of curb along private street/parking
Rear Setback	0' (3' per Uniform Building Code for walls w/ openings)
Buffer (Internal)	0'
Max Height	Hotels and any use fronting Highway 64 - 5 stories (75') All other uses - 4 Stories (60')
Impervious Coverage	70% of Gross Project Area
Max Density	30 du/ac

ARCHITECTURAL STANDARDS

The PUD-CZ will follow the architectural guideline outlined in the UDO. Designs for all buildings, including single-family homes, will be overseen by an architectural review committee. Buildings will vary between one and four stories (except hotel use or uses fronting US 64 may be five stories) and will have varied roof types. All single-family homes and townhomes will be on crawl space, basement or elevated slab foundations with a minimum of three steps at the front entrance.

Materials will consist of brick, masonry, stucco, wood, Hardi-board (or equal), glass and architectural metals will form the building materials palette. Potential retail and commercial uses may feature glass, brick and/or aluminum storefronts. A varied color palette will be utilized.

Townhome units will step forward and backward, as well as up and down. The side elevations of townhome end units and corner single-family homes will incorporate unique architectural elements, such as bay windows, porches and decorative trim. Retaining walls, if necessary, will have a brick or stone veneer or be composed of precast segmental concrete block, in a complementary color.

The project will be pedestrian friendly with sidewalks connecting the different uses. To minimize the affects of on-site lighting, down lighting and shielded fixtures will be utilized. Electrical transformers and HVAC units will be screened in accordance with the UDO. For transformers, screening will maintain a 3' distance on the sides for heat dissipation and 10' clearance in front for safe operation.

ACCESS AND CIRCULATION

The design of the Trackside development allows for a safe and adequate on-site transportation circulation system. Plans will promote interconnectivity within the tract and land use patterns that promote expanded opportunities for public transportation. Planned roadways are consistent with the Town's Transportation Plan and Standard Specifications and Construction Details and show required right-of-way widths and road sections.

Please see the accompanying Traffic Impact Analysis prepared for the development by Ramey Kemp & Associates. All recommendations as set forth in the Addendum to the Traffic Impact Analysis addressing Town of Apex review comments will be incorporated into future site plans.

The Town of Apex plans to construct the Apex Peakway from North Salem Street to New Dover Road east of Laura Duncan Road. This project in combination with the active project to construct the Peakway from Hillcrest Road to North Salem Street (right-of-way being acquired) and the active project to construct the Peakway from Olive Chapel Road to South Salem Street (under construction) will provide a minimum 2-lane contiguous section of the Peakway from South Salem Street in the west to Center Street in the east. The completion of these projects cumulatively is anticipated prior to 2009.

The Trackside project shall dedicate a 100' right-of-way corridor and permanent slope easements and construction easements required to provide the grade separation of the Apex Peakway over the railroad tracks based on the ultimate four-lane divided section. This includes the portion of the Peakway through the proposed Trackside development from the western railroad track (immediately east of Guy C. Lee) to Laura Duncan Road.

Trackside North includes collector streets on 60' right-of-way from the Apex Peakway in the south to US 64 in the north. This project will upgrade the existing access at US 64 including:

- (1) lengthen the existing right-turn deceleration lane on US 64 to 300' plus a 100' taper and meet all additional NCDOT requirements in the driveway permit issued August 22, 2005
- (2) dedicate 40' additional right-of-way (for a total 60') along the existing paved access road currently serving Bradley Carpets
- (3) upgrade that access road to collector street standards.

The remainder of the roadway is designated as a new location collector street on 60' right-of-way. Right-of-way will be increased to both north and south of the future Apex Peakway to accommodate turn bays on the minor street approaches to the Peakway.

Trackside South will involve the construction of a new Town of Apex Public street from a point opposite the Hunter Street entrance to the Town Hall campus north to a full access intersection with the Apex Peakway. Another public street will connect this new road to Laura Duncan Road in the east. Other minor street construction is anticipated as the site plans are finalized.

The development will also provide the following:

1. improvements on Laura Duncan Road. These include left turn lanes serving all site driveways and curb and gutter with sidewalk along the development frontage based on the Transportation Plan.
2. the dedication of additional right-of-way as needed along the property frontage to provide at least half of a 65' R/W north of the Apex Peakway and half of a 75' R/W south of the Peakway.
3. improvements on Hunter Street to provide diagonal parking along the street. Half of a 43' back-to-back roadway with curb and gutter and sidewalk with dedication of half of an 80' right-of-way will be provided along the property frontage on Hunter Street.
4. turn lanes and signalization at the intersection of North Salem Street and the Apex Peakway according to the recommendations in the Traffic Impact Analysis when in excess of the Town's scope of work.
5. The development will contribute to design and construction of a roundabout, subject to a development agreement with the Town of Apex, at the intersection of Laura Duncan Road and Hunter Street prior to or during development of the outparcel on the northwest corner of the intersection.
6. turn lanes and signalization at the intersection of Laura Duncan Road and the Apex Peakway according to the recommendations in the Traffic Impact Analysis when in excess of the Town's scope of work.
7. geometric improvements at the intersection of US 64 and Laura Duncan Road during the first phase of the southern site according to the recommendations in the Traffic Impact Analysis.

PARKING AND LOADING REQUIREMENTS

Parking and loading requirements will meet or exceed the requirements of Sec 8.3 of the Apex UDO. All townhomes will be provided with a minimum ratio of 2 parking spaces per unit with an additional 0.25 spaces per unit for guests.

Parking will be demonstrated in detail during Site Plan approval.

SIGNS

All signage will comply with Sec. 8.7 of the Apex UDO.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

The site lies within the Williams Creek Basin (Neuse River Basin) and therefore is part of the Primary Watershed Protection Overlay District. As such, the proposed development will comply with all state and local Watershed Protection Overlay District regulations. There is no FEMA designated 100-year floodplain within the property. There is no "Historic Structure" located on the site as defined by UDO Sec 12.2. Furthermore, this plan will comply with all riparian buffer rules enforced by the State of North Carolina (Neuse Rules) and the Town of Apex.

STORMWATER MANAGEMENT

Trackside North will comply with the Town's requirements for stormwater management. The developers will maintain all storm water facilities. Stormwater conditions shall meet Sec. 2.3.4(F)(1)(h) and Sec. 6.1.7 of the Apex UDO. All stormwater will drain to proposed stormwater BMPs located throughout the site. The BMPs will capture and settle 85% of the Total Suspended Solids (TSS) for the site, treat for Nitrogen, and limit the post-development runoff rates to pre-development runoff rates for the 1-year, 10-year and 25-year design storms.

PARKS AND RECREATION

Trackside will incorporate the following amenities for active and passive recreation:

1. A Public Park dedication of 12.98 acres, as shown on the development plan
2. Provision of a 20 foot public greenway easement around the existing on-site pond within RCA area 5 and construction of a 10 foot wide public greenway trail built to Town standards within that public greenway easement.
3. Work with staff to design the park and greenway trail previously mentioned. Prior to construction, the developer will present to the Town / Construction Mgt. a cost estimate for the project to be certified by the Town and upon completion, the developer will present invoices for the construction for certification by Construction Management.
4. Based on maximum anticipated densities, the developer would receive a credit for 454 units (12.98 acres divided by $\frac{1}{35}$ acre) and pay a fee-in-lieu of \$691,361.76 for 769 remaining units. The fee will be adjusted based on actual number of units permitted.
5. The fee in lieu would then be used to design and construct a new public park on the 12.98 acres and the planned greenway trails. Once completed, the Town would then be responsible for the maintenance of the completed public park and the public greenway trail.
6. The developer, builder or Home Owner's Association will maintain two flat open space areas within Trackside North (.75 and .43 acres) to lawn quality. Both areas are to be approved by the Town.
7. A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to developer as part of recreation requirement.
8. All public park requirements and public greenway construction must be completed at the time 50% of the Certificates of Occupancy for the entire development are issued.

The Apex Parks and Recreation Advisory Committee unanimously approved the preceding conditions at their February 28, 2007 meeting.

PUBLIC FACILITIES

All improvements standards applicable to the public facilities that will serve the Trackside site shall comply with Article 7: *Subdivision* of the UDO. All on-site potable water and wastewater lines will be designed according to sound engineering standards and provided by the developer. All easement acquisition will occur at the construction document submittal stage. Routing of other utilities, to include electricity, phone, cable and gas, will be in keeping with the Town of Apex standards, Sec. 2.3.4.(F)(1)(f) of the UDO.

The Trackside North development will be served by the proposed sewer system extension and pump station, which will eventually serve the upper portion of the William's Creek drainage basin. The sanitary sewer system extension and pump station are currently under design. The developer will be responsible for designing and constructing the sanitary sewer outfall from the Trackside site to the existing Laura Village pump station. The Town will be responsible for constructing the sanitary sewer outfall from the existing Laura Village pump station to the new William's Creek pump station. Construction of the sanitary sewer infrastructure is anticipated to begin around February 2007, with a completion date of February 2008. Offsite potable water will be supplied by an existing 12" DI water line located to the north of Highway 64 and a new 12" DI water line to be constructed under the new Apex Peakway.

The Trackside South development will be served primarily by an existing Town of Apex sanitary sewer outfall running through the southeast corner of the property. Portions of the site will be served by existing sanitary sewer lines along Laura Duncan Road and new mains to be extended from the Trackside North development. Offsite potable water will be supplied by an existing 16" DI water line located under Hunter Street, an existing 12" DI water line under Laura Duncan Road and a new 12" DI water line to be constructed under the new Apex Peakway.

The Applicant acknowledges that approval of this application does not indicate, imply or otherwise suggest that sewer, water or other municipal utilities are or will be available to the property. In addition, applicant acknowledges that any references in this application, which anticipate completion of such utilities, do not imply or otherwise suggest that the Town will build such utilities on any particular schedule or that the utilities will be built at all. The applicant assumes all risk that utilities will not be completed on schedule or may never be completed.

PHASING

A Master Subdivision Plan has been submitted along with this rezoning request for Trackside North. It is anticipated that the completion of Trackside North will occur in year 2011. Build out of Trackside North will take place in four phases. Phase 1 includes collector streets on 60' right-of-way from the Apex Peakway in the south to US 64 in the north and the private recreation facility.

Completion of Trackside South is anticipated to occur by 2015. The Applicant is prepared to proceed with site plan submittal for Trackside South upon approval of rezoning. Trackside South will not proceed to site plan approval stage until the Town of Apex is ready to proceed with the approval and construction of the Apex Peakway.

CONSISTENCY WITH LAND USE PLANS

Trackside North is consistent with the 2025 Land Use Plan of the Town of Apex.

COMPLIES WITH THE UDO

Trackside North complies with all relevant sections of the Town of Apex UDO.

RESOURCE CONSERVATION AREA

The Resource Conservation Area is as identified on the PD Plan. The required RCA and buffers (equal to 20% of the total site acreage) is 33.58 acres. The provided RCA and buffers is 37.78 acres or 22.5% of the site. The PD Plan for PUD is in compliance with Sec 8.1.2, *Resource Conservation Area* of the UDO.

LANDSCAPING

The Landscape Plan, which will be submitted at the Site Plan stage, will demonstrate compliance with the standards set forth in Sections 8.1 Resource Conservation and 8.2 Landscaping, Buffering and Screening, of the Town of Apex's Unified Development Ordinance. Specifically as follows:

- Resource Conservation Area - Undisturbed forested area has been set aside, delineated and described on the plans. It meets the required percentage of overall land area. Proposed conceptual storm water retention ponds, while not in the RCA, will be planted according to the Town's standards.
- Landscape Buffers – The east and west property lines, which are adjacent to railroad tracks, will be provided with a 30' deep revegetated buffer planting consisting of oak, maple, elm, pine, cedar, redbud, dogwood and wax myrtle located in the Trackside property. The railroads' common boundary with our property is vegetated as well. The existing Highway 64 buffer will be supplemented in similar fashion. Trees of various installation sizes will be randomly planted on 8-10' centers.
- Streetscape Buffers – The Apex Peakway will be planted according to code for a thoroughfare. Large maturing trees will be planted 30' o/c and will be interplanted with small growing trees. Internal streetscapes without lot frontage will be planted 50' o/c with large maturing trees. These locations will be typically adjacent to forested RCA's.
- Buffers along Hunter Street will be Pedestrian-oriented streetscape buffers per UDO Section 8.2.6 (Article 8, Page 31):
 - "Pedestrian-oriented streetscape buffers shall be allowed in lieu of standard landscaped thoroughfare buffers when such buffers are located inside the Apex Peakway. Pedestrian-oriented streetscape buffers shall contain both hardscape elements (such as but not limited to sidewalks, decorative lighting, street furniture, and fountains) and street tree plantings which do not have to meet typical minimum island widths or sizes."
- Building Landscaping Requirements – The streetscape for each building lot will contain one tree per lot, and two trees for corner lots. In almost all cases the

small lot size requires the use of a small maturing tree. Larger trees are used where room allows. It is noted at the site plan submittal stage that all mechanical units and utilities will be screened with evergreen shrubs.

- Single-Family Residential Grading and Topography Conservation- The application of Section 8.1.5 of the UDO to the Subdivision Plan will be required and fulfilled by the plan. Specifically, should Subsection (D) on Select Grading apply to the proposed grading methodology, generic details will be provided, as per code, showing supplemental plantings to be done on each residential lot impacted by select grading.
- Standards for residential unit plantings will meet the UDO requirements.

PD PLAN for PUD-CZ Trackside Development Apex, North Carolina

Prepared for:

Apex First Development, LLC
733 Center Street
Apex, NC 27502
Phone: 919-363-0404
Fax: 919-362-7822

Prepared by:

BBM Associates, Inc.
407 Gorman Street, Suite 101
Raleigh, NC 27607
Phone: 919-833-7336
Fax: 919-833-7337

February 5, 2007
Revised: March 16, 2007
Revised: April 02, 2007
Revised: May 15, 2007



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DRAWING INDEX
 001 TREE SURVEY
 011 EXISTING DEVELOPMENT PLAN
 013 PHASING PLAN
 021 LAYOUT PLAN
 041 CONCEPTUAL UTILITY PLAN

TRACKSIDE

APEX FIRST DEVELOPMENT, LLC

APEX NORTH CAROLINA



SITE DATA

PROPOSED USE, RESIDENTIAL
 TRACKSIDE NORTH
 SITE ACREAGE: 65.28 AC
 TRACKSIDE SOUTH
 SITE ACREAGE: 25.82 AC
 TOTAL ACREAGE: 91.10 AC

OWNER INFORMATION

TRACKSIDE NORTH
 APEX 1ST DEVELOPMENT, LLC
 508 1/2 CENTER STREET
 APEX, NC 27601
 PHONE: (919) 367-6001
 FAX: (919) 367-7622
 TRACKSIDE SOUTH
 F. BRENT MCAL, WARREN HAYES MCNARE, AND
 DOUGLAS W. DUNCAN, TRUSTEES OF THE
 LAURA T. DUNCAN FAMILY TRUST, DOUGLASS
 W. DUNCAN TRUSTEE
 SUITE 909, 11 FREDRICK CENTER
 3405 FREDRICK ROAD
 ATLANTA, GA 30309
 PHONE: (404) 282-2000
 FAX: (404) 282-3887

FLOOD PLAIN

THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN.

WATERSHED

THIS SITE IS WITHIN THE WILLIAMS CREEK BASIN AND THEREFORE IS PART OF THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.

RESOURCE CONSERVATION AREA

AREA OF SITE = 91.10 AC
 RCA REQUIRED (30%) = 27.33 AC
 PROPOSED RCA = 43.81 AC

PROPOSED DENSITY

TRACKSIDE NORTH 6.34 DU/AC
 TOTAL PHASE 1 638 UNITS
 TRACKSIDE SOUTH 7.52 DU/AC
 TOTAL PHASE 2 208 UNITS
 TOTAL DEVELOPMENT 1233 UNITS

BUILDING CRITERIA

STORIES (TOWNHOMES) 1-3
 MAX HEIGHT 48'
 STORIES (HOTELS AND USES REQUIRING 80 FT BA) 1-5 STORIES
 MAX HEIGHT 72'
 TRACKSIDE SOUTH MIN COMMERCIAL MAX COMMERCIAL 30,000 SF 20,000 SF

PARKING

1 SPACE/200 SF OF OFFICE/RETAIL, 3.25 SPACES PER RESIDENTIAL UNIT

DESIGN CONTROLS

SEE DESIGN CONTROLS SECTION OF PD PLAN TEXT

SETBACKS

SINGLE FAMILY & TOWNHOMES
 FRONT: 5' FROM PUBLIC R/W
 SIDE: 5'
 CORNER SIDE: 5' FROM PUBLIC R/W
 REAR: 5'

MIXED USE, CONDOMINIUMS, APARTMENTS & NON-RESIDENTIAL
 FRONT: 5' FROM PUBLIC R/W
 SIDE: 5'
 CORNER SIDE: 5' FROM PUBLIC R/W
 REAR: 5'

MISC. SITE INFORMATION

ZONING AND LAND USE:
 CURRENT ZONING: U1, M1 & RA
 PROPOSED ZONING: PD-C2
 CURRENT USE: AGRICULTURE

PERMITTED USES BY LOT

SEE PERMITTED USES SECTION OF PD PLAN TEXT

2025 LAND USE PLAN DESIGNATION

CURRENT: MIXED USE
 PROPOSED: MIXED USE

HISTORIC STRUCTURES

NONE



PD PLAN SUBMITTAL
 APRIL 02, 2007



GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1348.23	18°59'00"	S31°34'13"W	367.82
C2	557.87	1682.63	18°58'34"	N28°47'06"E	555.32
C3	404.74	1190.02	19°28'20"	N64°30'24"W	402.78
C4	109.17	2204.90	2°50'12"	S89°36'55"E	109.16

LINE TABLE		
LINE	LENGTH	BEARING
L1	86.41	S42°46'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°30'32"E
L4	283.01	N18°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'08"E
L7	64.37	N83°27'30"E
L8	135.81	S74°38'00"E
L10	35.00	S01°14'01"E
L11	55.14	N89°37'29"W

GENERAL NOTES

- EXISTING SITE SURVEY INFORMATION FOR PROPERTY LOCATED NORTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY BBM ASSOCIATES, INC. DATED JULY, 2004. EXISTING SURVEY INFORMATION FOR PROPERTY LOCATED SOUTH OF THE FUTURE APEX PEAKWAY WAS TAKEN FROM A SURVEY PREPARED BY JOHN R. MCADAMS, CO., INC. DATED SEPTEMBER, 2005.
- EXISTING SITE IS LOCATED WITHIN THE PRIMARY WATERSHED PROTECTION OVERLAY DISTRICT.
- THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN. REFERENCE: FEMA PANEL 370487 0479 E, EFFECTIVE MARCH 3, 1992.
- STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005
- WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY QORE PROPERTY SCIENCES ON JANUARY, 2005.

LEGEND

- WETLANDS
- STREAM BUFFER



407 Gosman St
Suite 101
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919-833-7234
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**TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA**

TITLE SEQUENCE		
NO.	DATE	DESCRIPTION
1	02/08/03	PC PLAN SUBMITTAL
2	03/18/03	PC PLAN SUBMITTAL
3	04/02/03	PC PLAN SUBMITTAL

**EXISTING
CONDITIONS
PLAN
C1.1**

PROJECT NO.: W0004.000
DESIGNED BY: AAM
CHECKED BY: AAM
DATE: 05/05/04

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1346.23	16°59'00"	S31°54'13"W	397.62
C2	557.87	1682.93	18°58'34"	N28°47'00"E	555.32
C3	404.74	1190.62	18°38'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°30'12"	S89°58'30"E	109.16

LINE TABLE		
LINE	LENGTH	BEARING
L1	88.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.80	N22°30'32"E
L4	283.01	N18°48'45"E
L5	132.33	N37°44'37"E
L6	136.59	N41°48'09"E
L7	84.37	N63°27'20"E
L8	135.61	S74°08'08"E
L10	30.00	S01°14'01"E
L11	55.14	N86°33'28"W

LEGEND

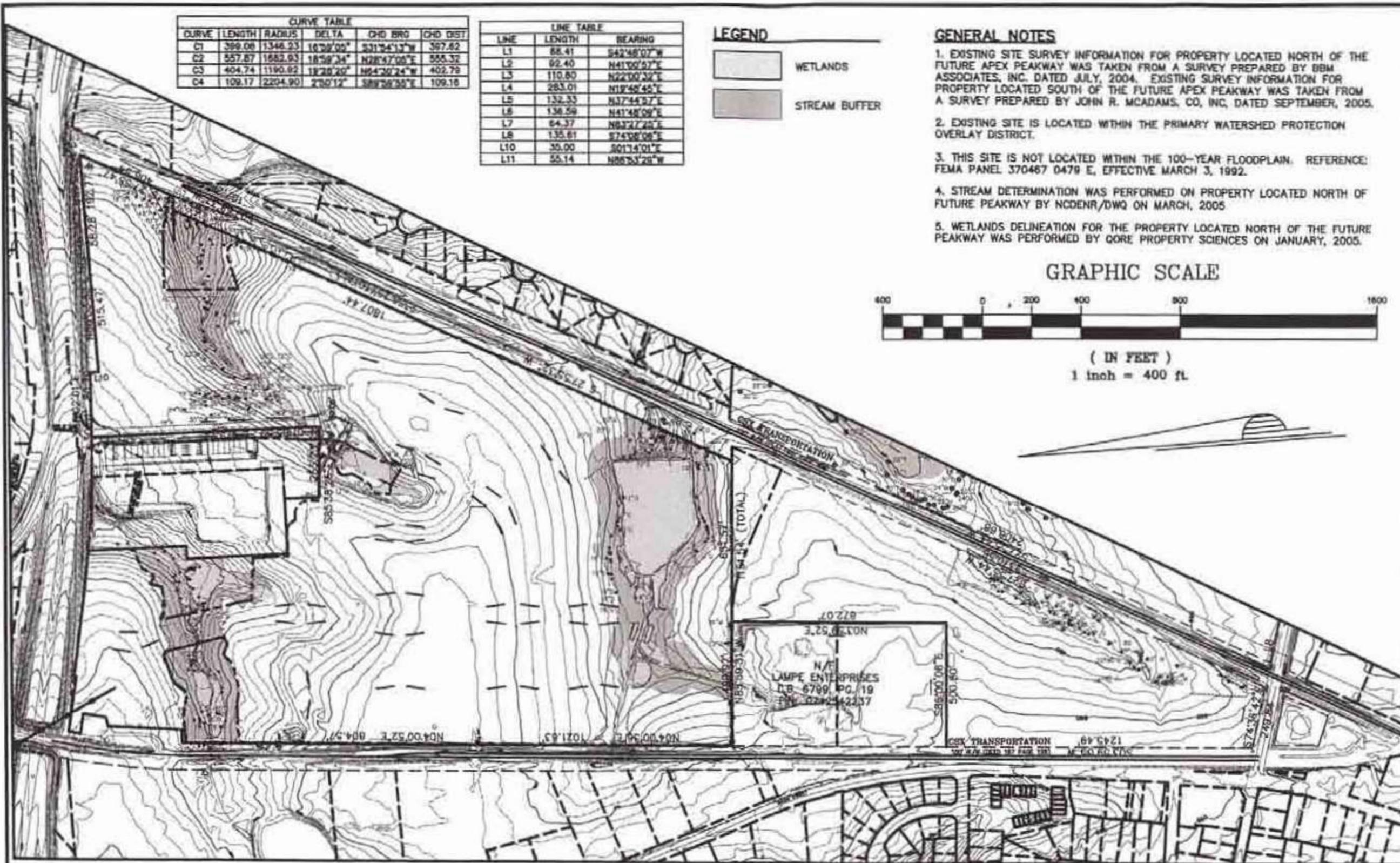
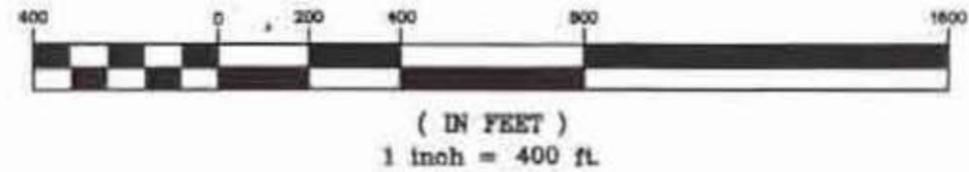
 WETLANDS

 STREAM BUFFER

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- STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005
- WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY CORE PROPERTY SCIENCES ON JANUARY, 2005.

GRAPHIC SCALE



407 German St.
Suite 101
Raleigh, North Carolina 27607

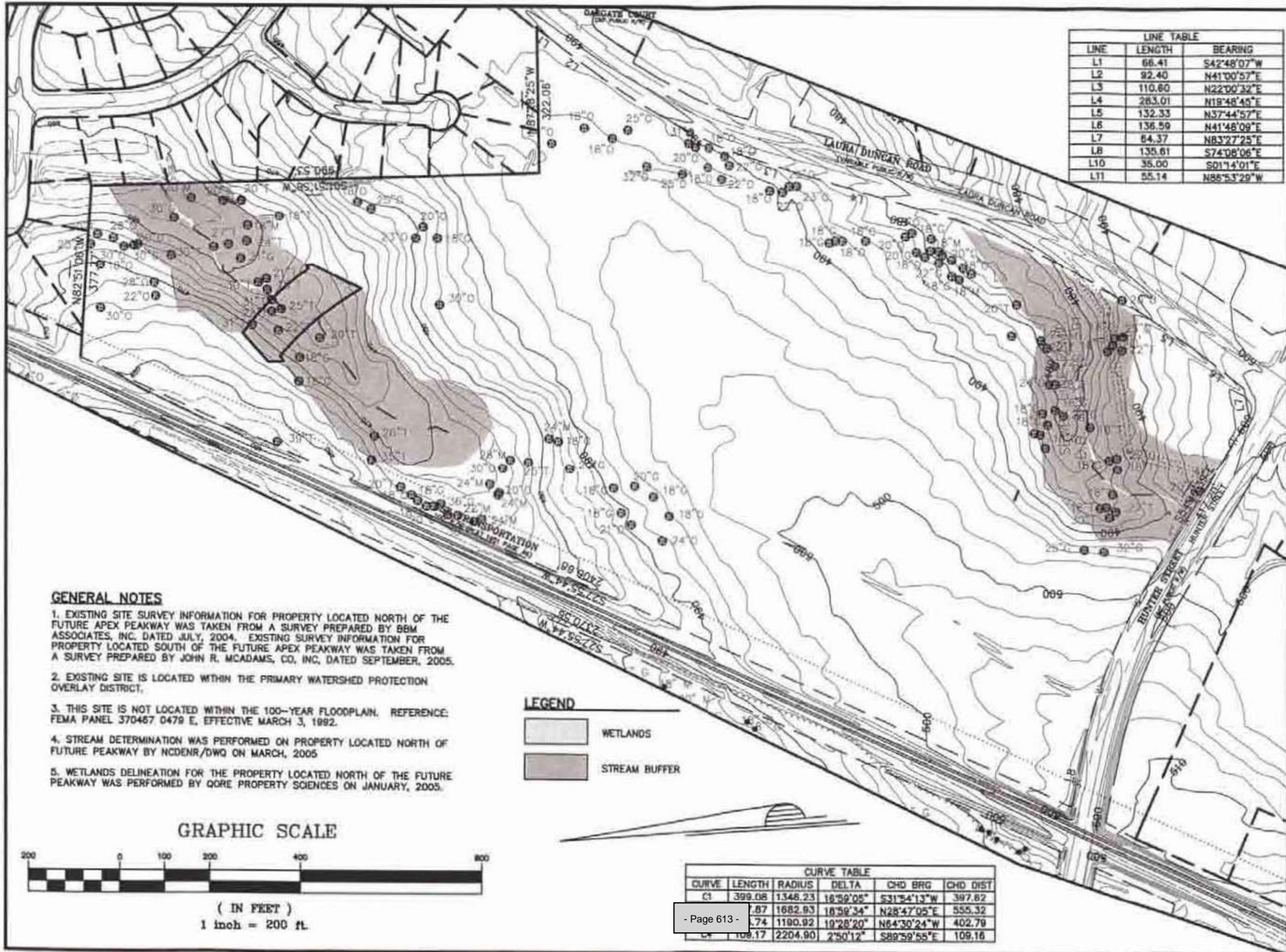
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TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA

ISSUE SEQUENCE		
NO.	DATE	DESCRIPTION
1	07/05/07	POPLANSUBMITTAL
2	03/18/07	POPLANSUBMITTAL
3	04/02/07	PO PLANSUBMITTAL

EXISTING
CONDITIONS
PLAN
C1.2

PROJECT NO.: W0004200
DRAWN BY: JAM
CHECKED BY: AMM
DATE: 06/23/04



LINE TABLE		
LINE	LENGTH	BEARING
L1	66.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°00'32"E
L4	283.01	N19°48'45"E
L5	132.33	N57°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	130.61	S74°08'06"E
L10	35.00	S01°14'01"E
L11	55.14	N86°53'29"W

GENERAL NOTES

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LEGEND

- WETLANDS
- STREAM BUFFER

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1348.23	18°59'05"	S31°54'13"W	397.82
	.87	1682.93	18°59'34"	N28°47'05"E	555.32
	.74	1190.92	19°28'20"	N64°30'24"W	402.79
C2	109.17	2204.90	2°50'12"	S89°59'55"E	109.16



407 Horton St
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Raleigh, North Carolina 27601
919-833-7336
Fax: 919-833-7337
www.bbmnc.com

**TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA**

REVISION SEQUENCE		
NO.	DATE	DESCRIPTION
1	03/20/07	PD SUBMITTAL
2	03/28/07	PD SUBMITTAL
3	04/02/07	PD SUBMITTAL

**EXISTING
CONDITIONS
PLAN
C1.3**

PROJECT NO.
DRAWN BY
CHECKED BY
DATE

GRAPHIC SCALE



(1" = 40')
 1 inch = 40' ft

CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	309.08	1346.23	16°59'05"	S31°54'13"W	397.82
C2	557.67	1682.93	16°59'34"	N28°47'05"E	555.32
C3	404.74	1190.62	19°28'20"	N64°30'24"W	402.79
C4	109.17	2204.60	2°50'12"	S89°59'55"E	109.18

LINE	LENGTH	BEARING
L1	68.41	S42°48'07"W
L2	62.40	N41°00'57"E
L3	110.80	N22°00'32"E
L4	283.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	135.61	S74°06'06"E
L10	35.00	S01°14'01"E
L11	55.14	N88°53'29"W

SITE DATA

TRACKSIDE DEVELOPMENT

LAND OWNER :
 APEX FIRST DEVELOPMENT, LLC
 809-1/2 CENTER STREET
 APEX, NC 27502
 PHONE : (919) 363-0404
 FAX : (919) 362-7822

ZONING AND LAND USE:
 CURRENT ZONING : LI-MD AND RA
 PROPOSED ZONING : PU0-CU
 CURRENT USE : AGRICULTURE

PIN:
 0742-55-5453 0742-54-7499
 0742-56-4866 0742-63-0040

TRACT AREA:
 TRACKSIDE NORTH: 93.25 AC
 TRACKSIDE SOUTH: 74.67 AC

TOTAL PROJECT ACREAGE: 167.92 AC

RESOURCE CONSERVATION AREA

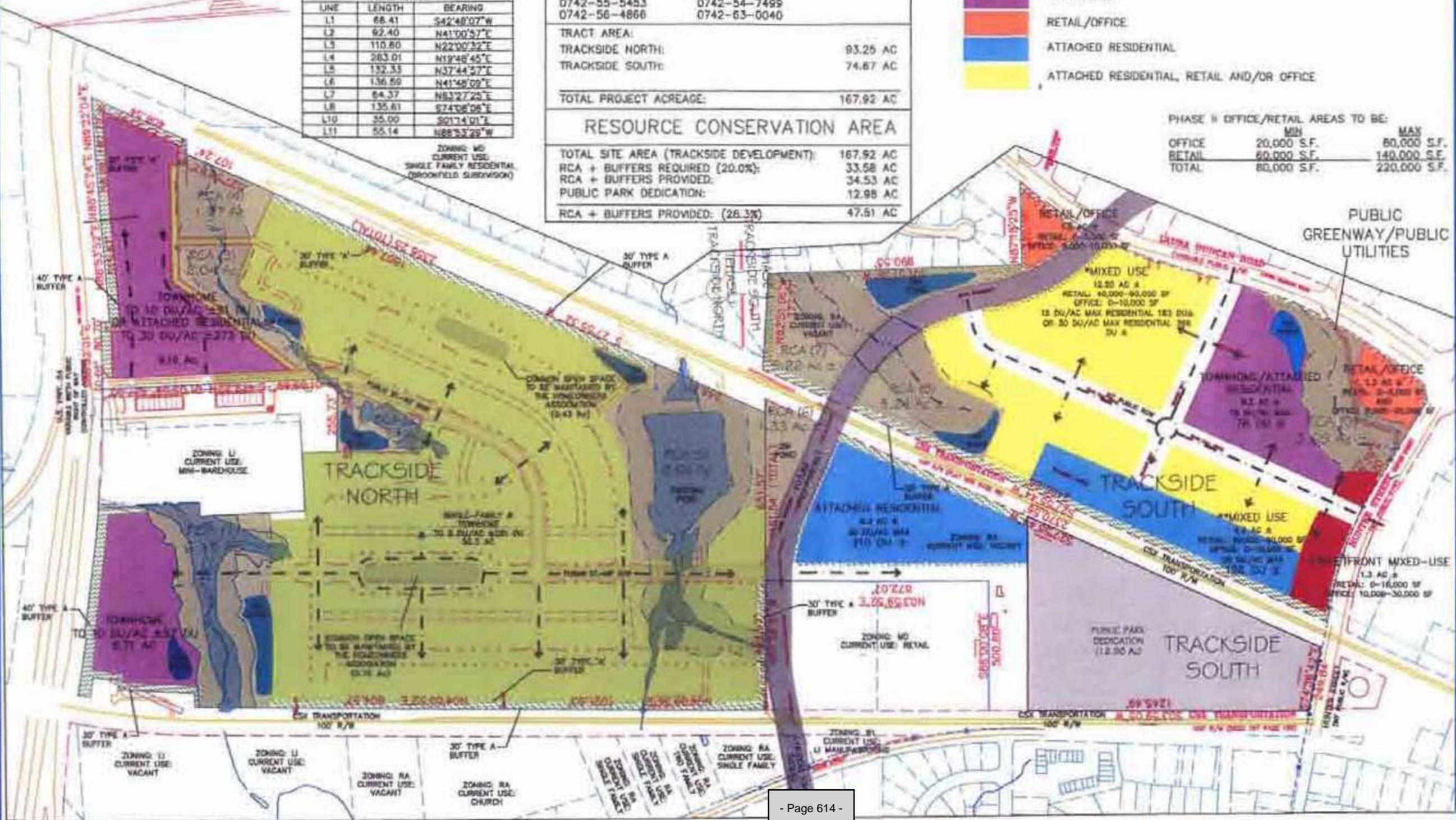
TOTAL SITE AREA (TRACKSIDE DEVELOPMENT): 167.92 AC
 RCA + BUFFERS REQUIRED (20.0%): 33.58 AC
 RCA + BUFFERS PROVIDED: 34.53 AC
 PUBLIC PARK DEDICATION: 12.98 AC
 RCA + BUFFERS PROVIDED: (26.3%) 47.51 AC

LEGEND

- DEDICATED PARKS AND RECREATION SPACE.
- STREAM BUFFER.
- PROPOSED RESOURCE CONSERVATION AREA.
- PROPOSED BUFFER.
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE

PHASE II OFFICE/RETAIL AREAS TO BE:

	MIN	MAX
OFFICE	20,000 S.F.	60,000 S.F.
RETAIL	60,000 S.F.	140,000 S.F.
TOTAL	80,000 S.F.	220,000 S.F.



**TRACKSIDE REZONING
 PLANNED DEVELOPMENT PLAN
 APEX, NORTH CAROLINA**

REVISIONS

NO.	DATE	DESCRIPTION

**SITE LAYOUT PLAN
 C2.1**

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	299.08	1346.23	18°59'00"	S31°54'13"W	397.62
C2	557.87	1882.93	18°58'34"	N28°47'05"E	555.32
C3	404.74	1190.97	19°28'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°30'12"	S88°56'55"E	109.16

LINE TABLE		
LINE	LENGTH	BEARING
L1	86.41	S42°48'07"W
L2	92.40	N41°50'57"E
L3	110.60	N22°00'32"E
L4	263.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	136.59	N41°48'09"E
L7	64.37	N83°27'25"E
L8	135.61	S74°08'06"E
L10	35.00	S01°14'01"E
L11	65.14	N88°53'29"W

LEGEND

- DEDICATED PARKS AND RECREATION SPACE
- STREAM BUFFER
- PROPOSED RESOURCE CONSERVATION AREA
- PROPOSED BUFFER
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE

SITE DATA

TRACKSIDE DEVELOPMENT

LAND OWNER :
APEX FIRST DEVELOPMENT, LLC
809-1/2 CENTER STREET
APEX, NC 27502
PHONE : (919) 363-0404
FAX : (919) 362-7822

ZONING AND LAND USE:
CURRENT ZONING : LI-MD AND RA
PROPOSED ZONING : PUD-CU
CURRENT USE : AGRICULTURE

PIN:
0742-55-5453 0742-54-7499
0742-56-4866 0742-63-0040

TRACT AREA:
TRACKSIDE NORTH: 93.25 AC
TRACKSIDE SOUTH: 74.67 AC

TOTAL PROJECT ACREAGE: 167.92 AC

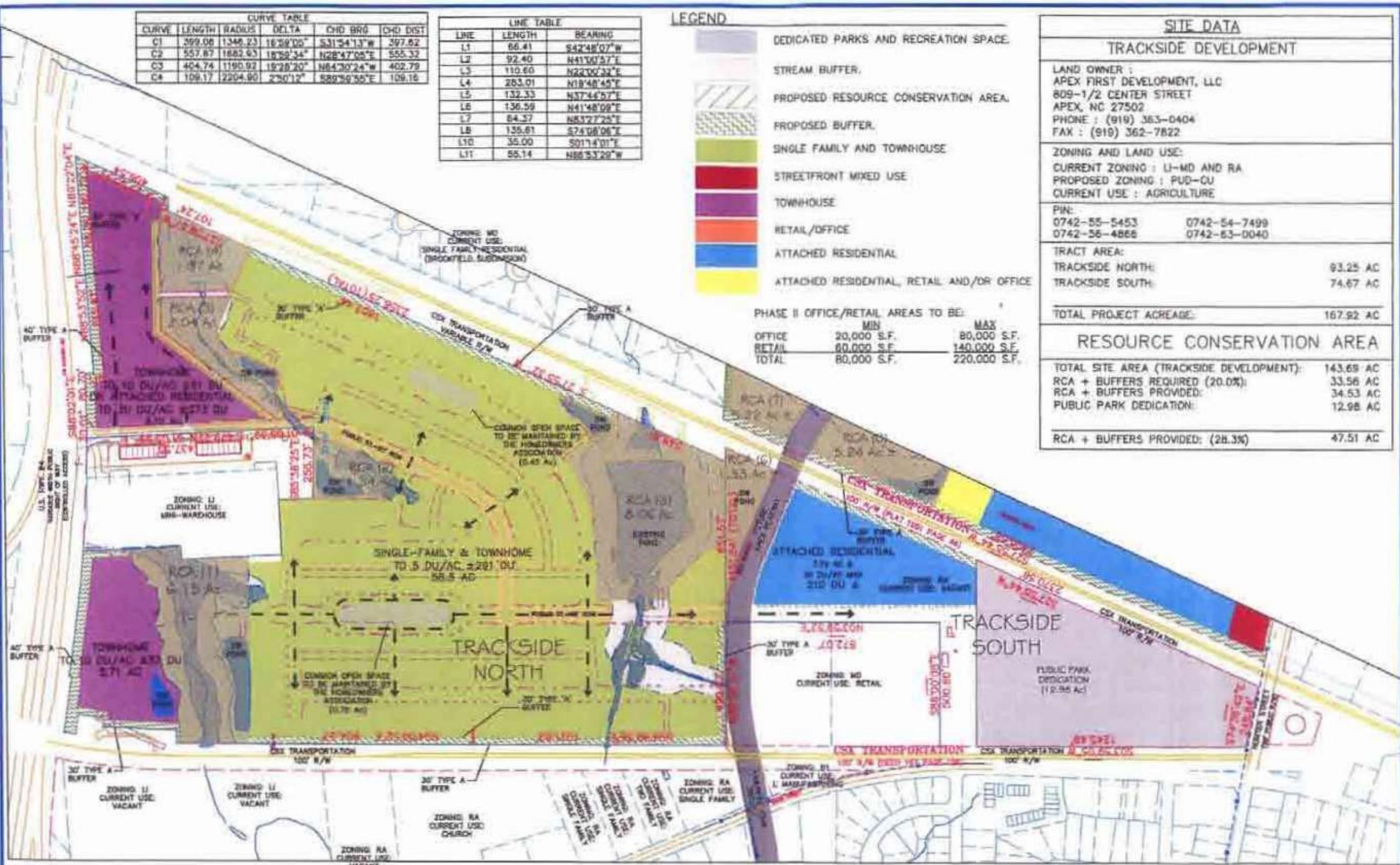
RESOURCE CONSERVATION AREA

TOTAL SITE AREA (TRACKSIDE DEVELOPMENT): 143.69 AC
RCA + BUFFERS REQUIRED (20.0%): 33.56 AC
RCA + BUFFERS PROVIDED: 34.53 AC
PUBLIC PARK DEDICATION: 12.98 AC

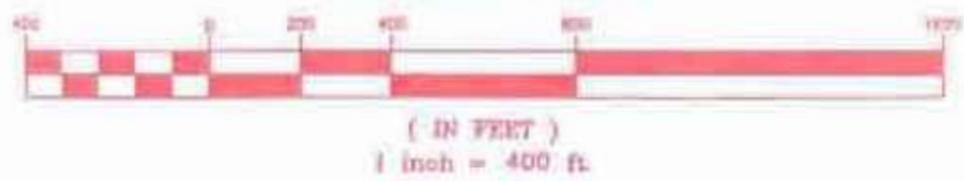
RCA + BUFFERS PROVIDED: (28.3%) 47.51 AC

PHASE II OFFICE/RETAIL AREAS TO BE:

	MIN	MAX
OFFICE	20,000 S.F.	80,000 S.F.
RETAIL	80,000 S.F.	140,000 S.F.
TOTAL	80,000 S.F.	220,000 S.F.



GRAPHIC SCALE



919-363-0404
www.bbmassociates.com

**TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA**

ISSUE SUMMARY

NO.	DATE	DESCRIPTION
1		PRELIMINARY PLAN SUBMITTAL
2		REVISIONS TO PRELIMINARY PLAN SUBMITTAL
3		FINAL PLAN SUBMITTAL

**SITE LAYOUT PLAN
C2.2**

PROJECT NO: 1000000000
DATE: 08/15/14

GENERAL NOTES

1. THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN. REFERENCE: FEMA PANEL 370467 0479 E, EFFECTIVE MARCH 3, 1992.
2. STREAM DETERMINATION WAS PERFORMED ON PROPERTY LOCATED NORTH OF FUTURE PEAKWAY BY NCDENR/DWQ ON MARCH, 2005.
3. WETLANDS DELINEATION FOR THE PROPERTY LOCATED NORTH OF THE FUTURE PEAKWAY WAS PERFORMED BY QORE PROPERTY SCIENCES ON JANUARY, 2005.
4. GRAY/DASHED LINES REPRESENT SECONDARY CIRCULATION WHICH MAY BE PUBLIC OR PRIVATE STREETS.
5. ALL INTERNAL PEDESTRIAN TRAFFIC WILL CONNECT WITH PUBLIC STREET RIGHT-OF-WAY. SIDEWALK TO BE 5' IN WIDTH AND BE LOCATED ON BOTH SIDES OF ALL STREETS. SIDEWALK ALONG HUNTER STREET WILL BE IN ACCORDANCE WITH THE URBAN LANDSCAPE PLAN.
6. MAIL KIOSK LOCATIONS WILL BE DETERMINED AT SITE PLAN SUBMITTAL STAGE.
7. WITHIN MIXED-USE DISTRICTS IDENTIFIED, IT IS ENVISIONED THAT RESIDENTIAL, OFFICE AND RETAIL WILL BE PLANNED IN CLOSE JUXTAPOSITION TO ONE ANOTHER. VERTICAL MIXING OF USES WILL BE REQUIRED IN THE STREETFRONT MIXED USE AREAS. RETAIL FLOOR AREA SHOWN MAY CONVERT TO OFFICE DEPENDING ON MARKET DEMAND. RESIDENTIAL DENSITY WILL BE PROPORTIONATELY LESS IF RETAIL/OFFICE USES ARE LESS THAN THE MAXIMUM SPECIFIED. THE INTENT OF THE MIXED-USE DISTRICT IS TO MAXIMIZE THE YIELD/INTENSITY ON THE SITE WITHIN THE LIMITS OF THE MAXIMUM HEIGHT SPECIFIED.
8. BUILDING FOOTPRINTS WILL GENERALLY FRONT STREETS CREATING AN ARCHITECTURAL EDGE AND HELPING TO SCREEN LARGER PARKING AND SERVICE AREAS ORIENTED TO THE REAR.
9. STREETS MAY BE PUBLIC OR PRIVATE AND MAY HAVE ON-STREET PARKING.

*NOTE: RESIDENTIAL MAY INCREASE TO 700 DU IN LIEU OF OFFICE OR COMMERCIAL SPACE WITHIN TRACKSIDE SOUTH. THERE WILL BE A MINIMUM OF 80,000 S.F. AND A MAXIMUM OF 220,000 S.F. OF COMMERCIAL SPACE.

**RESIDENTIAL FLOOR AREA SHOWN MAY BE CONVERTED TO OFFICE OR RESIDENTIAL PROVIDING THAT THE TOTAL TRAFFIC IMPACT AND THAT ON OTHER UTILITIES DOES NOT TRIGGER ADDITIONAL IMPROVEMENTS AND THE REQUESTED CHANGE MEETS WITH THE APPROVAL OF THE TOWN MANAGER.

TOWN GENERAL NOTES

1. PROTECTION FENCING MUST BE PLACED AWAY FROM ANY SAVED TREE ONE FOOT FOR EACH INCH OF TREE CALIPER. PROTECTION FENCING MUST BE PLACED AT LEAST 10 FEET AWAY FROM ANY OTHER DESIGNATED RESOURCE CONSERVATION AREA, SUCH AS BUT NOT LIMITED TO HISTORIC BUILDINGS AND STRUCTURES, WETLANDS, AND PONDS. PROTECTION FENCING MUST BE PLACED ALONG THE OUTSIDE LINE OF THE 100-YEAR FLOODPLAIN, AND THE OUTSIDE EDGE OF ANY RIPARIAN BUFFER. ADDITIONAL PROTECTION FENCING MAY BE REQUIRED IN OTHER LOCATIONS CLOSE TO CONSTRUCTION ACTIVITY WHERE IT IS DEEMED NECESSARY BY THE ZONING ENFORCEMENT OFFICER; SUCH AREAS MAY INCLUDE BUT ARE NOT LIMITED TO COMMON PROPERTY LINES OR NEAR PUBLIC AREAS (SIDEWALKS, ETC.)
2. SITE ELEMENTS REQUIRED TO SATISFY RECREATIONAL REQUIREMENTS SUCH AS BUT NOT LIMITED TO PLAY FIELDS AND GREENWAY TRAILS AND ITEMS TYPICALLY ASSOCIATED WITH THEM (BENCHES, TRASH CONTAINERS, SIGNS, ETC.) MUST MEET ANY APPLICABLE STANDARDS FOUND IN THE TOWN OF APEX STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS AND THE REQUIREMENTS OF THE TOWN OF APEX PARKS AND RECREATION DEPARTMENT.
3. ALL REQUIRED SITE ELEMENTS SHOWN WITHIN A PARTICULAR PHASE MUST BE INSTALLED BEFORE A FINAL CERTIFICATE OF OCCUPANCY MAY BE ISSUED FOR ANY BUILDING WITHIN THAT PHASE.
4. NO SIGNS ARE APPROVED AS PART OF PUD-CU PLAN APPROVAL. A SEPARATE SIGN PERMIT MUST BE OBTAINED. MULTIPLE USE LOTS, NON-RESIDENTIAL SUBDIVISIONS, AND MULTIPLE TENANT LOTS MUST SUBMIT A MASTER SIGN PLAN FOR APPROVAL.



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TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA

ISSUE SEQUENCE		
NO.	DATE	DESCRIPTION
▲ 02/25/07		PO PLAN SUBMITTAL
▲ 03/28/07		PD PLAN SUBMITTAL
▲ 04/02/07		PO PLAN SUBMITTAL

LAYOUT
PLAN
NOTES
C2.4

PROJECT NO: W8P004.000
DRAWN BY: JAM
CHECKED BY: JAM
DATE: 08/28/04

GRAPHIC SCALE

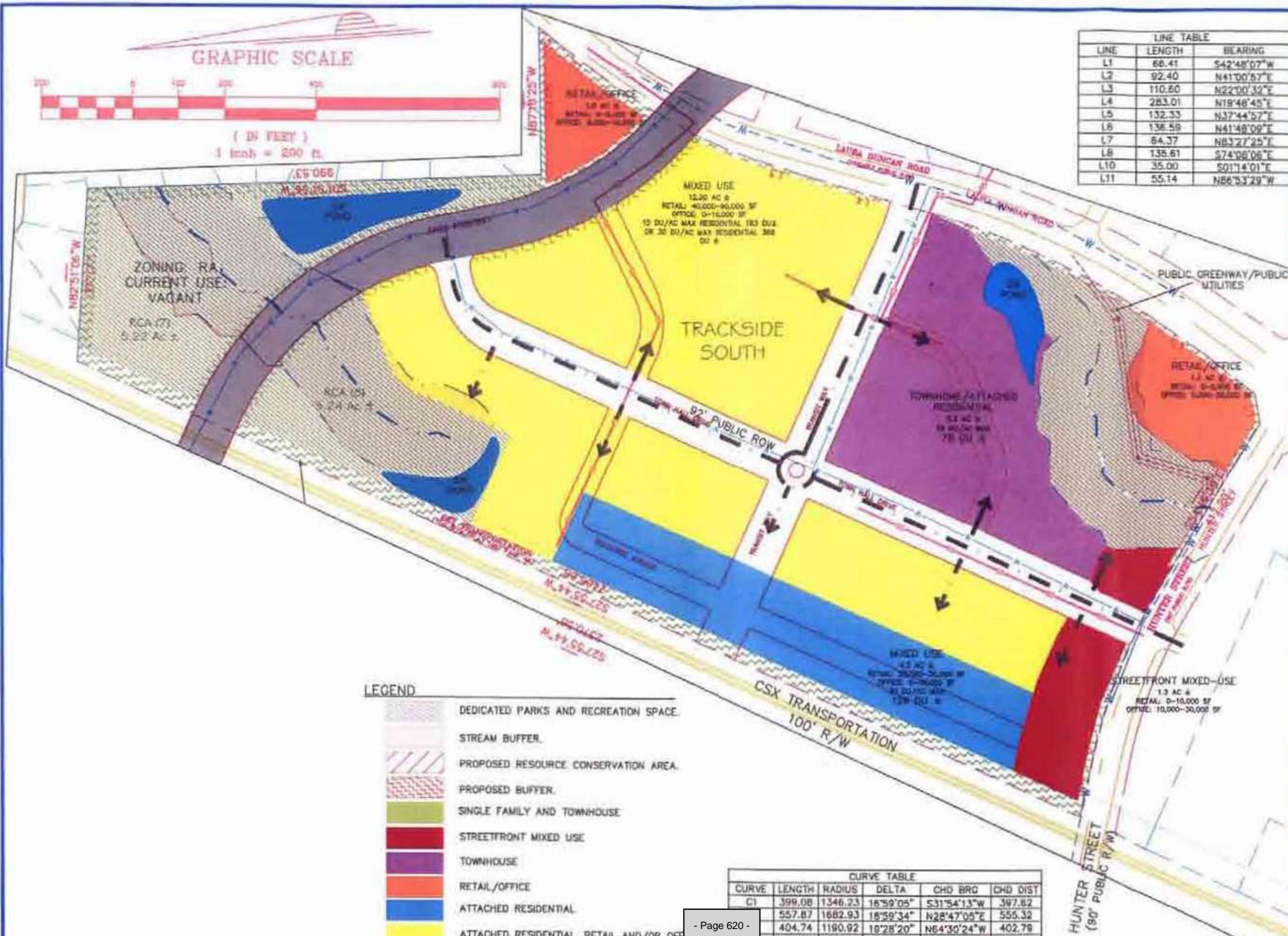


(IN FEET)
1 inch = 200 ft.

LINE	LENGTH	BEARING
L1	66.41	S42°48'07"W
L2	92.40	N41°00'57"E
L3	110.60	N22°00'32"E
L4	263.01	N19°48'45"E
L5	132.33	N37°44'57"E
L6	138.59	N41°48'09"E
L7	64.37	N63°27'25"E
L8	138.61	S74°08'08"E
L10	35.00	S01°14'01"E
L11	55.14	N66°53'29"W



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**TRACKSIDE REZONING
PLANNED DEVELOPMENT PLAN
APEX, NORTH CAROLINA**

LEGEND

- DEDICATED PARKS AND RECREATION SPACE.
- STREAM BUFFER.
- PROPOSED RESOURCE CONSERVATION AREA.
- PROPOSED BUFFER.
- SINGLE FAMILY AND TOWNHOUSE
- STREETFRONT MIXED USE
- TOWNHOUSE
- RETAIL/OFFICE
- ATTACHED RESIDENTIAL
- ATTACHED RESIDENTIAL, RETAIL AND/OR OFFICE

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BRG	CHD DIST
C1	399.08	1346.23	18°59'05"	S31°54'13"W	397.82
C2	557.87	1682.93	18°59'34"	N28°47'05"E	555.32
C3	404.74	1190.92	18°28'20"	N64°30'24"W	402.79
C4	109.17	2204.90	2°50'12"	S89°59'55"E	109.18

ISSUE RESOLUTION	
DATE	DESCRIPTION

CONCEPTUAL UTILITY PLAN C4.3

PROJECT NO. 15-000000-0000
DATE: 08/11/2015

ISSUED FOR: A44
DATE: 08/11/2015



Condominiums over Retail or Residential

5 February 2007

Trackside

Apex, North Carolina

Perry Cox
architect



Entry at Hunter Street

5 February 2007

Trackside

Apex, North Carolina





Entry at Hunter Street

5 February 2007

Trackside

Apex, North Carolina



Perry Cox
architect



Townhouses

5 February 2007

Trackside

Apex, North Carolina

Perry Cox
architect









**LEGAL DESCRIPTION FOR REZONING
TRACTSIDE
APEX, NORTH CAROLINA**

BEGINNING AT AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF CSX TRANSPORTATION RAILROAD (100' PRIVATE RIGHT OF WAY), SAID IRON BEING SOUTH 54 DEGREES 23 MINUTES 11 SECONDS EAST 1,686.83 FEET FROM NORTH CAROLINA GRID MONUMENT "EARL SMITH" (NAD 83), (REFERENCED TO BOOK OF MAPS 1997, PAGE 956, AND ALL DISTANCES ARE HORIZONTAL GROUND UNLESS OTHERWISE STATED), THENCE NORTH 04 DEGREES 06 MINUTES 58 SECONDS EAST ALONG THE EASTERN LINE OF SAID RIGHT OF WAY A DISTANCE OF 325.90 FEET TO AN EXISTING 3/4" OUTSIDE DIAMETER (O.D.) IRON PIPE; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 04 DEGREES 21 MINUTES 00 SECONDS EAST 65.65 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH WILLIAM J. BOOTH CELL TOWER TRACT; THENCE LEAVING SAID RIGHT OF WAY AND FOLLOWING SAID COMMON LINE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS EAST 53.72 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 06 DEGREES 25 MINUTES 15 SECONDS EAST 294.10 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 80 DEGREES 43 MINUTES 17 SECONDS EAST 37.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 12 DEGREES 23 MINUTES 38 SECONDS EAST 91.26 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE NORTH 77 DEGREES 36 MINUTES 22 SECONDS WEST 79.92 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN SAID EASTERN CSX RAILROAD RIGHT OF WAY; THENCE WITH SAID EASTERN CSX RIGHT OF WAY, NORTH 13 DEGREES 32 MINUTES 45 SECONDS EAST 47.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF US HIGHWAY 64; THENCE WITH SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 225.15 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 11 DEGREES 56 MINUTES 06 SECONDS EAST, 10.00 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 78 DEGREES 03 MINUTES 54 SECONDS EAST, 92.68 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 79 DEGREES 04 MINUTES 10 SECONDS EAST, 290.21 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 81 DEGREES 33 MINUTES 58 SECONDS EAST, 124.01 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN A COMMON LINE WITH EXTRA ATTIC SELF STORAGE TRACT; THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE US HIGHWAY 654 ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREES 08 MINUTES 27 SECONDS WEST, 392.74 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMONLINE WITH EXTRA ATTIC SELF STORAGE, NORTH 89 DEGREES 01 MINUTES 08 SECONDS WEST, 49.91 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 01 DEGREE 06 MINUTES 56 SECONDS WEST, 409.03 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE. THENCE ALONG SAID COMMON LINE WITH EXTRA ATTIC SELF STORAGE, SOUTH 88 DEGREES 52 MINUTES 17 SECONDS EAST, 225.93 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE COMMON WITH KC2 ENTERPRISES TRACT. THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 01 DEGREES 36 MINUTES 13 SECONDS WEST 137.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES TRACT, SOUTH 85 DEGREES 38 MINUTES 25 SECONDS EAST 255.73 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST 479.22 FEET TO A COMPUTED CORNER THAT FALLS IN THE INSIDE OF A DILAPIDATED STRUCTURE; THENCE ALONG SAID COMMON LINE WITH KC2 ENTERPRISES, NORTH 01 DEGREES 05 MINUTES 59 SECONDS EAST, 437.55 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE IN THE SOUTHERN RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 64; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, SOUTH 87 DEGREES 19 MINUTES 41 SECONDS EAST, 178.54 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 88 DEGREES 02 MINUTES 01 SECONDS, 80.70 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 01 DEGREES 14 MINUTES 01 SECONDS EAST, 35.00 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 53 MINUTES 52 SECONDS EAST, 515.47 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 88 DEGREES 45 MINUTES 24 SECONDS EAST, 58.28 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 89 DEGREES 22 MINUTES 04 SECONDS EAST, 192.77 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, 109.17 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,204.90 FEET, CHORD BEARING OF SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST AND CHORD DISTANCE OF 109.16 FEET TO AN

EXISTING ½" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF CSX TRANSPORTATION (100' WIDE PRIVATE RIGHT OF WAY); THENCE LEAVING SAID SOUTHERN RIGHT OF WAY LINE U.S. HIGHWAY 64 THE SAID WESTERN RIGHT OF WAY OF CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 47 SECONDS WEST, 406.54 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION AS IT WIDENS TO A 200 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 86 DEGREES 53 MINUTES 29 SECONDS WEST, 55.14 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION, SOUTH 27 DEGREES 58 MINUTES 37 SECONDS WEST, 107.24 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE CSX TRANSPORTATION, SOUTH 27 DEGREES 55 MINUTES 32 SECONDS WEST, 2,356.25 FEET TO AN EXISTING ¾" OUTSIDE DIAMETER (O.D.) IRON PIPE, SAID IRON ALSO BEING IN A COMMON LINE WITH F.BRENT NEAL, MARION HAYES MCNAIR, AND DOUGLAS W. DUNCAN TRUSTEES PROPERTY; THENCE ALONG SAID WESTERN RIGHT OF WAY CSX AS IT NARROWS TO A 100 FOOT WIDE PRIVATE RIGHT OF WAY AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 85 DEGREES 59 MINUTES 31 SECONDS EAST, 54.40 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE LEAVING SAID WESTERN CSX RIGHT OF WAY AND CROSSING SAID 100 FOOT WIDE PRIVATE RIGHT OF WAY, NORTH 89 DEGREES 09 MINUTES 10 SECONDS EAST, 114.09 FEET TO AN EXISTING CONCRETE MONUMENT IN THE EASTERN RIGHT OF WAY OF SAID CSX AND ALSO A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN; THENCE ALONG SAID COMMON LINE WITH CSX TRANSPORTATION AND NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 53.60 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE LEAVING EASTERN RIGHT OF WAY LINE CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR, AND DUNCAN, SOUTH 82 DEGREES 51 MINUTES 12 SECONDS EAST, 324.17 FEET TO AN EXISTING ¾" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 01 DEGREES 51 MINUTES 50 SECONDS WEST, 990.53 FEET TO AN EXISTING ½" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, SOUTH 87 DEGREES 18 MINUTES 31 SECONDS EAST, 322.06 FEET TO AN EXISTING ½" (O.D.) IRON PIPE IN THE WESTERN RIGHT OF WAY OF LAURA DUNCAN ROAD (VARIABLE WIDTH PUBLIC RIGHT OF WAY); THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN, SOUTH 42 DEGREES 48 MINUTES 01 SECONDS WEST, 66.41 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 00 MINUTES 51 SECONDS WEST, 92.40 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 399.08 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,346.23 FEET, CHORD BEARING OF SOUTH 31 DEGREES 54 MINUTES 07 SECONDS WEST AND CHORD DISTANCE OF 397.62 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 22 DEGREES 00 MINUTES 26 SECONDS WEST, 110.60 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD; SOUTH 19 DEGREES 48 MINUTES 39 SECONDS WEST, 283.01 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, 557.87 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,682.93 FEET, CHORD BEARING OF SOUTH 28 DEGREES 46 MINUTES 59 SECONDS WEST AND CHORD DISTANCE OF 555.32 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 37 DEGREES 44 MINUTES 51 SECONDS WEST, 132.33 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD, SOUTH 41 DEGREES 48 MINUTES 03 SECONDS WEST, 136.59 FEET TO A POINT; THENCE ALONG SAID WESTERN RIGHT OF WAY LAURA DUNCAN ROAD AS IT INTERSECTS WITH HUNTER STREET (90 FOOT WIDE PUBLIC RIGHT OF WAY), SOUTH 83 DEGREES 27 MINUTES 19 SECONDS WEST, 64.37 FEET TO A POINT IN THE SAID NORTHERN RIGHT OF WAY HUNTER STREET; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 54 DEGREES 46 MINUTES 45 SECONDS WEST, 417.20 FEET TO A POINT; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, 404.74 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1,190.92 FEET, CHORD BEARING OF NORTH 64 DEGREES 30 MINUTES 30 SECONDS WEST AND CHORD DISTANCE OF 402.79 FEET TO AN EXISTING ½" REBAR; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 08 MINUTES 12 SECONDS WEST, 135.61 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET AND CROSSING SAID CSX TRANSPORTATION RIGHT OF WAY, NORTH 72 DEGREES 43 MINUTES 23 SECONDS WEST, 101.75 FEET TO A POINT IN THE WESTERN RIGHT OF WAY SAID CSX TRANSPORTATION; THENCE LEAVING SAID WESTERN RIGHT OF WAY CSX TRANSPORTATION 100 FOOT WIDE RIGHT OF WAY ALONG SAID NORTHERN RIGHT OF WAY HUNTER STREET, NORTH 74 DEGREES 36 MINUTES 48 SECONDS WEST, 249.84 FEET TO A POINT IN THE EASTERN RIGHT OF WAY OF A 100 FOOT WIDE CSX TRANSPORTATION PRIVATE RIGHT OF WAY; THENCE ALONG

SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION AND A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN, NORTH 03 DEGREES 58 MINUTES 59 SECONDS, 1,095.49 FEET TO A POINT; THENCE LEAVING SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, SOUTH 87 DEGREES 43 MINUTES 16 SECONDS EAST, 500.77 FEET TO A POINT; THENCE ALONG A COMMON LINE WITH SAID NEAL, MCNAIR AND DUNCAN AND LAMPE ENTERPRISES 1995 LTD PARTNERSHIP, NORTH 03 DEGREES 59 MINUTES 46 SECONDS EAST, 1,022.07 FEET TO AN EXISTING 1/2" (O.D.) IRON PIPE; THENCE ALONG A COMMON LINE WITH SAID LAMPE ENTERPRISES 1995 LTD PARTNERSHIP; NORTH 85 DEGREES 59 MINUTES 31 SECONDS WEST, 499.97 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE IN THE EASTERN RIGHT OF WAY OF SAID CSX TRANSPORTATION 100 FOOT WIDE PRIVATE RIGHT OF WAY; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 36 SECONDS EAST, 1,021.63 FEET TO A EXISTING 3/4" (O.D.) RION PIPE, SAID PIPE ALSO BEING NORTH 32 DEGREES 16 MINUTES 29 SECONDS EAST, 146.51 FEET FROM CSX RAIL ROAD MILE MARKER 20 POST; THENCE ALONG SAID EASTERN RIGHT OF WAY CSX TRANSPORTATION, NORTH 04 DEGREES 00 MINUTES 52 SECONDS EAST, 804.57 FEET TO AN EXISTING 3/4" (O.D.) IRON PIPE, THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 173.39 ACRES FROM WHICH 5.484 ACRES IS TO BE EXCLUDED FOR HING CSX RAIL RIGHT OF WAY. TOTAL PARCEL ACRES FOR REZONING IS 167.903 ACRES.

THIS BOUNDARY DESCRIPTION WAS PREPARED BY TIMOTHY E. BOWES, PLS L-3455 OF BBM ASSOCIATES, INC. OUR ADDRESS IS 407 GORMAN STREET, SUITE 101 RALEIGH NC 27607. OUR TELEPHONE NUMBER IS (919) 833-7336 AND OUR FAX NUMBER IS (919) 833-7337. THE DESCRIPTION PREPARED EMBODIES THE SURVEYOR'S OPINION OF THE LOCATION OF THE BOUNDARY LINES OF THE TRACT AND IS NOT TO BE CONSTRUED AS A CERTIFICATION TO QUALITY OF TITLE TO THE PROPERTY.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION
Meeting Date: November 23, 2021

Item Details

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

Department(s): Administration

Requested Motion

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.

Approval Recommended?

N/A

Item Details

N/A

Attachments

N/A

